long life and prosperity. May I also wish you a merry Christmas and a happy New Year ?

Hon. C. SOMMERS (Metropolitan): I desire to echo the sentiments of the previous speakers and to wish you, Mr. President, a prosperous New Year ; I hope you will long occupy the position of President. As one of the members whose term of office expires next year by effluxion of time, I may not have the opportunity to meet you in this House again. I have to thank you, the Chairman of Committees, and the officers of the House for the courtesy at all times extended to me ; I also thank the leader of the House and the Honorary Minister. We do not always see eye to eye in everything, but now that the session is over we can give each other credit for endeavouring to do what we respectively consider is best for the country. If I have the honour to be elected again, I hope to see you, Mr. President, still occupying your present high position.

Hon. Sir E. H. WITTENOOM (North): I would like to congratulate the leader of the House on the admirable way in which he has conducted the business. He has been exceedingly amiable and conciliatory and he has not shown any temper. As one who knows the duties, I may say that there is no more difficult position in Parliament than that of leader of this House. We hear a great deal about the duties of the leader of the Opposition in the Legislative Assembly, but he has not to do half what the leader of the Legislative Council has to do. As I know perfectly well he has to make himself conversant with every Bill that is brought up, and he has to know all the clauses in it. In years gone by when I was doing penal servitude in the same position, Bills of eighty and ninety clauses would come forward and some member would very kindly ask—"What does Clause 40 mean ?" I would say—"I don't quite know," and he would retort—"Well, what the devil are you there for ?" That shows that a Minister in charge of this House has to know every clause and he has he hardest billet in Parliament. Mr. Drew has carried out his duties with dignity, courtesy, and ability, as he did on a former occasion. With regard to you, Mr. President, I hope you will long be there to adorn the position, the duties of which you carry out so admirably.

The PRESIDENT: Hon. members, I thank the speakers for their kindly words. I may be permitted to wish everyone all the compliments of the season.

Question put and passed.

House adjourned at 3.10 a.m. (Saturday).

Legislative Assembly,

Friday, 22nd December, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTION—LANDS DEPARTMENT, BOOKKEEPING.

Mr. E. B. JOHNSTON asked the Minister for Lands: 1, What was the cost of each change of system of keeping ac-

counts in the Lands Department (a.) From ledgers to cards 1906; (b.) From cards to new cards in 1909? 2, What is the estimated cost of the change now being brought about, *i.e.*, from cards to bound ledgers? 3, What is the object of the change, and is there any real necessity for it? 4, Has the change been sanctioned by the Auditor General? 5, Should not the accounts for each district agency be kept at the district agency and one of the present ledger-keepers be transferred to each agency? 6, Are the temporary officers who have been engaged as ledger-keepers for two years and over to be placed on the permanent staff?

The PREMIER (for the Minister for Lands) replied: 1, (a.) About £575; (b.) About £790. 2, About £270. 3, To improve the system of accounts and to replace cards by bound ledgers, the cards being found unsuitable for the requirements of this department. It is anticipated that the new system will effect a considerable saving in salaries, and will facilitate auditing. 4, The Auditor General perused the system, and raised no objection to it. He stated that matter was outside his jurisdiction. 5, No, it is not considered advisable to decentralise the accounts of the department. 6, Provision exists on the Estimates for the filling of a number of permanent positions in the account's branch, and subject to the provisions of the Public Service Act, these will, as far as possible, be filled from the temporary staff.

QUESTION—COMPASSIONATE ALLOWANCE TO POLICE CONSTABLE'S MOTHER.

Mr. TAYLOR asked the Premier: Is Mrs. J. Smith, who is receiving a compassionate allowance, on this year's Estimates, described as mother of ex-constable M. Smith, the person mentioned during the debate on the Police Benefit Fund Bill on Wednesday, 20th December.

The PREMIER replied: Yes.

QUESTION—RAILWAY CONSTRUCTION, BROOKTON-KUNJIN.

Mr. HARPER asked the Minister for Works: When does he intend—in view of the Premier's assurance to a deputation that waited upon him recently—starting the construction of the Brookton-Kunjin Railway?

The MINISTER FOR WORKS replied: The Government propose proceeding as quickly as possible with the Quairading-Nunagin and Wickepin-Merriden railways, but it is impossible to state at the present time the exact date of commencing the other lines.

PAPERS PRESENTED.

By Hon. W. C. Angwin (Honorary Minister): Return showing the number of Sundays on which officers employed in the Fremantle Prison worked during the period from 1st January, 1911, to 30th November, 1911 (ordered on motion by Mr. Carpenter).

By the Premier: 1, Return showing the number of persons convicted for selling adulterated milk from 26th January, 1910, to 20th November, 1911, inclusive (ordered on motion by Mr. Lander); 2, Return of prosecutions under the Factories Act (ordered on motion by Mr. Lander); 3, Return of officers of Criminal Investigation Department (ordered on motion by Mr. Dooley; 4, Report of Registrar of Friendly Societies.

By the Minister for Lands: 1, Annual Report of the Agricultural Bank for the year ended 30th June, 1911. 2, Return showing area of Crown lands being cut over by various timber companies (asked for by Mr. O'Loghlen on 15th November).

STATUTES COMPILATION—CRIMINAL CODE.

On motion by the ATTORNEY GENERAL, resolved—"That pursuant to 'The Statutes Compilation Act, 1905,' this House hereby directs the compilation with its amendments of 'The Criminal Code Act, 1902.'"

RETURN—CRIMINAL INVESTIGATION OFFICERS.

Mr. UNDERWOOD (for Mr. Dooley) moved—

That a return be laid upon the Table showing:—(*1*,) *The number of members of the Criminal Investigation Department who have resigned from that branch of the Police Service during the past five years, or have reverted to the uniform service at their own request.* (*2*,) *The length of experience the last six men had who have been appointed to the C.I.D.* (*3*,) *The number of vacancies in the first and second class detective division, and the reason why they have not been filled.* (*4*,) *The amount given in rewards for the past three years to members of the C.I.D.* (*5*,) *The names of the recipients and the amount given to each.* (*6*,) *The amount drawn as information money during the same period.* (*7*), *The names of the recipients and the amount drawn by each.* (*8*,) *The amount paid annually by the Chamber of Mines on account of the gold stealing investigations, etc.* (*9*,) *The names of the recipients of this money and the amount received by each.*

The PREMIER: It is not intended to divulge the names of the recipients of the amounts drawn as information money, as it would be against public policy, but all the other information has been obtained in anticipation of the passing of the motion.

Question passed.

The PREMIER: In accordance with the resolution I present the return asked for.

BILL—DIVORCE AMENDMENT.

Council's Amendments.

Schedule of six amendments made by the Legislative Council now considered.

In Committee.

Mr. Holman in the Chair, Mr. Hudson in charge of the Bill.

No. 1.—Strike out Clause 2 and insert the following in lieu thereof:—"Section twenty-three of the principal Act is hereby repealed, and the following is substituted:—"23. It shall be lawful for any husband to present a petition to the said Court, praying that his marriage may be dissolved on the grounds that his wife has since the celebration thereof been guilty of adultery; and it shall be lawful for any wife to present a petition to the Court, praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of 'adultery, sodomy, or bestiality'; and it shall be lawful for any married person to present a petition to the Court praying that his or her marriage may be dissolved on the ground that since the celebration thereof his wife or her husband, as the case may be, has without just cause or excuse wilfully deserted him or her, and without any such cause or excuse left him or her continuously deserted for five years and upwards; or, (a.) On the ground that the respondent has during four years and upwards been an habitual drunkard and either habitually left his wife without means of support or habitually been guilty of cruelty towards her, or being the petitioner's wife has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them; or, (b.) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime or under sentence of imprisonment for seven years or upwards, or being a husband has within five years undergone frequent convictions for crime and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without the means of support; or, (c.) On the ground that within one year previously the respondent has been convicted of having attempted to murder the petitioner or having assaulted him or her with intent to inflict grievous bodily harm or, (d.) On the ground that the respondent is a lunatic or person of unsound mind, and has been confined as such in any asylum or other institution in accordance with the provisions of the

Lunacy Act for a period or periods not less in the aggregate than five years within ten years immediately preceding the filing of the petition and is unlikely to recover from such lunacy or unsoundness of mind. And every such petition shall state as distinctly as the nature of the case permits the facts on which the claim to have such marriage dissolved is founded.'"

Mr. HUDSON moved—

That the amendment be agreed to.

Mr. MONGER: As far as could be judged, this was an absolutely new Bill. Were we to pass legislation of this kind at the eleventh hour? Before we even thought of giving it consideration, we should have from the introducer of the Bill an explanation as to the meaning of these amendments.

Mr. CARPENTER: It was easily understood that the sponsor for the Bill desired that it should pass without delay; but it was to be realised that we could not accept these voluminous amendments without an explanation of their purport.

Mr. HUDSON: So thoroughly had the Bill been thrashed out in both Houses, that he felt confident hon. members were cognisant of all that had occurred. When the Bill went up to another place, additional grounds for divorce were provided. One of these additional grounds was adultery on the part of either the husband or the wife, while another was desertion for three years. The Legislative Council had extended this term of desertion from three to five years, and had added to the clause other grounds for divorce—one being that of habitual drunkenness, and another imprisonment for three years or upwards. Very little explanation was required in respect to these new grounds, which spoke for themselves. Another ground which had been added was that of attempted murder, while the last was the committal of either party to a lunatic asylum for a period of five years. This last provision was in force in Victoria and other places, and so it had been thought it should be included here while the Bill was under consideration. No objection could be raised to the inclusion of any of these grounds, and he trusted that the Committee would accept the amendments as proposed by the Legislative Council. Other amendments made were merely further safeguards.

Mr. GEORGE: The Legislative Council had made drastic alterations to the Bill.

Mr. Taylor: They have made a new Bill of it.

The Attorney General: They have put it on a par with the laws of the Eastern States.

Mr. GEORGE: It was just possible that the Eastern States were in front of us in matters in respect to which we desired they should be in front of us. In our anxiety to rectify wrong or injustice, we they should be in front of us. In our desire to rectify wrongs or injustice, we should be very careful as to how we went about it, and should make haste slowly. There had been no demand for the Bill. Seeing that the Bill which we sent up to another place had there been re-cast and remodelled, we should have due time for its consideration in its new form. The alterations in the Bill were so far-reaching that we should deliberate long before accepting them. He had no desire to delay the Bill. Indeed he thoroughly agreed with most of the points he had noted in the amendments, but having regard to the fact that we had what was really a new Bill before us, he would appeal to the hon. member to defer this question until the next session, when we could have a comprehensive Divorce Bill covering all phases of the question. To accept these amendments would be to treat an important matter with less consideration than it deserved. Hon. members had not had time to read and digest the debates of another place in regard to these amendments. In fact, these days hon. members had very little time for even their private affairs.

Mr. Heitmann: It is time you left your private affairs alone, and attended to the business of the country.

Mr. GEORGE: Such remarks were entirely irrelevant to the discussion, and quite out of place. He hoped the member

for Yilgarn (Mr. Hudson) would adopt the suggestion offered, and defer the Bill until next session.

Mr. TAYLOR: The rapid passage of the Bill through this House clearly indicated the way in which it appealed to members. The main object of that Bill was stated in about 10 lines, and now the measure came back with an amendment running into 60 or 70 lines. If the Bill in its present form were accepted we should have nothing of the original Bill left.

Mr. McDowall: Do you not think they have improved it?

Mr. TAYLOR: The hon. member was not in the habit of conceding that another place could legislate better than this House, which was representative of the whole people. Members had not had an opportunity of reading the Bill as amended and understanding what it meant. Clause 2 of the Bill was the whole Bill, but this House had sent up a baby to another place and had received back a full grown adult.

The Attorney General: A good thing.

Mr. TAYLOR: In past years the Attorney General had fought amendments from another place as not being in keeping with the politics which members were sent to support. It was not necessary to rush through the Bill without any explanation. A Bill of this character was necessary, but members would not be justified at the close of the sesion in sending away one Bill to another place, and accepting in return a new one which they had not had time to consider. The Council would not accept amendments sent from this Chamber in that manner. This measure interfered with the whole social fabric, and demanded close attention. The unhappy circumstances of some married couples did not justify members in swallowing the Bill holus bolus.

Mr. McDOWALL: The heroics of the member for Mt. Margaret were astounding. The Bill had been before the Assembly, and although it had been altered, he was certain that if the member for Yilgarn had thought that there was a chance of getting a larger Bill through another place, he would have introduced a more comprehensive measure; but realising that this was a controversial matter, he had introduced a modest Bill.

Mr. George: Then this is an immodest Bill.

Mr. McDOWALL: The only argument against the amendments was that the Legislative Council had made them, and for that reason, whether they were good or bad, members must reject them. Did not the member for Murray-Wellington know that he was talking arrant nonsense in suggesting that the Bill should be thrown out and introduced next session? Was Parliament going to waste its time in that way? These were amendments that must commend themselves to the majority of the people. Members who had been assiduously absent from Parliament during the discussion of the measure, and had allowed the Bill to go through during their absence, were now opposing the amendment.

Mr. Taylor: On a point of order, was the hon. member in order in reflecting on the conduct of members of the House?

The CHAIRMAN: The hon. member was not in order in reflecting on any members of the House. The hon. member for Coolgardie must withdraw.

Mr. McDowall: Withdraw what? I will withdraw with pleasure when I know.

Mr. Taylor: The hon. member made a wild assertion.

The CHAIRMAN: The hon. member is not in order in saying that another hon. member made a wild assertion.

Mr. Taylor: The hon. member made a sweeping assertion that members were absent when the Bill was passed and that is why they were opposing it now.

The CHAIRMAN: An hon. member could say that members were absent when the Bill had been passed, and had then come back and criticised the measure; that was no reflection on members.

The ATTORNEY GENERAL: It was surprising that old Parliamentarians like the member for Murray-Wellington and the member for Mt. Margaret—

Mr. Taylor: It is all right; you and I have played the game before.

