to meeting next day. Would they prefer to sit in the afternoon at the usual hour, or to meet at 7·30?

Two or three MEMBERS: The usual hour.

The House adjourned at 8·30 o'clock until the next day.

Legislative Assembly,

Tuesday, 25th September, 1900.

Election Return, West Perth (Mr. Wood)—Appropriation Message — Cottesloe, etc., Electric Light and Power Bill (private): Application as to Evidence; Ruling—Papers presented—Urgency: Contingents (South Africa), Reception of Returned Soldiers—Health Act 1898 Amendment Bill, first reading—Land Act 1898 Amendment Bill, first reading—Customs Duties (Meat) Repeal Bill, Amendment on report—Industrial Conciliation and Arbitration Bill, in Committee (resumed), clauses 2 to 4, Divisions, progress—Message: Assent to Bills (2)—Bills received from Council (remarks)—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

ELECTION RETURN, WEST PERTH.

THE SPEAKER reported the return of writ issued for election to fill the vacancy in West Perth (Mr. Wood having accepted the portfolio of Commissioner of Railways); and that the late member, Mr. B. C. Wood, appeared to have been duly re-elected.

MR. WOOD took the oath and subscribed the roll.

APPROPRIATION MESSAGE.

Message from the Administrator, received and read, recommended an appropriation for the purpose of the Industrial Conciliation and Arbitration Bill.

COTTESLOE, ETC., ELECTRIC LIGHT AND POWER BILL (PRIVATE).

APPLICATION AS TO EVIDENCE—RULING.

MR. MOORHEAD: As Chairman of the Select Committee appointed to inquire into the Cottesloe, Buckland Hill, etc., Electric Light and Power Bill, I wish to appeal to you, Mr. Speaker, for a ruling on a point of procedure. It would appear that under the Standing Orders, no petition against the Bill was laid before this House within the time prescribed; and in these circumstances the committee are anxious to know whether we have power to receive evidence against the Bill, no petition against it having been presented to this House, as required by the Standing Orders before receiving evidence.

THE SPEAKER: I am of opinion that the Select Committee cannot receive evidence against the Bill, as the petitioners have not presented a petition to this House within the stipulated time, stating it was their intention to oppose the Bill. There is, however, a provision in our Standing Orders which empowers the Chairman of Committees if, on an inquiry into any Bill, he thinks there would be a miscarriage of justice by witnesses not being examined before the Select Committee, to make a report to that effect to the House. If he does that, then the Select Committee can examine the witnesses. Therefore, I think they have no *locus standi* unless they present a petition stating that they intend to oppose the Bill, and give reasons for lodging objections.

MR. JAMES: In reference to the question, I would like to ask: how would the Select Committee be able to prove the preamble of the Bill unless they heard evidence from local persons? The preamble of the Bill has to be proved; and it says certain people are desirous of having certain powers conferred upon them.

THE SPEAKER: I do not know what the wording of the preamble is.

MR. JAMES: It is a somewhat long preamble. It appears to me that the Select Committee's duties would be simply formal, unless they were entitled to receive evidence to see whether the preamble was or was not justified. The preamble sets forth:

> And whereas the authority of Parliament is requisite to enable the said Company to carry out, within the area of the said Roads Board Districts, the objects for which it has been formed, and it is therefore desirable to confer on the said Company all rights, powers, privileges, and immunities necessary or convenient for that purpose.

THE SPEAKER: The preamble is proved by the evidence given by the promoters of the Bill.

MR. MOORHEAD: That has been done.

THE SPEAKER: I think myself that the rules on this point are very reasonable ones. The promoters of a Bill should know what objections have been raised to it, in order to produce evidence in rebuttal. The same thing is done in the courts of this colony: the pleadings are seen by the opposing counsel. It is a reasonable thing that the promoters should be in possession of what evidence it is intended to call, so that they may rebut that evidence if necessary. I have looked carefully into the question, not only as it is affected by our own Standing Orders but by the Parliamentary Orders relating to private Bills of the House of Commons. I think these persons have no *locus standi* unless they present a petition.

MR. JAMES: The only evidence that can be given is by the promoters?

THE SPEAKER: Unless the objectors present a petition showing that they wish to bring evidence.

PAPERS PRESENTED.

By the COMMISSIONER OF CROWN LANDS: 1, Department of Agriculture, Report for 1899; 2, Agricultural Bank, Interim Report for 1899-1900.

Ordered to lie on the table.

URGENCY — CONTINGENTS (SOUTH AFRICA), RECEPTION OF RETURNED SOLDIERS.

MR. ILLINGWORTH (Central Murchison): I desire to move the adjournment of the House, on a matter which I think is of sufficient urgency. There has been an oversight, I consider, and hon. members will probably consider so too, in relation to a circumstance which took place yesterday. By the s.s. "Coolgardie" there arrived three of the heroes of the Slingersfontein battle, in which about twenty members of the Contingent from this colony held in check a large force of the enemy during the whole of the day. Mr. Hensman was killed and Krygger was wounded. Krygger was recommended for the Victoria Cross, in consequence of the bravery he displayed on that day. The three men who arrived by the "Coolgardie" yesterday were Campbell, Ansell, and Green, all belonging to the first contingent. I may mention here that Krygger has been here for several weeks. These men arrived and not a single member of the Defence Force or of the Defence Department was present to welcome them from the ship. As individuals we might plead we did not know, and consequently omitted to welcome back the men who fought so bravely on that day; but it compares very badly with the statements that were made when this same body of men were sent from Perth. His Excellency the Governor, on that occasion, said:

> I am proud to see so fine a body of men leaving these shores to take part in the defence of the interests of the Empire and the honour of our Queen; go on and do your duty, and when you come back this send-off we are giving you now will be nothing to what you shall have then.

His Worship the Mayor of Perth, speaking in the Town Hall, said:

> He felt it an honour to receive them in this hall. His thoughts would be with them wherever they might go, and his earnest desire was to have the pleasure of welcoming them back on their return, for they carried the honour of Western Australia. You will get such a reception as has never been known before in Western Australia.

The Right Hon. Sir John Forrest said:

> He was very proud of them, and hoped to welcome them back again when they had done their duty and won distinction. He would watch them with the greatest care and solicitude.

Of all the men who have fought in that great contest these twenty men distinguished themselves more than all others. It is a matter of history now that these men upheld the credit of the Empire, the credit of Australia, and particularly of Western Australia, more than any other men who fought during the whole of the contest; yet here are three of the very twenty men who have come back to these shores and not a single word of welcome has been extended to them. To the public there may not be so much blame, but we have a military force, a Commandant; we have military officers: they might have done their duty at least, and not have allowed these men to return to our shores without giving them a suitable welcome. I do not think it is too late now to do something, as the men arrived only yesterday. Krygger has been here for three weeks. It was

notified in the newspapers that he would arrive by a certain train, and no notice was taken of it; and the only officer who met him on the station, I do not know whether it was by arrangement or not, was Sergeant-major Cheetham. This officer met Krygger when he arrived. It savours very bad for this colony that men who have distinguished themselves as these men have done should come back and land on our shores without a single word of welcome being extended to them, either from the officer, the Commandant, or any of the officers of our own forces. There may be, perhaps, some explanation or some suggestion thrown out, but I feel we have been remiss, and I thought perhaps that I should call attention to this matter. Perhaps the Premier can give some explanation.

THE PREMIER (Right Hon. Sir J. Forrest): I was not aware that these men were returning by the "Coolgardie." I noticed in the Press that they had arrived in Melbourne, but only this morning was I made aware of the fact that the men were in port. I quite agree with the leader of the Opposition that an officer of the department should have met them. I think there must have been some misunderstanding or some inadvertence, because the matter had been discussed and it was understood that as invalided soldiers returned they should be welcomed by the department. I have had an opportunity of seeing some of the returned men and I have had interviews with some of them, especially with Cunningham and Krygger. I had a long conversation with Krygger in regard to the difficulties the men had to encounter in South Africa. It was thought by the Government that it would be better to reserve the demonstration in regard to the return of the Contingents until the whole body of men came back. Then there will be a public demonstration, I hope, on some scale of magnitude. I quite agree with the member for Central Murchison (Mr. Illingworth) that it does seem rather cold that men who have been away from this colony should have come back, and that there should have been no one to meet them. I will look into the matter: it certainly ought not to be. One would have thought perhaps the municipality at the Port would have given the matter some attention. We have been out of the way so long that I am afraid my friend from Fremantle does not quite realise that he is at the front door of the colony now, and that we require some official recognition from his Worship. I am glad the leader of the Opposition called attention to this matter and I will see what can be done to make amends, because I am sure there is only one feeling in the House and throughout the country, that we wish to show every attention and give honour to those who upheld the credit of the colony as these men have done in South Africa.

MR. A. FORREST (West Kimberley): As the leader of the Opposition has kindly read a portion of the speech which I addressed in the Town Hall of Perth, at the send-off to the first military Contingent, I can only say that as far as the city of Perth is concerned, if attention had been drawn to this matter, no doubt the municipality would have done something towards welcoming back these men. The words used on the occasion referred to were clearly understood by myself and everyone else; for we then expected the war would be over soon, that all the men would come back in a body, and that we would have one demonstration in their honour. If these men are coming back in ones and twos or in threes and fours, the welcoming back may be kept up for a year, and that would be rather too much to expect from the ratepayers of the city of Perth. I am sure when the great body of men come back, we will see that they are properly received.

MR. JAMES (East Perth): It is hardly a question as to what the municipality of Perth should have done in this matter, because that body is peculiar in its ideas of what hospitality should be meted out to persons. I do not think it is a matter for a round-robin of the city of Perth as to who should be entertained by the Mayor. But I agree with the leader of the Opposition and the Premier that having regard to the special circumstances surrounding these men, Private Krygger and others, they should have received some special treatment. These men have been well received in the other colonies, and from telegrams which we see in the newspapers, invalided soldiers on their return get welcomed, and this is the only colony that has paid no

attention whatever to the men who have come back from the war.

MR. SOLOMON (South Fremantle): As my name has been mentioned, I regret exceedingly that I heard nothing whatever about these men returning, or I would have been one of the first at the vessel to meet them. The Municipality of Fremantle are fully seized with the importance of Fremantle as the chief port of the colony, more especially now that the mail steamers arrive there, and the Premier need not think for a moment that those men who have offered their lives to the country would not be as much or more entitled to receive hospitality at the hands of the council as anyone else. For my part I should have been only too glad to meet them, and to have done what little I could to welcome them back to the colony.

