Legislative Assembly,

Tuesday, 3rd September, 1912.

PAPERS PRESENTED.

By the Premier: 1, Goldfields Water Supply—Amendment to By-laws. 2, Dumbleyung Local Board of Health—By-law relating to pigeons and piggeries. 3, Return of coal used by State steamships (ordered on motion by Mr. A. A. Wilson). 4, Papers *re* retirement of Pilot Gilmour, of Geraldton (ordered on motion by Mr. Carpenter).

ASSENT TO BILLS.

Message received notifying assent to the following Bills:—

1, Supply, £593,846.

2, White Phosphorus Matches Prohibition.

QUESTION—RAILWAY FREIGHTS, FREMANTLE TO PERTH AND SUBIACO.

Mr. O'LOGHLEN (for Mr. B. J. Stubbs) asked the Minister for Railways: 1, Is he aware that owing to special concessions having been granted to Perth the freight on merchandise from Fremantle to Perth is 3s. per ton less than the freight from Fremantle to Subiaco? 2, As the port to port rates have been abolished, will he take into consideration the advisability of abolishing the special concession to Perth, and of fixing the freights on a mileage basis, and thereby remove the hardships from which Subiaco manufacturers are suffering?

The MINISTER FOR RAILWAYS replied: 1 and 2, The special rate between Fremantle and Perth was introduced to meet the competition of river carriage, and it is not intended to abolish it. The rates to Subiaco and other suburban stations are on a mileage basis, and I am unaware that the manufacturers of Subiaco are suffering any hardship in connection therewith.

QUESTION—MARRIED COUPLES FOR AGRICULTURISTS, WAGES.

Mr. GARDINER (for Mr. McDonald) asked the Premier: Is he aware that the Government Labour Bureau is engaging married couples for the agriculturists at a wage of £2 a week?

The PREMIER replied: I understand a married couple was engaged at the Labour Bureau on August 9, 1912, at £2 per week, including keep. Duties: husband to make himself useful about the place, and wife, cook and bake.

QUESTION—GOLDFIELDS WATER SUPPLY, RESERVOIR AT KALGOORLIE.

Mr. GREEN asked the Minister for Works: 1, When will the construction of the Goldfields Water Supply new storage reservoir, at Kalgoorlie, be taken in hand? 2, In view of the large number of suitable workmen, who are now unemployed in the Kalgoorlie district, will he consider the question of starting the work immediately?

The MINISTER FOR WORKS replied: 1. This matter is now engaging the active attention of the Department. 2. The engineering details are not sufficiently advanced to enable the work to be immediately started.

LEAVE OF ABSENCE.

On motion by Mr. HEITMANN, leave of absence for three months granted to Mr. Bolton on the ground of ill-health.

BILL—EDUCATION AMENDMENT.

Introduced by the Attorney General, and read a first time.

BILL—INDUSTRIAL ARBITRATION.

Order of the Day for the consideration of the Committee's report read.

Recommittal.

The ATTORNEY GENERAL (Hon. T. Walker) moved—

That the Bill be recommitted so far as to permit of the further consideration of Clauses 6, 13, 35, 37, 40, 77, and 84.

Mr. HOLMAN: I would like to ask the Attorney General whether it is his intention in Clause 35 to make provision that before an industrial agreement is signed it must be assented to by a majority of those who are members of the union and who will be affected. I notice that the clause provides that any industrial union or association may make an agreement, and it may be quite possible under the wording of the clause that an agreement may be made without the men being consulted at all. I think it would be advisable to have some provision to the effect that before an agreement is made or registered a majority of the members of the union or association making the agreement should have a voice and should take a ballot in the same way as in connection with the citation of cases. As the clause now stands it is quite possible for agreements to be made without that being done. If provision is not made in this clause, will the Minister see that it is made before the Bill goes to another place?

The ATTORNEY GENERAL: The clause as it stands and as amended provides for either a union or an association of workers coming to an agreement with an employer, and I think the assumption throughout the Bill is that the agreement will not be made excepting on behalf of the members representing an industrial association of workers and on behalf of the union involved. I cannot conceive the possibility of an agreement being entered upon without consulting the workers themselves in the matter.

Mr. Holman: It is quite possible it can be done if there is no provision. It has cropped up.

The ATTORNEY GENERAL: I will look into the matter before we reach the amendment to Clause 35.

Mr. Holman: And make provision to that effect.

Motion put and passed, Bill recommitted.

In Committee.

Mr. Holman in the Chair; the Attorney General in charge of the Bill.

Clause 6—What societies may be registered:

The ATTORNEY GENERAL moved a further amendment—

That in line 11 after the word "industry" the following words be inserted:—"or (in the case and subject to the conditions hereinafter set out) in or in connection with divers industries."

Hon. FRANK WILSON: The amendment, it was presumed, was intended to cover the case of the shop assistants——

The Attorney General: Yes.

Hon. FRANK WILSON: In order that a number of workers could constitute themselves into one union or organisation and there would be no limit?

The ATTORNEY GENERAL: Yes, there would be a limit. They must have characteristics in common. It meant not only the metropolitan shop assistants, but the warehouse employees' industrial union of workers, and the clerks who desired to register. One clerk might be a clerk to a lawyer, another might be in a warehouse, another in an ordinary shop, and yet another in the Government employ, and so on. Their work being in common they would be permitted under the amendment to register as a union.

Hon. FRANK WILSON: For instance, in an engine-drivers' union there would be no distinction as to whether the engine-driver was a man who worked on a farm, a mine, or a sawmill; all would belong to the engine-drivers' union. Would they all have to remain under the award, which

might be given on behalf of the engineers, or would they be graded by the court? It seemed to be a very wide power to give, to put all our workers in the State in half a dozen unions, and that was what the amendment really meant. Notwithstanding that their callings might be identical their interests certainly were not identical. It was hard to conceive that engine-drivers on a mine would wish to be classified with engine-drivers on a farm.

The Attorney General: There was a case before the High Court on that very point, and this amendment will meet the decision on that.

Hon. FRANK WILSON: The question was whether by this amendment we would not be extending the areas of our troubles whenever those troubles arose. If the Bill would carry out all that the Attorney General wished—and it was sincerely to be hoped that that would be the case—if it prevented disputes, perhaps the amendment would be an advantage, otherwise it would be a disadvantage. It would certainly extend the area of disputes by practically empowering all to belong to one union.

Mr. Taylor: Do you not think that would be beneficial?

Hon. FRANK WILSON: It was doubtful. The hon. member or the Attorney General might explain where the benefits would come in. There might be a general strike as the result of a small trouble, and if there were still going to be such things as strikes and lockouts, it was to be feared that the area of the trouble would be extended enormously.

The ATTORNEY GENERAL: The inclusion of the amendment would be decidedly beneficial. The decision recently given in our arbitration court in regard to the shop assistants would be fresh in the mind of the hon. member. That decision was simply on a technical restriction of the meaning of the word industry, and it was that that caused the case to be thrown out of court. The inference was they were wrongly registered, and under the old Act, when several unions registered, they must be registered under a reference to some specific industry; that and no more. It was obvious that that must tend to the multiplication of unions and the more they were multiplied the more likelihood of the multiplication of disputes and quarrels. The supposition was that by joining a large number of those who had something in common, we would be spreading the area of the dispute; that supposition, however, was not right because by dividing all these we would give each section a chance for a dispute, so to speak, and once that dispute was created there was not a union in the country but would be in sympathy with them, and thus the dispute would be more likely to spread than if it were to be considered by a large body of level-headed men who could calmly deal with it from the point of view of the particular section affected. When a matter was taken before the court there would be the misunderstanding or disagreement on this or that particular point, and those would be the points to be submitted. That would not mean the spreading of the area and it did not matter whether those points were brought up by 15 or 15,000 men. The court had power only to act in the direction of the settlement of the disputes and for the securing of industrial peace, and there was nothing in the measure justifying or warranting any arbitrary inference except with the object in view of the settlement of industrial disputes and the preservation of industrial peace. So, therefore, there would be no danger of any complication arising. It was better to submit to a large body any problem affecting them, than it would be to one or two who might not be able to see things in perspective. There was safety rather than danger in the proposal which was being submitted.

Hon. FRANK WILSON: Surely the Attorney General had overlooked Clause 63, Subclause 2, which clearly provided for the granting of relief or redress. It said "The court shall not be restricted to the specific claims made or to the subject matter claimed." It was quite understood that the intention of the court was to settle disputes according to good conscience and equity, but in hearing and determining these disputes they

might fail to grant the relief or redress asked for. They might go beyond the specific claims made. It was not a question of a large composite union deciding on one or two points that affected a portion of their members. Presuming that the assistants in restaurants and confectioners' shops had a complaint to make and the union of shop assistants or shop employees stated a case on two points affecting the assistants in confectioners' establishments the court in settling the question could go much beyond the two points if it thought fit.

The ATTORNEY GENERAL: It must be remembered what Clause 65 was put in the Bill for, to rid the court of all species of formality. In the ordinary court there was the statement of claim, the answer and the reply, and what was not contained in these was excluded from consideration by the court. The court was strictly governed by the evidence and the law of evidence, and the statement of the parties was narrowed down to the statement of claim, the reply, the rejoinder, and so forth; but here it was, "Come let us reason together, let us hear what you have to say, no matter how you say it, and if you have not stated your claim as it should be stated, and you wish to say so and so in addition, the court seeing that is the proper way to settle it says, although you in your claim have not stated this matter in order that justice may be done you shall do this, or not do this." It was to prevent mishaps of a technical character that occurred when laymen were arguing, and in this court laymen would argue before a court composed perhaps of all laymen—that was to be settled. It was left as open as possible, the aim being the termination of industrial disputes.

Amendment put and passed.