The ATTORNEY GENERAL: It was satisfactory to have the admission from the hon. member that he was simply playing the game. The Bill as introduced had admitted principles which had now been extended, as to their application, in the amendments of the Legislative Council.

Mr. George: In one of those amendments they have cut out "desertion" and inserted "adultery."

The ATTORNEY GENERAL: If the hon. member would read the amendment in conjunction with the original measure he would see that the principle involved in Clause 2 of the Bill had been repeated in Clause 2 as amended. Everything contained in Clause 2 of the original Bill was repeated in the amendment made by another place, and the only additions which the Committee had to consider were that it should be a reasonable ground for divorce if it could be proved that a husband was an habitual drunkard for four years or upwards, or if the divorced wife for a like period had been a drunkard and had neglected to attend to her domestic duties.

Mr. George: Who is to judge of that?

The ATTORNEY GENERAL: That was a question to be proved in court. There was a way of proving what was an habitual drunkard. Then there were the further grounds for obtaining divorce, imprisonment for crime and the culprit being in prison for seven years or upwards, or being sentenced for a capital crime, or had within five years undergone frequent convictions for crime, and had been sentenced in the aggregate to three years and upwards, and had left his wife without means of support. The question whether that was a wise amendment or not did not require a long adjournment to determine. The argument of the member for Murray-Wellington was that we had not read through these amendments and therefore we ought to adjourn. Even if we passed this measure it would be some months before it would become law, because this was one of the Bills which the Governor would have to withhold for the Royal assent. That being so it was only just that we should get the matter out of the Chamber if the proposals were just and right. A further amendment was that a person could obtain a divorce on the ground that within one year previous to the application the respondent had been convicted of having attempted to murder the petitioner or had assaulted him or her with intent to inflict grievous bodily harm. Who would say that that was not a just ground for asking for a dissolution of the marriage contract. The last amendment contained a specially good ground for seeking divorce, and it was that of the respondent having been proved to be a person of unsound mind and having been confined as such in a lunatic asylum for a period of not less in the aggregate than five years and was unlikely to recover. To decide whether that was a just ground for divorce did not require one year, one month, one day, or one hour to determine. The members of the other House were to be commended for what they had done. A select committee was appointed to go into the matter, and it was as a result of their deliberations that they had submitted to the Legislative Assembly the series of amendments which had been read.

Mr. Carpenter: Did the select committee recommend these amendments?

The ATTORNEY GENERAL: It was understood that was so.

Mr. Hudson: The amendments were dealt with by the select committee.

The ATTORNEY GENERAL: What he would like to know was whether the hon. member objected to these amendments on moral grounds or social grounds or grounds of expediency, or did he object to them because they had come from another place. If there was no objection to them why not pass them?

Mr. George: There is an objection to them.

The ATTORNEY GENERAL: If the hon. member would state that objection, the time of the Committee might be saved. These amendments were not new, they had been tried in other parts of the world. They were the law in New South Wales and New Zealand, and we in Western Australia were seeking to bring our

divorce laws into line with those of the other portions of the Commonwealth and of all other progressive countries of the world. We had been disgracefully behind in the laws relating to divorce.

Mr. GEORGE: The Divorce Bill was passed in the Assembly apparently with as much discussion as the introducer of the Bill, and the Attorney General who was its foster parent, thought necessary. It went on to the Legislative Council and had been returned, but it was not the same Bill.

Mr. Hudson: There is not the slightest amendment to our original Bill, so do not say things that are not correct.

Mr. GEORGE: Material alterations had been made to Clauses 3 and 4. The Attorney General had stated that the Bill could not come into force for some months because the Royal assent had to be obtained. If that was so, why not let the Bill stand over and be submitted again next session so that members might give it that consideration which it deserved.

The Attorney General: Because you are still further delaying it.

Mr. GEORGE: Nothing of the sort. But if it did, would the hon. member tell him that the harm that a Bill like this might do without proper consideration—

The Attorney General: The Bill will do good.

Mr. GEORGE: Probably. Probably he would be prepared to go further than the hon. member, but he was not prepared to allow a Bill that had passed this Chamber, to be so altered in another Chamber that one did not recognise its original form. It was nonsense for anyone to say that because we altered a Bill that came back from another place we were disrespectful to that other place. It was arrant nonsense. Much as he agreed with the Divorce Bill and, in some respects, would be prepared to go further than the hon. member, he was not prepared to accept the Bill in a hurry coming from another place.

Mr. CARPENTER: The member in charge of the Bill should give an outline of what the amendments meant, because we were dealing with one of the most important questions we could possibly deal with. He (Mr. Carpenter) supported the hon. member on the original Bill, and while he confessed that he went somewhat beyond himself in voting to make three years desertion a ground for divorce, the lengthening of the term from three years to five years was an important matter? He expressed his surprise that after inquiry by a select committee the term was not made longer. When we came to the four new clauses that were new matter entirely, one had to feel justified before casting a vote for them. He wanted to give these new grounds consideration, and if he could support the hon. member he would do so. Having read the published reports of the discussion in another place when these particular amendments were inserted, it struck him there was so little discussion. It might be that the new subclauses would do good. When the grounds of divorce in Victoria and other countries had been increased, a great number of cases had come before the divorce court. The increase was appalling, and we should hesitate before accepting new amendments because they happened to have been in force in other countries. The first ground dealt with the subject of habitual drunkenness, and it was a ground for divorce if a wife was an habitual drunkard and habitually neglected her domestic duties. He did not suppose that any judge would grant divorce on a frivolous pretext. His objection to the first subclause was that it was somewhat wide as regards the grounds of divorce in the case of a wife. If the word "or" was struck out in the last line and the word "and" inserted in lieu, that might overcome his difficulty, so that the ground for divorce would not be habitual drunkenness or on the other ground, neglect of domestic duties, but habitual drunkenness coupled with habitual neglect of domestic duties, and rendering herself unfit to perform her domestic duties. As to the next ground, he would support that, but he thought that the term might have been longer, because every member knew that there were times when a man for the first time in his life committed an offence and got into gaol

for it, and no one was more sorry than the man himself and wished to make atonement. It would be unfair to make that one offence a ground for divorce. Subclause (c), to his mind, opened the door to collusion. To bring a charge of attempted murder might be anything. As a safeguard there was to be a conviction, but that subclause appeared to him to be one of the weakest grounds. He had for some time held the conviction that some relief should be given where a man or woman was helplessly insane. This clause provided that if for a period of five years either party had been confined in an asylum, that might be a ground for divorce. If for seven years the wife or husband might have been confined in an asylum, and then afterwards there was a restoration of sanity and the parties lived together, subsequently some peculiarity might be developed which might be sufficient to make the other party desirous of a separation. There might be collusion. It would have been better to have had a plain statement that if the husband or the wife was declared by a medical man after confinement in a lunatic asylum to be incurably insane, then there would be no doubt, but as the subclause stood he would vote against it.

Mr. Hudson: The 10 years in the subclause ought to be six.

Mr. CARPENTER: That altered his objection to some extent.

Mr. George: Should we not know if there were not other errors in the printed amendments before we passed them ?

Mr. CARPENTER: Could not the subclauses be put seriatim and then the clause as a whole be put.

The CHAIRMAN: The clause must be put as a whole.

Mr. CARPENTER moved an amendment—

That in the last line of Subclause (a) the word "or" be struck out and "and" inserted in lieu.

Mr. GEORGE: Why not cut the whole of it out? The most important words might have been omitted.

Mr. MONGER moved—

That progress be reported.

Motion put and negatived.

Mr. TAYLOR: Would the Chairman say that he had the amendment correct, as passed by the other House. It was understood from reports of the Council proceedings that the proposal had been amended by striking out "ten years" and inserting "six years."

The CHAIRMAN: The Council's Message reads exactly with the words on the Notice Paper.

Mr. HUDSON: Mr. Carpenter's amendment would destroy the sense of the provision.

Amendment (Mr. Carpenter's) put and negatived.

Mr. CARPENTER moved an amendment—

That in paragraph (d) the word "ten" before "years" be struck out and "six" inserted in lieu.

Mr. TAYLOR: Did the select committee of the Legislative Council, which had given the only inquiry into this matter, recommend this amendment? The member in charge of the Bill should be fully armed with the evidence of that select committee to inform the Committee what was done. If a man was in a lunatic asylum for five years, and then married, could he be divorced on the ground that within 10 years he had been for five years in a lunatic asylum?

Mr. Hudson: It would not be within the prescribed time.

Amendment (Mr. Carpenter's) put and a division called for.

The CHAIRMAN: Though the words in the Message sent down from the Council were "five years" and "ten years," he was just informed by the Usher of the Black Rod that it was an error, and that the words should be "five years" and "six years." In these circumstances there was no necessity for the amendment, nor for the division, and the words "six years" would be inserted in the clause in lieu of "ten years."

Amendment thus lapsed.

Mr. TAYLOR: The episode only showed how necessary it was for the Committee to get full information.

The CHAIRMAN: Order! The hon. member was not in order; there was nothing before the Chair.

Mr. TAYLOR: It showed the absolute necessity for probing into the matter.

Question put and passed; the Council's amendment agreed to.

No. 2—Clause 3, Strike out this clause:

Mr. HUDSON: This was consequential. The members of another place had struck out a clause of the Bill repealing a section of the original Act, and had reprinted it to make the clause clearer. This had rendered it necessary that the clause should be struck out. The amendment was simply consequential. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 3—Clause 4, Strike out "not" in line 2 and insert "only":

Mr. HUDSON: The member for Murray-Wellington in some confusion had tried to lead members to believe that this was a drastic alteration of the Bill. In the Bill as originally drawn Clause 4 provided that Sections 24 to 28 of the principal Act should not apply to petitions for dissolution of marriage on the ground of desertion. That was to say, these Sections 24 to 28 had related exclusively to adultery, and when other grounds for divorce were added it had become necessary to make an amendment to show that it was not intended to apply to desertion. Consequently the members in another place had altered it to read that it should only apply to cases of adultery. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 4—Strike out "desertion" and insert "adultery":

Mr. HUDSON: This amendment was consequential, and his remarks made in regard to amendment No. 3 would apply to this also. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 5—Insert the following new clause to stand as Clause 5:—"(5.) If, in the opinion of the court, the petitioner's own habits or conduct induced or contributed to the wrong complained of, the petition may be dismissed; but in all other cases under this Act, if the court is satisfied that the case of the petitioner is established, the court shall pronounce a decree dissolving the marriage":

Mr. HUDSON: This was the insertion of a new clause giving extended powers to the court to prevent collusion between the parties. It was to be commended as an additional safeguard to the law of divorce. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 6—Insert the following new clause to stand as Clause 6:—"(6.) A domiciled person shall, for the purpose of this Act, include a deserted wife who was domiciled in Western Australia at the time of desertion, and such wife shall be deemed to have retained her Western Australian domicile notwithstanding that her husband may have since the desertion acquired any foreign domicile. No person shall be entitled to petition under this Act who shall have resorted to the State for that purpose only":

Mr. HUDSON: In divorce cases the domicile of the wife followed that of the husband. In another place it had been desired to provide that in the event of a husband deserting his wife, the domicile of the wife should not follow that of the husband, that her domicile should be such as obtained at the time of desertion, so that she would continue to be a citizen of Western Australia, and be able to go into the courts, there to exercise her right. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

Resolutions reported; the report adopted, and a Message accordingly returned to the Legislative Council.

BILL—WORKERS' HOMES.

Council's Amendments.

Schedule of twelve amendments requested by the Legislative Council now considered.

In Committee.

Mr. Holman in the Chair; the Premier in charge of the Bill.

No. 1—In definition of "worker," strike out "four" in last line of the definition and insert "three":

The PREMIER: Hon. members would see that when the Bill had left the Assembly it provided that a worker should be one in receipt of not more than £400 per annum. The requested amendment was to reduce this to £300 and so limit the operations of the Act to workers in receipt of £300 per annum or less. Personally he held that a worker getting £400 should be able to come under the operations of the Act. At the same time the Government could keep themselves fully occupied for a while in building homes for workers in receipt of £300 or less. He therefore moved —

That the amendment be made.

Question passed; the Council's amendment made.

No. 2—Clause 19, Sub-clause 2, strike out all the words after "same" in line three of subclause, and insert "at the value at the date of such purchase":

The PREMIER: When first he read the debate in another place he had taken serious objection to this amendment, because it appeared to be likely to cause litigation in arriving at the amount to be paid by the board. On looking into the amendment, however, he found that it would not have that effect. The method of arriving at the amount to be deducted for deterioration provided in Subclause 3 protected the person better than any other Act of Parliament. He might appeal to the Minister from the board's valuation and the Minister might, if he though fit, appoint a valuer to act in conjunction with a valuer appointed by the applicant, and if the valuers disagreed they might mutually appoint an arbitrator, whose decision should be final. The difference which the amendment made was that instead of repaying him the amount of his instalments less deterioration, the board would have to pay him the value of the dwelling at the date of purchase. Thus the applicant had the opportunity of getting any additional value that the property might have gained since he acquired it, but when re-appraisement took place the board would have the chance of getting back their proportion of the added value. There was no objection to the amendment; as a matter of fact it simplified matters somewhat and he moved—

That the amendment be made.

Mr. MUNSIE: It was to be regretted that the Council had made this amendment, which would mean that the holder of a worker's dwelling after residing in it for 15 years might reap the increased value given to it by the development of the surrounding property without having expended one penny of his own money upon the place. By accepting the amendment the Committee would be affording greater opportunity for trafficking in these workers' dwellings.

The PREMIER: The amendment would not open the door to trafficking, because the dwelling could be purchased only by the board.

Mr. Munsie: But the board must pay the actual value at the time of sale.