MR. MORAN (East Coolgardie): It is a great regret that nobody happened to know that these men were coming back, and those in authority were not apprised of their return. I knew it, and everybody in the street knew it. There were public telegrams about these men coming back. It was published in the newspapers, and there was particular mention of the soldierly way in which the men carried themselves and behaved at that time. It is a remarkable fact that neither the Premier nor the leader of the Opposition and, most of all, the Mayor of the principal port of the colony, should not have seen the announcement. I only hope that the Fremantle people will watch the cable news more closely in regard to the coming of visitors worthy of especial welcome, and that the municipal authorities at Fremantle will not consider the arriving of ocean mail steamers in their port is all that the colony expects of them. In this connection I wish to mention an incident that happened in Kalgoorlie in connection with Private Krygger. It gave me much pain to notice that the newspaper at Kalgoorlie attacked him in a savage manner; disputing the fact that he had been in the engagement at Slingersfontein, or that he had done anything worthy of special notice, and altogether casting odium on him. I would not have mentioned this in the House, but now that the matter has come up I will say that, whoever may object to the action of Private Krygger in going about the country lecturing on the South African war, I think he is doing good to the colony; and it is a cowardly thing to endeavour to take away the reputation from a man who is so well entitled to the honour that has been conferred on him, the highest honour a soldier can win, the Victoria Cross. I have seen the documents from the War Office relating to Private Krygger's bravery on that occasion, and they recognise that he has done a deed, not of standing up for five minutes on the field of battle, but of being in a position that kept him at close quarters with the enemy for 14 hours on one day. I do hope that no newspaper in this colony will again endeavour to take away from Private Krygger the honour and distinction to which he is entitled, as a man and a soldier.

MR. MITCHELL (Murchison): What can be more reasonable than what the Premier has just told us, that if these men are returning from South Africa in ones and twos, we cannot make anything in the way of a public reception? Therefore let us wait till the men in our Contingents all come back from the war, and then we will be able to give them a worthy reception.

MR. ILLINGWORTH (in reply): When Private Krygger arrived in Melbourne he was received in the Governor's carriage, was driven to Parliament House and feasted there, and he received a free pass over all the railways of Victoria. He was also welcomed by the Mayor at Bendigo and the Mayor at Ballarat, and a purse of sovereigns was subscribed as a token of the people's appreciation there. When he came to Adelaide he was welcomed there, and a purse of sovereigns was given to him; also, I believe, some lines of a poetic character were recited. [MR. VOSPER: Poor fellow!] A purse of sovereigns was subscribed for him there. Everywhere he has gone, except in the colony which enlisted his service and which he represented as a soldier on the battlefield, he has been heartily welcomed in every place; and it is a little hard, to say the least of it, that a man who acted as that man did under most trying circumstances, when he returns to his own colony is not welcomed by a living soul. Yes; there was one who did go to welcome him, Sergeant Cheetham.

If the Military Department here, who are responsible in the matter and ought to know when the men are coming back to the colony, had done their duty by meeting these men in a proper manner, the general public would have been advised by the fact of their doing so, and something worthy of the occasion could have been arranged. Granted that these men are returning in ones and twos, still they are none the less to be honoured because they come back in this way. They fought one by one, some of them fell one by one, and many of them will never return. With regard to Private Krygger, who is lecturing in this colony on the war in South Africa, I think he is doing a great deal of good, for he is advising the people to stay here and not to go to South Africa. If the colony of Victoria could grant such honour to these visitors, surely this colony of Western Australia should arrange to meet and welcome its heroes on their return. The difficulty is that if the Military Department here had only done their duty and arranged to welcome these men in a proper manner, the people in Perth and Fremantle would have been aware of the fact, and could have manifested their appreciation of the bravery these heroes showed on that day at Slingesfontein.

Motion (adjournment) by leave withdrawn.

HEALTH ACT 1898 AMENDMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

LAND ACT 1898 AMENDMENT BILL.

Introduced by the COMMISSIONER OF CROWN LANDS, and read a first time.

CUSTOMS DUTIES (MEAT) REPEAL BILL.

AMENDMENT ON REPORT.

The amendments made in Committee having been reported:

MR. HARPER moved, as a further amendment in Clause 1, that after the word "meat" in the 4th line there be inserted the words "other than pork." The effect of this would be to leave the duty on pork as it was at present. This matter was discussed on the second reading, and appeared to be assented to by hon. members; but in the Committee stage this amendment was overlooked, and he now desired to repair that omission.

Amendment put, and passed on the voices.

Report adopted.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

IN COMMITTEE.

SIR J. G. LEE STEERE took the Chair.

Consideration resumed from 20th September, at the amendment proposed by Mr. Illingworth to insert after the definition of "employer" the following words: "Industrial agreement means an agreement in writing relating to any industrial matter between parties specified in Part 2 of this Act":

THE ATTORNEY GENERAL: The proposed definition might rather complicate than make clear. Had it been required, it would surely be found in the corresponding New Zealand Act and in the Bills before the Victorian and New South Wales Parliaments. What constituted an industrial agreement would be gathered from the body and general tenor of the Act. Possibly this definition might not fit a particular case, and the effect of the Act would then be confined within the limits of the definition. He could not advise that the definition be accepted.

MR. ILLINGWORTH: The definition was one of a long list of amendments, and to discuss them all fully would take till Christmas; therefore he did not propose to debate the subject at length..

MR. MORAN: It would be disastrous to divide the House on each amendment without explaining its nature.

MR. ILLINGWORTH: There had been enough discussion.

MR. MORAN: The matter was important. Would there be no valid agreement except in writing?

THE ATTORNEY GENERAL: To attempt such a definition without carefully weighing every clause of the Bill would be dangerous. Clauses dealing with industrial agreements were contained in a part by themselves, and spoke for themselves; and it would be unwise to attempt a cast-iron definition which might interefere with the working of the Bill.

MR. MORAN: Was the amendment introduced by request?

MR. ILLINGWORTH: At the request of the Amalgamated Workers' Association.

MR. MORAN: The amendment appeared to be against the interests of the workers.

MR. MOORHEAD: Clause 21 gave a form of industrial agreement, which therefore must necessarily be in writing. There was apparently no definition of "worker."

THE ATTORNEY GENERAL: The individual worker was not recognised by the Bill, save in a corporate capacity.

MR. MOORHEAD: A definition was necessary. An "association" within the meaning of the Bill, might consist of a number of loafers and one *bona fide* workman with a grievance against his employer; and such persons might do the employer material injury. All who were entitled to the benefits of the Bill should be clearly specified.

Amendment by leave withdrawn.

MR. VOSPER, referring to paragraph (*d*), moved that the words "having reference to the above matters only" be struck out.

MR. MORAN: It would be well to throw out a suggestion to the various bodies interested in this Bill. Let the Bill go through, as far as possible like the Act of which it was a copy. If important amendments were insisted on, a great deal of trouble and difficulty would arise. The labour party should not tax Parliament too far, or it would burst up. Let the Bill get on the statute book; and after, at the general election, the principles could be discussed in public, and in the new Parliament there would be representatives from the labour bodies, we all hoped, who would be able to give the House the benefit of their direct representation. He did not mean to say we should not divide the Committee on all radical amendments.

MR. VOSPER: Amendments were being moved by him to have them discussed and recognised as far as possible. He certainly would not press them.

THE ATTORNEY GENERAL: It was not proposed to offer any objection to this amendment, as it only made the clause a little wider.

Amendment put and passed, and the clause as amended agreed to.

Clause 3—What societies of employers may be registered, what societies of workers may be registered:

MR. QUINLAN moved that in line 14 "seven" be struck out and "twenty" inserted in lieu. Twenty seemed to be a reasonable number of individuals to form a society.

THE ATTORNEY GENERAL: This amendment he must oppose, because twenty was certainly a large number, and in none of the other colonies was the number less than seven.

MR. WILSON: Was it more than seven?

THE ATTORNEY GENERAL: Seven was the minimum. Now it was proposed to raise the number to twenty. That was a very material difference. He asked the Committee to stick as closely as they could to the Bill, which had had six years' trial, and from reports he had received from New Zealand the Act worked admirably there.

MR. VOSPER: While agreeing that the number should be seven, he was prepared to accept a compromise by making it ten.

MR. MORAN: There was no principle at stake.

MR. VOSPER: There was a principle. Suppose a small industry of cigar-making was established at Kalgoorlie, and seven cigar-makers were employed: if the number were raised to 20 these persons would be excluded from the Bill. A small employer was more inclined than a large one to make his workshop a "sweating den."

MR. ILLINGWORTH: The Bill introduced by Mr. Wise in New South Wales, and which had passed the Assembly there, fixed the minimum at five. Seven was the minimum in the New Zealand Act. Many small factories would be affected if the number were raised. In Fremantle he knew of one factory which was growing in importance—at any rate it was important enough for the employer to be called before the Select Committee on the Commonwealth Bill—and in that factory only seven men were employed. The idea was that any combination of men should come within the scope of the Bill. We ought to make the clause as liberal as we could.

MR. WILSON: Twenty was a reasonable number. He had intended to move

that the number be 25. This matter had been considered by the different Chambers of Commerce and Chambers of Manufactures, and it was agreed that 25 was a reasonable number, for if seven men combined together they could put the court in motion, cause a lot of trouble and expense, and then the award could not be recovered through the court. Supposing there was a breach of agreement, £10 could be recovered from each man, which, if there were a combination of seven men, would make £70; yet the Bill provided for a penalty of £500. If the number were made 25, that would give a margin of £250 to work on. The argument of the member for North-East Coolgardie (Mr. Vosper) did not apply, because the hands employed in one factory combined with the hands employed in another factory. The employer would have some security if the Bill provided for a deposit of £50 or £100, or something reasonable: then we might strike out the number and let the individual take action under the Bill if necessary.

MR. MORAN: It would be as easy or as difficult to recover a penalty from twenty poor men as from one poor man; and the question involved in the amendment really was this, whether by any legislation it was possible to provide that an employer should be protected by having the penalty secured in case he defeated the other party. If such protection could not be given in the case of seven workmen, how could it be given in the case of 25 workmen? If this Bill was intended to enable poor litigants to bring their employers into court, the Committee had to face the question whether there was really any difference, any significance, in increasing the number from one to seven, or from seven to twenty. In most countries the labouring class had not much money, and to recover penalties against them was practically out of the question.