The ATTORNEY GENERAL moved a further amendment—

That the following be inserted as a new subclause:—(4.) (a.) A society which consists of persons who are not all employers or workers in or in connection with one specified industry may apply for registration as an industrial union, and the court or (if the court is not sitting) the president may allow such society to be registered as an industrial union if in other respects it is entitled to be so registered, provided it is proved to the satisfaction of such court or president that the right of membership in such society is limited to persons whose interests in regard to industrial matters are in the main identical or of a kindred nature or whose vocations (as, for example, the vocations of the persons now associated in the society styled the Metropolitan Shop Assistants and Warehouse Employees' Industrial Union of Workers, or the vocations of all clerks or engine-drivers) have characteristics in common. (b.) After the registration of any such union the members shall as such be deemed for the purposes of this Act to be workers or employers as the case may be in the same industry, and the vocations of the members shall for all the purposes of this Act be deemed to be one industry, and the provisions of this Act shall apply accordingly.

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

The ATTORNEY GENERAL moved—

That in all clauses after Clause 6 wherein the word "industry" occurs the words "or industries" be inserted.

Motion passed.

Clause 35—Industrial agreements may be made:

The ATTORNEY GENERAL moved an amendment—

That in Subclause 1 paragraphs (a) and (b) be struck out and the following inserted in lieu:—"Every such agreement shall be made between an industrial union or association of workers of the one part, and an industrial union or association of employers or some specified employer or employers of the other part."

Hon. Frank Wilson: There did not seem to be much difference.

The ATTORNEY GENERAL: The clause provided that any industrial union or association might make an agreement

with an employer. We desired to make it clear that it was the employer on the one part and the employee on the other.

Mr. MUNSIE: There was an industrial union called the brewery employees on the goldfields, and there was one brewer employing a large majority of the employees in that industry on the goldfields. Would the provision prevent the employee of another brewer signing an agreement with the employer?

The ATTORNEY GENERAL: There was nothing to prevent a union from coming to terms with any employer or combination of employers. It could do it with one employer, and it could do it with more than one employer.

Amendment put and passed.

The ATTORNEY GENERAL moved a further amendment—

That in line one of Subclause 3 the words "or any part thereof" be struck out.

The Committee had already made an amendment making the common rule apply only to the locality specified, and the effect of this amendment was that an agreement must be limited in its effect to the locality therein specified.

Amendment passed; the clause as amended agreed to.

Clause 37—parties to an agreement may be added:

The ATTORNEY GENERAL moved an amendment—

That in line 2, between "may" and "become" the following words be inserted:—"with the consent of the original parties to the agreement or their respective representatives."

The amendment would meet the point raised by the member for Murchison when the clause was under discussion in Committee.

Hon. FRANK WILSON: There was no necessity for the consent of the original parties before other parties could register. It did not concern the original parties to an agreement if others came in under that agreement, and why should they have the power to object to others coming in under any agreement already registered in the court?

The ATTORNEY GENERAL: There might be a union distributed over a large area of the State, and in one part of the State a certain set of conditions might prevail, and in another portion other conditions. Suppose a union at one spot made an agreement with an employer, which agreement, so far as that branch of the union and that employer were concerned, was entirely satisfactory, but another employer, having to employ members of the same union in another locality where conditions were entirely different, would have his men at a disadvantage if he should come into the agreement already existing. The union was one body, but its members were spread over a large area where the conditions varied, and an agreement that was satisfactory with A might not be satisfactory with B. The only alternative to the amendment was to make every new party entering into an agreement with a union draw up a fresh agreement.

Hon. FRANK WILSON: The argument of the Attorney General did not quite meet the question as to why it should be within the power of one party to prevent another party joining in an agreement. Should not that power be vested in the court? Should not an outside body determine whether the new party was justified in asking to come under the agreement? There was a disadvantage in making one agreement apply to the whole of the State, but the original parties should not be the ones to say whether others should come under the agreement or not. The better course would be to give the party desirous of coming under an existing agreement power to apply to the court, and then those who objected to the new party's inclusion could attend at the court, and state their objections. The effect of the amendment might be, in giving the original parties power to oppose others coming under the agreement, to force new parties to go to the court and make a fresh plaint on their own.

Mr. UNDERWOOD: For once he agreed with the leader of the Opposition, and preferred the clause as it stood. He could understand an employers' union or a workers' union having the right to pro-

test, but it did not seem right that those in the agreement should have the right to say whether others should come in or not. There was an agreement at Nullagine with about four mine owners, and these few would have the power to say that no other miners in the North-West should come under that agreement. The clause worked both ways. If the agreement was made by a fairly substantial body there was no objection to others coming under it. There were cases where it would be decidedly to the advantage of the industry and particularly to the workers to allow all hands to come under an agreement because it would save a great deal of expense. On the other hand there might be cases similar to the timber workers' case. When things altered for the better other employers wanted to come in and naturally the men objected. However the thing worked both ways. These employers could have been brought before the court if the union desired, but they did not desire to do so, as they thought things were going on reasonably. We should not go too far with the clause. It would be of advantage to the employers sometimes as well as to the employees at other times.

Mr. B. J. STUBBS: It was possible to have an agreement converted into an award. There would be times when the court would refuse to make an agreement into an award, and there might be cases, as that in the timber industry quoted by the member for Pilbarra, where the workers or employees might desire to bring outside forces under the agreement and they might refuse to come in until the moment arose when it would be opportune for them to do so and disadvantageous to the other side. The timber workers had an agreement with Millars' and they desired the other companies to come under it, but the other companies refused and stayed out until matters had progressed so much in the State that wages all round took an upward tendency; and when the union notified the outside companies that they would be taken to court to try to get an award, the latter, in order to prevent this, stated they were willing to sign the agreement, because they recognised that the court was likely at that time to grant a higher rate of wages than was provided in the agreement. It would be distinctly unfair if in similar circumstances these outside companies could come under the agreement. They would have an unfair advantage over the workers. The workers should have the right to say whether these employers should come in under the agreement or not. If the court would not make an agreement an award it should only be done by the consent of the original parties to the agreement.

Hon. J. MITCHELL: Several amendments were suggested to this clause when it was previously under discussion, and it was suggested that the leave of the court should be obtained before any parties might come under an agreement.

Mr. B. J. Stubbs: I moved that in the first place, but it was pointed out that it would be unsatisfactory.

Hon. J. MITCHELL: What did the people already in the agreement have to do with the people who wished to come in? Power might be given to the court to refuse to allow other parties to come in, but the amendment was altogether unreasonable in asking us to give this unlimited power to the unions. The members of a union certainly would be dominated by the executive of the union, no matter where they were working.

The ATTORNEY GENERAL: Confusion arose as to the definition of the words "parties to the agreement." A union might have an agreement with a specific employer whose area of influence was extremely limited geographically, and a large number of members of that union might be working for other employers who were not working under the agreement. Nevertheless, by virtue of being members of the union they were all parties to the agreement with the first man. The parties to an agreement made between the union and A might be working under entirely different conditions for B, and when B came along and asked to be made a party to the agreement with A those who worked for him should have the right to oppose it if they considered the terms of the agreement with A were

not suitable conditions for working for B. These conditions might not suit the members of the union working for B, and it would not be fair for B to have the undoubted right to come under the agreement and override his employees who might feel disposed to oppose the fixing of the conditions applying between the union and A. The clause simply enabled the same union, which comprised the employees of A and B, to say that its members working for B would not be fairly treated if they had to work under the conditions contained in the agreement with A. If an employer not in an agreement wished to impose the terms of an agreement with another employer on his employees it was only right that those employees not working under the agreement, but being, through the union, parties to it, should say "No, we do not want to work under that agreement."

Mr. Wisdom: Give that power to the employers' own employees and not to the original parties.

The ATTORNEY GENERAL: That was where confusion would arise. They were all unionists belonging to the union which signed the contract with A, and B's employees were members of the union and therefore parties to the agreement with A.

Mr. A. A. Wilson: Compel them to be parties to it.

The ATTORNEY GENERAL: Already they were parties to it by the fact of being members of the union. It was desirable that the union should be in a position to say that the conditions which were good where A worked were not good where B carried on his operations and, consequently, that they would object to B coming under the agreement.

Hon. J. MITCHELL: Obviously A could not bind those members of the union who were not in his employ. The clause could be redrafted to fit the case, and still leave the people concerned full power to control their actions. A man working in a southern forest should not have any part in the framing of an agreement concerning other men working in a Kimberley forest. It should be left to the court to determine whether parties should or should not come under the agreement. Before any parties could make and sign an agreement it should be necessary to obtain the consent of the court.

The ATTORNEY GENERAL: The whole point was to secure simplicity. Even if the clause were wiped out it would still be open to any body of men to come to an agreement with their employers and register that agreement. We should not destroy the power of anyone to enter *into an agreement*. In the making of these agreements the president of the court was at all times available for consultation and, therefore, the clause was perfectly safe.

Mr. UNDERWOOD: The longer the question was discussed the more convinced was he that the Attorney General's amendment was absolutely wrong. The amendment moved some days ago would have fully met all the requirements, namely that the parties should come under the agreement by leave of the court. Under the Attorney General's amendment, if one of the parties objected, then the third party could not come under the agreement. What would then happen, a strike or a lockout, and how was the dispute to be settled, or wages fixed? Surely only by going before the court for an award. That being so, it would have been much simpler and better to leave it as originally proposed. The amendment moved by the Attorney General would hamper instead of facilitating, and it was to be hoped that members would defeat the amendment and accept that previously moved by the member for Subiaco.