The PREMIER: Not necessarily. It must be remembered also that although the applicant would get any increase in value that had been given to the property, at the same time, if the value had decreased he sustained a loss. The State was quite protected against being victimised, because if there was any evidence of a man attempting to relieve himself of a burden in order to pass it on to the board the Minister would refuse to allow that, by declining to appoint a valuer.

Question put and passed; the Council's amendment made.

Nos. 3, 4, 5—Clause 19, Subclause 3: Strike out in line 2 "deducted for deterioration as aforesaid"; strike out in line 6 the word "re-appraise" and insert "fix"; and strike out "deterioration" and insert "purchase money":

The PREMIER: These three amendments were consequential upon the preceding one. He therefore moved—

That the amendments be made.

Question passed; the Council's amendments made.

No. 6—Clause 22: In line 3, strike out the word "Minister" and insert "Board":

The PREMIER: This was really a drafting amendment. The Minister issued the lease, but the board instead of the Minister would forward it to the Registrar of Titles for registration. He moved—

That the amendment be made.

Question passed; the Council's amendment made.

No. 7—New clause, Insert new clause, to stand as Clause 23, as follows:—"(1) Any person being the holder of land for an estate in fee simple may, with the approval of the Minister, upon the recommendation of the Board, surrender such land to His Majesty at a price to be agreed upon between such person and the Board, and thereupon such land shall be dedicated in manner aforesaid to the purposes of this Act. (2) The Minister may, under and subject to Part III. of this Act, erect a dwelling-house on any such land, and dispose of the same, as a worker's dwelling, to the person by whom the land was surrendered":

The PREMIER: This provision had been inserted in the Bill in the wrong place. Instead of being in Part III., dealing with workers' dwellings, it had been inserted in Part IV., dealing with advances for homes. This was merely to transfer the provision to its proper place in the Bill. He moved—

That the amendment be made.

Question passed: the Council's amendment made.

No. 8—Clause 26. Strike out Subclause 2:

The PREMIER: Subclause (2) set out that the Bills of Sale Act should not apply to any mortgage or other security executed under the provisions of this Act or affect the validity of any such mortgage or security in respect of any chattels comprised therein. After consultation with the Attorney General he recommended the Committee to make this amendment. It was wrong to make any secret bill of sale, but that was what could happen if the subclause remained in the Bill. The board could still take a bill of sale over the chattels or any material that might be on the ground and all property owned by the person coming under the Act, but they would have to register the bill of sale under the Bills of Sale Act the same as anybody else. In doing that they might find that there were other creditors of the applicant for the home, and those creditors would lodge a caveat against the bill of sale, and so the board would be relieved of the danger of advancing money to a person who was insolvent. He moved—

That the amendment be made.

Question passed; the Council's amendment made.

No. 9—Clause 44, Strike out this clause:

On motion by the PREMIER, the Council's amendment made.

Nos. 10 and 11—The Schedule, in paragraph (c) of No. 1, in line 3, strike out the word "twenty" and insert "thirty"; in paragraph (d) of No. 1, strike out the last word "debenture" and insert the words "coupon for same":

The PREMIER: The two amendments in the Schedule had been made by the Colonial Secretary to comply with the provisions of other Acts. The first was to allow debentures to run for a period of 30 years instead of 20 years. The next one was to correct a mistake where "debenture" had been inserted in lieu of the word "coupon." He moved—

That the amendments be made.

Question passed; the Council's amendments made.

No. 12—The Schedule, paragraph 5, Insert sub-paragraph to stand as sub-paragraph (4)—"So far as the funds applied to the execution of this Act are moneys appropriated by Parliament for the purpose, a proportionate part of the moneys for the time being standing to the credit of the Redemption Account shall be allocated by the Governor to such moneys appropriated by Parliament as aforesaid; and the interest on, and contribution to the sinking fund in respect of, such moneys appropriated by Parliament as aforesaid, paid from time to time out of Consolidated Revenue, shall be reimbursed out of the Redemption Account accordingly":

The PREMIER: This amendment had been made by the Legislative Council at the request of the Government to meet the objections raised by the leader of the Opposition in regard to the double payment of sinking fund. It was now clear that there would be one payment only. He moved—

That the amendment be made.

Question passed; the Council's amendment made.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

Council's Amendments.

Schedule of seven amendments made by the Legislative Council now considered.

In Committee.

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

No. 1—Clause 2, In line 3 of paragraph (a) strike out the words "or difference of opinion."

The ATTORNEY GENERAL: It was his intention to agree to this amendment because there would be such a number of them to disagree with. He moved—

That the amendment be agreed to.

Question passed: the Council's amendment agreed to.

No. 2—Clause 2, In sub-paragraph (c) of paragraph (b) after the word "industry" insert "Provided that nothing in this Act or the principal Act shall apply to the agricultural or pastoral industries; and":

The ATTORNEY GENERAL: It was not his intention to agree to this amendment. It would be useless to agree to it because this provision was already in the Federal Arbitration Act, and we would find pastoral unions and rural unions generally appealing to the Federal Court, especially where a union could embrace two States, and the settlement of a dispute by the local tribunal would be prevented. The whole object of the Act was to prevent disputes, quarrels, and strikes, and those difficulties which inflicted harm not only on those concerned but society generally.

Mr. George: What about Fremantle today?

The ATTORNEY GENERAL: What about it?

Mr. George: An agreement for three years burst up.

The ATTORNEY GENERAL: This clause would prevent the recurrence of anything like that which was taking place at Fremantle and those troubles which were simmering in Perth at the present moment. There should be as few restrictions as possible to prevent it being put into force. Why not permit employees on pastoral holdings and rural workers, or those engaged in farm employment, to submit their difficulties to a tribunal? Hitherto the rural workers had remained isolated. There had been no united voice, and no progress, and the consequence was the record of their troubles were few; but there had been times in history when even the rural peasantry had united and had brought kings to their feet. He desired to establish the principle of recognising the right, even of the rural and pastoral workers, and therefore moved—

That the amendment be not agreed to.

Mr. McDONALD: Some two years ago a conference was held between the Australian Workers' Union and the West Australian Branch of the Pastoralists' Association. On that occasion an agreement was drawn up. A suggestion was made by one of the parties that the agreement be registered under the West Australian Arbitration Act, but it was found that that Act was anything but satisfactory, and it was found necessary that an amending Bill should be brought in. This Bill was now before members. As soon as the Bill became law it would be possible to register the union under it, but at present the West Australian branch of the Australian Workers' Union was unregistered and there was an agreement in existence. We were a branch of the Federal body and that body had awards made by the Federal High Court, but the West

Australian branch could not participate in those awards.

Mr. George: The agreement is adhered to.

Mr. McDONALD: Yes, owing to the loyalty of the workers' union. He was thunderstruck that such bodies as the rural workers and pastoral workers should be left out of any such measure.

Mr. A. E. Piesse: What is the number of rural workers?

Mr. McDONALD: About three or four thousand; he was speaking from memory.

Mr. Monger: It was nearer three than three thousand.

Mr. McDONALD: The Federal Rural Workers' Union had a membership of 44,000; what they actually numbered in Western Australia he did not know.

Mr. Taylor: There were 37,000 in the Eastern States years ago.

Mr. McDONALD: Rural workers depending solely on agriculture he was referring to. The shearers' union expected, after next shearing, to number 3,000, and it was not right to say that a large number of men should be deprived of the provisions of the Act.

Mr. George: They have an agreement.

Mr. McDONALD: It did not suit them at all. It was being loyally kept by the union, but no one was satisfied with that agreement.

Mr. Monger: What more do they want?

Mr. McDONALD: They wanted to be registered under the Act.

Mr. George: Will not the Shearers' Accommodation Bill help them?

Mr. McDONALD: They wanted to come under the law as soon as it was passed. One of the clauses in the agreement said that there should be proper and sufficient accommodation provided for shearers and shed hands. He had pointed out in many instances that men were forced to sleep in dry creek beds, under trees, in vermin and snake-infested sheds. He was glad the Attorney General refused to accept the amendment.

Mr. FRANK WILSON: When the Bill was introduced he had opposed it, and he was opposed to driving every man into the union. It was said that as a rule the complaints were not on the side of the men.

Mr. McDonald: I did not say that.

Mr. FRANK WILSON: But that the employers never by any chance carried out the agreement.

Mr. McDONALD: What he had said was that every year complaints came from the shearers

The CHAIRMAN: The hon. member must accept the denial.

Mr. FRANK WILSON: True, but he understood that all acts of omission and commission in respect to the industrial agreement were on the side of the employers. One had only to look round to see how the industrial agreements were observed by the workers, or rather not observed, to bring conclusive proof as to the statement which he had made. Look at what was happening at Fremantle. Here were lumpers under an agreement under the Arbitration Act; they had entered into an agreement for three years; they came to the employers and said they hoped that the employers would entertain an application for an advance of wages. The employers agreed to entertain the application and offered a compromise: the men then abandoned the agreement and went out on strike. A complacent Press had announced it as a disagreement, and the lumpers at Fremantle were enjoying a well-earned rest. They were tired and were resting now against lamp-posts, and while doing so the ships at Fremantle could not be unloaded.

The CHAIRMAN: The matter before the Committee was nothing to do with the lumpers at Fremantle, we were dealing with the Arbitration Act, and whether it should apply to the pastoral industry.

Mr. FRANK WILSON: This was an illustration why we should not extend the Act to the rural workers. We had an object lesson before us, which did not give much confidence in the Arbitration Court awards, at any rate it did not instil confidence in him.

Mr. McDonald: Was not the question, whether the rural workers and pastoral workers should come under the Act or not?

The CHAIRMAN: Already he had called the attention of the hon. member to the point and was endeavouring to keep him to the point.

Mr. FRANK WILSON: Long since he had made up his mind that it would be better to do away with the Arbitration Court.

Mr. B. J. Stubbs: Then you invite strikes?

Mr. FRANK WILSON: No. He was not going to be any party to forcing any pastoral workers or rural employees to come before the Arbitration Court. He wanted to see wages boards, as he believed it would be better for the State to have them.

Mr. Turvey: The people have told you that they do not want them.

Mr. FRANK WILSON: What was wanted was something which would prevent strikes or lockouts, and for that reason he was going to support the amendment sent down from the Legislative Council. He would not care if we obtained satisfactory results from this Act; the best results were obtained from mutual arrangements. The employers always loyally kept the agreement.

Mr. Price: Did you say the squatters loyally abided by an agreement?

Mr. FRANK WILSON: Yes, absolutely. The Fremantle municipal employees withdrew a case from the court and settled it amicably out of court. Emphatically his experience always had been that the employers were forced to abide by Arbitration Court awards, while the employees did not care a snap of the fingers about them, only when it suited them.

Mr. TAYLOR: An endeavour had been made to bring rural workers under the measure previously. There was no truth in the argument set up by the leader of the Opposition that, so far as awards were concerned, the Act was only binding on the employer, because in this State, without going elsewhere where similar Acts were in force, employees had been punished for breaches of an award. That, however, did not show that the Act was a failure. If we took the conflicts between employers and employees before the passing of the Arbitration Act, and since then we would find that the Arbitration Act had done a great deal to minimise the sufferings through disputes. The real object of the Council's amendment was to exclude a very important section of the employees of the State and place them in a different position to other employees, and to make them resort to the old conditions prior to the passing of the Act. Surely the organisation of these workers was a benefit to the employers. Squatters got more satisfaction from their men when the latter were in an association. It would be worse for the employers if we were to allow any workers to be debarred from the provisions of the Act, because it was better to allow the employees to allow a tribunal to hear the evidence on both sides, and for both parties to accept the decisions of the court, rather than to revert to the strikes of years ago. Knowing something about strikes he had no desire to see one again, but, should the necessity arise, he would not be wanting in taking part in one. The amendment proposed on the Council's amendment should be carried. The employers' power to resort to the old-time weapons of commercialism should be obliterated for all time, though one could not be hypocrite enough to say that we could punish the employees as easily as employers.

The MINISTER FOR LANDS: Though it was true that in certain cases awards were given and the court actually exercised full power to arbitrate, and that invariably the awards were accepted, and, that where awards terminated their tenure was continued by mutual arrangement, this was actually the first occasion where an Arbitration Bill was submitted in which the court was given power to arbitrate, and therefore the Government were anxious that it should be passed so that arbitration could be given a trial. In regard to the Council's amendment, providing for the exclusion of rural workers, it would not mean preventing these workers from securing the benefits of arbitration, because they had the Federal court to re-

sort to, and amendments made in the Federal Act had given power to the Federal court to arbitrate fully and completely in all industrial disputes. Therefore was it not desirable that we should provide under our State Act that they should have that power under the State Act, instead of forcing them to resort to the Federal court? Being pledged to arbitration the Labour party were prepared to pledge themselves to secure, as far as lay in their power, the observance of awards, but in the past the court had no power to arbitrate, and there was no justice in compelling anyone to accept an inadequate and incomplete award. Owing to the insufficient powers of the court, the employer had always had the advantage. We made a pretence of passing an Arbitration Act and said that, instead of fighting out disputes in the old way, the parties must appear before the court. The object of the Act when first introduced was to tell to the employer he had no right to dictate what his employee should receive, and to tell the employee he had no right of deciding for himself what he should be prepared to receive. The object was that when a dispute arose it should be submitted to an independent tribunal. In practice however the court's powers were so limited that in its awards it could only say to the parties that it merely had power to compel acceptance of a minimum rate for the least competent. The workers went to the court for redress, but the court could not give it, and could only fix the lowest rate to be received, leaving it entirely to the employer to give anything higher. That was how the employer had the advantage. Now, if arbitration was to be effective the court must have power to arbitrate; and if we gave that power and accepted it as a legislative principle, then, as a supplementary power, the court ought to be able to enforce an award; but no one would countenance an enforcement of insufficient and incomplete awards from the lack of power given to the court. Awards were repeatedly enforced in New Zealand and in New South Wales, and the greater power overlying any court was the power of satisfaction expressed by the workers when they realised there was an efficient Act controlling them, and that the court had ample power, as it was now desired to provide here, to arbitrate to the fullest extent necessary in regard to all the circumstances of the case. Yet we were to say to the workers in the rural and pastoral industries that they must not have redress under the Arbitration Act. For these people wages boards were no remedy. Everywhere the system of wages boards was condemned by those administering them, condemned by Mr. Justice Haydon in New South Wales in no unmeasured terms, and condemned in Victoria by actual experience, and was therefore not a desirable introduction into Western Australia. Were we, by refusing to give them the right to appeal to our State court, going to deliberately force these people to the Federal court, and so involve on both sides greater trouble, expense, delay and, probably, dissatisfaction. He appealed to hon. members to support the Attorney General's view of the case.