THE PREMIER: Working men had a little in the Savings Bank, in many cases.

MR. MORAN: But if they did not want to pay when the decision went against them, how was the employer to recover the amount of penalty? If the intention was to make this Bill equitable as between employer and workmen, there should be a minimum of £50 required to be paid into court before litigation could begin. The Committee had to decide whether they would throw the court open to the poor man, without any chance for the employer to recover any penalty imposed by the court on the poor litigant.

THE PREMIER: There would be no more difficulty in this case than in ordinary cases under the common law, for it was a matter of general experience that when a poor litigant was concerned in a case, the party obtaining a verdict against him could seldom recover even the costs. The plaintiff in this case would not be under any different conditions as compared with a case tried under the common law. We need not go into the question of the ability to pay, because that question often arose in our daily transactions: and it was not right to assume that these men, being litigants before the court, would possess nothing. The fact was that many working men had a little money in the Savings Bank, or acquired a little property in other forms; and probably the seven men contemplated by the Bill might have sufficient means available to pay the penalty, if one were imposed on them.

MR. MORGANS: But how could you get at it?

THE PREMIER: It would be as easy to get at their means in this case as in any ordinary case under common law.

MR. MOORHEAD: At common law there was no necessity for a litigant to put up security before the case was tried, and it was only when a litigant was known to have no means that the party on the other side would be likely to apply for an amount to be deposited by way of security for costs. If seven workmen had a grievance against their employer, it would not be just to shut them out from the remedy provided by this Bill. He was prepared to accept the clause as it stood. Referring to the remarks of the member for the Canning (Mr. Wilson) on the point that the Act contemplated £500 damages as a maximum, and that it would be difficult, if not impossible, to recover that amount from the seven workmen, the Committee would consider on the other hand that if only seven individuals committed a breach and caused damage by stopping an industry, the fact of the number being limited to seven would imply that the damage so caused could

not be great, and that seven men refusing to go on with an employment might more easily be replaced than if 300 or 400 workmen were concerned. It was not desirable to violate the principle of common law by insisting on security as a protection to the employer, in cases contemplated under the Bill.

MR. EWING: Hon. members would recollect that in the previous session, when the Government were dealing with the Crown Suits Bill, they introduced a clause providing that before a person entered into litigation with the Government, security for costs should be deposited with the court. The House on that occasion refused to indorse the principle involved in that amendment; yet the amendment now before the Committee was practically to the same effect. The law of the community had always recognised that it was desirable the poor man as well as the rich should have justice; and for this reason no obstacle was imposed in the way of requiring the poor man to deposit security for costs, in the event of his failing in the litigation.

MR. MORAN: Not only combinations but individuals could approach the court under this Bill; and we should never get the benefit of cheap law until the public agreed to remove a certain profession, which took fine care to have its costs secured on all occasions. If the time had not come it would soon arrive, when a Legal Reform Bill should be introduced for the purpose of cheapening law in the direction he had indicated. With regard to the present amendment, why make any distinction between one workman and seven workmen? The object of the Bill was to see that no man should be denied justice, and this principle should apply to one man as well as to seven.

MR. QUINLAN: After the expressions of opinion from the Committee, he asked leave to withdraw the amendment. He had moved it at the instigation of a body of gentlemen, because he felt that he was independent of one side or the other, and might properly bring this amendment before the Committee.

Amendment by leave withdrawn.

MR. ILLINGWORTH moved as an amendment in line 18, after the word "Act," that there be inserted the words "all employees of the Government." He asked leave to add these additional words of which he had not given notice, "other than clerical," these having been omitted by oversight. The amendment would then read as follows:

> All employees, other than clerical, of the Government in any capacity whatsoever, notwithstanding anything contained in any other Act of Parliament, shall be subject to and come under all the provisions of this Act in the same manner as though they were employed by private employers or public companies.

The object of the amendment was to place all employees of the Government other than clerical under the same conditions as would apply to the employees of private persons or companies. All the Government departments employed men who ought to come under these conditions.

MR. MORAN: Was there not a division on this question the other night?

THE ATTORNEY GENERAL: Yes; on the same thing.

MR. ILLINGWORTH: No; there was a difference. In the previous discussion it was pointed out that clerical employees in the Government departments could not suitably be brought under the operation of the Bill, and he now wished to give effect to that, by his amendment, which would not include the clerical employees.

THE ATTORNEY GENERAL: On Thursday last, after long debate, the Committee divided as to whether under "employer" all Government departments should be included. This amendment was practically to the same effect.

MR. ILLINGWORTH: With a material modification.

THE ATTORNEY GENERAL: The amendment as proposed would include the heads of departments, who could not be described as "clerical." The last-mentioned division had been as to whether "employer" should include all Government departments. No similar Bill contained such a provision.

MR. ILLINGWORTH: Except one.

THE ATTORNEY GENERAL: No; not even Mr. Wise's Bill.

MR. MORGANS: Was there any logical reason why all branches of the public service should not be included?

MR. MORAN: All or none.

MR. MORGANS: This, though an "industrial" Bill, made no distinction between the industrial and the clerical

employees of private persons; therefore why make that distinction in the civil service? The position of the Government would be logical if this distinction were drawn in the case of private employees. He was not opposing the Bill, as he believed it would do much good by preventing strikes; and if good for private employers it was equally good for the Government. Once the measure passed, private persons must obey it in its entirety; but the Government could always amend the Act in Parliament.

THE ATTORNEY GENERAL: In none of the colonies had any but the railway department been brought within the scope of similar measures. Every Government department was regulated by a Minister who was amenable to Parliament. In private employment there was no such representation.

MR. MORAN: Then why include the railways?

THE ATTORNEY GENERAL: For special reasons: to bring the railways into line with those of the other colonies, and because the Railway Department employed the largest number of men. [MR. MOORHEAD: What about the Police Department?] The Railway Department had been described as common carriers. The Bill was not intended to apply to the police, nor to clerks.

MR. MORAN: Why not?

MR. MORGANS: Clerks were not excluded.

THE ATTORNEY GENERAL: It would be seen from the definition of "industry" that the clerks were not included.

MR. VOSPER: The definition was of little value. It reasoned in a circle.

THE ATTORNEY GENERAL: In New Zealand, the Judges doubted whether grocers' assistants came within the meaning of the Act; and an association of clerks would be in a similar position. The Bill aimed at the settlement of industrial disputes, and not at giving clerks any privileges they did not now possess.

MR. MORAN: Was not banking an industry?

THE ATTORNEY GENERAL: Certainly not.

MR. MORAN: In all statistical reports banking was described as an industry.

THE ATTORNEY GENERAL: The word "industry" had been construed by the New Zealand Judges as meaning manual labour engaged in the manufacture of an article.

MR. MOORHEAD: Was a carriage-cleaner so engaged?

THE ATTORNEY GENERAL: Such a man would be engaged in cleaning the article; and railway men were included in the Bill for the special reasons stated.

MR. GEORGE supported the amendment. In numerous instances, the Government carried out works, such as railways, which should be left to private enterprise and industry. If one section of a line were being built departmentally, and the other by a contractor, why should not both sets of navvies have the same privileges under the Bill?

MR, VOSPER: Every logical argument used in favour of his suggestion last Thursday would apply to this amendment. There was no reason for including navvies and excluding clerks. However, the amendment was objectionable, as it would bring under the Bill all Government employees other than clerical, and would thus include the police.

MR. MORAN: Why not?

MR. VOSPER: Because the police were a semi-military force and a strike amongst the police would be regarded as mutiny. He moved as an amendment on the amendment, that all the words after "Government" be struck out, and the following inserted in lieu, "engaged in manual labour or in handicraft." The effect would be that letter carriers, navvies, Government printers, lithographers, photographers, and men employed in skilled labour in Government departments would come under the Bill, and those employed purely on clerical work would not. This amendment would bring the Bill into line with the New Zealand Act.

THE PREMIER: Why include letter carriers?

MR. VOSPER said he quite agreed with the argument that we should not include one Government employee without including all Government employees, but the amendment was a compromise.

MR. SOLOMON: The other evening he asked why eight clerks had been discharged from the Engineer's department at Fremantle, and two men had been

brought to the colony and engaged by the department. He was informed that there were not men in the colony fit to undertake the clerical work that these two men were engaged for. It seemed to be an insult to the community to have to bring men from another colony and say that there were not men in the colony fit to do this work. If Mr. Illingworth's amendment were carried it would include clerks.

MR. MORAN: The hon. member was labouring under a wrong impression. If the amendment were passed, the Government would not be compelled to give employment to anybody. It would be a funny law that would compel anyone to employ certain men; therefore, the hon. member's remarks were out of court.

MR. SOLOMON: If clerks were brought under the Bill, they would be able to defend themselves and have an inquiry into their case.

MR. GEORGE: That question had nothing to do with the Bill. If 50 clerks were discharged at Fremantle, this Bill would not be retrospective.

THE ATTORNEY GENERAL: The Government would have to oppose the amendment of the member for North-East Coolgardie (Mr. Vosper). If the Bill was to facilitate the settlement of disputes between people engaged in trade and occupations of various kinds, it was not intended to apply to Government departments. There had been no strike in any Government department except in the Railway Department.

MR. GREGORY: The Government were paying labourers on the goldfields three shillings a week less than other people were paying labourers on the goldfields.

THE ATTORNEY GENERAL: Why include letter carriers, who had not asked to come under the Bill?

MR. MOORHEAD: Had the Attorney General considered how such an amendment as this would affect the royal prerogative.

THE ATTORNEY GENERAL: The amendment would not affect the measure in the sense that the Bill would have to be reserved. Members in pressing this amendment were utterly regardless of the fate of the Bill.

MR. WILSON: As the Government were deeply engaged in industrial matters in Western Australia, more than any other employer, he did not see why Government employees should not come under the Bill. The Government employed wharf labourers, men in the locomotive workshops, on the permanent way, on the Mundaring weir, and on the Coolgardie Water Scheme. The whole of these men were employed in industrial occupations; therefore, he saw no reason why Government employees should not come under the Bill. As the largest employer of labour in the colony, this Bill should affect the Government as well as other employers. The men would then be enabled to control the wages, the hours of labour, and other matters.