[*Mr. McDowall took the Chair.*]

Mr. MUNSIE: There might possibly be trouble if the Attorney General's amendment were carried. Clause 37 would be better without that amendment, although it might profitably be amended to provide that where an employer or employers employing a majority of the employees in any industry came to an agreement with the union the agreement should be made binding on all employers

in that industry in the district affected. If that were done there would not be much room left for trouble. As had been seen in the timber industry in respect to the agreement between Millar's Company and the Timber Workers' Union, an agreement was binding upon all members of the union, even those of them who were working for employers not parties to that agreement. Why, then, should the agreement not be equally binding upon all employers in the industry? It was to be hoped the Attorney General would agree that where an employer or employers employing a majority of the employees made an agreement with the union that agreement should be binding on all employers in the district in which it obtained.

Mr. A. A. WILSON: The clause could be simplified by striking out the latter portion of it. It would then merely provide that while the agreement was in force any industrial union or association or employer might become party thereto. That would be the easiest way out of the difficulty.

Mr. HOLMAN: In these days of packers' unions it would be possible to make an agreement and practically embrace everyone. A large number of employees could be got rid of for the time being until the agreement was made, and then all others coming in would have to come under that agreement. The clause as printed was unsatisfactory. In one instance an agreement had been made covering a period of three years, and only one employer had signed it. Ten or twelve others would not come under it. After the employees had been kept for two years from enjoying any benefit from the agreement, they endeavoured to get a case before the court and the employers then concurred in the agreement. When an agreement was made it was for an extended period, and there might be benefits at the start which after a time might disappear on account of the cost of living and wages generally going up all over the country. There was a section in the present Act similar to this clause, and employers after standing out for two years and depriving the men of the benefit of an agreement had come in and concurred. The clause was absolutely unfair because it would prevent a union from compelling an employer to concur in an agreement. The provision made by the Attorney General was in the right direction. It would prevent an employer from compelling a union to come under an agreement at a later stage than that at which the agreement was made and when possibly the benefits might have disappeared.

Hon. FRANK WILSON: If any union of employers or employees were given the power to adjudicate on the right of others to come under an agreement, we would be on a dangerous ground. Agreements practically had the force of awards. They could be declared awards, and awards could be varied only by the court. Why should a distinction be made where an agreement which had the force of an award was concerned and why allow one party to say that somebody else should not come under an agreement?

Mr. Holman: There is nothing to prevent them from making another agreement on the same terms.

Hon. FRANK WILSON: The court would be the proper tribunal to decide whether certain benefits had become exhausted. It would not be difficult or expensive to bring such a matter before the court. The representatives of the two parties could appear and argue it and the president could say "yes" or "no" to the application.

Mr. Holman: If the amendment is passed they can apply to the court for an award.

Hon. FRANK WILSON: Yes, and the position was safeguarded by the fact that notwithstanding an agreement was made for three years, the court had the power of revision every twelve months. He opposed the amendment.

[*Mr. Holman resumed the Chair.*]

Amendment put and a division taken with the following result:—

Ayes	22
Noes	11
Majority for	11

AYES.

Mr. Angwin	Mr. Munsie
Mr. Carpenter	Mr. O'Loghlen
Mr. Collier	Mr. Scaddan
Mr. Dooley	Mr. Swan
Mr. Green	Mr. Taylor
Mr. Hudson	Mr. Thomas
Mr. Johnson	Mr. Turvey
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. A. A. Wilson
Mr. Lewis	Mr. B. J. Stubbs
Mr. McDonald	(*Teller*).
Mr. McDowall	

NOES.

Mr. Broun	Mr. A. E. Piesse
Mr. Harper	Mr. S. Stubbs
Mr. Male	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Layman
Mr. Moore	(Teller).

Amendment thus passed.

Sitting suspended from 6.18 to 7.30 p.m.

Clause as amended agreed to.

Clause 40—Industrial agreement may be declared a common rule:

The ATTORNEY GENERAL: Having altered Clause 35 so that an industrial agreement must be limited in its effect to a particular locality specified in the agreement, it was necessary to amend this clause in accordance with Clause 35. He moved an amendment—

That all the words after "the," in line 7 to the end of the clause, be struck out, and "locality specified in the agreement" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clause 77—Terms of award:

The ATTORNEY GENERAL moved an amendment—

That the following be added to paragraph (a) of Subclause 1:—"And every industrial union then represented on any such association."

This was to bring the clause into accord with the previous decision of the Committee.

Mr. MUNSIE: Would this make it compulsory for the court to specify every union affiliated with an association affected by an award?

The ATTORNEY GENERAL: Yes, if the association spoke on behalf of any union it was necessary to specify which union.

Amendment put and passed.

Mr. DOOLEY moved a further amendment—

That the word "industry" in paragraph (b) of Subclause 1 be struck out and "employers or employees" inserted in lieu.

There was difficulty in defining "industry." In the shop assistants' case this was one of the troubles, and the judge admitted he was not able to definitely state what its meaning really was. "Industry" had a very wide meaning. The question of its definition had cropped up again in connection with the hotel and restaurant employees, and the Bill before the Committee would create the same defect which the amendment would overcome. If the tram conductors secured an award, the court would have to say what industry it applied to, and if the court called it the "tramway industry" the words might include the drivers at the power house, the builders of the cars, or the men laying the tramway, yet these men might not be parties to the dispute.

The CHAIRMAN: In Committee the words "or industries" were inserted after "industry" in this paragraph.

Mr. DOOLEY: But difficulties had arisen in the Arbitration Court which necessitated moving the amendment.

The ATTORNEY GENERAL: The alteration to Clause 77 was in part only explanatory of the clause which had been passed earlier in the evening dealing with the metropolitan shop assistants and the warehousemen's employees industrial union of workers, or the vocations of all clerks or engine-drivers. There might be a question arising as to what an industry was when specified in an award. Would we specify a clerk's position as an industry; would we say that a car conductor's service was an industry? In order to avoid that possible difficulty it would be said in the clause, "In the award the employers and employees to which the award applied." There could be no harm in that; it avoided the contentious word "industry." In his opinion it was an improvement to the clause and he would

accept the amendment of the hon. member. The hon. member, however, might also move to delete the additional words "or industries" which were added when the Bill was previously in Committee. The paragraph had been amended to read, "The industry or industries to which the award applies."

The CHAIRMAN: That was pointed out to the hon. member a few minutes previously and it might be advisable for him, if he accepted the suggestion of the Attorney General, to alter his amendment.

Mr. DOOLEY: What the Chairman had explained had not been quite understood by him because the Bill was not before him in its amended form. If the Committee would permit him he would alter his amendment to read—

That the words "industry or industries" in paragraph (b) be struck out with a view of inserting other words.

Mr. GEORGE: Would the Attorney General explain whether an award given in the case of engineers employed in a particular industry would be applicable to the bulk of the engineers throughout the State?

The ATTORNEY GENERAL: All that the clause proposed to do, whether it was amended or not, was to direct that when the court framed its award it should be explicit, so, that there should be no dispute as to what party was bound by the award. It was also to state what the locality was that the award would have to operate in, and also the term the award had to run.

Mr. DOOLEY: For the information of the member for Murray-Wellington it might be stated that the clause would apply only to the parties before the court. By inserting the word "employees" in the place of "industry," it would mean that the award would be confined to those workers who were before the court.

Amendment (as altered) put and passed.

Mr. DOOLEY moved a further amendment—

That the words "employers and employees" be inserted.

Mr. UNDERWOOD: The clause would apply only to those who were before the court at the time the award was given. The Attorney General might explain what would become of the others who were engaged in the industry after the award was given.

The ATTORNEY GENERAL: The words "employers or employees" needed no definition. Provision was made elsewhere in the Bill for others to come into the award. The award would cover the whole State, unless it was otherwise limited.

Mr. UNDERWOOD: The clause set out that "the award shall specify each party on whom the award is binding, being in every case each industrial union, industrial association or employer, who is party to the proceedings, at the time when the award is made." Then there might come in others after the award was made, and it seemed that the clause did not provide for those.

Hon. Frank Wilson: If any other party is joined the award can be amended.

The ATTORNEY GENERAL: There was not much in the hon. member's contention; there might be a lack of clearness in the definition of employment and we might specify the class of employment to which the award applied.

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

Clause 84—Award to continue in force until the retirement of person bound:

The ATTORNEY GENERAL moved an amendment—

That the following be added to Subclause 2:—"Provided that no union which is bound by reason of being represented on any industrial association shall retire without the consent of such association."

This had already been made to apply to agreements, and it was desirable that it should apply to awards also.

Amendment passed; the clause as amended agreed to.

Bill again reported with further amendments.

BILLS (2)—RETURNED FROM LEGISLATIVE COUNCIL.

1. Methodist Church Property Trust.
2. Health Act Amendment.

With amendments.

RESOLUTION—PROPORTIONAL REPRESENTATION.

Council's Message.

Message received from the Legislative Council requesting the Assembly's concurrence in the following resolution:—"That in the opinion of this House the proportional representation on the Hare-Spence method should be adopted in the Parliamentary electoral system of this State."

BILL—PEARLING.

As to Message.

Order of the Day read for resumption, from the 29th August, of the consideration of the Bill in Committee.

The MINISTER FOR WORKS (Hon. W. D. Johnson): Before you leave the Chair, Mr. Speaker, for the purpose of the House going into Committee, I desire to ask your ruling. As stated when we were last dealing with this Bill, I propose to take up the amendment moved by the member for Roebourne to provide for the payment of a royalty in connection with this industry, and I desire your ruling as to whether it is necessary to have a Message from His Excellency recommending the amendment. My own opinion is that for the purposes of a royalty we do not require a Message, but I would like your ruling on the point.

Hon. FRANK WILSON (Sussex): It seems to me that the levying of a royalty upon pearlshell is in the nature of an impost or tax, and, therefore, that any legislation in that direction must necessarily be accompanied by a Message from His Excellency. Standing Order No. 236 of the Legislative Council reads as follows:—

> If any Bill received from the Legislative Assembly be a Bill for the appropriation for any part of the revenue or of any tax, rate, duty, or impost, the Council will not proceed with such Bill unless the Clerk of the Legislative Assembly shall have certified on the Bill that the purpose of such appropriation has been recommended to the Legislative Assembly by the Governor during the current session.

