have approached the Government, and the Government see no reason why the deposit should not be returned, providing that a substantial security is forthcoming. The company are ready to furnish that security, but it is impossible for the Government to accept it in lieu of the £1,000 except with the consent of Parliament. With that object in view, the Bill has been introduced. We are quite willing to release that money and allow the promoters to have the use of it, provided we have the authority of Parliament to compel the company to furnish us with suitable security. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.32 p.m.

Legislative Assembly,

Tuesday, 6th August, 1912.

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

PAPERS PRESENTED.

By the Minister for Lands: 1, By-law No. 38 of the Victoria Park local board of health. 2, No. 25 of jetty regulations. 3, Reports of engineers *re* Quairading-Nunajin Railway (ordered on motion by Mr. Monger). 4, Return showing Government grants to trades' halls and workers' halls (ordered on motion by Mr. B. J. Stubbs). 5, Return showing area of conditional purchase land approved (ordered on motion by Hon. J. Mitchell). 6, Return *re* lease of town and suburban blocks (ordered on motion by Hon. J. Mitchell). 7, Papers *re* conditional purchase blocks and homestead leases (ordered on motion by Mr. Monger). 8, Papers *re* removal of E. Hamel from the public service (ordered on motion by Mr. Lander).

QUESTIONS (2)—RAILWAY SLEEPING CARS ON GREAT SOUTHERN LINE.

Mr. E. B. JOHNSTON asked the Minister for Railways: 1, Is he aware that the railway carriages used on the nightly trains between Albany and Fremantle are fitted up for use as sleeping cars, but that sleeping berths are only available to the public on two nights weekly, each way? 2, Is he further aware that, as many people are physically unable to sit up all night, they lie down on the seats, whilst later passengers are cramped up in other carriages, with the result that two passengers often occupy a carriage that, if utilised as a sleeping carriage, would accommodate four persons first-class, or six persons second-class. 3, In these circumstances will he have arrangements made for a few sleeping berths to be available on the passenger trains passing through the Great Southern districts every night? 4, If not, why not?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, No, and the great majority of the passengers travel between Perth and Katanning, between which places a train is run every day in daylight. 3, If sleeping accommodation were provided every night it would be necessary for a special conductor to be in attendance, and the traffic is not sufficiently large during the winter months to warrant this expense. During the last three months the average number of berths booked on the two nights a week on which sleeping accommodation is provided is

only 40 per cent. of the accommodation provided. Last summer sleeping accommodation was provided on three nights a week, and the question of providing it every night during the coming summer will receive special consideration when the new time-table is being settled. 4, See answer to No. 3.

Mr. E. B. JOHNSTON asked the Minister for Railways: 1, Is he aware that the passenger trains between Albany and Fremantle run all through the night, and (a) that the journey occupies more time than that from Perth to Kalgoorlie; and (b) that these night trains carry a heavy passenger traffic to all parts of the Great Southern districts? 2, In these circumstances, is it the intention of the Government to place second-class sleeping cars on the Great Southern Railway, as has already been done on the Eastern Goldfields railway? 3, If not, why not?

The MINISTER FOR RAILWAYS replied: 1, (a) Yes; (b) Yes. 2, More second-class sleeping cars are being arranged for, and when finished a trial will be given during the summer months. 3, See answer to No. 2.

BILL—TRAMWAYS PURCHASE.

Report of Committee, after recommittal, adopted.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Report of Committee, after recommittal, adopted.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Order of the Day for resumption of the adjourned debate on the second reading, from the 1st August, read.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Holman in the Chair; Hon. W. C. Angwin (Honorary Minister) in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Amendment of Section 261:

Mr. HEITMANN: Would the Minister explain the application of this amendment?

Hon. W. C. ANGWIN: Last session we passed an amendment to the Health Act dealing with the registration of midwives. At that time there was a good deal of discussion and eventually an amendment was moved in another place which prohibited the registration of nurses from any other State in Australia except under statutory authority. The States of Victoria and New South Wales had no registration provided under legislation, and consequently any nurse who obtained a diploma in either of those States could not be admitted to Western Australia without having first undergone training and examination. This caused friction among the States, and members would have noticed in the Press the other day that it was intended to take action to see that reciprocity was extended between those States and Western Australia. That being so, it had been felt by the midwives' registration board that injustice had been done to several nurses, and the speediest way to overcome the difficulty was to amend the law. The statute would then read—"The midwives' registration board may by resolution published in the *Government Gazette* decide that any woman who produces a certificate from the examiners that she has passed the prescribed examination, and proof of identity that she has been duly registered in any part of the British dominions" should be entitled to registration. If that were done we would accept the certificates of those nurses who had passed the examination of the Australian Trained Nurses' Association, which we were unable to accept under the law at present. He had been informed that several nurses had been refused registration owing to the wording of the Act. No doubt that was overlooked at the time by those who had moved the amendment, and the session was so far gone that it was necessary that the Act as amended should become law. The Government, therefore, took

this the first opportunity to remove the suspension of those nurses.