THE PREMIER: The hon. member was very much in favour of the Bill!

MR. GEORGE: The Government wanted to see the Bill wrecked.

THE PREMIER: The hon. member did.

MR. WILSON: The member for North-East Coolgardie had said that this amendment was required by the workers' associations: it was also required by the employers. If both parties said it was a good amendment, it should be passed.

THE PREMIER: Rather an unholy alliance, this time.

MR. WILSON: It was not necessary for the heads of the departments to be registered under the Bill. There could be no objection to including other employees outside the police force in the operation of the Bill.

MR. MORAN: How would Parliament control the Estimates for the year?

MR. WILSON: How did the private employer control his estimates? The private employer had to take contracts and then put up with strikes.

THE PREMIER: The hon. member wanted to pay the Government in the same coin as he was paid himself.

MR. WILSON: What was good for the small employer was good for the large employer.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

THE PREMIER: It was a somewhat strange coincidence that those persons who were opposed to this Bill, and also those who were anxious to obtain the

benefits of it, should be in accord in this matter.

MR. WILSON: Who opposed the Bill?

THE PREMIER: The hon. member for one.

MR. WILSON: No.

THE PREMIER: Was the hon. member in favour of it?

MR. WILSON: Yes; certainly.

THE PREMIER: Those members who were not in favour of the Bill were at the same time in favour of bringing the Government departments under the Bill, apparently with the object of making the passage of the Bill more difficult. The employees engaged in Government departments and those engaged in public works had not asked the Government to bring them within the provisions of the Bill; and certainly the clerical branches of the public service, which had no unions, did not want or did not ask to be brought under the Bill. When they did want to be brought under it, he had no doubt they would ask for it. Why there should be a desire to extend this Bill to a far greater width than in any other colony of Australasia he could not understand, unless there was some ulterior motive.

MR. ILLINGWORTH: There was no ulterior motive.

THE PREMIER: Well, unless there was some such motive, it seemed that in trying to bring under this Bill those employees who had not asked to be brought under it, we were thereby increasing the difficulties in the way of the Bill. This could not be a pressing matter, to extend the Bill in a direction which no one had asked for; and he would advise the Committee to take what was in the Bill, and to wait until those whom it was now desired by some members to bring under the Bill really asked for that to be done. Not one of the other colonies had gone so far as the amendment proposed.

MR. WILSON: New Zealand had passed it this year.

THE PREMIER: That was not so. In fact there were no Government departments in New Zealand under the operation of the Conciliation and Arbitration Act. The Premier of New Zealand had informed him only the other day that even the railway employees were not under the Act in that colony, because in New Zealand another Act had been passed specially for creating a tribunal to deal with complaints from railway employees. The Government of New Zealand considered it unwise to bring the employees of the State under that Act, because they were already provided for in another way. The employees of the Government departments were not like those of private firms, because Government employees had Parliament to protect them, whereas those engaged by private firms had not, and therefore required the protection proposed in this Bill. Constitutionally considered, the Bill so far as it affected public servants was a delegation of the right of the House to control expenditure. If an award were made by the arbitration court against the Commissioner of Railways, before effect could be given to it a vote of the House must be obtained; and so also in the event of damages being recovered against a Government department.

MR. ILLINGWORTH: Exactly the same with an ordinary Supreme Court verdict.

THE PREMIER: In the Arbitration Bills of the other colonies, the employees of the railway department were included; because, in the Northern Hemisphere, railways were great commercial enterprises, carried on by private companies; and in Australasia the Government, owing to public exigencies, had become common carriers, and after long experience felt that an exception might be made with regard to these departments. But if we went further by including other departments, then as well hand over to the Arbitration Court complete control of the finances, thus giving such control to persons who had not to provide the money. This should not be done to a greater extent than was absolutely necessary. The attempt to do more by the Bill than had been done elsewhere was neither wise nor politic. Better that all should agree on the matter rather than carry amendments at the point of the bayonet, which might endanger the passing of the measure. This discussion might fairly be deferred till we reached the new clauses to be proposed by the Attorney General for the inclusion in the Bill of the railway employees, as was proposed in the Bill now before other Parliaments. Let hon. members refrain from pressing their opinions now, and seek to gain their objects by amending the Attorney General's clauses,

so as to include, say, the manual labourers employed on any public work. If otherwise dealt with, the Bill might require amendment hereafter.

MR. J. F. T. HASSELL: It was difficult to define the word "industrial," which apparently included every calling, commercial, pastoral, and agricultural, as well as that of a railway servant. Railway servants were to be included and other civil servants shut out, though private employers and employees were to be made amenable to the Bill. He would vote for the amendment.

MR. VOSPER: Further debate meant beating the air. Unfortunately, members were frequently called upon to repeatedly refute the same arguments from the Treasury benches. All the Premier's remarks this evening had been adequately answered last week. Technically, it was true that the Bill had not been asked for by the majority of Government departments; but a large number of civil servants, including Government Printing Office workers and men employed at Mundaring, had been represented at the Labour Congress, and had declared themselves in favour of this amendment, in respect of which both employers and employees were absolutely agreed, though they agreed on no other point in the Bill. In New South Wales, on a similar Bill, the labour party were unanimously in favour of Government employees being included.

THE PREMIER: But the proposal was not carried.

MR. VOSPER: The Bill had not yet passed there.

THE ATTORNEY GENERAL: It had passed the Lower House.

MR. VOSPER: The amendment might yet be included. The New South Wales Chamber of Manufactures had resolved that the Bill should be so amended as to provide for conciliation boards to which all disputes between employers and employees should be referred. These words included Government employees. In the Press it appeared the New Zealand Assembly had passed a measure amending the original Act so as to include all Government servants, proving that, after six years' experience, the Bill in the form now introduced to this House was not satisfactory to New Zealand, where it was sought to be amended in the direction proposed here to-night. The New Zealand Legislative Council introduced an amendment which would include only the postal and the railway officials; and even if all civil servants were not to be included in that colony, they were otherwise provided for.

THE PREMIER: Only the Railway Department,

MR. VOSPER: But in this colony neither the railway nor any other department was otherwise provided for; therefore, provide for them now. It was said a Minister would be unable to obey the Court of Arbitration's decision without parliamentary sanction, but the same would be the case now if a verdict for £50,000 damages was given by the Supreme Court against the Commissioner of Railways.

THE PREMIER: Was not the payment of such awards authorised by a special Act?

MR. VOSPER: The Director of Public Works in such circumstances must apply to Parliament for authority to pay. Regarding the control of the finances, if it were objectionable to delegate that in the case of minor departments, the proposal must be still more objectionable when applied to the great Railway Department.

THE PREMIER: But the hon. member did not agree with the amendment.

MR. VOSPER disagreed with the wording, but supported the principle. All the Premier's arguments had been replied to, and to recapitulate the refutations was a waste of time.

THE ATTORNEY GENERAL: It was not by desire of the Government that this subject had been once more brought up.

THE PREMIER: The amendment being practically the same as one moved last week, the same arguments had to be repeated.

THE ATTORNEY GENERAL: One argument had not been refuted. The wisdom of proceeding further in this matter than any other colony had gone was open to grave doubt. The following telegram had been received on the subject from the Premier of New Zealand, since the 10th inst., when another telegram had appeared in the Press: "Departments of State cannot constitutionally be brought under arbitration Act; otherwise be giving

power to increase appropriations to arbitration. Amendment of our Bill limited, and subsequently as passed committee, it does not apply to Government departments." Such was the effect of the latest amendment in New Zealand.

MR. MORAN: Were the railways shut out there?

THE ATTORNEY GENERAL: They were completely shut out of the New Zealand Act.

MR. MORAN: Then follow their lead.

THE ATTORNEY GENERAL: At the time the New Zealand Act was passed, the railways were specially included. Shortly after the passing of the New Zealand Act there was a material alteration in the management of the railways. At the time the New Zealand Act was passed the railways were under a board, but within three months of the passing of the Act the railways were taken from under the board and brought back to the direct control of the Minister. This was what the Premier of New Zealand telegraphed:—

> At the time of the passage of Part IV. of the Conciliation and Arbitration Act, our railways were managed by Commissioner. In 1895 we took them from the Commissioner and placed them under the direct control of the Minister, thus making Part IV. inoperative. No cases were brought up during the time the Commissioner managed the railways, and the service being classified we now decline to bring the railways within the scope of the Conciliation and Arbitration Bill. The classification had been wiser and a more constitutional course.

The effect of the legislation in New Zealand had been to take from the operation of the Act the railway department. It was desired to know if the Government departments in New South Wales came under the Bill now before the New South Wales Parliament, and if so to what extent; and this was the answer sent from the Premier of New South Wales to the Premier:—

> The provisions of our Conciliation Bill may apply to the Railway Commissioners if they register thereunder, but to no other Government departments.

It was optional with the Commissioners to register under the Act. The Government were asked not only to recognise the railways, in which the Government were willing to meet hon. members, but to admit other Government departments. Having in view the information which had been placed before the Committee, it would be unwise to bring other departments under the Bill. The main reason to his mind against including other departments was that all persons employed by the Government had the right to have their grievances aired in this House, which did not obtain in any other service outside the Government. Within the Government control, every person, no matter how humble, could have his grievance brought before the House.

MR. VOSPER: And get "sacked" for bringing it.

THE ATTORNEY GENERAL: That might be so if the hon. member was a Minister, but having regard to the class of persons in charge of the Government, that was not so. Until the amendment was demanded, and public opinion was strong on the point, the proposal should not be tried as a theory.

MR. ILLINGWORTH: Both employers and employees had asked for the amendment.

MR. MORAN: The Attorney General had stated that it was unwise to introduce any Government servant under this Bill because Parliament could deal with them. What did the Government mean to do with regard to the railways? Were they going to be guided by the information from New Zealand, or were they going to be terrorised to put the railway employees under the Bill? Did the Government intend to maintain their illogical position in the face of the telegram from Mr. Seddon? He believed this was a political move. While the Government said they intended to do something reasonable, would they follow the other colonies, or would they ask members to go behind what the other colonies had done. The Government were not "game" to follow New Zealand and take the railway servants from under the Bill?