Mr. GEORGE: It was not so much that the employers were against the principle of arbitration as that they felt they were not protected by the Act as those on the other side were. With the provision of an Act that would be respected by the workers, without the intervention of a court the trouble would vanish. There had been many instances of the breaking of the awards and of industrial agreements framed on those awards. There was today the trouble with the steamer "Kanowna." The men had not struck, but just the same they would not unload the ship nor let anyone else do it. So far as the pastoralists were concerned, he was prepared to leave the case in accordance with Mr. McDonald's view. As for the rural workers, if the Bill were fashioned to avoid the necessity of their going to another State to enter a citation he would support it. If the employers were to be faced with the necessity of going before the Federal arbitration court then, perhaps, hon. members could be excused for

desiring to exercise a little caution. If the Attorney General could give an assurance that the passing of the Bill would keep Western Australian troubles within Western Australian borders he would support it.

The Attorney General: That is the object of the Bill.

Mr. GEORGE: Those on the side of the employers had not felt the confidence with which the Act should have inspired them.

The Minister for Lands: The trouble is the court has not the power to make complete awards.

Mr. GEORGE: How was it then that the court had allowed the employers to be cited for breaches of the awards?

The Minister for Lands: Because the very incompleteness of the power of the court has been in favour of the employers.

Mr. GEORGE: No instance had come under his notice of the award being against the employees.

The Minister for Lands: What about the tramway, Bullfinch, Marvel Loch, and a dozen other disputes.

Mr. GEORGE: It was not easy to see how it would be possible to fairly argue before the court the cases of the rural workers; nor was it necessary. If a farmer got hold of a man who could do the work that farmer was not going to stick at an increase on 8s. a day.

Mr. HARPER: There was no necessity for agriculturists to be brought under the Arbitration Act, because in every portion of the agricultural areas there were peace and contentment. The agricultural workers had no grievance. Under the Arbitration Act Western Australia had been very successful in bringing the goldfields practically to a standstill and in crippling the mining industry, and it was certain that if the same conditions were applied to the agricultural districts the farming industry would be a gigantic failure. The agricultural districts at the present time were carrying all the burden it was possible for them to bear, and it would be useless for the Government to build railways, roads and bridges and encourage immigration and land settlement if agriculture were to be brought under the Arbitration Act. The Act was a snare, a delusion and an absolute farce, because no tribunal in the State could enforce the court's awards. The conditions of the workers had improved very much during the last few years and men were free to demand proper conditions, but trades unions had not benefitted the workers.

Mr. Foley: You try to keep them down as low as you can.

Mr. HARPER: That was not a fact. The members on the Ministerial side could not see both sides of the question, because they had not had experience of both sides. To bring the rural workers under the Arbitration Act would mean causing strife, disloyalty and discontent between employer and employee, and it would be a great pity to impose arbitration on people who did not require it. It was not so much the payment of increased wages that was objected to, as it was the necessity of keeping a clerk to walk around and keep the men's time. Farmers could not afford such impositions.

The Premier. You are only forcing them into the Federal Arbitration Court.

Mr. HARPER: The Federal Court would be preferable to the local Arbitration Court, which was a farce.

Mr. PRICE: The leader of the Opposition had said that he was opposed to all arbitration. The member for Murray-Wellington had assured the Committee that in no circumstances would the men be forced to bring themselves under the Federal Arbitration Act, and now the member for Pingelly had said that if they were to have arbitration they would prefer it under the Federal court. The member for Murray-Wellington had remarked that the only persons who abided by awards were the employers, but in the pastoral industry, which had been working under an agreement for the last three years, the squatters had been breaking that agreement consistently. Repeatedly they had been fined for breaches of the agreement, and during last year a fine of £100 had been paid by Mundabullangana station, and repeatedly fines of

£30 and £40 had been paid. The effect of the Bill would be to give the rural workers an opportunity, if they so desired, to appeal to the Arbitration Court in this State, and not to an Arbitration Court in any other portion of the Commonwealth. When the pastoralists and shearers had first considered the question of an agreement, the pastoralists had desired to appeal to the local Arbitration Court, but the shearers had declared that they had no faith in that court, and that if they were forced into arbitration they would take advantage of the Federal Arbitration Act. The same thing would happen in the agricultural industry if the amendments to the Bill were insited upon. Let the rural workers be given an opportunity to go to the local Arbitration Court so that their grievance could be dealt with by that tribunal. Why was it necessary for the member for Gascoyne to submit a Bill dealing with shearers and shed hands? It would be necessary very shortly to do the same thing for rural workers. The accommodation provided for agricultural employees in the State was, in the majority of cases, totally inadequate and insanitary, and altogether most undesirable. Yet those men had no means whereby they could redress their grievances except through the Federal Arbitration Court. If any trouble arose those workers would certainly apply to the Federal Court, and the same thing applied to the pastoral employees. At the end of the present year the agreement made with the pastoral employees would expire and there was every indication that there would be trouble before it was renewed. It was to be hoped that the Bill would pass in its original form so that it should secure that industrial peace which everyone desired and which alone would tend to progress and prosperity generally.

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

Ayes	28
Noes	12
Majority for	16

AYES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. Mullany
Mr. Bolton	Mr. Munsie
Mr. Carpenter	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Dwyer	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Gardiner	Mr. Taylor
Mr. Gill	Mr. Thomas
Mr. Green	Mr. Turvey
Mr. Hudson	Mr. Underwood
Mr. Johnson	Mr. Walker
Mr. Lander	Mr. Heitmann
Mr. Lewis	(*Teller*).
Mr. McDonald	

NOES.

Mr. Broun	Mr. Nanson
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Lefroy	Mr. Wisdom
Mr. Male	Mr. Layman
Mr. Monger	(*Teller*).
Mr. Moore	

PAIRS.—For: Mr. E B. Johnston. Against: Mr. A. E. Piesse.

Question thus passed; the Council's amendment not agreed to.

No. 3—Clause 7, Strike out the clause:

On motion by the ATTORNEY GENERAL, the Council's amendment was agreed to.

No. 4—Clause 8. Strike out Subclause 3:

The ATTORNEY GENERAL: This subclause was inserted specially to meet cases like the High Court case of the Northern Districts (New South Wales) Industrial Union of Employees, and John Brown and William Brown, respondents. A dispute had occurred and the proceeding was nullified by a prohibition from the Supreme Court on the ground that some of the men emlpoyed there were not members of the union. The subclause provided that the award should not be ineffective simply because some of the employees were not members of the union. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment not agreed to.

No. 5—Clause 9, Strike out this clause and insert the following—"An industrial award heretofore or hereafter made shall

be binding on every member of any industrial union or industrial association which is party thereto:"

The ATTORNEY GENERAL: If this amendment could be made by retaining the existing clause and adding the one the Council had sugegseted, he would agree to it. The Council wished to eliminate the clause reading:—"The Court may by any award prescribe such rules for the regulation of any industry to which the award applies as may appear to the Court to be necessary to secure the peaceful carrying on of such industry." He could not consent to the deletion of this clause. He moved—

That the Council's amendment be amended by striking out the words, "Strike out this clause and insert the following," with the view of inserting "add the following subclause."

Mr. FRANK WILSON: So that the Council's amendment might be carried he would vote for the retention of the clause. This was a provision which gave the court absolute power to give preference to unionists, and he had on more than one occasion indicated his opposition to such a power being conferred on a court to issue an award giving preference to unionists. Preference to unionists, to his mind, was an unwarranted interference with the liberty of the subject. The Attorney General was good enough to say that under the Bill the court could give preference to unionists.

The Attorney General: The whole principle of arbitration and conciliation was preference to unionists.

Mr. FRANK WILSON: Up to the present the Arbitration Court had held that there was no power to grant preference to unionists, and he hoped we would never give them that power. This clause was an insidious way of granting preference to unionists.

The Attorney General: That is the purpose of it.

Mr. FRANK WILSON: That was the effect. He would sooner see the Attorney General bring in a clause in specific terms, showing that the court had power to grant preference to unionists.

The Attorney General: If that was what was wanted we would, but this provision is to regulate an industry.

Mr. FRANK WILSON: The court might prescribe rules for the regulation of an industry, to which an award applied, as might be necessary for the peaceful carrying on of the industry. There only needed to be an agitation of unionists against non-unionists to disturb the peaceful carrying on of an industry, and the court might give an award that certain non-unionists should not be employed. We had it on record that strikes occurred because non-unionists were employed. The Attorney General was jeopardising the Bill.

Mr. Gill: Better have no Bill at all than a "crook" Bill.

Mr. FRANK WILSON: This was a "crook" Bill, because it gave a power which was not stated in unmistakable language was given. We should not disguise the intention; he objected to discrimination. We should not have the right to say that one person should not work alongside his fellow man.

The Attorney General: Has the hon. member read Clancy and the Butchers' Shop Employers' Union in the Federal law reports?

Mr. FRANK WILSON: No.

The Attorney General: If the hon. member had done so he would have seen the need of a clause such as this.

Mr. FRANK WILSON: One could only read the clause as the Attorney General interpreted it.

Mr. Munsie: He was candid enough to admit it, and we are going to stick to him.

The Minister for Lands: But this applies to a hundred things.

Mr. FRANK WILSON: Of course it did. Were we to have a court hanging up an industry by doing an injustice?

The Attorney General: You want to hang the Bill.

Mr. FRANK WILSON: One section of the workers should not be allowed to tyrannise over another section.

Mr. Green: Were you ever in a union in your life?

Mr. FRANK WILSON: No.

Mr. Green: Then you would be a blackleg.

Mr. FRANK WILSON: No, a free and independent citizen, and he was going to preserve his freedom. He appealed to members who professed to be free men, although they were not, and who professed to be liberty loving subjects, to agree to this amendment. In all their legislation they wanted to give preference to the members of their own unions, and there was a large section outside unions that was to be overlooked and termed blacklegs, as the hon. member had termed him (Mr. Wilson) this afternoon. Did not a member of a union in Melbourne the other day say, "he would shoot them," and denounced them as not being fit to live, because these men wanted to keep their liberty without having anything to do with unions.

Mr. Green: And get the benefits of unionism.

Mr. FRANK WILSON: If the benefits were so great the hon. member need not be afraid. He supposed that in the Legislative Council the Bill would go into the waste-paper basket because members were asking for something which was unjust and not in the interests of the whole community.

Mr. GEORGE: If the amendment meant what we were told it meant, preference to unionists, why did not the Attorney General throw away the flimsy disguise and take a straight vote on the question? The hon. member knew that the Federal Government, from whom he (Mr. George) supposed the Attorney General took his orders, had agreed to preference to unionists, and if this clause meant preference to unionists why not take a straight out vote on the question.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GEORGE: The proposal without any disguise simply emphasised the principle laid down by the Federal Government that preference to unionism should be the standard of the Labour party.

The Attorney General: It is nothing of the kind; that is not the purpose of the clause.

Mr. GEORGE: The hon. member knew it was the desire of his colleagues. At any rate that was what members believed.

The Attorney General: It is a wrong belief.

Amendment on Council's amendment put and a division taken with the following result:—

Ayes	..	..	25
Noes	..	..	10
Majority for		..	15

AYES.

Mr. Angwin	Mr. Lewis
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. Price
Mr. Dwyer	Mr. Scaddan
Mr. Foley	Mr. B. J. Stubbs
Mr. Gardiner	Mr. Taylor
Mr. Gill	Mr. Turvey
Mr. Green	Mr. Underwood
Mr. Johnson	Mr. Walker
Mr. Johnston	Mr. Heitmann (*Teller*).
Mr. Lander	

NOES.

Mr. Broun	Mr. A. N. Piesse
Mr. George	Mr. F. Wilson
Mr. Harper	Mr. Wisdom
Mr. Male	Mr. Layman (*Teller*).
Mr. Moore	
Mr. Nanson	

Amendment thus passed.

Question (the Council's amendment as amended) put and passed.

No. 6—Clause 10, Subclause 2, After "same" in line 5 of the subclause insert "such award shall remain in operation and shall be deemed to have remained in operation accordingly and":

The ATTORNEY GENERAL: The Council's amendment did not alter the clause but made it clear that an award should be deemed to have been in operation until application was made to alter it; he therefore moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 7—Clause 12, Strike out the clause:

The ATTORNEY GENERAL moved—

That the amendment be not agreed to.

This was a most important clause. No clause in the Bill gave the power of arbitration more strictly.

Question passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

Reasons for disagreeing to three of the Council's amendments drawn up by a committee.

The ATTORNEY GENERAL moved—

That the reasons be adopted.

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

Ayes	27
Noes	11
Majority for	16

AYES.

Mr. Angwin	Mr. McDonald
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. Price
Mr. Foley	Mr. Scaddan
Mr. Gardiner	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Green	Mr. Thomas
Mr. Heitmann	Mr. Turvey
Mr. Holman	Mr. Underwood
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. B. J. Stubbs
Mr. Lewis	(*Teller.*)

NOES.

Mr. Broun	Mr. Nanson
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Lefroy	Mr. Wisdom
Mr. Male	Mr. Layman
Mr. Moore	(*Teller*).

Question thus passed; reasons adopted, and a Message accordingly returned to the Legislative Council.

BILL—DIVORCE AMENDMENT.

Message—Amendment.