I do not know that that covers it after all; but still it appears to me that anything in the nature of an impost or tax must of necessity have the Governor's concurrence.

Mr. Underwood: The whole Bill is imposing taxes—licenses.

Hon. FRANK WILSON: Well, if so, we must have a Message. We always have had a Message with such Bills.

Mr. SPEAKER: I looked up this matter previously, desiring to be as well informed as possible respecting it. I know that the Chairman of Committees has given a ruling in regard to the imposition of royalties being moved by a private member, and his ruling was that it was not permissible for a private member to move for the imposition of any tax, such action being within the province of a Minister only. The Standing Order quoted by the leader of the Opposition does not apply to the matter now under consideration. That Standing Order states—

> If any Bill received from the Legislative Assembly be a Bill for the appropriation of any part of the revenue, or of any tax, rate, duty, or impost, the Council will not proceed with such Bill unless the Clerk of the Legislative Assembly shall have certified upon the Bill that the purpose of such appropriation had been recommended to the Legislative Assembly by the Governor during the current session.

That means an appropriation but not a tax. It has nothing whatever to do with the imposition of a tax. Therefore, following the rule laid down by *May* I have to rule that it is not necessary for a Minister to be supported by a Message from the Governor in this particular instance.

Hon. Frank Wilson: Is it unnecessary to have a Message from the Governor for the imposition of any tax?

Mr. SPEAKER: It is necessary in some cases, but not in this particular instance. The Chairman of Committees gave the same authority the other evening.

Mr. Monger: We are not dealing with the Chairman of Committees.

Mr. SPEAKER: Order! The hon. member is dealing with me at present. The ruling given by the Chairman on that occasion is the only possible ruling in the present instance. *May* points out—

> The principle that the sanction of the Crown must be given to every grant of money drawn from the public revenue, applies equally to the taxation levied to provide that revenue. No motion can therefore be made to impose a tax, save by the Minister of the Crown, unless such tax be in substitution, by way of equivalent, for taxation at that moment submitted to the consideration of Parliament; nor can the amount of the tax proposed on behalf of the Crown be augmented, nor any alteration made in the area of imposition. In like manner no increase can be considered by the House, except on the initiative of a Minister, acting on behalf of the Crown, either of an existing, or of a new or temporary tax for the service of the year; nor can a member other than a Minister move for the introduction of a Bill framed to effect a reduction of duties, which would incidentally effect the increase of an existing duty or the imposition of a new tax, although the aggregate amount of imposition would be diminished by the provisions of the Bill.

I think, therefore, that if I am to be guided by that authority, there is no necessity in this instance for the Minister to be supported by a Message from His Excellency.

Hon. FRANK WILSON: I am not going to dispute you ruling, Sir, but I listened carefully to the words you read from *May* and they conveyed to me the absolute necessity for His Excellency's Message. This certainly is a tax: we insist that certain individuals who are engaged in a certain industry shall pay to the revenue of the State so much per ton of the pearl shell they recover. That is a tax, an impost, and all taxation must be recommended first by a Message from His Excellency the Governor. I do not see how we can differentiate between this form of taxation and any other, and the words you have read out seemed to my mind to endorse that opinion. I know that every form of taxation introduced into this Parliament during the past ten or fifteen years has been accompanied by a Message from the Governor.

The Minister for Lands: No.

Hon. FRANK WILSON: I cannot distinguish between this form of taxation and the other which necessitates His Excelleney's recommendation.

The Premier: You made appropriations from revenue without a Message.

Hon. FRANK WILSON: This is not a question of appropriation.

The Premier: But you have done that without a Message.

Hon. FRANK WILSON: Two blacks do not make a white. If we made a mistake on that occasion, it does not follow that we should make a mistake on this. Here is a distinct tax to be imposed on a certain section of the community, and how can we get away from the practice of the Imperial Parliament which we are bound to follow in the absence of provision in our Standing Orders.

The Minister for Works: The licenses are already in existence.

Hon. FRANK WILSON: But this is a fresh tax.

The Minister for Works: I am not prepared to admit that it is a tax.

Mr. George: But where is the objection to getting a Message?

The Minister for Works: I have got a Message, but it is bad to establish precedents which are wrong.

Hon. FRANK WILSON: How is this different from other taxation?

The Minister for Works: A royalty is not a tax in my opinion.

Hon. FRANK WILSON: A distinction without a difference.

Mr. SPEAKER: I find that I cannot rule other than I have done, because the

fact that this royalty has been moved by a Minister of the Crown signifies that he is acting on behalf of the Crown.

Mr. Monger interjected.

Mr. SPEAKER: If the hon. member wishes to object to my ruling he must do so in the proper way.

Mr. Monger: I was only interjecting.

Mr. SPEAKER: The hon. member is not in order in interjecting while I am addressing the House. I cannot do otherwise than stand by the ruling I have already given.

Hon. FRANK WILSON: I bow to your ruling, Sir, but I do not think that because a Minister introduces the taxation we must of necessity take it for granted that the Crown has consented. A Minister may introduce other forms of taxation which necessitate a Message.

Mr. SPEAKER: Section 66 of the Constitution Act says—

> All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

Section 67 says—and these are the sections which guide this House in regard to financial Bills—

> It shall not be lawful for the Legislative Assembly to adopt or pass any Vote, Resolution or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty or impost, to any purpose which has not been first recommended to the Asssembly by Message of the Governor during the session in which such Vote, Resolution or Bill is proposed.

It will be seen that these sections deal with appropriations only, and I can find absolutely nothing to the contrary in support of the stand taken by the leader of the Opposition.

Hon. Frank Wilson: Am I to understand that no measure for the purpose of imposing taxation requires His Excellency's Message?

Mr. SPEAKER: I am not discussing any other measure. I can only discsuss that now under consideration. This matter has not arisen just now, for I have looked into it during the last week. I have taken a complete note of my reference book and after consulting all the authorities I find I have to take the stand I have already adopted. If other matters come forward, I shall take the same care and decide on them to the best of my judgment supported by the soundest authorities. In this case I have to rule that the Governor's Message is not necessary.

In Committee.

Mr. Holman in the Chair; the Minister for Works in charge of the Bill.

New Clause—Royalty payable by licensees:

The MINISTER FOR WORKS moved—

That the following be added to stand as Clause 23:—

23. (1.) Subject to the express provisions of this Act and to the rights of any exclusive licensee as set out in his license, all pearl shell within the limits of the territorial waters of Western Australia is hereby declared to be the property of His Majesty, and may not be gathered, collected, or removed within or from the limits aforesaid north of the Tropic of Capricorn, except subject to the payment of royalty as hereinafter provided. (2.) Before any ship or general license is issued, the proposed licensee shall enter into and execute a covenant with the Minister as representing His Majesty's Government, in the prescribed form, whereby he shall agree to pay on demand to the Minister for the time being or such person as he shall appoint to receive the money, for the use of His Majesty, a royalty at the rate of five pounds per ton of all pearl shell gathered, collected, or removed by such licensee within or from the limits aforesaid north of the Tropic of Capricorn during the continuance of the license. (3.) Before the end of the month of January in each year, every holder of a ship or general license shall make a return to an inspector in the prescribed form, verified by statutory declaration, showing a complete and correct account of all such pearl shell so gathered, collected, or re-

moved as aforesaid by him or on his behalf during the preceding calendar year. Penalty: Fifty pounds. (4.) All pearl shell liable to royalty collected, gathered, or removed during any calendar year by any licensee shall be permanently charged in favour of the Crown, with the payment of all royalty payable by such licensee for that year. (5.) An inspector may make any inquiries or searches which he thinks necessary for ascertaining what pearl shell, charged with payment of royalty, any person has collected, gathered, or removed, or has in his possession, and for that purpose may enter any place where any such shell may be or may reasonably be supposed to be. (6.) An inspector may seize any pearl shell charged with payment of royalty, and may keep possession thereof until the royalty is paid. (7.) Any pearl shell found in possession of any holder of a ship or general license shall be deemed to be shell liable to payment of royalty hereunder until the contrary be shown. (8.) The Minister for the time being may recover, on behalf of the Crown, any royalty payable hereunder, by action or proceeding brought in his name or style of office in the Supreme Court or in a local court or in a court of summary jurisdiction, and he may also in like manner apply for and obtain from any such court an order for the sale of any pearl shell charged with payment of royalty hereunder, and the proceeds of such sale shall be applied as the court directs. (9.) Local courts and courts of summary jurisdiction shall have jurisdiction to try and deal with actions and proceedings, and to make orders hereunder, whatever the amount of royalty claimed or involved may be. (10.) Any person who shall evade or attempt to evade payment of any royalty payable hereunder shall be guilty of an offence against this Act. Penalty: Fifty pounds. (11.) Nothing in this section shall apply to or in respect of a general license operative only south of the Tropic of Capricorn, or to the licensee thereunder, or to any pearl shell gathered, collected, or removed by virtue thereof.

With the exception of a few slight alterations in the wording and a reduction of the amount of the royalty from £10 to £5 the clause was as proposed by Mr. Gardiner. The Government intended to impose a royalty of £5 per ton on all shell collected beyond Shark Bay. The justification for excluding Shark Bay was that the shell won there was of very small value compared with that obtained on other portions of the coast.

Mr. Male: Is this a Government proposal now?