MR. MOORHEAD: The Attorney General had read a telegram in which he announced on the authority of the Premier of New Zealand that the contemplated action was unconstitutional, that it was an interference with the prerogative of the House in its control over the purse strings. One could not see the object of having read the telegram if it was not to induce members to reject the amendment proposed by the member for Central Murchison (Mr.

Illingworth). Yet in the same breath we were given to understand the Government contemplated bringing under the Bill the Railway Department. If it was unconstitutional, if it interfered with the prerogative of Parliament, to bring the Government departments under the control of the Bill, why bring the Railway Department under the control of the measure? Did the Government really intend to bring the Railway Department under the Bill? If they meant to do that, their position was illogical in not accepting the amendment of the member for Central Murchison. If it was right that one branch of the service should be brought within the purview of the Bill, it was not wrong to bring others who were equally engaged in industrial pursuits under the influence of the measure.

THE ATTORNEY GENERAL: The hon. member had asked, in the face of the telegram read, how could the Government take up the position of including one department and excluding others? In New Zealand it was more an accident at the time the Conciliation Bill was passed that the railways were under the control of a Commissioner. The Government the following year revoked that system of management, and then as the Commissioner whose name was mentioned in the Bill was not in existence, the procedure fell to the ground. Then the Government classified the railways, evidently to take the place or supply a want in some respect of the machinery provided for the railways under the Conciliation Bill, and there was an Appeal Board appointed to try disputes between the officials and the Government.

MR. ILLINGWORTH: Which we had not.

THE ATTORNEY GENERAL: In this Bill it was proposed to include the Railway Department, and the reason why exception was made in regard to this branch of the service was that it was an industrial department as distinguished from the other Government departments.

MR. MOORHEAD: What was the hon. member's definition of industry?

THE ATTORNEY GENERAL: The word "industry" was given a specific meaning in the Bill. It meant a business, trade, manufacture, undertaking, calling, or employment of an industrial character.

MR. MOORHEAD: That was arguing in a circle.

THE ATTORNEY GENERAL: Mr. Justice Edwards, in New Zealand, considered that the grocers' assistants' union and the tram drivers' union were unable to bring their cases into the Arbitration Court, because the members were not industrial workers, holding that an industrial worker should mean a producer of a manufactured article. That was a judicial decision, given by a judge in New Zealand who had to administer the Act. The inference one would draw was that by an industry, used in the sense it was in the Bill, it was never intended to apply to a class of departments which it was now proposed to include.

MR. MORAN: It would not apply to the railways either.

THE ATTORNEY GENERAL: The railways were a carrying industry. The railways would not come within the definition of the Bill, but an amendment was to be proposed to make the Bill include them. The Government were specially travelling outside the four corners of the Bill to make provision for the railways to come under the measure. Hon. members wished to include all departments which were not industrial in their character. He could not see what was their aim, unless it was to defeat the measure.

MR. VOSPER: If the Bill was only to apply to those engaged in manufacturing pursuits in the colony, the Bill would be absolutely useless, because the persons employed in manufacturing industries here only numbered about 8,000 or 10,000 persons. It was a wide stretch of the term to include that number. How were we to avoid the consequences of the decision of the judge in New Zealand? The Attorney General had told the Committee that it was optional for the Commissioners of Railways in New South Wales to come under the Bill. Was a similar option given to all employers?

THE ATTORNEY GENERAL: Certainly not. They were not bound to register. If they did not, they lost all the benefits of the Bill, and were subject to its provisions.

MR. VOSPER: If the benefits were not sufficient to tempt the employers to register, and they were not compelled,

the position would be this: on one side the employees would be registered, but the employers would not be amenable.

MR. MORGANS: But the employers could be pulled up, under the measure.

THE PREMIER: The telegram which the Attorney General had read to the Committee showed, as he (the Premier) had previously stated, that the Government of New Zealand did not believe in any of the departments being placed under the Arbitration and Conciliation Act; but there a special Act had been provided, by which a tribunal was set up for dealing with any grievances that might arise in the railway service of that colony. The object of this Bill was to prevent strikes; and in regard to the operation of the measure in New Zealand, he (the Premier) was awaiting further correspondence which was expected by the next mail, and which would be likely to throw additional light on the working of the measure in New Zealand. He therefore asked hon. members to defer this question until the amendment of which the Attorney General had given notice could be dealt with, a week or two hence, by which time the additional information from New Zealand would probably be available, and that would assist members in better understanding the working of the special Act passed in 1895 constituting an Appeal Board for the Railway Department. The object of the Government here, in proposing to include the Railway Department under the operation of this Bill, was to prevent railway employees from going out on strike.

MR. MORAN: That was not the only way in which the Government could prevent strikes.

THE PREMIER: How would the hon. member do it?

MR. MORAN: Make it a crime to strike, if you like.

THE PREMIER: The hon. member might do that, but the Government were trying to follow the precedents and experience of other places; whereas some members of the Committee were trying to carve out a line of action for themselves, and to go further than had been done in any other country. Such line of action was unwise and dangerous. Why should we go further in this matter than the other colonies had done? If we humbly followed their lead on this question, we should do well. The amendment of which the Attorney General had given notice was not original, for it was in the New Zealand Act of 1894; but at that period the railways in New Zealand were under the control of a commissioner, and when that system was afterwards altered, a special Act was passed providing a tribunal by which grievances arising in the Railway Department might be dealt with. In New South Wales the railways were under the control of commissioners, who had the option of going under the Arbitration and Conciliation Act if they considered it desirable. Surely the experience of those colonies should be a guide to us. Why should we rush on further? Let us do less and not do more than had been done by other colonies, for after all we were experimenting in this matter. He felt convinced that those members who were now urging the Government to go further than any other Government in Australasia had gone on this question, did not really desire to see this Bill carried through: this urging came from those who desired to retard the Bill. If the further information which was expected from New Zealand was found not to be confidential, and he did not think it would be, he would be glad to place it fully before hon. members.

MR. ILLINGWORTH: As to retarding the Bill, the Premier overlooked the fact that those members who advocated this amendment were doing so at the express wish of large organisations of labour on the one hand, and large bodies of employers on the other hand.

THE PREMIER: The labour bodies were quite satisfied with the Bill as it stood now, and they had put that information on record.

MR. ILLINGWORTH: Every member of this Committee knew that was not correct.

THE PREMIER: The statement was correct, and he could show it from documents,

MR. ILLINGWORTH: Every member had received a request from these bodies of employers and employees to get this amendment placed in the Bill; and in advocating this course it must not be supposed that those who did so were endeavouring to injure or delay the Bill,

for they were simply carrying out a request from the persons most interested in the Bill.

THE PREMIER: That was not what they agreed to in the Labour Congress which was held recently.

MR. ILLINGWORTH: Both employers and workers had sent this request to every member of the House. Therefore it was not fair for the Premier to suggest that when members advocated this amendment, they were doing something to injure the Bill.

THE PREMIER: That was the case, in his opinion.

MR. ILLINGWORTH: If the Premier drew that conclusion in the face of the circulars which had been sent to every member from employers and workers, then the conclusion was a strange one. He (Mr. Illingworth) was sincere in his desire to allow the Bill to go through; and but for this request made by employers and workers alike, he would be willing to accept the Bill as it stood.

THE PREMIER: The hon. member, on the second reading of the Bill, had said he intended to support it, and that if there was anything likely to jeopardise the Bill, he would not be a party to it.

MR. ILLINGWORTH: Yes; and the same was said now.

THE PREMIER: Since then, however, the hon. member had been moving amendments that were not included in a measure of this kind in any part of Australasia; and in doing so the hon. member was trying to place the Government in a very difficult position. A deputation of about twenty members from the Labour Congress which recently sat in Perth, told him they represented 10,700 workers; and in asking him to push this Bill through Parliament, they said they were satisfied with its provisions, and rather than jeopardise the Bill they would accept it as it stood.

MR. MORAN: The Government had altered the Bill by bringing in the railways.

THE PREMIER: That amendment had not been reached yet. A report of the proceedings of the Labour Congress which had been shown to him contained a resolution, affirming that the Congress accepted the Bill, and would do nothing whatever to jeopardise it. The resolution was carried by a very large majority, if not unanimously. Now, the leader of the Opposition, apparently acting with the same persons, was opposing the Bill and obstructing it in every way. The hon. member was urging the Government to go further in this matter than any other Government in Australasia had done; and surely that was jeopardising the Bill. It was certainly not trying to meet the wishes of the persons who said they accepted the Bill as it stood, and would do nothing to jeopardise it. When that deputation was with him, he the (the Premier) advised them to be satisfied with the Bill, to take what was freely offered and ask for more at a future time when they got the opportunity, rather than try to get more now and lose the lot. He commended that advice now to hon. members opposite. If the hon. member (Mr. Illingworth) was really representing those persons, he would be acting wisely by remembering the old story of the dog and the shadow, and would not try to grasp a bigger piece and lose the lot. The hon. member and others should take what was offered in the Bill.

MR. HUTCHINSON: If the Government were going to give it to them afterwards, why not give it now?

THE PREMIER: The hon. member was very wise, no doubt. The employers in the country were acting not only reasonably, but generously in regard to this measure; for while they did not want the measure, as it appeared to them not to be in their interest, yet they realised the necessity for some such legislation in order to avoid strikes and derangements of business which were so injurious to the community. The miners on the goldfields and men engaged in trades in the goldfields towns also realised that a strike would be disastrous to all concerned, if it occurred; and they wanted this Bill put on the statute book in order that reason and justice and common sense might prevail, rather than oppression or force. The Government were anxious to carry out the wishes of both parties who were interested in this Bill throughout the colony. What was the feeling at Fremantle during the maritime strike? Everyone then said "We must have this Bill as soon as possible, to bring arbitration and conciliation to bear on questions of this kind, rather than have these disputes settled by force."

The Government were met now by amendments which were intended to place the whole civil service of the country under boards, and to take the control of the finances from this House, thereby going further than had been done in any other colony. For his own part he could not agree to it—certainly not without a great deal more consideration than had been given to it up to the present. It would be impossible for him as Treasurer to hand over the finances of the country to boards elected all over the country. All the departments interested were to be controlled by boards; and then every organisation might go to the Supreme Court to get an increase of pay. If that was the form responsible government was to take in this colony, we had better go back to the old system of government from Downing Street. The Railway Department was a great carrying concern, and was not a Government department in the same sense as were the Postal Department, the Colonial Secretary's Department, and the Treasury Department. The wages of men were governed by the custom of the day in the particular locality. Where a man got 6s., or 7s., or 9s. a day, the rate of pay was well known throughout the country according to the nature of the business.