Message received from His Excellency the Governor recommending that Clause 1 be amended by striking out the words "first day of January, 1912" and inserting in lieu "a date to be fixed by proclamation."

The PREMIER moved—

That the Bill be recommitted for the purpose of considering the amendment recommended by His Excellency the Governor.

Question passed.

Recommittal.

Mr. Holman in the Chair; the Premier in charge of the Bill.

The PREMIER moved—

That the amendment be made.

It was essential that the amendment should be made in accordance with the Constitution. This was a Bill which had to be reserved for His Majesty's assent, and it was impossible to submit it to His Majesty and bring it into operation by the 1st January.

Question passed.

Resolution reported; and the report adopted.

Amendment transmitted to the Legislative Council and their concurrence desired therein.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Council's Amendments.

Schedule of four amendments requested by the Legislative Council now considered.

In Committee.

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

No. 1—Clause 3, In line 4 of proposed new Section, Subsection 1, after the word "pursuits" insert "to an amount not exceeding two thousand pounds:"

The MINISTER FOR LANDS moved—

That the amendment be made.

When Parliament provided State assistance in behalf of the citizens there ought to be no discrimination between the poor and the rich citizens; all should rank alike; but as it was not likely that the trustees would be called upon to grant loans exceeding the fairly considerable maximum amount of £2,000, he thought the amendment might be made.

Mr. FRANK WILSON: The Minister was wrong in his interpretation of the amendment when he said that it discriminated between the rich and the poor. The amendment just limited the power of the trustees, and the Minister was wise in accepting it, because he would now have some control over the management, and he knew how far the trustees could go. If the Bill as originally drafted were carried out in its entirety, a very large sum of money would be required for freezing and chilling works.

The Minister for Works: It does not apply to that; this is only for farming.

Mr. FRANK WILSON: Apart from that, it was well that there should be a limit, and such a limitation could not interfere with the utility of the bank. It was not desirable to give unlimited power to the trustees, and the rich man did not require the assistance of the bank.

The Minister for Lands: I say that he should not be denied that assistance.

Mr. FRANK WILSON: There was no reason why he should not be denied. This was essentially an institution to assist the small man; the man with plenty of assets had his credit established, and he could borrow money from private institutions.

Mr. E. B. JOHNSTON: The Legislative Council had prevented the Government making the Agricultural Bank Act more useful. On the contrary, the usefulness of the bank had been limited by a section of the community who were supposed to represent the farming interests.

Mr. Frank Wilson: Your Minister is accepting the amendment.

Mr. E. B. JOHNSTON: The Minister had to do so, but it was not the Minister's amendment.

Mr. George: But you have the power.

Mr. E. B. JOHNSTON: The Government had not the power. The liberal Bill that left this Chamber had been altered by another place, and in consequence of that the farmers were not going to get the assistance they should get from the Agricultural Bank.

Question put and passed; the Council's amendment made.

No. 2—Clause 3, In line 4 of page 2 strike out the words "or adjacent to":

The MINISTER FOR LANDS: This amendment although it might only apply to a limited number of cases was inserted because it was thought that a man might have some land adjacent to a new settlement and might desire to reside on a block in the townsite and erect his house upon it rather than on his holding. In view of the fact that we could still meet the position under the Workers' Homes Bill he did not propose to insist upon retaining the words and therefore moved—

That the amendment be made.

Question passed; the Council's amendment made.

No. 3—Clause 3, line 7, page 2, Strike out the words "an amount exceeding a sum to be limited by such proclamation" and insert the words "a like amount":

The MINISTER FOR LANDS: The members of the Legislative Council could hardly have appreciated what they were doing. If the Assembly accepted the amendment it would not be possible to make this apply to any rural industry proclaimed under the Act. Suppose they desired to limit it to £2,000, there was the power by proclamation to do so. What he wanted to emphasise was that already the Agricultural Bank had lent larger amounts to rural industries than would obtain under this condition without the safeguard of having it managed by those whose regular business it was to conduct these banking operations. His desire was, where these applications were made, to bring them under the control of the Bank. He moved—

That the amendment be not made.

Question passed; the Council's amendment not made.

No. 4—Insert the following new clause to stand as Clause 7:—"No member of the Legislative Council or the Legislative Assembly shall interview or communicate with the trustees in the interests of any person other than himself upon any business under this Act, and any such member committing a breach of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding £50":

The MINISTER FOR LANDS: Strong exception should be taken to such a proposal. Session after session under previous administrations there had been amendments made to the Agricultural Bank Act submitted by the Legislative Council to the Legislative Assembly but on no occasion had such an amendment as this ever been submitted.

Mr. George: Are you taking it as a reflection against your Government?

The MINISTER FOR LANDS: That was the position and he made no secret of it. If hon. members of the Legislative Council had such an object in view why had they allowed the amendment to remain over until the Labour Administration came into power? He moved—

That the amendment be not made.

Mr. FRANK WILSON: The attitude taken up by the Minister for Lands in connection with this proposal was surprising. He (Mr. Wilson) had suggested a similar amendment when the Bill was before the Legislative Assembly.

The Minister for Works: That accounts for it being there.

Mr. FRANK WILSON: Perhaps so.

The Minister for Works: You can take to yourself what I said.

Mr. FRANK WILSON: What did the hon. member say?

The Minister for Works: I do not know.

Mr. FRANK WILSON: If the hon. member said anything objectionable he should withdraw it.

The CHAIRMAN: I do not know what remark the hon. member made.

Mr. FRANK WILSON: The hon. member made an offensive remark to me.

The CHAIRMAN: If I had known that an offensive remark was made I should have asked for a withdrawal.

Mr. FRANK WILSON: The incident might be allowed to pass.

The Minister for Works: You know what I said.

Mr. FRANK WILSON: If the hon. member repeated the remark it could be dealt with.

The CHAIRMAN: Order!

Mr. FRANK WILSON: The clause was one that he had suggested should be added to the Bill when the measure was before the Legislative Assembly and he gave reasons for it. It existed in similar legislation in the Eastern States and because the clause had been passed by another place and sent to the Legislative Assembly the Minister for Lands in his virtuous indignation said it was a reflection upon his Government. He had heard members resent insinuations and interjections but he had never yet heard the Government take exception to a proposed amendment from the Legislative Council on grounds such as the Minister for Lands had stated. If the amendment was not agreed to, would the Minister put forward as a reason that which he had stated? If he did he would land himself in a pretty mess. Another place would resent such a reason. If there was a reflection, the reflection was upon the Legislative Assembly as a whole and not upon the Ministry. The reason for the clause was that we were giving the bank such largely increased powers under the Bill, and even with the amendment of this section, which said that the larger advances in the shape of those that would be made to rural industries were only to be made after proclamation, the power was in the hands of the trustees to recommend these advances for such pursuits. Under the circumstances it was reasonable that the trustees should be protected from undue political influence. The very first charge that would have been made had the present Opposition been in possession of the Treasury Bench, when they made the advances it was proposed to make under the clause, would have been of undue political influence.

The Premier: The amendment will prevent a Minister from approaching the Bank.

Mr. FRANK WILSON: It would prevent a member of Parliament. The Minister only proclaimed the industry and stated the amount that the trustees might advance. Then the trustee had to decide whether they were going to advance the amount or not. The least Parliament could do was to protect the trustees of the institution from the undue influence that might be exercised. Were we to re-

frain from passing legislation of this sort because hon. members were so thin-skinned that they applied such a provision to themselves? Would the Premier send as a reason to the Legislative Council for the rejection of the amendment that it was a reflection on Ministers of the Crown? It was to be hoped the Committee would be guided by reason and accept the amendment because it would be found it was good for their protection as well as in the interests of the bank.

The Premier: Where did it come from?

Mr. FRANK WILSON: South Australia. When the new members had been as long in Parliament as the old ones, they would be thankful for such a clause as this in the measure, it would prevent them from being inundated with letters asking them to get assistance from the bank. He (Mr. Wilson) had received letters from persons and had often wished he could have replied to those letters that he was deprived by statute from going to the trustees of the bank. If we were to have trustees subject to the requests of members of Parliament to induce them to make advances, we would jeopardise the sound financial position of the bank.

Mr. Lander: The Committee should resent this amendment, it was a direct insult to members.

The CHAIRMAN: The hon. member was not in order in reflecting on anything done by the Legislative Council.

Mr. LANDER: For a number of years the leader of the Opposition had had power to put this amendment into operation, but had not done so. If this power had been in existence we would not have had such properties as Osborne Park and Oxford-street, Leederville, assisted. Before we came into the House the Liberal party had a moral standard, but the Labour party's staandard was honesty in politics. If anyone came to him (Mr. Lander) and asked him to use his influence he would tell them to go to a certain place where they could get no money.

The MINISTER FOR LANDS: The leader of the Opposition had not done any service to the House by his practical admission that he had secured this amendment elsewhere.

Mr. Frank Wilson: I did not say so; I said I suggested it here.

The MINISTER FOR LANDS: The hon. member had not made out a good case, because in two instances under his administration the powers of the trustees had been increased and if the hon. member then thought this provision necessary, why did he not insert it then. This provision was an evidence of his (the Minister's) desire to place the disposal of the loans under the board of trustees who would act independently of the Minister. Where requests had been submitted to him (the Minister) he had replied to the effect that the person should submit a case to the managing trustee. Under the provisions by which we could have the loans from the Agricultural Bank, there was no control whatever than by the will of the Minister. So far as lay in his power he desired to bring that work under the banking trustees who were recognised as being independent of the Minister, therefore he thought the Council's amendment entirely unnecessary.

Mr. E. B. Johnston: This amendment was an insult to members.

The CHAIRMAN: The hon. member must not reflect on the Legislative Council.

Mr. E. B. JOHNSTON: For many years he had had experience with agricultural bank dealings, and he knew the difficulty people had after loans were approved in getting their money. Men away in the back blocks miles from a railway found great difficulty; it was pointed out that the mortgage was not fixed up, or that the titles were not sent down to the department Since he (Mr. Johnston) had been in the House, men had written to him telling him of the amounts they were entitled to draw and those amounts had not reached the men. He (Mr. Johnston) had gone to the Agricultural Bank and had fixed the matters up. For a penny stamp these men had received attention, but if the amendment were carried these men could not approach members of Parliament. It was to be hoped members would not deprive settlers of the

privileges they had to-day to allow them, for the cost of a penny stamp, getting their business fixed up. If the amendment were inserted we forced these men to great expense. They would have to come to Perth perhaps from a distance of 40 miles from a railway. Members who wished to place these hardships on settlers had little sympathy with the men who were struggling on the land.

Mr. GEORGE: If this amendment was an insult it applied to members on both sides and also to members of another place. If the Council's amendment was agreed to it would save members of Parliament from being placed in unpleasant positions. There were numbers of persons who would apply to the bank for advances and if they did not get them they would try to get members to influence the trustees to make the advances. Members should not be placed in such a position. They should not be forced into the methods of Tammany Hall. If the amendment was carried members would not be pestered by outsiders.

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

Ayes	26
Noes	12
Majority for	14

AYES.

Mr. Angwin	Mr. McDonald
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. Price
Mr. Dwyer	Mr. Scaddan
Mr. Foley	Mr. Swan
Mr. Gardiner	Mr. Thomas
Mr. Gill	Mr. Turvey
Mr. Green	Mr. Underwood
Mr. Johnson	Mr. Walker
Mr. Johnston	Mr. Heitmann
Mr. Lander	*(Teller).*
Mr. Lewis	

NOES.

Mr. Allen	Mr. A. N. Piesse
Mr. Broun	Mr. Taylor
Mr. George	Mr. F. Wilson
Mr. Harper	Mr. Wisdom
Mr. Male	Mr. Layman
Mr. Moore	*(Teller).*
Mr. Nanson	

Question thus passed, the Council's amendment not made.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

MONEY BILLS PROCEDURE.

Council's Requested Amendments.

Mr. FRANK WILSON: We had just dissented from certain amendments requested by the Legislative Council to the Agricultural Bank Act Amendment Bill, and we were bound to give reasons for dissenting by Standing Order 313, which read—

> In any case, when a Bill is returned to the Legislative Council with any of the amendments made by the Council disagreed to, the Message containing such Bill shall also contain written reasons for the Assembly not agreeing to the amendments proposed by the Legislative Council; and such reasons shall be drawn up by a committee of three members, to be appointed for that purpose when the House adopts the report of the Committee of the whole House disagreeing to the amendments in question.

No such committee had been appointed. Would we not find ourselves in trouble?

The MINISTER FOR LANDS: The Agricultural Bank Act Amendment Bill was a money Bill, and no reasons need be given. To acquiesce in the desire of the leader of the Opposition would be really to interfere with the constitutional privileges of the House in its control over money Bills. It was not required of the Assembly to furnish reasons for not acceding to requests made by the Council on money Bills.

Mr. FRANK WILSON: The Standing Orders were specific, because they said "in any case" reasons must be given.

The Attorney General: The assumption was there was never an amendment to a money Bill.

The Premier: The Assembly makes the amendments.

The MINISTER FOR LANDS: In an ordinary measure, not a money Bill, the

Council made amendments, which they had power to do, but in the case of a money Bill the procedure was varied. In accordance with the limited power of the Council under the Constitution they merely requested that amendments be made in money Bills. Section 46 of the Constitution Act provided—

> In the case of a proposed Bill, which, according to law, must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a Message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications.

The Standing Order quoted by the leader of the Opposition dealt with a Bill returned from the Legislative Council with amendments made by the Council, but in the case of a money Bill the Council had no power to make amendments, they could only make requests.

Mr. SPEAKER: The Agricultural Bank Act Amendment Bill being a money Bill the Standing Order referred to by the leader of the Opposition did not apply. Section 46 of the Constitution Act applied to the Bill, and the action taken by the House in transmitting a Message without reasons was perfectly in order.

BILL—APPROPRIATION.

All Stages.

Message from the Governor received and read recommending appropriation in connection with the Bill.