The MINISTER FOR WORKS: Yes. The proposal had been adopted by the Government because, after making close investigation, it was thought that the industry was capable of doing more for the State and that the Government were justified in asking for a greater contribution to the funds of the State than had been made in the past. The industry employed almost wholly Asiatic labour, and that labour was of little value compared with British labour. It might be urged that if a royalty were imposed on this industry, it should be made general and charged on minerals and products of the State, but the reply was that the gold, coal, tin mining, and other industries where white labour was employed resulted in a good deal of revenue to the State. The coal mining industry was subject to a royalty if the Government desired to impose it, but indirectly the State received considerable benefit from that industry. Under this Bill the State proposed to do more for the pearling industry, and at present we received little indirectly and nothing directly from the industry. What we got would be absorbed by what the State proposed to do for the industry. A low estimate of the value of pearls and pearl shell won north of Shark Bay last year was £300,000. When we realised th enormous return received and the very small amount contributed by way of licenses the Government felt justified in asking that the industry should contribute a little more to the necessities of the State. At Shark Bay between £8,000 and £9,000 was won annually by those operating the industry. The monthly financial returns showed that the Government were experi-

encing a difficulty, and previous Governments had experienced the same difficulty. At the end of the last financial year, a supposed credit balance was shown, but it was known and had been proved that that was only a paper balance, and that if the obligations which should have been met had been met, there would have been no credit balance. Up to date the Government had not been able to make ends meet. The Government had been handicapped, and, as had been admitted by political opponents, had experienced one of the worst years Western Australia had passed through, but apart from that previous Governments had been unable to make the finances balance, and when looking for means to overcome this difficulty we were justified in viewing the pearling industry as one capable of contributing more to the State. From the figures quoted and the responsibility which the State was shouldering for the industry, he was justified in asking that it should contribute this small sum and make it possible to do what was proposed under the Bill without calling on the State revenue to contribute towards the cost of those responsibilities.

Hon. FRANK WILSON: The Minister had at length let the cat out of the bag, and his reason for adopting the clause moved by another member was because of the state which the finances had got into during the Administration of the past fourteen months.

The Minister for Works: You had a fair run and made a nice mess of it.

Hon. FRANK WILSON: That was a point he disputed.

The Minister for Works: The figures are there.

Hon. FRANK WILSON: The figures he could also dispute.

The Minister for Works: You can dispute anything.

Hon. FRANK WILSON: The Minister's statements could be disputed as he was always making misstatements, and repeating misstatements. The Minister stated that no Government had been able to square the finances of the State, and that the surplus of last year was a fictitious one and should have been a debit balance. The Minister knew full well he was not stating a fact.

The Minister for Works: I am stating the truth absolutely.

Hon. FRANK WILSON: Not at all. The Minister knew that the system of accountancy had not been departed from for the last twenty years, but that exactly the same system that had brought balances to the credit on previous occasions since responsible Government had been adopted last year. Yet the Minister admitted the surpluses of previous Administrations, and disputed that of last year.

The CHAIRMAN: The question was the proposed new clause.

Hon. FRANK WILSON: Exactly, and the reason the Minister gave for placing a tax on the pearling industry. The Minister had made many misstatements, but the fact remained that during the six years in which he (Mr. Wilson) had presided over the Treasury, on only one occasion had a deficit been approached such as the Minister and his colleagues had run the State into during the last fourteen months.

The Minister for Works: Did you have such a bad year?

Hon. FRANK WILSON: Periods far worse in several respects were experienced during the six years. The Government had to face the position of receiving hundreds of thousands of pounds less revenue, £500,000 or £600,000 less than at present was received from the Federal Government, and yet the ledger had been squared. That was after the Minister and his friends had run the country to a standstill, and had been marking time and had declared that they could do nothing but mark time; the unemployed were filling the streets in every city throughout the State, and his Government had to take office and adjust the finances, and they had done it. Hon. members were jealous of what the other party were able to do during much worse times, and they wanted to decry the results, but the figures were indisputable and certified to by the Auditor General, that the accumulated deficit, which was partly a legacy to the Liberal Government, had been wiped out, and

the revenue of the country adjusted to cover the expenditure.

Mr. Heitmann: Was that the time you tried to increase the school fees?

Hon. FRANK WILSON: The hon. member had no reason to talk of that; the school fees suggested at that time amounted to the enormous sum of £2,000 or £3,000 per annum.

Mr. Heitmann: You also stopped the increments to the school teachers.

Hon. FRANK WILSON: At that time increments to everyone were stopped.

Mr. Turvey: Only those of the lower paid men.

Hon. FRANK WILSON: The school teachers had to suffer with the rest. The present party in power gained their position by promising increases to civil servants and must have done it on borrowed money. They had not floated a loan in order to take the money to increase salaries; but they had created a huge deficit of nearly £300,000 in 12 months, which would have to be covered by loan appropriation if it went on. With regard to the suggestion the Minister for Works was so eager to grab at on account of the enormous deficit of last month, the hon. member claimed it was fair to get some revenue out of the pearling industry because of the parlous condition of the finances.

The Minister for Works: I did nothing of the sort.

Hon. FRANK WILSON: That was to be inferred from the hon. member's speech. Few members knew much about this industry, but it was proved by the figures to be of considerable importance to Western Australia. The people engaged in the industry were doing a trade of over £300,000 per annum, and they contributed directly through the Customs £20,000 per annum, to say nothing of the Customs revenue collected on goods sent up from the southern ports. Surely in the face of this we should be careful how we put a burden on an industry that was of so great moment to us and how we handicapped it as compared with a similar industry in another portion of the Commonwealth. The hon. member argued that the industry employed Asiatic labour, which did not return as much to the State as white labour, but pearling in the north of Queensland was carried on under exactly the same conditions.

Mr. Green: Two wrongs do not make a right.

Hon. FRANK WILSON: But was it right to place on our industry a burden because it happened to be carried on by Asiatic labour, when the industry in Queensland was carried on in the same way? The hon. member argued that our gold mines and our coal mines paid a royalty. The gold mines paid no royalty; they paid a rental on their acreage.

Mr. Green: And dividend duty.

Hon. FRANK WILSON: Every company paid dividend duty, or the individual paid income tax.

The Minister for Works: Did you ever collect any dividend tax from the pearlers?

Hon. FRANK WILSON: It would be surprising to learn that a company carrying on pearling escaped paying dividend duty. The tax must be paid by those engaged in the industry either in the shape of dividend duty or income tax. But gold mining did not bear any comparison with pearling, because gold had its absolute value and it was only a question of paying something out of the proceeds. The fortunate people who got sufficient made a handsome profit and paid duty; those that did not get sufficient made a loss. It would not be a hardship on gold miners making a handsome profit to put on a royalty, but it would be imposing a hardship putting a royalty on pearlshell which had to compete in the world's markets with pearlshell won without royalty in the neighbouring State of Queensland. Why should we handicap our people engaged in the pearling industry in their competition with the Queensland pearlers?

Mr. Gardiner: Is not our pearlshell superior?

Hon. FRANK WILSON: There was no evidence of that. Many big firms had gone out of the industry; as a matter of fact the member for Kimberley claimed that the Queensland pearlshell brought a

better price. Even if our shell fetched the same price, was it just to put a royalty on our industry, which competed in the Home markets with the Queensland industry? We might just as soon put an export tax or an excessive royalty on our timber which had to compete in the markets of the world. It was in our power to hinder people from making a success, but it was not in the interests of the State to do it. After all, the royalty, if imposed, would not bring in £5,000 towards the deficit the Minister was so much afraid of.

Hon. W. C. Angwin (Honorary Minister): Then it would not affect them very much.

Hon. FRANK WILSON: A tax that would bring in a very small amount of revenue if put on the hon. member would make him cry out. We had no right to impose class taxation, or to single out one industry which had to compete with the open world and put a tax on it unless every other producer in the State was equally taxed. Did the people in the North bear less taxation than the people in the South-West living in better circumstances? If so, we might consider the proposition as being somewhat on equitable grounds, but when they were liable to the same taxation as the people in the South-West we were not justified in imposing this paltry £5 a ton royalty, which the Minister suggested.

Mr. Gardiner: I would make it £20.

Hon. FRANK WILSON: Then why not close down the industry at once by making it £100?

Mr. Gardiner: It would not do much harm.

Hon. FRANK WILSON: The hon. member might be voicing a popular opinion in saying "Exterminate this pearling industry because it employs Asiatics"; but hon. members in their rabid pronouncement of hatred against any but their own kind should, at any rate, draw the line when their action would injure white workers who were just as much entitled to live as they themselves. To suggest a tax of £20 was to suggest closing down the industry. We should not do an unfair thing by putting a tax on the people carving out their destinies in the North-West under great disabilities, and who were already threatened with the stoppage of their industry in 1913, and who suffered the loss of a great number of vessels through willy-willies and cyclones. And we should not impose another burden upon an industry which might be wiped out in a few years. At any rate it ought to be the bounden duty of every member to endeavour to preserve it in the interests of the State. There was no wish to quarrel with any member who desired to convert it into a white man's industry, if that could be done. Let them encourage white divers, and if the industry could be carried on by white people, well and good, but they should be sure that they could get white divers and crews before they abolished the Asiatics, and certainly before imposing a tax such as that proposed.

Mr. McDonald: White divers are employed in the Mediterranean.

Hon. FRANK WILSON: That was quite true, but under different circumstances. The Admiralty at home employed white divers, and they went down to a great depth on some occasions, but the bulk of the work was done in shallow water. The hon. member wanted to bring out Greeks to do this work, and they were people who were as strongly condemned by members of his own party as Malays and Japanese who were engaged to-day. Personally he did not think there was much to choose between them, and we should certainly use the labour which was available rather than exterminate the industry. If such a tax had been suggested by the Opposition in connection with any other industry the members of the Opposition would have been called to account by members opposite, but because the pearling industry happened to be a long distance away it was thought that the tax would not be a burden.

Mr. McDonald: That was not the reason.