MR. GEORGE: How could the boards deal with the wages so as to upset the finances of the country?

THE PREMIER: As to a small increase of wages, we might perhaps delegate a power of that kind to a court; but to delegate to a court the power of controlling the salaries of all the civil servants throughout the country would be a change so great that the Legislative Assembly had better give up the control of the finances to some other body, and have no power to levy taxes or to distribute the results of taxation. He could assure hon. members they were going on dangerous ground; a ground that no other country had traversed yet.

MR. GEORGE: We wanted to explore?

THE PREMIER: Then go and explore the centre of Australia. Hon. members were travelling on a course that was highly dangerous, and might wreck the Bill.

MR. GEORGE: If the amendment would affect the whole of the civil service to the extent stated by the Premier, he (Mr. George) would not vote for it; but all that was desired by those supporting the amendment was that the employees of the Government who were engaged in trades or pursuits analogous to those carried on by private firms, should be put under the same rules as applied to persons employed under private enterprise. Why should there be any difference, when persons were engaged practically in one and the same trade? At the Mundaring dam, for instance, men were working for the Government in employments which were precisely similar to those that would be necessary if the work were done under private contract; and why should those men not have the benefit provided in the Bill, just the same as if they were doing the work under private contract? There was no desire to embarrass the Government or to interfere with the civil service, but why should men employed by the Government in work similar to that paid for by private contractors be under a different law from their fellows? The Premier was hardly frank enough to mention his real objection to the amendment. Could not some agreement be arrived at? There was no real desire to block the measure.

THE PREMIER: Did the hon. member want it postponed till next year?

MR. GEORGE: No. Next year the Premier would probably be in the Federal Parliament, and he (Mr. George) might be relegated to obscurity. As well make a tentative effort this year.

THE PREMIER: And then retrace our steps?

MR. GEORGE: No; Western Australia would not go back even with the Premier's aid. Employers perceived provisions in this Bill detrimental to themselves and not advantageous to employees; and if Government departments were brought within its scope, such departments would feel the same disadvantages as private employers.

THE PREMIER: Ah! Was that the reason for the amendment?

MR. GEORGE: Therefore there would then be a chance of getting the Bill amended. Regarding the danger of handing the control of the finances to an Arbitration Court, the Premier had no idea of the trouble that might result from handing over the finances of private employers' and employees' associations to such a body. Hon. members represented

both employers and employees, and must look to the interests of private citizens as well as of public servants.

THE PREMIER: Was the hon. member in favour of the Bill?

MR. GEORGE: Certainly; and he had never said anything to the contrary. It was too evident the Premier was opposed to the measure, and was seeking for political ends some means by which the onus of casting out the Bill might rest on the Opposition. For the next election the Premier would require a first-class cry, and the rejection of this measure would supply the deficiency. Argument having been exhausted, better go to a division, and hon. members would afterwards do well to leave the Bill entirely to the Government, to be carried through with all its imperfections and any perfections it might possess. He strongly protested against the Premier's trying to inflame the labour party against their true friends, and posing as the friend of that body which he had never understood, and would not understand if he lived for a thousand years.

MR. PIESSE: As the amendment would apparently be forced to a division, he must be consistent and oppose it, for neither the Railways nor any other Government department should be brought under the Bill. He would, therefore, vote against the amendment and against the new clause providing for the inclusion of the railways.

MR. ILLINGWORTH: That was consistent.

MR. PIESSE: To include the public service would be most detrimental to the country, and would lead to great trouble in the future. The Attorney General's arguments clearly proved it was not desirable to include the railways. In respect of that department, far better introduce a special Bill which would enable matters in dispute to be referred for settlement to some statutory board created for the purpose.

MR. MORAN: The Premier was on the horns of a dilemma—between the devil of the railway associations and the deep sea of financial trouble, and had discovered himself as a bitter opponent of the inclusion of the railway or any other Government department in the Bill. Evidently the Premier agreed with him (Mr. Moran), and with Mr. Seddon, the Premier of New Zealand, that to include Government departments would be absolutely throwing away parliamentary responsibility, and the only reason for the existence of Parliament—the control of the people's purse. The Premier's contention that the railways were not an ordinary Government department was illogical, for under railways and tramways alone, £810,000 of public moneys were expended in a year.

THE PREMIER: That sum did not represent taxation.

MR. MORAN: Every copper of the railway revenue represented taxation, and in every statistical authority would be found so stated.

MR. PIESSE: The railway earnings were for services rendered.

THE PREMIER: In no country were such earnings treated as taxation.

MR. MORAN: In the other colonies.

THE PREMIER: No.

MR. MORAN: Surely in those colonies where the railways worked at a loss; and they were run at a loss in every colony except Western Australia. The Premier argued casuistically that because the Railway Department were carriers they were not a Government department, though they controlled over £810,000 per annum; and yet the right hon. gentleman quibbled at including in the Bill a small department like the Government Printing Office, in which men were employed in an absolute manual industry.

THE PREMIER: £810,000 was not all spent in wages.

MR. MORAN: If it were desirable to place under the Arbitration Court this monster department, was it not much more logical to include the workmen on the Mundaring weir, who were protected by no regulations, and were liable to instant dismissal? The Bill as agreed to by the labour unions did not contain any mention of railway employees; and the Premier was responsible for introducing an element of which he previously disapproved, which he knew would involve serious discussion, and which would, if carried, endanger the measure in the Upper House. Were not the railway employees sought to be included in deference to outside pressure? There were only two logical positions: the Government should leave the whole service outside the Bill and retain control

of the funds in the hands of hon. members, or include the whole service, making no distinction between different departments. He would always maintain that to bring the railway service under the measure would be degrading the functions of Parliament, and the proposal would never have been mooted save on the eve of a general election.

THE PREMIER: Deal with the subject on the new clauses.

MR. MORAN: Why not follow the example of New Zealand, which had taken its railways from out the scope of the Act? The Premier made a fairly good point in asking that this subject be discussed on new clauses which sought to include the railways. To divide now would mean that the subject would be twice debated. The division might well be postponed; for the Government, as frequently happened, might change their mind and take this provision out of the Bill next week. The Premier's better judgment might lead him to withdraw the proposal; because, if there were any reason for the existence of an Upper House in the colony, it should be manifested in connection with such a proposal. If he (Mr. Moran) voted against including all Government departments, and the Government subsequently carried the proposal to include the railways, he would vote on that occasion with the leader of the Opposition. Better wait to see whether we could "go the whole hog" or none. He would never vote for the Railway Department being included and the Works Department omitted.

MR. EWING: What good could be achieved by falling in with the view of the member for East Coolgardie? because when the member for Central Murchison (Mr. Illingworth) moved his amendment on the Government proposal, his amendment would be put first, and the consequence would be that the hon. members who asked to be relieved of the difficult position they found themselves in now would be in exactly the same position, only that there would be a different length of time elapsing between the one vote and the other. The question had to be settled one way or the other. He failed to see how, if we carried the amendment, we were taking out of the hands of Parliament the control of its finances. Parliament voted a railway or a public work, and all the Conciliation Board could do was to see that the public work was carried out under reasonable conditions.

MR. MORAN: The board could alter the wages of servants on the railways.

MR. EWING: All the Conciliation Board could say was that the Government were not carrying out the work under reasonable conditions; therefore the condition in respect of the payment of wages might be altered. But to what extent was that controlled by the House now? It was under the control of the Minister, and he was compelled to pay a reasonable wage. The Bill provided that employers should carry on their works under fair conditions to the workers, and also that the workers should work under reasonable conditions. If that was good for the employers of labour in general, wherein did the distinction lie between the employers of labour in general and the employer that happened to be the Government? Nine out of ten of the members in the House were not competent to enter into the question as to whether the employee on Government work was paid a reasonable wage.

MR. MORAN: Was a Supreme Court Judge competent?

MR. EWING: A Supreme Court Judge would have the assistance of two practical men, and both sides would call witnesses. The proposition that Parliament could come to a reasonable conclusion was absolutely wrong. If the Bill was good for employers of labour in general, it was good for servants in general. We might just as well say "Apply the Bill only to individuals and not to companies," as to say "Apply it to companies and individuals and not to the Government."

THE PREMIER: What sort of workers did the hon. member think the amendment applied to?

MR. EWING: All non-clerical employees.

THE PREMIER: It did not say that.

MR. EWING: If the Government were sincere in telling the community that the Bill was good for them, why not accept it themselves.

MR. MOORHEAD: Parliament was the employer.

MR. EWING: The people were the employers. If the Bill was good for a mining company, which was composed of

people who subscribed the capital and were distributed throughout the community, was there any distinction in the principle of employment of labour by the Government and the individual?

THE PREMIER: They thought so in other places.

MR. EWING: The Premier did not follow other places, because he wanted to include the railway employees. The Government were illogical in their position. Must we come to the conclusion that this was a political dodge to catch votes? The actions of the Government should not be founded on the principle that only sought to catch votes: they should be founded on sound political views. So long as we found the Government gave way when sufficient pressure was applied, so long would there be a bad condition of government in Western Australia. The Government thought the railways were controlled or tied together with the bonds of unionism, and that the lash could be applied to them at the next general election; but because the Public Works were not completely under the control of unionism, the Government were not willing to place those employees under the Bill.

MR. MORGANS: It might be thought by some members that the Government had introduced the proposal to bring the railway employees under the Bill for a political purpose, but he was not prepared to believe that. The Bill was brought forward by the Government with an honest intention to pass it, with a view to avoiding strikes between workers and employers. The hon. member (Mr. Ewing) said that this was a political move, but the hon member made one of the greatest political speeches one had heard in the House, and which apparently was intended for his electors. It was clear that if it was a good thing for the railway employees to be included in the Bill, it was also a good thing for the Public Works employees. But we must remember that this Bill was only an experimental measure, so far as this colony was concerned, and it would be desirable for the Committee to go slowly in this direction. The logical position was that all departments should be included; but as this was experimental legislation, we should be cautious how we proceeded. As this question of the inclusion of the railway employees would come up when the Attorney General's new clauses were proposed, why not allow this discussion to pass until we arrived at these clauses? He would like to have a further definition of the word "industrial," the definition in the Bill being rather wide and uncertain.