In accordance with resolutions adopted in Committees of Supply and Ways and Means leave obtained to introduce the Appropriation Bill, which was read a first time.

Second Reading.

The PREMIER (Hon. J. Scaddan) in moving the second reading said: This is a Bill appropriating the moneys already passed on the Revenue and Loan Estimates for the year ending 30th June last.

Mr. Frank Wilson: Will you explain why there is no Excess Bill?

The PREMIER: Once or twice in the past we have had attached to the Appropriation Bill an Excess Bill to authorise the expenditure in excess of votes appropriated in the previous year. On this occasion I discovered almost at the last moment that the necessary preparations for the introduction of the Excess Bill had not been completed. An attempt was made to rectify the omission, but it was found impossible at the last moment, owing to the fact that the information from the various departments was not given in detail, and I declined to submit it in lump sums. Therefore I will not be able to obtain authority for the excess expenditure of last year. However, I have given instructions that an Excess Bill be prepared in readiness for presentation to Parliament immediately we resume next session. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment; and the report adopted.

Read a third time and transmitted to the Legislative Council.

BILL—LAND AND INCOME TAX.

Returned from the Legislative Council without amendment.

BILL—VETERINARY.

Council's Message.

Message received from the Legislative Council intimating that the amendments made by the Assembly had been agreed to.

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Council's Amendment.

Amendment made by the Legislative Council now considered.

In Committee.

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

New clause to stand as Clause 10, as follows:—"This Act shall continue in force until the 31st December, 1912, and no longer":

The MINISTER FOR WORKS: It would not require many words of his to convince the Committee that we could not agree to this amendment. The Bill was introduced in respose to the representations of many hundreds of settlers in our dry areas. In compliance with the requests of the settlers the Government had bought up all the pipes in the State, and secured all they possibly could in the Eastern States, and had laid down certain extensions of 110 miles with the concurrence of the settlers that a rating Bill should be introduced to supply the rates in order to recoup the department for the outlay. Numbers of other applications had been received, and consequently the Government had indented pipes running into hundreds of miles, and had promised to put down the necessary extensions as soon as the pipes arrived. One striking necessity was the request from Goomalling. Not only had he expounded the Bill in that district, but it had been submitted to all the farmers along the route, and on the strength of its reception the pipes were ordered. If the operation of the Bill was to be limited to 1912 he was not going on with the extensions. He did not know what had actuated the Legislative Council in this extraordinary amendment, but if it was persisted in he would not be able to comply with the hundreds of requests received. He moved—

That the amendment be not agreed to.

Question passed; Council's amendment not agreed to.

Resolution reported, and the report adopted.

Reasons for disagreeing to amendment adopted, and a message accordingly returned to the Legislative Council.

BILL—LOAN (£2,142,000).

Returned from the Legislative Council without amendment.

Sitting suspended from 9.15 to 10 p.m.

QUESTION—TIMBER LANDS.

The MINISTER FOR LANDS: I have here the information asked for by the member for Forrest in a question on the 15th November. I at that time replied that the information was not then available, but it would be obtained. The following return gives the information which the hon. member required:—

The following shows approximately the area of Crown lands being cut over by the various timber companies in the districts mentioned:—Greenbushes, 9,340 acres, Timber Corporation, Ltd.; Bridgetown, 6,000 acres, W.A. Jarrah Saw Mills; Donnybrook, Preston, Boyanup, 37,000 acres, S.W. Timber Hewers' Society; Preston-Boyup, 3,000 acres, S.W. Timber Hewers' Society; Collie-Narrogin, 10,000 acres, S.W. Timber Hewers' Society, Millars' Karri and Jarrah Company; Armadale-Mornington, 24,640 acres, S.W. Timber Hewers' Society, Lewis and Reid, Millars' Karri and Jarrah Company.

QUESTION—FRUIT PACKER, APPOINTMENT.

Mr. GEORGE (without notice) asked the Minister for Lands,—Is he aware that the local applicant for the position of fruit packer holds a certificate of health rendering the answer No. 1 given to the member for Swan absolutely incorrect?

The MINISTER FOR LANDS replied: In view of the fact that the fruit export trade will increase, the idea of the Government was to appoint an expert packer who would instruct the growers, but the general consensus of opinion seems to be that the methods pursued here are superior and all that can be desired, and if there is no necessity for the appoint-

ment I will consider whether the Government will not be justified in saving the expense.

Mr. GEORGE: May I explain that there is no desire that a packer should not be appointed, but the reason given for not considering the local applicant was his ill-health. As the applicant in question, Mr. Cowan, has an absolutely clean bill of health and has experience which is not excelled in Australia, it is felt that some slight has been put on him, although quite unwittingly, I am sure.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Returned from the Legislative Council without amendment.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Returned from the Legislative Council without amendment.

Sitting suspended from 10.15 to 11 p.m.

BILL—INDUSTRIAL, CONCILIATION AND ARBITRATION ACT AMENDMENT.

Council's Message.

Message from the Council insisting on one amendment and giving reasons for not agreeing to the further amendment made by the Assembly, now considered.

In Committee.

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

No. 7—Clause 12, strike out:

The ATTORNEY GENERAL: One did not feel inclined to recede one iota from the position previously taken up in regard to the Council's amendment, otherwise arbitration would be impossible. The entire object of the Bill was to promote the settlement of industrial disputes by means of bringing parties together before the court and allowing the court on the evidence to bring about an amicable settlement of a dispute. There was not a single feature of coercion, dictation, or compulsion. The object was to make it easy, when employer and employee stood confronting each other, to get into court and lay everything without technicality before the court. This was not inimicable to the industrial peace of the community; it was the first step towards securing it, preserving it and continuing it; but to allow the Council's amendment in this vital clause was to sacrifice the whole principle of arbitration. The other amendment to be dealt with allowed the court to prescribe rules to secure the peaceful carrying out of an industry, but Clause 12 provided for the classification or grading of workers and allowed the court to prescribe the particular rate of wage and conditions of employment for any grade or class of worker. It was objected that this was undue or unwarrantable interference on the part of the court with the business of an employer, and that it enabled the court to go into a workshop and say how things should be done, and it was treated as unwarrantable presumption on the part of the court; but we had enlarged the definition of "industry" so that it would include a group of industries, and there were unions comprising many kinds of industry, or many branches of work. For instance, in mining we had engineers, pitmen, filter-press men, surface workers, and drill men, all having different rates of wages and working under different conditions. There might be disaffection in every section, and if we did not give the court power to consider the conditions in each particular branch of a united industry it was useless taking a case to the arbitration court, because one general wage could not cover the diversity of conditions. The object of the clause was to enable one appeal to be made to the court instead of a dozen perhaps extending over a year, and thus allow the men to be contented and allow the industry to run along peacefully. It was an indispensible power sought to be given to the court to deal with cases where there were combinations of workmen in one large union. What was the secret of the fear of the court? Surely if the court was properly constituted, comprised of

men of integrity, honour and experience, and after the point had been conceded that the president of the court should be a judge of the Supreme Court itself, surely the employers had nothing to fear in leaving their case in such hands. Yet those employers dreaded putting into the hands of a court like this the power of settling at once the complexities of a dispute, at one hearing, without the necessity of three or four citations. One would think this was an engine of tyranny invented for the purpose, not of preserving industrial peace, but with a view to tyrannical coercion of the employers of the community. Upon the heads of those opposing this would lie the responsibility of the industrial troubles that must come. If we could not find means of scientifically settling these disputes human nature was such that it would find more direct, though he feared, more cruel ways of settling them. It was a turning backward, a going again to the old savagery of might meeting might; but with this difference, that the might of to-day was coming to be with the people, whereas for centuries it had been in the hands of the few. And if we were to enrage the people they in their might would rise, and who should prophesy what the destruction might be? It was to avert disasters such as we had recently seen in England, it was to avert physical conflict, and all the methods of an embittered warfare that the measure had been brought down. And because there was a suspicion that the Bill sought to coerce employers in some hidden way, hon. members of another place desired to crush this attempt to create a peaceful court where differences could be heard in a way that no other Arbitration Act up to date had provided, according to the highest principles of equity and good conscience, and before which employer and employee would state their grievances dispassionately. We had given the court power to enter into sympathy with those seeking redress, and at once the old tyranny had sprung up with the rebuke that the workers were asking for too much. This was not for the workers alone, it was for the employers as well. Ministers had done their duty by endeavouring to preserve the peace of the community, had tried to settle industrial disputes by providing a tribunal of equity, and if others liked to throw that tribunal aside and force men to obtain redress by other means they must take the consequences, for the evil was at their doors.

The Premier: They will be the first to come along and ask members of Parliament to use their influence.

The ATTORNEY GENERAL: Even in connection with the little trouble at Fremantle those concerned had already made such requests. The Bill would obviate any necessity for indirect influence; yet it was denied the community by men who, like those whom it was desired to destroy, were first made mad.

Mr. George: We do not want that.

The ATTORNEY GENERAL: But what had been seen in England and in America during the last five months?

Mr. George: Dynamite in the cause of labour.

The ATTORNEY GENERAL: Did members want the workers to resort to dynamite? No. Let them settle their troubles without resorting to means of that sort. If there were such happenings let the Legislative Council take the responsibility, for when the olive branch of peace had been held out to them, and a means of settling disputes placed in their hands, they had turned round with sneers and thrown the olive branch back.

Mr. Nanson: There is not much olive branch about it.

The ATTORNEY GENERAL: The Bill said to all concerned that they should struggle by physical force and with loss of wealth no longer; the whole machinery of industry should be kept going, and the disputants should come into the temple of equity and argue together, and let the machinery never stop even after the dispute was settled. Having gone so far with no other motive than of preventing strife, let the charge rest upon another place and their aiders and abettors in these amendments, if, in future, this country were torn by internicine strife and those

terrible appeals that came for justice in the midst of great trouble. He moved—

That the requirements of the Legislative Council be not agreed to.

Mr. FRANK WILSON: The flights of oratory by the Attorney General were certainly uncalled for in connection with this question. As practical men representing every class of the community they had to endeavour to establish a just Act in connection with the Arbitration Court. This Bill had been threshed out in every phase, and now members were faced with a disagreement between the two Houses of Parliament.

The Premier: Or your followers in the Legislative Council.

Mr. FRANK WILSON: The Premier ought to remember that he was not at a football match. The Committee were dealing with something more serious. No language any hon. member could use could more incite to revolution or abuse of the law than the language of the Attorney General on this occasion. Instead of dealing with this suggestion in a reasonable frame of mind, and considering whether it was not advisable to accept a compromise and get portion of the legislation on the statute-book rather than lose the Bill, instead of in calm language putting forth the case from the Ministerial point of view, the Attorney General had appealed to the sentiment and passion of members. Every section of the community had absolutely the same right to put forth their opinions as those who represented trades unions in this Chamber.

The Premier interjected.

Mr. FRANK WILSON: Will the Premier be quiet?

The Premier: I will if I like; I will not be dictated to by you.

Mr. FRANK WILSON: The Premier would never get reason or legislation by this constant interruption. Members had learned from the Attorney General when introducing the Bill that it was drafted in the interests of trades unionists.

The Attorney General: Amongst other things it was; it was bound to assist them in some way.

Mr. FRANK WILSON: There showed the bias—serving one side, and one side only. It was idle for members to say that the responsibility was thrown on members of another place who thought differently from the Attorney General; it was idle to attempt to intimidate him (Mr. Wilson) to vote against his judgment by threats that the land would flow with blood and be in the throes of revolution. He was there to do his duty, and to exercise those powers which Providence had bestowed on him, and to do his best so far as his abilities would allow to bring about legislation fair to all sections. There were arguments to be urged in favour of the suggestions of the Legislative Council, but why ask members to listen to them at this hour of the night? The Attorney General had done nothing more than to deliver one of those harangues for which he was renowned on the street corners of the City.

The Attorney General: That is very generous.

Mr. FRANK WILSON: One would have imagined that he was on the Esplanade listening to a Sunday afternoon entertainment, instead of listening to a discussion as to whether the Committee should sacrifice the Bill altogether or accept a reasonable compromise.

Mr. Taylor: This is the essential feature of the Bill.

Mr. FRANK WILSON: Not at all. There had been no trouble for the last 10 years and every section of workers in the different industries had been catered for, and their rates had been fixed.

The Minister for Lands: No.

Mr. FRANK WILSON: To take out of the hands of the owners of those works, and the experts in charge of them, any power to grade their workers was certainly an infringement of the rights of those who had their capital invested in our industries. The Attorney General had talked this evening as if there was only one side, and if the Labour party did not get what they wanted the Attorney General rather incited them to settle their disputes by strikes. He (Mr. Wilson)

refused to have the responsibility for the rejection of this Bill thrown upon him and his followers; they were determined that they would express their views on this matter, and if they dissented from a clause like this they were going to vote against it. If the Attorney General in his heat, because he could not get all that he wanted, allowed the Bill to go into the wast paper basket, the responsibility rested with him.