Hon. FRANK WILSON: That was the reason. It was because hon. members did not realise the nature of the industry. They had been taught by clap-trap pronouncements that this industry should

not be allowed to exist, that Broome was a den of iniquity and ought to be burned down. He (Mr. Wilson) had not seen anything objectionable there.

Mr. Underwood: You appreciate that kind of thing.

Hon. FRANK WILSON: What he appreciated was the fact that the State got some return out of the industry. Perhaps the hon. member would wipe it out of existence because there were some Asiatics employed in it. The desire of all should be to see the industry expand, and he would not be a party to closing it down.

Mr. Gardiner: You would have Asiatics in all industries.

Hon. FRANK WILSON: The hon. member was not justified in making that statement.

Mr. Gardiner: You are upholding that principle now.

Hon. FRANK WILSON: No, these men were working outside territorial waters. There was no analogy in admitting Asiatics holus bolus, and employing them on the pearling luggers at sea, and the hon. member had no right to put any such suggestion into his mouth. He had never advocated the admission of Chinese or Japanese into Western Australia in numbers.

Mr. Gardiner: You are doing that now.

Hon. FRANK WILSON: Nothing of the sort. We should allow the industry to go on as in the past. It had been founded on this class of labour, and we should not interfere with it. What he was now objecting to was the additional burden that the Minister for Works at the instigation of the hon. member for Gascoyne intended to impose on the industry when he knew full well that it had to compete with a similar industry which was carried on in the northern waters of the neighbouring State of Queensland. Why should we tax our pearlers and put them at a discount with those in the neighbouring State?

Mr. UNDERWOOD: Personally he was not strongly in favour of this proposed royalty.

Hon. Frank Wilson: But you will not vote against it.

Mr. UNDERWOOD: He was game to lay a shade of odds.

Hon. Frank Wilson: I will bet you two to one.

Mr. UNDERWOOD: The matter was looked at by him from a point of view entirely different from that of the leader of the Opposition. That hon. member had scarcely ever been heard to use a greater number of fallacies. There was no desire on his part to deal with the financial question. The leader of the Opposition had said that the Minister for Works had made many false statements in speaking of the deficit, and if the leader of the Opposition did not think there was a deficit he was entitled to his opinion. In reference to the question before the Committee the hon. member gave as one reason against it the fact that there was no similar tax in the Eastern States. That was certainly a new argument. Western Australia had many taxes which did not exist in the Eastern States, and the Eastern States had many taxes which were not in force in this State. For instance, we had a dividend tax, which did not apply in every State.

Hon. Frank Wilson: But they have higher income taxes which are equivalent to it.

Mr. UNDERWOOD: That was quite possible. It was quite possible also that we would put a royalty on gold. There was another point which was worth bearing in mind, and it was that the shell was more easily obtained in Western Australian than in Queensland waters, and, therefore, those following the occupation of pearlers in this country were making higher profits than the pearlers of Queensland, and they should, therefore, pay something towards the country which provided them with shell which was easy to obtain. To return to the argument of the leader of the Opposition. The hon. gentleman stated that it was a paltry tax, and that it would produce only £5,000. It was only a couple of years ago since the same hon. gentleman, when Treasurer, proposed to tax lolly shops, tobacco shops, amusements, and almost every child was to be taxed, and yet he classed this as a paltry little tax. The

question was also asked whether the people in the north were not paying the same tax as those in the south, and if they were we should not tax them separately. Yet at the last election the leader of the Opposition proposed a stock tax on the very north that he now spoke about. He spoke also about the people taking on the burden of opening up this country. Those on the coast who were employing Asiatics, however, were not allowed to go inland, and were doing very little towards opening up the country, but those who were inland with their stock and took big risks with niggers and incurred other dangers were opening up the country. These were the people the hon. member wished to specially tax.

Hon. Frank Wilson: There is far more danger at sea.

Mr. UNDERWOOD: Yes, but the hon. member wanted to impose a stock tax.

Hon. Frank Wilson: We were getting freezing works for that.

Mr. UNDERWOOD: We were giving the pearlers certain rights and privileges for the tax it was proposed to put on them. The hon. member said that if the tax was imposed retribution would follow. In the hon. member's case, however, it followed after he suggested the imposition of a stock tax. Having dealt with the matter from the point of view of the leader of the Opposition, there was another that had to be considered, and that was the difficulty in regard to collecting the tax, and that would be his reason for not supporting it. The Government would find it difficult to prove what were territorial waters. If we could put an export duty on shell he would not have the slightest hesitation in supporting it. We should also bear in mind that the Federal Government had the power to impose an export duty.

Mr. McDonald: They do not exercise it.

Mr. UNDERWOOD: It was certainly time they did exercise it. There was no desire on his part to injure the industry; on the contrary it should be assisted in every possible way, if carried on with white labour. If it was carried on with black labour it could be shut down, and the sooner it was shut down the better. At the same time, if it could be carried on with white labour we should give it every possible assistance. It would be advisable to impose an export duty on shell raised by black labour, and a rebate possibly added to by a bonus on shell raised by white labour. That would be a fair test as to whether or not the industry could be carried on with white labour. The Asiatics would have to go away from our coast. The Federal Government had power to deal with this question by way of bonuses, and by way of export duties and, moreover, the Federal Government had a majority in both Houses. The Federal Government had side-stepped this question long enough, and it was fairly up to them to come forward and deal with it.

Mr. MALE: On the second reading he had congratulated the Minister in the belief that besides being a consolidating measure the Bill represented merely an attempt to obtain a little more direct revenue from the industry by an increase of the licensing fees. He now regretted to find that the Minister was allowing private members to take the Bill out of his hands and make use of it to raise the questions of white versus coloured labour, and of a royalty. It was bad form and most undignified on the part of the Government that either of these questions should have been raised just now.

Mr. Gardiner: Would you deprive a private member of the right of moving an amendment?

Mr. MALE: No, but all were aware that the Federal Government had appointed a Royal Commission to inquire into the industry and its ability to utilise white labour. We could easily have waited until the Royal Commission had finished its task. The action of the State Government in taking up these questions disclosed a want of confidence in both the Federal Government and in the Royal Commission to cope with this question. We had already agreed to an increase in the licensing fees from £1 to £5, and an amendment had been accepted making it compulsory to carry one white man in each boat, which, of course, represented

an additional expense. It seemed to him the policy of the State Government was to attempt to tax the industry out of existence; nor did he think the Federal Government had shown the keenness which they might have been expected to display in assisting the industry. In January last the Minister for External Affairs had issued a regulation to the effect that permits for Asiatic labour would cease after the 1st of January, 1913, except in the case of luggers on which the diver and the tender were white men. This regulation had entailed considerable expense upon the pearlers, and more especially upon those of them who had undertaken the cost of obtaining white divers and tenders from England. After the issue of that regulation the pearlers had met together and drawn up a scheme for the establishment of a training school for white divers and tenders. Had it been put into force this scheme would have entailed an expenditure of something like £3,300 per annum, part of which cost the pearlers had asked the Federal Government to pay. The scheme contemplated the establishment of a training station of five luggers and a schooner, which were to have been placed under the management of a person competent to instruct in the trade or profession of diving. But before any practical steps could be taken it was necessary to submit the scheme for the approval of the Minister for External Affairs. This was done in a letter dated 18th May, 1911, in which the Minister was also asked to appoint an officer whose duty it would be to make periodical inspections of the station with a view to noting the value of the work being done. For some time no reply was vouchsafed to this letter, the excuse being that the late Mr. Batchelor, the then Minister for External Affairs, was in England for the Coronation. Unfortunately, shortly after his return to the Commonwealth Mr. Batchelor had died, which meant a further delay. If the scheme was to have been inaugurated at all it was necessary that the men should be engaged and brought out to start operations at the beginning of the present season. Repeated applications for a reply to the letter of the 18th May, 1911, met with no response until finally a reply had come from the Prime Minister, Mr. Fisher, stating that in view of a motion before the Federal House for the appointment of a Royal Commission to inquire into the subject of pearling the training station scheme could not be considered just then. The pearlers could not wait any longer, for under the regulation no coloured divers would be introduced after January, 1913. The Federal Government would do nothing to assist the pearlers in their scheme, and so the pearlers had to consider some alternative. Thereupon a number of them had decided to send to England and engage men for themselves. Before they could do even this it was necessary to obtain the consent of the Minister for External Affairs. In securing this they had had the assistance of the State Premier, who, consequently, was well aware of the difficulty and delay which had been met with in the process. The white divers had been brought out at the beginning of this year and, owing to the small average of shell being fished by them, it was probable that their engagement would represent a considerable loss on this year's workings to the individual pearlers concerned. In the course of his remarks a few evenings ago the Premier had declared he was not satisfied that the white divers were being given a fair deal by the pearlers.

Mr. Gardiner: I am satisfied that they are not.

Mr. MALE: On that occasion it had been gratifying to hear the member for Cue combat the Premier's statement and point out that Mr. Pigott, an ex-member of Parliament and a fair-minded resident of Broome, had done everything he could to give his white diver a fair chance. On behalf of those pearlers who had engaged white divers he (Mr. Male) could assure the Premier that the men had been given every assistance by the pearlers. Was it feasible that a pearler would go to the extent of engaging a man at a high salary, give him charge of a lugger, and then neglect to afford him every assistance in obtaining shell? Was an owner going to risk not only the salary and other expenses to which he had committed himself,

but also the loss of a full season's work? That loss, be it remembered, was an individual loss, and not one levied on the association. What had either the Federal or State Governments done to show their appreciation of the work of the white men who had been brought out? Although the names of the owners and also of the white divers and tenders employed had been supplied to the Government, nothing further than a formal acknowledgment had been received from them. Had they through their local officers at Broome sought information as to the treatment meted out to white men or ascertained that they were being given a fair trial? The Government might well have appointed an inspector or some reliable person to inquire and report from time to time as to the results. These were all taxes on the pearlers, yet the Government, by imposing a royalty, would add to the burden of those men who had been trying to carry out a policy which the Government insisted upon. It was indeed a noble way of peopling the North and encouraging people to go there and settle.