MR. MORAN: Could the hon member for the Swan (Mr. Ewing) tell him how it was possible that the placing of the whole of the Government departments under the control of the Arbitration Board was not losing the financial control of the colony by the Government? He was opposed to all departments going under the Bill. Before tea, the member for Coolgardie (Mr. Morgans) apologised for having voted against the Government departments being included under the Bill. He had said that although he voted against it, he had thought fit to change his mind,

MR. MORGANS: That was not what he said.

MR. MORAN: The hon. member (Mr. Morgans) was a good Government supporter, and these lightning-change artistes appeared to gather round the Government. The hon. member appeared to have changed his front.

MR. MORGANS: There was no change of front in regard to his position.

MR. MORAN: Under the heading of Railways and Tramways there was on the Estimates last year £473,000 for salaries, temporary and provisional. It was not an unusual thing to hear of an agitation to raise wages by one shilling a day. The average rate of wages on the railways could be safely set down at no more than ten shillings a day, and if an increase of one shilling a day were demanded, and the Arbitration Board increased the wages by that amount, it would mean that the taxation of the country would be raised by £47,000 in that one department alone; that this department would go out of the control of the Premier and Parliament to the extent of ten per cent. For the Postal service the annual vote was over £200,000, and a rise of 1s. a day per man, on the average, meant another £20,000 of taxation on the people of the colony. A rise of 10 per cent. in wages and salaries throughout the civil service would place in the hands of an irresponsible board the power for three years to increase the taxation to the

extent of £100,000 per annum. The Opposition in this House, who so often raised the cry that the finances were not being properly administered, were now urging an amendment which would place beyond the control of this House the very finances which those members were so anxious to have administered properly; and although those members now, in finding fault with the present Administration, had the power to challenge every item if they chose, yet the control of the finances they were prepared to hand over to an irresponsible board. What were the possibilities of an irresponsible board under this system? The railway employees were the servants of the people, and, of course, the people, through their representatives, would see that those servants were treated well and fairly. Therefore, no Legislative Assembly would allow those servants to work for an unfair wage, so long as the finances of the country would stand the strain. If, however, the country did not prosper, then all the associations and all the arbitration boards would not be able to keep the civil servants from retrenchment, because it was inevitable in such circumstances that even the servants of the Government must come down to a lower level, when the interests of the country required a general retrenchment. This amendment was against all the teachings of democracy, for it proposed to place beyond the control of this House the only power, the only responsibility, attaching to any Parliament, that of controlling the finances.

MR. ILLINGWORTH: This Bill could have no operation, and could not affect the expenditure of the country, except under a verdict of the court in the case of a strike.

THE ATTORNEY GENERAL: Not necessarily a strike.

MR. ILLINGWORTH: There would have to be a dispute referred to the court, and a decision of the court would have to be given before any additional charge could be laid on the revenues of the colony. A strike on the railways of the colony lasting three days would cost more to this country than all the decisions this Arbitration Court was likely to give in three years.

MR. MORAN: To obtain what the hon. member desired, was it necessary to do an unconstitutional act by doing away with the responsibility of Parliament over the finances of the country?

MR. HALL: While in favour of applying the Bill to the Railway Department, and to all other departments of the public service, he would not do anything to jeopardise the Bill. Had there been a Civil Service Association, pressure would have been brought to bear on the Government so as to bring all the departments under the operation of the Bill. He could not see how Parliament would be giving up the control of the finances by adopting the amendment, because the province of the Arbitration Board was to settle disputes, and the only item in dispute would be the question of wages.

MR. MORAN: That was finance, surely.

MR. HALL: If the board decided that the employees of any Government department were under-paid, it would be the duty of Parliament to willingly fall in with the decision of the board.

MR. MORAN: Suppose Parliament had not got the money?

MR HALL: We could not suppose that. He was not certain that the employees of the Government would get much redress from this Parliament at present, if they applied to it on a question of higher wages; whereas if there was a board constituted to deal with that question, there would be a greater likelihood of redress. If this Bill passed, no long time would elapse before other departments as well as the Railway Department would have to be brought under the operation of the measure.

MR. MORAN: The hon. member was not willing to trust Parliament to deal with the finances of the country, but he was willing to set up this *deus ex machina*, this idol called an Arbitration Board, to be irremovable for three years. The hon. member wished to set up a tribunal which would have the power to protect the civil servants who were the servants of the whole of the people; and this Parliament was to be deprived of the power of governing and guarding its own finances for the benefit of the civil service. It was idle to expect that members representing Perth and Fremantle, being directly under the influence of these associations, would vote against this amendment; but he would appeal to other members, to those who were really independent and represented the colony

and not the civil service, to let this Bill go through. Suppose a deficit occurred in this colony and Parliament could not possibly meet the award of the Arbitration Board, what then? Had the people as a whole lost their power? Yes; unless they annulled the Bill and destroyed the whole Act for the sake of rescuing the civil service from its operation. The annual wages bill for the Railways and Tramways Department was more than £473,000, and the wages of the civil servants throughout the colony must be more than a million. A rise of 10 per cent. in the wages was a common occurrence, and how would Parliament face a rise of 10 per cent. on an expenditure in wages of a million per annum? The ideas of those who were pressing on this amendment would carry us back to the days of the Star Chamber and to irresponsible government. What had become of the maxim "no taxation without representation?" Yet some members would place under an irresponsible board the power to tax this Parliament to the extent of £100,000 per annum! This was asking the people of the colony to give away their power, their control of the finances, to a small irresponsible body. Nothing but political cowardice induced some members to support this amendment. They had counted heads, and he was certain this was a political dodge on both sides of the House.

Amendment (Mr. Illingworth's) put, and a division taken with the following result:—

Ayes	...	...	15
Noes	...	...	16
Majority against		...	1

Ayes.	Noes.
Mr. Darlot	Sir John Forrest
Mr. Ewing	Mr. A. Forrest
Mr. George	Mr. Higham
Mr. Gregory	Mr. Hubble
Mr. Hall	Mr. Lefroy
Mr. J. F. T. Hassell	Mr. Locke
Mr. Holmes	Mr. Mitchell
Mr. Illingworth	Mr. Monger
Mr. Kingsmill	Mr. Moran
Mr. Oats	Mr. Morgans
Mr. Solomon	Mr. Pennefather
Mr. Vosper	Mr. Piesse
Mr. Wallace	Mr. Sholl
Mr. Wilson	Mr. Throssell
Mr. Doherty (*Teller*).	Mr. Wood
	Mr. Rason (*Teller*).

Amendment thus negatived, and the clause passed as printed.

Clause 4—Mode of application and terms of rules:

MR. MORGANS moved that in Subclause 3, paragraph *f*, "annual" in line 3 be struck out, and "half-yearly" inserted.

THE ATTORNEY GENERAL: The amendment apparently sought to provide for at least a half-yearly audit, and possibly it would be well to provide this means of frequently ascertaining the true position of a party to a dispute.

MR. MORAN: The words, "or for periodical" should be struck out, else the audit might be made only once in five years.

Amendment put and passed.

THE ATTORNEY GENERAL moved that the words "or for periodical," in line 3 of the same paragraph, be struck out.

Amendment put and passed.

MR. MORGANS moved that there be added to paragraph *f*. of Sub-clause 3: "The investment in some security to be approved by the Registrar of the amount hereinafter stated to be necessary for the registration of such society as an industrial union in the joint names of two persons to be elected by such society and of the Registrar, and subject to the provision that such amount shall not in any way be diminished or dealt with pending cancellation of such society as an industrial union." A further amendment (read) would be moved later.

THE ATTORNEY GENERAL opposed the amendment. To admit the principle that unions must give security for costs would strike at the foundation of the Bill, of which the object was to encourage unions and other bodies to register under the Bill, and not to impose as a condition precedent the deposit of a security. A man bringing an action at common law could not be compelled to give security for costs; and if poverty were no crime in the individual, it was no crime in a corporation. The amendment would not benefit those for whom the Bill was intended, but would have the opposite effect.

THE ACTING CHAIRMAN: This amendment should be a separate paragraph.

MR. MORGANS: The principle of the amendment was perfectly legitimate, being to afford the defendant in an arbitration case some security for costs; and such security was especially necessary in a Bill intended to decide disputes between

master and man. Seeing that the employer had, in nearly all cases, property which could be levied upon, it was but reasonable that the trade society should give security, and the same should apply to any individual bringing an action against an employer. The insertion of the words proposed would give a guarantee which would materially assist in making the Bill effective.

MR. GEORGE concurred with the last speaker. This was not a question of making a person's poverty a bar to his obtaining justice, for trade unions in this colony would be the last to plead poverty in the event of a dispute before the Court of Arbitration. If the Bill were to be of use, the unions must adopt the principle that they could not demand anything which, though fair to themselves, would be unfair to employers. Strictly considered, the Attorney-General's argument favoured class legislation for the purpose of giving imaginary benefits to the labouring classes, and all the disadvantages to employers. An employer's property could be levied upon, though it was not proposed to levy on a workman's furniture, for the individual workman was merged in his union; but what objection could there be to the funds of the man's organisation being available as security for costs? Doubtless the employer could seek refuge in bankruptcy, but if the Bill were to have the effect of causing bankruptcies, then instead of establishing industries, it would be destroying them. The amendment would not prevent justice being done to the poor, and it was necessary to be fair to both sides. If the Bill pressed unduly on employers, the result would not benefit the workers.

THE ATTORNEY GENERAL: Later on it would be proposed that individual members of a union would have to satisfy the court to the extent of £10 each out of their pockets, and that was a very fair guarantee for the protection of employers as against unions which made unjust claims or demands. It was now proposed to impose an extra obligation that no union could take advantage of the provisions of the Bill until £200 had been deposited in the hands of trustees. The object of the Bill was to facilitate the settlement of industrial disputes, but that would not be done if a bar were imposed which compelled the parties before they came within the operation of the Bill, to deposit £200. There was no provision of the kind in any of the Conciliation Acts elsewhere, and it would not be a wise thing to introduce the principle here.