The MINISTER FOR LANDS: Upon the leader of the Opposition and those supporting him in his attitude must be fastened the responsibility for the defeat of this measure of arbitration, which had been submitted by the Government in an earnest desire to ensure that the Arbitration Act should be competent for the purpose for which it was originally designed. In so fixing the responsibility, he also fixed upon the leader of the Opposition and his colleagues the responsibility for the disputes which had taken place during the last few years. Not only from those who were interested in securing a reasonably perfect measure of arbitration but also from the members of the Arbitration Court itself had come a demand for the principle embodied in this clause. The desire when the principle of arbitration was first embarked upon, was that both parties should be able to go to an independent tribunal and adjust their industrial disputes; but owing to the imperfect character of the Act the court had said to the least competent—"We will fix your rate," and to the others they had said—"The measure is only an empty pretence; we can give you no relief, you must go back to your employers and accept their determination which you come to us to avoid." Members were entitled to hear the arguments which the leader of the Opposition said could be advanced in favour of the amendments made by the Council. Those arguments had not been advanced when the Bill was discussed, but on the other hand many arguments had been brought forward to show that it was the lack of this provision for the exercise of powers by the court which had caused the imperfect operation of the Act and the awards of the court to be not observed. In the tramway dispute, for instance, the workers had appealed for an award which would cover the whole of the men in the industry, but the court had told them that they were asking for something which the Act would not permit the court to give. The court could only fix a certain rate, and the workers had to depend upon the employers to attend to the other matters which the court was asked to adjust. Precisely the same position occurred in connection with the timber trouble in 1907 and also when the Commissioner for Railways was cited in regard to the case where a man was being paid less than the award and where owing to the imperfection of the action he was permitted to say that the man had contracted himself out of the award and consequently the court could give no redress. Instance after instance could be repeated and year after year the leader of the Opposition who was then in control of the affairs of the State was appealed to and asked to give that measure of relief which was being sought, and the control which the Arbitration Court ought to have had. The present Government were pledged not only to arbitration but a perfect measure of arbitration and if that could be secured, they would take the responsibility of seeing that the court had power to decide fully on all points so that those who went to the court for a decision would submit to that decision. But how could the Government ask any body of men who looked to them for advice to submit to awards when they were mere empty pretences and did not give that relief they went to the court to seek? If hon. members looked up the awards of the Court they would see that time after time the president had stated that so far as his powers were concerned the Act was in many respects an empty pretence, and he appealed to Parliament to remedy the defects. Those requests had been ignored by the gentleman who was now leader of the Opposition until the president of the court was moved to say that it appeared impossible to secure any amendment which was necessary to vest the required powers in the court to adjust

disputes. That being so and the neglect being on the shoulders of the present leader of the Opposition, that gentleman should not now avoid taking the responsibility if the rejection of the Bill caused industrial unrest and prevented in the future the settlement of disputes, and more especially must he take the responsibility—and those with him who had followed his direction—when having failed himself to do what had been demanded of him, he now turned round and denied those willing to do it the right and the power to do it. The blame would be on the hon. member's shoulders in the future. It was a pitiable thing, when today, a Government and a party responsible to the people, and carrying the mandate of the people to amend the Arbitration laws, should be directly defied by the leader of the Opposition and with him those who had so foolishly defeated the measure and so prevented the Government from carrying out one of the most laudable purposes to which they had committed themselves in order to secure a perfect measure of arbitration, and so ensure industrial peace and continuous working in our industries in the future.

Mr. GEORGE: It would be regrettable if the Bill were to be thrown into the waste paper basket, and he appealed to members on the Ministerial side not to do such a foolish thing. When the Bill originally came before the House he declared then that he welcomed the fact that it did away with a lot of the difficulties which had prevented employer and employees coming to a straight issue in the Arbitration Court. Under the old Act, it was possible for either side if they chose, to delay the proceedings, and to his mind, it was not desirable when there was industrial trouble that anything should intervene to delay discussion in the matter and the prompt settlement of it. Did the Attorney General and the Minister for Lands think it wise, even if they did feel strongly about the matter, to throw away many good and wise provisions?

Mr. Thomas: And accept the provisions you would give us?

Mr. GEORGE: Industrial peace throughout was what he desired as much as anyone else, but he was not prepared to take everything that was put before him and swallow it whole, without expressing reasons for the views which he held. If the Bill was thrown into the waste paper basket, there would be a loss to the workers and the employers of provisions which, to his mind, were more worthy than all the talk they had had.

The Minister for Lands: But this clause is the Bill.

Mr. GEORGE did not agree with the Minister for Lands. What in his opinion was at the bottom of a lot of the disputes not being settled was the constitution of the Court. Those of them who were tradesmen knew well that every tradesman clung to his own particular trade. To try and effect a settlement with the assistance of employers' representatives or employees' representatives who did not belong to the trade which was the subject of the disupte, was to ask what was an almost impossible task. The member for Fremantle who was a boilermaker by trade knew well that in connection with his trade he would not like the conditions of the trade or the wages to be discussed by a man who might be a pastry-cook, however eminent that pastry-cook might be. The Act should contain provisions by which a particular trade should be adjudicated on by members of the trade concerned.

The Premier: It does not matter how a court is constituted; if it has no powers it is useless.

Mr. GEORGE: The court would have wider powers and a better opportunity of dealing with industrial disputes than ever before, even with the clause in question deleted. If the Government decided that they would throw the Bill into the waste paper basket they would have to take the responsibility of the action.

Mr. B. J. Stubbs: We shall see what the people will say.

Mr. GEORGE: We could leave our constituents to deal with us. He was not prepared to vote in this matter in the way the Government wished nor was he prepared to throw the Bill away. He was

under the impression in the case of a difference of opinion that a conference could be held in which it might be possible to adjust those differences. Life was a series of compromises; therefore why should the Assembly refuse what was the universal rule? None wanted trouble; we only wanted what was a fair thing; therefore why not have a conference before taking the drastic step of throwing the Bill into the waste paper basket. There were provisions in the Bill which rendered arbitration 50 per cent. better than it was before and were we to throw those on one side? Why not follow the course provided by the Standing Orders so as to endeavour to bring about what was desired?

Mr. CARPENTER: There was no doubt about the attitude of the leader of the Opposition, and having had his utterances—which presumably represented the views of the members behind him,—we now had the member for Murray-Wellington saying something quite different. Assuming what the latter hon. member had stated to be sincere, and he (Mr. Carpenter) did not doubt the hon. member's sincerity, he would like to ask whether there was anything like the unanimity of opinion on the Opposition side which the member for Murray-Wellington had suggested in order to, should he say, bring about with another place a more liberal attitude towards the Bill. If there was one difficulty which had existed during the past four or five years it was that of getting those members of labour organisations who had long since lost confidence in the Aribtration Court as we knew it to-day, to accept the awards which they knew were not fair to them. Only a few weeks ago he begged men, who had just previously had a stupid award given by the Court and which was generally recognised as unfair, to accept that award rather than take steps which would cause not only suffering to themselves but suffering and loss to others as well. The men were advised to take what the court gave because the court's powers were so limited, by the hope held out that there would be amending legislation at an early date giving the court power particularly upon this one question of grading the workers. In the case of the limeburners the award was for a lower rate than was paid in the industry, and even the representative of the employers in the Arbitration Court had referred to the limitation in regard to fixing a better wage for the best men. In this case the men had to be begged to accept the award in the hope that by-and-by the court would have extended powers. However, the responsibility rested with members on the other side to say whether they would take the initiative to save the Bill; its loss would mean disaster to the industrial world and possibly lead to a great deal of suffering in the months to come.

12 o'clock, midnight.

Mr. HARPER: More industrial strife would be created if power was given to the Arbitration Court to grade workers. It was impossible for any court to do it fairly and in a practical manner in regard to the various industrial concerns of Western Australia. He was more than ever convinced that wages boards in the various districts would do far more satisfactory work than it was possible for an arbitration court to do. There was no burning question in arbitration circles in Western Australia at the present time. We had reached the limit of what could be done for the working people. Each and all of the industries in Western Australia were taxed to their highest capacity in regard to wages. If it were desired to bring about destruction it was only necessary to go on increasing wages and shortening hours. The trades unionists had been so tyrannical and severe that they had brought about the depopulation of the goldfields. There was a limit upon what any industry could pay, and in practically every instance that limit had been reached. We were all anxious to do the best we could for the industries, but efforts should not be confined to the improvement of conditions on one side alone.

Hon. W. C. Angwin: What experience have you had?

Mr. HARPER: Probably a more varied experience than the Honorary Minister had had.

Hon. W. C. Angwin: In your own opinion, perhaps.

Mr. HARPER: For one he was prepared to take a broad view on all these questions, but if we were to go on in the way proposed we would wreck every industry in the State.

The CHAIRMAN: The hon. member was a little wide of the question before the Committee.

Mr. HARPER: Wages and the conditions of living were higher in Western Australia than anywhere else. There was no industrial strife in the State at the present time. It was not always found that a good worker made a good boss.

The CHAIRMAN: That was not the question before the Committee.

Mr. HARPER: The practical man was better able to judge of what was required as between the employer and the employee than was any Arbitration Court.

Mr. TAYLOR: The Arbitration Court had failed for want of power to deal adequately with the various grades and conditions of employees. That had been said by both lay members of the court and also by the late President. The court had failed because this clause had not been inserted in the original measure. Whatever might be said with regard to a conference with another place, if he correctly interpreted his friends opposite they were absolutely opposed to the clause, and were seeking to justify the attitude of another place. That being so, what was the use of a conference, seeing that a conference would be dealing with something in regard to which there could be no surrender? To be satisfactory any Arbitration Bill must contain this clause. He hoped if there was to be a conference the members who went from this side of the House would go to maintain the principles of arbitration which were truly conveyed in the language of this clause. To delete the clause would be to delete the whole Bill. The clause was the net result of years of disappointing experience.

The ATTORNEY GENERAL: Already he had said that himself and the Government and the party behind the Government were anxious to save the situation, and to this end were prepared to do anything consistent with honour. He was agreeable to a conference, and would suggest it immediately if he thought there was any chance of saving the Bill by that means. But it was to be clearly understood that if we asked for a conference there must be no yielding of principle; therefore he had grave doubts of the outcome of any such conference. But, lest it might be said that he had left a single stone unturned, he was willing that a conference should be asked for, and therefore if he were permitted to withdraw the motion he had already moved, in place thereof he would move to ask for a conference of managers of the two Committees upon this clause.

Motion by leave withdrawn.

Request for Conference.

The ATTORNEY GENERAL moved—

That a conference be requested with the Legislative Council on the Industrial Conciliation and Arbitration Act Amendment Bill, and that at such conference the managers do consist of three members.

Mr. FOLEY: The motion should be opposed. This Chamber had passed a Bill and another place had sent it back. The Assembly in their wisdom, and with the intention of doing something for employee and employer, had come to the conclusion that rather than lose the whole Bill they would compromise. Having done that, they had fulfilled their duty. The object of the measure was to bring the parties into touch so that they might reason together, and if this clause were struck out the most important part of the Bill would have disappeared. This House had done all that they could be expected to do.

Mr. NANSON: It was satisfactory that wiser counsels had prevailed. The motion moved by the Attorney General was to bring together managers re-

presenting the two Chambers in order to discuss the point at issue between them. A great deal of the present trouble was due to the impassioned speech delivered this evening by the Attorney General. Surely when a difference of opinion arose, as was bound to arise when there were two Chambers, the way to meet the difficulty was not to make a speech wholly unsuited to a deliberative Assembly and appealing rather to the prejudice and passions of members than to their reason. The Attorney General had suggested that if it were not possible to obtain everything asked for in the Bill, there would be justification for waving the red flag of revolution, and that almost every excess would be warranted unless the Government obtained everything they demanded. The whole course of English history was opposed to that method of obtaining great reforms. History taught that if we were to obtain reforms of a lasting character, they were more likely to be obtained by a spirit of compromise than by insisting on everything and refusing to accept half a loaf because one could not get the whole loaf. Had the Government not adopted the course of compromise the responsibility for losing this measure would undoubtedly have rested with the party who refused to accept the suggestion of a conference. There had been no heat on the Opposition side. The leader of the Opposition and the member for Murray-Wellington had spoken in a calm and argumentative fashion. He was glad that even now wiser counsels had prevailed, and if members went into the conference not with their minds made up that they could not give away any single point, but with open minds, he did not despair that we might have some measure of reform. Of course it was not a measure that the Opposition were in favour of. The late Government wanted a measure which would have adopted the wages board system, under which there would have been experts adjudicating on these questions. However, now that a conference had been arranged he hoped that some satisfactory method of compromise would be adopted.

Mr. PRICE: As usual the representatives of the workers were called upon to compromise, and he could not help expressing regret at the tone adopted by the member for Greenough when he accused the Attorney General of threatening that the red flag of revolution would wave in this State if the Bill were not passed. Surely when members rose to speak of compromise and accused others of making impassioned speeches, it would be well if the quotations were correct and were not intended to mislead the public as to what actually had been said. The Attorney General was justified in every word he had uttered. To refer to his remarks as a speech calculated to lead to breaches of the law was straining the meaning of the words and was a deliberate attempt to mislead the public. He was prepared to agree to a conference, but these clauses were the vital portions of the Bill, and what was the good of a conference as to the retention of them? Could members go to the conference with open minds when the whole character of the Bill was contained in the very clauses which they were asked to confer on? If the Bill were thrown out, the opponents of the measure would have done their work well, and Parliament should repeal all arbitration legislation, and give effect to the wish of the leader of the Opposition who had said that he did not favour arbitration. There could be only two ways of doing away with strikes.

Mr. George: Arbitration does not do away with strikes.

Mr. Foley: You will not let us.

Mr. PRICE: Without these two clauses in the Bill it would be impossible to abolish strife, because workers at the present time had no confidence in the Act. Let there be a conference, but if these clauses were to be struck out he would sooner see the Act swept away and a reversion to the old condition of affairs, rather than further continue a farce which had already been too long in existence. The Shearers' Union, the Workers' Union, and the Lumpers' Union at Albany had all refused to have anything to do with the Arbitration Court, and there was not a single union

in the State that had confidence in that body. Why did not the representatives, in another place, of the employers meet the members of the Assembly, so that employers and employees might get all they desired and the court they were seeking? He was not prepared to give way. If he thought the managers representing the Legislative Assembly would give way on this clause he would do all in his power to prevent the conference. Should we be compelled to grovel in the dust before being obliged to carry out the mandate which had been given to the Legislative Assembly by the people? Let us have the conference if it would please hon. members, but he expected no good from it. He hoped the Government would seriously consider the question of wiping out of the statute-book the existing Arbitration Act, which was nothing but a farce, and was calculated to lead to trouble rather than to avoid it.

Question put and passed.