Mr. Gardiner: The pearlers have done a lot to people the North.

Mr. MALE: They have done more than the squatters and in Broome they have built up the finest town on the North-West coast. When speaking on the second reading he had shown that for a period of 21 years the average net price realised for shell in London was about £133 10s., and the cost of producing shell at the present time was about £150.

Mr. McDonald: Then they have been carrying it on at a loss of £18 per ton for several years.

Mr. O'Loghlen: Save them from themselves.

Mr. MALE: The industry had been carried on at a loss for a certain number of years, but it had not always cost £150 per ton to raise the shell. It was gratifying to hear the member for Pilbara refer to the legal aspect of this question. It was questionable whether the State had power to levy a royalty, although the Commonwealth might well have that power.

Mr. Gardiner: The Minister has evidently made inquiry.

Mr. MALE: The Parliament of the Commonwealth had power to make laws with respect to fisheries in Australian waters beyond the territorial limits. The Commonwealth Parliament was authorised to make any law affecting British subjects owning or employed on British or Australian ships whilst engaged in the pearling industry outside the three-mile limit, but that power was confined to the Federal Parliament. During the discussion on that point in the Commonwealth Parliament, Sir Edmund Barton, one of the present High Court Judges, said that beyond the territorial limits the ocean was the highway of nations, and no country could claim to exercise exclusive jurisdiction over the high seas; it was not conceivable that any law affecting the fisheries outside the territorial limit would be legally operative, and the Imperial Parliament could not grant the Commonwealth a power which, according to the law of nations, it did not possess. When it was realised that the bulk of the shell was fished outside the three-mile limit, how was a distinction to be made between the shell fished inside and that fished outside? Any law that applied to the shell fished outside must be a Federal law and made to apply to Thursday Island, Port Darwin, and other fishing centres. It was showing a decided lack of confidence in the Federal Government and the Royal Commission appointed by that body that this Parliament should be discussing these points at the present time, and he maintained that on the figures and facts he had produced it was quite impossible for the industry to be saddled with this royalty. Great stress had been laid on the fact that the pearlers contributed very little to the revenue, but he would again emphasise the point that £20,000 in hard cash was paid over the customs counter in Broome every year, and something like that amount had been paid for the last twenty years. That did not include the duty paid on goods which were already duty paid in the Eastern States and Fremantle before being forwarded to Broome.

Mr. McDonald: Most of the stuff going to Broome is from Singapore.

Mr. MALE: Considerably more was brought from England than from Singapore, and there was a considerable amount paid in duty on goods brought from the Eastern States and Fremantle, which was not represented in that £20,000.

Mr. McDonald: The amount is very small.

Mr. MALE: The amount was big. In customs duties alone Broome came about third amongst West Australian ports, and yet hon. members would wipe that out in one act and abolish the fourth best industry in the State. Hon. members might as well put a royalty on timber and an export duty on wheat. The whole of the benefits from the pearling industry were derived by the State; even the wages of the men were not taken away, and the State must get the benefit of that sum.

Mr. Gardiner: We want to people the North.

Mr. MALE: Hon. members were driving people out of the North. They were taxing the industry in such a way that they were wiping out the possibility of making it white. When the pearlers put a scheme before the Federal Government they received no assistance to carry it out, and apparently the same indifference was felt by the present Government. The Government did not even offer to restrict the royalty to shell raised by coloured labour. Their actions simply meant that the industry must have a guillotine hanging over it and liable to fall at any moment and terminate its existence. The capital value of Broome represented probably half a million, but all that might be sent to the dogs for all hon. members cared. Their attitude was unfair, unjust, and unstatesmanlike. He protested against any impost which would cripple the industry and would not allow the pearlers to carry out the policy which the Government said they wanted carried out.

Mr. MONGER: Apparently the desire of the Government was to impose a royalty or an export duty, but one hardly knew what was the difference between the two, except that the State Government would receive the royalty and the export duty would be given to the Commonwealth. He well remembered how, in 1895, when the repeal of the export duty on pearl shell was passed by the then Legislative Assembly, the pearlers expressed their thanks to the Government for relieving them of that impost of £4 10s. a ton. He would quote from the remarks made on 1st July, 1895, by the then Premier, Sir John Forrest, when moving the second reading of the Export Duties Repeal Bill—

> In regard to the pearl shell industry, it is not flourishing as it used to do and those engaged in it have great expense to bear, while, I am sorry to say, their industry is not so flourishing as we would like to see it. The least we can do in these circumstances is to remove this burden. There is no reason why we should charge a duty on pearl shell any more than that we should charge a duty on gold. Both are exhaustible products.

The Government had said they were going to cheapen this and that, and they were promising various things.

The Minister for Works: And carrying out the promises.

Mr. MONGER: Where in the past repeals were made they were now trying to restore the duties. The Export Duties Repeal Bill was passed by an overwhelming majority, and a better set of men than those now on the Government side. If the Government desired to impose a tax on exports, they should bring in a measure in a legitimate and manly way and not under this guise. To show the Government's attitude towards coloured labour, he would quote the following from the *Southern Cross Times*—

> For years Mr. W. Martin had a contract to supply the Ghooli pumping station with firewood. He is an Australian——

The CHAIRMAN: Would the hon. member explain what that had to do with the new clause?

Mr. MONGER: That was where he came in. He was referring to the royalty which was proposed, he understood, owing to Asiatics being employed in a certain industry.

The CHAIRMAN: The amendment referred in no way to Asiatics. It was for a royalty payable by everyone engaged in the industry.

Mr. MONGER: But the principal reason, he understood, was that Asiatics were employed, and he wanted to show how consistent the Government were. Might he proceed to quote the extract?

The CHAIRMAN: No. The question of the price of firewood at Ghooli had nothing to do with the new clause.

Mr. MONGER: A gentleman who represented a northern constituency, speaking on the Export Duties Repeal Bill in 1895, said—

> There will be no objection to the repeal of these duties. Unfortunately the price has fallen so much now in both pearl shell and sandalwood that it hardly pays those engaged in these industries to prosecute them; and considering our large surplus revenue I think the time has come when export duties should be taken off these commodities. In the old days I have paid some hundreds of pounds for export duty on pearl shell; but the industry was carried on with little expense at that time and large profits were made. The colony was then much in need of revenue and I believe, if it had not been for the pearling industry in the North, the southern part of the colony would have been in very straitened circumstances.

Those were the words 17 years ago of a man who did more for the development and advancement of Western Australia than the whole of those on the Government side had done. If this was the kind of thing we were to be inflicted with during the rest of the reign of the present Government, our legislation would be very peculiar indeed.

Mr. GARDINER: It was to be regretted the Minister would not adhere to an amendment he (Mr. Gardiner) had given notice of for a royalty of £10, which the industry was quite able to pay without any hardship being inflicted on those engaged in it. According to the member for Kimberley the average price of pearlshell for the last 17 years was £133 a ton, and the present cost of getting it £150 a ton. But if the pearlers were making a loss they would not be in the industry. As a matter of fact their profit worked out at £60 per ton, and £10 a ton would be a small amount to charge when the present return to the State was only £400 per annum in direct revenue. The imposition of a royalty would not prevent the working of the industry, but even if it did, it might be a blessing in disguise. The ostensible purpose of the Australian navy was to defend Australia against what might be an invasion of our shores, the most vulnerable of which were on the northern coast; and the people we had to fear most were the Asiatics, whom we allowed to come in as coolies. Though we had a certain amount of the scum of Asia working in the North, at the same time there were some of Japan's most brilliant sons working there. The object of the amendment was not to close the industry, but to provide sufficient revenue to permit the Government to cultivate shell and foster the industry in many ways the Minister had in view. From practical knowledge it was known that the shallower banks were becoming depleted and steps were necessary to resuscitate the industry for the day when white men would be operating it. To impose a royalty was nothing new. Mr. Foss, the resident magistrate at Carnarvon, when appointed a Royal Commissioner to inquire into the pearling industry of Shark Bay recommended a royalty of £1, which was subsequently imposed on the shell fished at Shark Bay when the price was £15 a ton, as compared with the present price of something like £290 per ton the pearlshell was realising.

Mr. Male: The two things are quite distinct. This royalty does not apply to Shark Bay.

Mr. GARDINER: That royalty was later on repealed owing to a fall in the price. We imposed a royalty on coal mining.

Mr. Male: It is not operative.

The Premier: It is not imposed at present; it is doubtful whether it is legal.

Mr. GARDINER: The white men imported to undertake diving were unfitted for the work, as the conditions to which

they were accustomed did not fit them for pearl diving in Western Australia. A white diver, not a British diver, but a European, obtained employment, but during the two and a half months he was engaged had only one opportunity of diving, and as he went down 25 fathoms, a greater depth than the Asiatics reached, and got a sufficient amount of shell, the coloured divers threatened to go on strike if he went down again. There would be no good results while the white and coloured divers had to work together. It was necessary to develop the vast territory in the North-West, but this would not be done while we allowed coloured labour to work the pearling industry. The white men would make a success of diving, but the pearlers would not have white divers, and resorted to all sorts of methods to keep them out of the industry. We should realise the necessity for reaping some greater revenue from the industry. A royalty of £5 a ton would be a drop in the ocean, as proved by the figures taken from the official statistics, which showed they were more likely to be correct, while the figures of the member for Kimberley were taken from private returns.

New clause put and a division taken with the following result:—

Ayes	22
Noes	14
Majority for ..	8

AYES.