MR. MORGANS: What was "sauce for the goose" was "sauce for the gander," and it was a fair thing, if employers were under a severe liability, that the other side should be put under the obligation of providing a guarantee. If employees were made liable individually, there were no reason why they should not be made liable collectively as well. There would be no more hardship in asking a man to be a guarantor collectively in the society, up to the amount proposed, than to make him individually responsible for the sum of £10. It would be a simple matter to have a fund of the kind placed somewhere as a guarantee of *bonâ fides*, and the majority of the unions were very strong, and in a position to handle hundreds of pounds.

MR. HALL: If the desire was that unions should be able to show a substantial credit balance before they could apply to come under the operation of the Bill, so should an employer show that his building, machinery, and property were free from encumbrance, because it might be that the equity of that property was exceedingly small, or perhaps nothing at all; and the Attorney General had already pointed out that members of unions were individually responsible to the extent of £10.

MR. GEORGE: According to Clause 85, Sub-clause 6, to which the Attorney General had referred, first of all the property of the unions could be levied on, and then there was the individual liability of £10 per member. Would it not be better for the workers that the fund which could be levied on in connection with any award, should be secured before the trial came on? In the case of the employer, he had his plant and business, on which it was reasonable to suppose a judgment might be levied. The member for Perth (Mr. Hall) had pointed out that the property might not belong to the employer; but if the hon. member desired every man in business here should be able to prove he was absolutely solvent, and would always be solvent, such a

measure was very much needed at the present time. Many people were trading and passing as solvent, who were only worth the suit of clothes they stood up in, and, in many instances, did not own the clothes. There would be no hardship to the union in the proposal of the member for Coolgardie (Mr. Morgans), and there was no reason why, when there was a congregation of men in a union, they should not come under the same class of agreement as an employer. A union was neither more nor less than a co-operative society for the purpose of bringing united power to redress grievances or advance their position, and in co-operative societies the property of all the members was lodged and available in case of any trouble. If the matter came to be threshed out by the unions themselves, although there might be internal differences of opinion, in all principles of fairness, they ought to agree to the proposal.

MR. MORAN: The member for Perth (Mr. Hall) had discovered a mare's nest, and the reply of the member for the Murray (Mr. George) was altogether apart from the question. The member for Perth seemed to think an industrial union was a union of labour only; but the new clause of the member for Coolgardie. (Mr. Morgans) was binding on both employer and employed.

MR. DARLOT: The main point seemed to have been lost sight of. Having a fixed deposit meant that all the smaller unions would join together and form a large union, the Bill, as the Attorney General had said, being brought in to facilitate union. By reason of the small and weak unions having to join together in order to make this deposit, they would have a better opportunity of receiving justice, because, in the first place, their case would have to go before their own union, and, if found good, would be carried on by the strong union: so that it was really in the interests of the workers to legislate for the deposit of good sound security.

MR. ILLINGWORTH: The effect of the proposal would be to establish a new principle entirely, and why depart, in this particular court, from the usages in civil actions in the Supreme Court? It did not follow that even the employers' unions were so strong as to be able to deposit costs and stand out of them for any length of time,

MR. DARLOT: The desire should be to bring forward enlightened legislation and improve the present system.

MR. MORGANS: It was quite true that, under the rules of common law, the plaintiff or the defendant was not asked to deposit the costs; but it must be remembered that this was a new class of legislation entirely. The hon. member forgot that this legislation was compulsory and of a class which was quite new to the industrial world. Only in New Zealand had it been tried, and notwithstanding the splendid records read by the Attorney General the other day, there were also some very important authorities who had given a verdict entirely opposed to this class of legislation. There were a large number of men in New Zealand who would state that this legislation had not been satisfactory to that country. Legislation on these lines was quite new; it was experimental so far as concerned any portion of the Australasian continent, except New Zealand. The position the hon. member had taken up was that for special legislation special guarantee was required, and that was all that he (Mr. Morgans) asked in this clause.

MR. MORAN: This was the only debatable point in the Bill. It appeared somewhat a just claim for people to make on both sides, that there should be some appearance, anyhow, of responsibility given to either side. We did not want an irresponsible body of seven getting together and creating trouble without any visible means of paying the award afterwards. What was required was that there should be some visible means showing that the award would be carried out, and not merely that the costs of the action would be put up. Perhaps £200 might be too large a sum, and a compromise might be arrived at. He thought progress might be reported, because after this point had been dealt with the Bill might go through without any opposition at all.

THE ATTORNEY GENERAL: The Department of Labour Report of New Zealand for this year showed that for five years during which this Act had been in operation in New Zealand, the number of workers who had come within

the operation of the Act had increased by 19,059. If the Bill had had a dire effect or was prejudicial to employers, how could this increase have taken place in five years?

MR. MORAN: The employers could not help that. It was no argument.

THE ATTORNEY GENERAL: It might be that the employers could not help it, but it was a singular thing, to say the least of it, that during the five years the Act had been in operation the number of workers coming under its operation in New Zealand had increased by 19,000. That showed that things had improved generally all round.

MR. VOSPER: More capital had been invested.

THE ATTORNEY GENERAL: Yes; and practically during the five years there had not been one strike in New Zealand.

MR. MORGANS: How could there be, under the provisions of the measure?

THE ATTORNEY GENERAL: That was a good record to establish.

MR. HIGHAM: It was not a record at all.

THE ATTORNEY GENERAL: Judging from the report he should say there were at least about 150 cases settled each year, and they were settled in the most satisfactory way to the labourers. He (the Attorney General) had the reports for two years, and they showed that in every case the workers had loyally abided by the decision of the court. Inasmuch as they had carried out the awards faithfully and loyally, without any necessity to put up the sum of £200, as intended by this amendment, why introduce it into the Bill?

MR. DARLOT: The increase of 19,000 was to be accounted for by the fact that within the last six years New Zealand had witnessed one of the most prosperous times since Sir Julius Vogel's reign. New Zealand was absolutely the most over-governed British colony, and Mr. Seddon was one of the most dictatorial and powerful premiers ever known in a British colony. It would be a sad day if we walked exactly in the footsteps of New Zealand. Although Western Australia was a very promising country, it was not a rich country like New Zealand, with its natural resources, and this colony had not those large English freezing companies with a great amount of capital invested, working to arrive at a great end, that being to supply London with meat, which the people of New Zealand were doing now at a price at which we could not buy meat in Australia. That was through foreign capital going into the country and making the country.

MR. WILSON: If this amendment were passed, it would nullify the effect of the clause, which stated that seven employees might register and form an association of this sort. We could never get seven employees to put up £250 in this court, and, if we passed the amendment, we might just as well throw out the Bill at once; in fact it would be better to do so. It would be going too far to ask either employers or employees to put up £250, or security for that amount, on registration. It would be time enough for us to cause the deposit to be put up when there was an appeal to the arbitration court.

MR. MORAN: That would be the better way.

MR. WILSON: There was an amendment by him later on, asking for £250 to be put up to cover costs and the award, before people could apply to the Arbitration Court. That amount was rather too large, and he would have much pleasure in reducing it. There could be no harm in an association being registered so as to have matters settled by conciliation, but when it came to a question of appealing to a board of arbitration, let the parties put up a moderate amount to cover costs.

MR. MORGANS: It was not a question of costs, but of award.

MR. WILSON: One did not see how it could be done until the parties had refused to abide by the award.

MR. GEORGE: A man might lose his time.

MR. WILSON: Supposing such were the case, surely £100 would be sufficient.

MR. GEORGE: Yes.

MR. WILSON: For costs and award, when they had applied to the court to settle the dispute, but they should not call upon the parties to pay that amount on registration. An association might not take the benefit of it for years, and still the £250 would be lying there. It would, as he said, be time

enough to pay the money when there was an appeal. A moderate sum put up, with a subsequent liability of £10 per member, ought to be satisfactory to employers and employees.

MR. VOSPER: The primary object of this Bill was to prevent strikes, and the more obstacles that there were put in the way of registration, the fewer would registrations be, and the fewer the registrations the greater would be the risk of strikes; consequently the amendment struck at the fundamental principle of the Bill. It would have the effect, if carried, of leaving out a very large number of workers, and the greater the number of workers left out, the greater was the danger of disputes leading to strikes.

MR. MORGANS: Looking at the observations of the member for the Canning (Mr. Wilson), he agreed with him to a large extent, although he regetted the hon. member was not a little more explicit as to what his views were regarding a definite amount being placed in the hands of the registrar or referee. Still, what he said seemed to be reasonable, and it would be time enough to ask the parties to put up the money when they asked for an examination of their claims. Judging the feeling of the House with regard to the matter, he did not think he should press the amendments, but he would defer action until they came to the clause referred to by the member for the Canning. They could then deal with the question. In the meantime, if it was the desire of the House, he would like progress to be reported.

THE ACTING CHAIRMAN: The hon. member had better ask leave to withdraw his amendment.

MR. MORGANS asked leave to withdraw the amendment.

THE ACTING CHAIRMAN: Both of them?

MR. MORGANS: Both.

Amendments by leave withdrawn.

THE ATTORNEY GENERAL moved that in Sub-clause 5 the word "annual" be struck out and "half-yearly" inserted in lieu. This was a consequential amendment.

Amendment put and passed, and the clause as amended agreed to.

Progress reported, and leave given to sit again.

MESSAGE—ASSENT TO BILLS.

Message from the Administrator received and read, assenting to the Supply Bill (£500,000), and the Constitution Act Amendment Act Errors Bill.

MESSAGE—BILLS FROM LEGISLATIVE COUNCIL.

REMARKS.

A Message was received from the Legislative Council, transmitting the Slander of Women Bill and the Compensation for Accidents Bill, and asking for concurrence.

THE SPEAKER asked who was in charge of the Bills.

THE PREMIER: These were private members' Bills.

[No action taken.]

ADJOURNMENT.

The House adjourned at 10·34 o'clock, until the next day.

Legislative Council,

Wednesday, 26th September, 1900.

Paper presented—Question: Rechabites, Failure to furnish Return—Municipal Institutions Bill—Motion: Circuit Courts, further Legislation—Papers: Midland Railway Company, Copy of Agreements (adjourned)—Legal Practitioners Act Amendment Bill, Postponement—Registration of Births, Deaths, and Marriages Act Amendment Bill, in Com.—Public Service Bill, second reading (moved)—Federal House of Representatives W.A. Electorates Bill, first reading—Customs Duties (Meat) Repeal Bill, first reading—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Bubonic Plague, General Sanitary Regulations passed by the Venice International Sanitary Convention, 1897.