The ATTORNEY GENERAL moved—

That the managers to represent the Legislative Assembly be the members for Murray-Wellington, and Avon, and the Attorney General.

Question put and passed.

Resolution reported, the report adopted, and a Message accordingly sent to the Legislative Council.

1 o'clock a.m.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Council's Pressed Request—Money Bills procedure.

Message from the Council received pressing a requested amendment which the Assembly had declined to make.

Mr. SPEAKER: I want to state to the House that the Council's right to insist on requests has been discussed in the Assembly previously and my predecessors in this office have laid down certain rulings. In the Perth Town Hall Bill the Speaker laid it down that the Council could not insist on or press its requests, as it was contrary to the spirit of Section 46 of the Constitution Act, and, therefore, insistence became a demand. Later on this House referred the point to the Standing Orders Committee and when that committee reported the matter was dealt with and the House adopted certain resolutions on the motion of Mr. Daglish, declaring that the Council had no power to press on the Assembly requests for amendments to money Bills, as if the Assembly allowed it, the interpretation of Section 46 of the Constitution Act would be approximate to the Standing Orders dealing with ordinary Bills. Having drawn the attention of the House to this, I ask members to take that action which they deem expedient in regard to this message.

The MINISTER FOR LANDS: I move—

That a Message be transmitted to the Legislative Council acquainting them that there is a difficulty in the way of consideration by the Legislative Assembly of a Message in which a request is pressed, and requesting that the Legislative Council do further consider the Message transmitted by them with regard to the Agricultural Bank Act Amendment Bill.

Question passed; and a Message accordingly transmitted to the Legislative Council.

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Message from the Council received notifying that the Council no longer insisted on its amendment.

BILL—DIVORCE AMENDMENT.

Message from the Council received notifying that the Council had agreed to the amendment made by the Assembly as recommended by the Governor.

BILL—APPROPRIATION.

Returned from the Legislative Council without amendment.

BILL—TOTALISATOR REGULATION.

Council's Amendments.

Bill returned from the Legislative Council with schedule of three amendments, which were now considered.

In Committee.

Mr. Price in the Chair, the Premier in charge of the Bill.

No. 1—Clause 2, in definition of "totalisator" strike out "and includes" in line one:

The PREMIER moved—

That the amendment be agreed to.

The object of the amendment was to exclude any machine being used on a racecourse other than the machine known as a totalisator.

Question passed; the Council's amendment agreed to.

No. 2—Clause 2, in the definition of "totalisator" strike out all the words after totalisator in line 2 down to the end of the definition:

The PREMIER moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 3—Insert new clause to stand as Clause 15—"No license shall be granted to any club under this Act unless the Colonial Treasurer is satisfied that no profits or gains of any such club are divisible amongst the individual members thereof, or any of them":

The PREMIER: The object of the amendment was to exclude the use of the totalisator by proprietary clubs. He was not quite clear whether it would do what its proposers desired. The Bill provided that the totalisator could not be used except by obtaining a license, but there were several clubs that already had the right to use the totalisator and they would be affected unless the provisions of the Act excluded them. He had brought this matter under the notice of those responsible for the amendment and they had altered it with a view to avoiding the position which would have arisen. He had informed members of another place that we had no intention of extending the use of the totalisator to unregistered clubs, and that he would have no objection to an amendment. That amendment had been made, but he was not perfectly clear that it would only have the effect desired. However, he was assured by members of another place, who ought to know, that the Act specially exempted the West Australian Turf Club and the clubs registered with that body. Therefore he moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

BILLS (4)—RETURNED FROM LEGISLATIVE COUNCIL.

1, Upper Darling Range Railway Extension.

2, Hotham-Crossman Railway.

3, Yilliminning-Kondinin Railway.

4, Marrinup Branch Railway.

Without amendment.

Sitting suspended from 1.20 to 2 a.m.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

Report of Managers.

The ATTORNEY GENERAL (Hon. T. Walker): The managers appointed by this Chamber had met the three managers from the Legislative Council, and a lengthy conference had taken place. At one moment there had seemed to be some possibility of a compromise, the compromise being on Clause 12, in connection with which it had been suggested that the Assembly managers might agree to the omission of the words "or grading," so that the clause would then read that the court might by any award provide for the classification of workers, instead of the classification or grading. Grading being, in their opinion, only another word for classification, the Assembly managers were content to have those words omitted, provided that

the clause were retained without those words. As to Clause 9, the managers had agreed to insert a new clause making awards binding on the unions, provided they could retain the proposed Subsection (2a), namely—"The court may by any award prescribe such rules for the regulation of any industry to which the award applies, as may appear to the Court to be necessary to secure the peaceful carrying on of such industry." Sir Edward Wittenoom would consent to no omission from Clause 12 or to any compromise, and knowing the purpose of the Bill and the object of Clause 9, the Assembly managers could not consent to its being deleted; therefore, the managers of the two Houses had been unable to come to any understanding, and a deadlock had been reached. The Assembly's managers had done their utmost to urge on all present the gravity of the situation, had reminded them of the troubles which had already appeared upon the horizon on the goldfields, and in the metropolitan area, and the danger which would be encountered if this Bill were dropped. Notwithstanding those representations, no concessions other than those already mentioned—and those only on the part of one of the Council's managers, plus the Honoracy Minister (Hon. J. E. Dodd)—were made, and the Assembly's managers were therefore compelled to return to their Chamber and report that the conference had been abortive.

Mr. *Bolton*: It is a poor lookout for the shipping at Fremantle.

In Committee.

Consideration of Legislative Council's Message resumed.

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

The ATTORNEY GENERAL said he would restore his original motion—

That the requirements of the Legislative Council be not agreed to.

Question passed; the Council's requirements not agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Legislative Council.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Message received from the Legislative Council intimating that it did not further press its requested amendments.

ADJOURNMENT—COMPLIMENTARY REMARKS.

The PREMIER (Hon. J. Scaddan): I beg to move—

That the House at its rising do adjourn to 2.30 p.m. on Tuesday, 16th January, 1912.

In moving this motion I wish to explain to the new members that it is not intended to meet on that date: this is done for the purpose of permitting the Bills which have been passed through the closing days of the session to be approved of by His Excellency the Governor. In the interim a proclamation will be issued proroguing Parliament to a date which will be mentioned in that proclamation. I desire to say that to some extent the Government are disappointed with what has transpired particularly to-day in connection with what was such a vital part of the policy of the Government—having just come from the electors with a distinct mandate to do that which was essential for the purpose of preserving industrial peace within the State. Our efforts in that direction have been frustrated by the action of another place which was also responsible for the rejection of the Public Works Committee Bill and also another matter of great importance, the measure for the compulsory purchase of land for public purposes by more just methods. Still I take pride in the work that we have been able to accomplish in such a short session. If hon. members will peruse their Bill files they will find that in a session in the history of the State has such important work been done in so short a space of time. This only points to the possibility of achieving greater things in the near future. We are parting now for a period perhaps of some months and as we are approaching

the festive season I want to convey on behalf of the Government, to members generally and to you Mr. Speaker, the Chairman of Committees, the officers of the House, *Hansard*, the messengers and attendants generally our heartiest wishes for a merry Christmas and a happy and prosperous New Year; and I want particularly to say that while we have, to some extent, had differences of opinion and have fought strenuously across the floor of the House, we have known that our wishes would prevail, for the reason that we had sufficient on this side of the House in support of our policy. I have nothing to complain of from the members on the other side for the little support they have given while retaining the right to criticise. When we reassemble I trust it will be with the one intention to do that which we believe is in the best interests of the community as a whole, and I believe we are breaking up after a short session having accomplished something in that direction. I again desire to tender my thanks to the officers of the House for the courtesy they have always extended towards me.

Mr. FRANK WILSON (Sussex): If the Premier is satisfied with the work of the session I cannot complain. I would, however, just say to him, and to you, Sir, that I think perhaps he has to thank the members of the Opposition for having assisted him in this direction, in that we have not put up factious opposition. We have endeavoured throughout to criticise the measures that have been brought before Parliament by the Government, to criticise them fairly according to our judgment, and then we have ceased our opposition, and allowed the measures to go without a division. Therefore in that respect I think I may claim the Opposition has assisted the Government in getting through the session. The Premier states that he is happy in the knowledge that he had a majority behind him always ready to carry his measures. Happy Premier to be in that position. At the same time the minority must always be recognised, and I can assure him, no matter how small the numbers on this side of the House in the following session and hereafter they will always be heard from and, if necessary, some sharper discussions will take place than have taken place this session. I am glad we got through our work without any serious difference. Perhaps in the heat of debate we used language one ought not to use, yet taking the result in the aggregate in the debates during this session I think we have fairly well abstained from attacks which would cause ill-feeling, at any rate ill-feeling that would be lasting. It is one of the bright sides of party warfare that we are able to fight here and then meet as friends outside. I join with the Premier in extending to you, Sir, to the officers of the House, to *Hansard*, to the Sergeant-at-Arms, and to all other officials connected with Parliament, best wishes for a merry season and I hope, to one and all a very prosperous and happy New Year.

Mr. SPEAKER: Before putting the motion I desire to express on behalf of myself and the officers of the House our appreciation of the kind words uttered by the Premier and by the leader of the Opposition. I want to thank members for the uniform courtesy one and all have extended towards the Chair. So far as I am personally concerned I have endeavoured to carry out my duties with advantage to the House and credit to myself. I may say the officers have done likewise. My thanks are due to them, particularly to the chief officers of the House, and also to every servant of the House who has assisted in the conduct of business. Whilst thanking hon. members I join with the Premier and with the leader of the Opposition in expressing on behalf of

myself and the officers of the House the wish that all shall enjoy a happy Christmas and a prosperous New Year, and I hope when we meet again members will come back rejuvenated to carry on the business of the country.

Question put and passed.

House adjourned at 3·7 a.m. (*Saturday*).

The following notice appeared in the *Government Gazette* of 12th January, 1912:—

It is hereby notified, for general information, that His Excellency the Governor has, in the name and on behalf of His Majesty, assented, on the dates specified, to the undermentioned Acts passed by the Legislative Council and Legislative Assembly in Parliament assembled, namely:—

An Act to apply out of the Consolidated Revenue Fund the sum of Four hundred and sixty thousand pounds to the Service of the Year ending 30th June, 1912. (Assented to 24th November, 1911.)

An Act to amend the Licensing Act, 1911. (Assented to 22nd December, 1911.)

An Act to authorise the Establishment and Maintenance of a State Hotel at Dwellingup. (Assented to 31st December, 1911.)

An Act to validate certain Rates made by the Council of the Municipality of Collie and the Collie Local Board of Health, for the year ending the 31st day of October, 1910. (Assented to 31st December, 1911.)

An Act to impose a Land Tax and an Income Tax. (Assented to 31st December, 1911.)

An Act to amend the Goldfields Water Supply Act, 1902. (Assented to 31st December, 1911.)

An Act to regulate the practice of Veterinary Surgery, and for other relative purposes. (Assented to 31st December, 1911.)

An Act to amend the Criminal Code. (Assented to 31st December, 1911.)

An Act to declare the Marrinup Branch Railway lawfully open for traffic. (Assented to 8th January, 1912.)

An Act to further amend the Early Closing Act, 1902. (Assented to 8th January, 1912.)

An Act to amend the Health Act, 1911. (Assented to 9th January, 1912.)

An Act to enlarge the appellate jurisdiction of the Supreme Court, and to repeal the enactments relating to the establishment and jurisdiction of the Court of Appeal of Western Australia. (Assented to 9th January, 1912.)

An Act to amend the Local Courts Act, 1904. (Assented to 9th January, 1912.)

An Act to consent to the construction by the Commonwealth of Australia of the Western Australian portion of a Railway from Kalgoorlie to Port Augusta; and to enable the Governor to grant to the Commonwealth such waste lands of the Crown in Western Australia as are required for the construction, maintenance, and working of such Railway. (Assented to 9th January, 1912.)

An Act to amend an Ordinance to regulate the Police Benefit Fund. (Assented to 9th January, 1912.)

An Act to enable the Government to erect and dispose of Workers' Dwellings, and to make Advances to People of Limited Means to provide Homes for themselves. (Assented to 9th January, 1912.)

An Act to authorise the raising of a sum of Two million one hundred and forty-two thousand pounds by Loan for the construction of certain Public Works and for other purposes. (Assented to 9th January, 1912.)

An Act to amend the Public Service Act, 1904. (Assented to 9th January, 1912.)

An Act to amend the Municipal Corporations Act, 1906. (Assented to 9th January, 1912.)

An Act to authorise an Extension of the Upper Darling Range Railway. (Assented to 9th January, 1912.)

An Act to authorise the Construction of a Railway from Hotham to Crossman. (Assented to 9th January, 1912.)

An Act to authorise the Construction of a Railway from Yilliminning to Kondinin. (Assented to 9th January, 1912.)

An Act to appropriate and apply out of the Consolidated Revenue Fund and from Moneys to credit of the Trust Fund, the General Loan Fund, and the Loan Suspense Account certain sums to make good the supplies granted for the Service of the year ending the 30th day of June, One thousand nine hundred and twelve. (Assented to 9th January, 1912.)

An Act to further amend the Agricultural Bank Act, 1906. (Assented to 9th January, 1912.)

An Act to further regulate the use of the Totalisator. (Assented to 9th January, 1912.)

And has reserved for the signification of His Majesty's pleasure thereupon:

A Bill for An Act to amend an Ordinance to regulate Divorce and Matrimonial Causes, 27 Victoriæ, No. 19.

In a subsequent *Government Gazette*, published on 15th January, 1912, it was notified that His Excellency the Governor had assented to the following Bill, passed during the session of Parliament:—

An Act to provide for the Exercise by Deputy of certain Powers and Authorities vested in the Governor.

Parliament was prorogued by Proclamation issued in a *Government Gazette* Extraordinary on the 15th day of January, 1912, to the 16th April, 1912.

By Authority: Fred. Wm. Simpson, Government Printer, Perth.