Mr. Allen	Mr. Lewis
Mr. Bath	Mr. McDonald
Mr. Collier	Mr. McDowall
Mr. Dooley	Mr. Munsie
Mr. Foley	Mr. O'Loghlen
Mr. Gardiner	Mr. Scaddan
Mr. Gill	Mr. Taylor
Mr. Green	Mr. Thomas
Mr. Johnson	Mr. Turvey
Mr. Johnston	Mr. A. A. Wilson
Mr. Lander	Mr. B. J. Stubbs (*Teller*).

NOES.

Mr. Allen	Mr. Monger
Mr. Broun	Mr. A. E. Piesse
Mr. George	Mr. Swan
Mr. Heitmann	Mr. Underwood
Mr. Hudson	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Mitchell	Mr. Layman (*Teller*).

New clause thus passed.

New clause: Power to grant ship licenses to aliens and Asiatics in certain cases:

The MINISTER FOR WORKS moved—

That the following be added to stand as Clause 24:—"(1.) Notwithstanding anything hereinbefore contained, a ship license may be granted, transferred or renewed to or in favour of any alien or Asiatic who, at the commencement of this Act, is the holder of a license under 'The Pearl Shell Fishery Act, 1886,' and any holder of a license under this section may lawfully acquire and have the profits of pearling operations carried on by virtue thereof; but the grant, renewal or transfer of licenses hereunder shall be subject to the following conditions:—(a.) That the number of ships in respect of which such alien or Asiatic is licensed shall at no time exceed the number in respect of which he was licensed at the commencement of this Act; (b.) That any such Asiatic shall satisfy the licensing officer that (except as hereinafter provided) no Asiatic, other than himself, has any interest in any ship to be licensed; and (c.) That (subject as hereinafter provided) if during the currency of the license any Asiatic, other than the licensee, shall have or acquire an interest in such ship, or shall be or become entitled to any property or share in the profits of any pearling operations carried on by virtue of the license, then the license may be forfeited on the order of any Justice of the Peace made on the application of any inspector, and shall thereupon become void. Provided that any Asiatic licensee who, at the commencement of this Act, was in partnership with any other Asiatic in respect of any pearling operations carried on under any license issued under 'The Pearl Shell Fishery Act, 1886,' may continue the partnership after the commencement of this Act as regards pearling operations carried on under a ship license, and may also be or become co-owner with such partner in any ship used in any such pearling operations

for the purposes of such partnership. (2.) Any of the provisions in Part III. of this Act or the fifth schedule to this Act which would not otherwise apply to non-British ships, or the owners, masters, or crews thereof, may, by proclamation, be made applicable within the jurisdiction of the State to any ships licensed under this section and to the masters, owners, or crews thereof, and such provisions shall then apply accordingly to the same extent as they would be applicable if the ships were owned by British subjects only or were registered as British ships."

Briefly, the object of the clause was that the licenses issued to Asiatics would continue to exist, but those licenses would be limited to exactly the same number of ships which held them to-day, and no Asiatic could become a partner in an existing license unless he was a partner to-day. In other words the licenses as existing and held by Asiatics to-day would be permitted to continue. The second part of the new clause simply applied the Merchant and Shipping Act to the boats operated by Asiatics. The Bill would not permit of the extension of licenses to Asiatics, but these would automatically die out. The amendment had been prepared at the request of the member for Broome, and he assured the hon. member that although it was rather long it had been drafted as requested by him.

The CHAIRMAN: There were other members in the Assembly besides the member for Broome, and it was always advisable to place amendments of that description on the Notice Paper, not only so that members might have the opportunity of studying them, but when they were printed they assisted the Clerks of the Assembly and the Chairman of Committees in their duties.

The MINISTER FOR WORKS: In the ordinary course of events he would not ask hon. members to pass such a long new clause. The member for Kimberley requested that it should be framed and the clause was drafted on the representations he made. It had only just recently been prepared and there had not been any time to place it on the Notice Paper.

Mr. MALE: On the assurance of the Minister ofr Works that the clause was drafted according to his (Mr. Male's) wishes, he would be quite willing to let it go. It might have been pointed out previously, although he did not think it would make any difference to the new clause, that he believed all the vessels owned by these men were British ships and that the Asiatics were naturalised British subjects. A number of these boats had changed hands and that could only have been done by the vessels being registered and the men being naturalised.

New clause put and passed.

Schedules 1, 2—agreed to.

Schedule 3:

The MINISTER FOR WORKS moved an amendment—

That in line 3 "ten shillings" be struck out and "one pound" inserted in lieu.

This referred to the fee for an exclusive license. It was one pound at the present time and the ten shillings which appeared in the schedule was an error.

Amendment passed; the schedule as amended agreed to.

Schedules 4, 5, 6—agreed to.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the MINISTER FOR WORKS Bill recommitted for the further consideration of Clauses 11, 26, 77, 89, 91, and 103.

Mr. Holman in the Chair; the Minister for Works in charge of the Bill.

Clause 11—No licenses to divers to be granted to aliens or Asiatics:

The MINISTER FOR WORKS moved an amendment—

That in line 1 after "divers'" the words "or pearl dealers'" be added.

He proposed to move a subsequent amendment, the object of which would be, while preventing an Asiatic from holding any license other than a diver's license, to allow an unnaturalised British subject to hold a pearl dealer's license. It would be to the detriment of the industry if competition in pearl buying were reduced or removed.

Mr. GARDINER: Would this amendment allow Asiatics to hold pearl dealers' licenses?

The Minister for Works: No, I have another amendment which will fix it.

Mr. MONGER: It was a late hour at which to consider all these new amendments. He moved—

That progress be reported.

Motion put and negatived.

Amendment put and passed.

The MINISTER FOR WORKS moved a further amendment—

That the words "And no pearl dealer's license shall be granted to or in favour of, an Asiatic" be added at the end of the clause.

Mr. GEORGE: Will you not be infringing on the Commonwealth's rights? They will want a say in this.

The Minister for Works: That is their business.

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

Clause 26—Application for licenses:

The MINISTER FOR WORKS moved an amendment—

That in line 8 after "operations" the words "or that the license may be lawfully issued to the applicant pursuant to Section 24" be inserted.

This amendment was consequential on Clause 24 as agreed to to-night.

Mr. McDonald: May the licenses be renewed to the Asiatics?

The MINISTER FOR WORKS: Yes, the object of the amendment was to permit Asiatics who held licenses to-day to obtain a renewal of those licenses; but no new licenses would be issued to Asiatics. There were, he thought, four of these licenses in existence.

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

Clause 77—Mode of entering into the agreement:

The MINISTER FOR WORKS moved an amendment—

That at the end of Subclause 4 the following words be added:—"Notwithstanding anything contained in Section 28 of that Act."

Section 28 said that the Masters and Servants Act should not apply to any aborigine, or to a seaman or an apprentice to the sea service.

Amendment passed.

On motion by the MINISTER FOR WORKS, clause further amended by striking out Subclause 5 as inserted by the Committee, and inserting the following in lieu:—"A superintendent means any officer or person who shall be authorised by the Governor to discharge the duties of a superintendent under this Act."

Clause as amended put and passed.

Clause 89—Settlement of wages:

The MINISTER FOR WORKS moved an amendment—

That at the end of paragraph (a.) the following words be added:—"And the owner of the ship or his agent shall give the pearl fisher a certificate of discharge in the prescribed form."

No provision had been made in the Bill for the giving of a discharge at the conclusion of a contract between the ship owner and the pearl fisher.

Mr. MALE: The amendment seemed to be wrongly worded, because whenever a man was paid off his official discharge was issued and signed by the shipping master and not by the owner.

The MINISTER FOR WORKS: The final settlement is made before the superintendent, and this being the completion of the contract the ship owner gives his man a discharge.

Mr. MALE: The ship owner was not the shipping master, who in the Bill was designated the superintendent. It was the shipping master who issued the discharge and he collected 2s. for it.

The MINISTER FOR WORKS: The contract was between the owner and the pearl fisher. The Bill sought to provide a guarantee to the fisher that a settlement should take place before the superintendent, who would see that it was fair. The seaman got his discharge from the man with whom he had contracted. The captain gave the discharge.

Mr. MALE: The captain took his articles to the shipping office where they were filled up, showing the period, cap-

acity and wages for which the seaman had been engaged. The master filled up the dates, and the amount the man was to receive. The articles and the money were handed in and the man was asked if they were correct, and that being so the owner the seaman and the shipping master signed. Then the shipping master gave the man his discharge on a form. The owner gave no discharge, but simply wrote the man off the shipping articles.

The MINISTER FOR WORKS: As the information he had given had been supplied him and he did not desire to make a mistake, he asked leave to withdraw the amendment, and if it were found necessary it could be inserted in another place. He thought provision for a discharge must be made in the Bill.

Mr. MALE: The only reason he had drawn attention to the point was that it should be put straight.

Amendment by leave withdrawn.

Clause put and passed.

Clause 91—Construction of provisions in fifth schedule:

The MINISTER FOR WORKS moved an amendment—

That the words in line 3 "this Section" be struck out and the words "Section 91 (except as in this Act otherwise provided") be inserted in lieu.

This was simply to correct a mistake.

Amendment passed; the clause as amended agreed to.

Bill again reported with further amendments.

House adjourned at 11.2 p.m.

Legislative Council,

Wednesday, 4th September, 1912.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual report of the trustees of the Public Library, Museum, and Art Gallery, 1911-12. 2, Industrial Conciliation and Arbitration Act, 1902—Return showing the number of members in each industrial union.

BILL—PROPORTIONAL REPRESENTATION.

Introduced by Hon. J. E. Dodd (Honorary Minister) and read a first time.

BILL—GAME.

Read a third time and transmitted to the Legislative Assembly.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Report, after recommittal, adopted.

BILL—TRAMWAYS PURCHASE.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Ratification of purchase:

The COLONIAL SECRETARY moved an amendment—

That the following be added to the clause:—"may and shall be carried into effect."