Mr. TAYLOR: When the Bill was before the House there was a good deal of discussion on the words "statutory authority." He would like the Minister to explain whether the adoption of this clause would admit nurses from the old country who had not reached the standard of training which the Australian nurses had to reach before they could get their certificates. It had been advanced times out of number that there were nurses who had nursed in certain parts of London, practically in the slums, and who had obtained diplomas after only perhaps three months' work. Would nurses holding such diplomas be admitted under the Bill? If that were so, the Committee should consider the matter very carefully. There was no desire to delay the passage of the Bill, but the Minister should explain whether nurses, such as those to whom he had referred, would be registered. It was certainly clear that nurses holding these diplomas could not obtain in the short space of three months that degree of efficiency which was desired. In Australia the nurses had to undergo three years' training in medicine and in surgery wards, and then an additional twelve months in midwifery.

Hon. W. C. ANGWIN: The law as it stood to-day would admit those nurses that the hon. member had referred to. He was not going to admit that they did not have the same degree of efficiency as those who were trained in Australia. He was certain that no registration board in England, which had the power to issue a diploma, would do so to a person unless that person was properly qualified. The nurses the member for Mount Margaret spoke about could be admitted at the present time, but those who were trained in Sydney and Melbourne could not be admitted as the law stood.

Mr. HEITMANN: It seemed to him that there was an anomaly in the Bill. We declared to the nurses of Australia that they should have six months' training and yet in another provision we recognised a certificate from, say, the Central Midwives' Board of London, which body did not demand anything like six months' training before issuing a certificate. He would join issue with the Minister when the latter stated that he would not admit that the nurses in London certificated by the central midwives' board were inferior in their training to the Australian nurses. It seemed to him, however, the Minister should give some attention to the point, and if we declared that the certificated London nurse should be recognised after having had three months' training, the same thing should apply to Australian nurses.

Hon. W. C. Angwin: That is what I am asking.

Mr. HEITMANN: It was his intention then to oppose the Minister on every occasion. The House had indicated that it wanted the highest standard it could possibly get. The Australian nurse, wherever she went, was looked upon as a nurse with a high training, and it was desired that that high standard should be maintained. The Minister should bring all the regulations on this matter into accord. A nurse coming from London could get a certificate here after three months' training in London, and yet we forced our own nurses to undergo a period of six months' training.

Mr. THOMAS: While entirely agreeing with the member for Cue, he would even go further. The standard set up in Western Australia was, in his opinion, not high enough, and he did not feel disposed to support any amendment which would leave the door open for a nurse with inferior qualifications to come into Western Australia. It seemed to him that members were treating the Bill too lightly, and he regretted to say that he had not given the measure the attention that it deserved. It was a very important question and the member or Cue was one of those who knew all about it. There was another matter he would refer to in connection with nurses, and it was that we were placing the hall mark of the State upon those who possessed proper qualifications, and we were giving them the opportunity of posing as qualified professional people to deal in a proper manner with the work they were undertaking.

So far as he could judge, the Western Australian qualification was the highest of any held in the States, but it was quite inferior when compared to the work the nurses were expected to carry out We were dealing with human lives; and these nurses would be engaged largely by the poorer people of Western Australia who could not afford to secure the services of a medical man, and who would rely consequently largely upon these nurses.

Hon. W. C. Angwin: You will not be able to engage those soon.

Mr. THOMAS : They would be available when the Prime Minister provided the maternity bonus. That would be a bonus for nurses and doctors as well. He was utterly opposed to any proposal to reduce the qualification of these nurses, and he would like to have the assurance of the Minister that everything possible would be done to prevent the holder of an inferior qualification being admitted to practice in Western Australia. He did not care whether nurses in New South Wales, Victoria or anywhere else felt that they had been unjustly excluded. If they did not have qualifications at least equal, or superior, to those of Western Australia we would be better off without them.

The Attorney General : Do you think the good qualifications of a nurse depend upon a diploma or a certificate?

Mr. THOMAS : No, but all things being equal, he would prefer the man or woman with a fairly decent certificate. It would be very often found that a person without a certificate was very useful in a profession. In his own profession the best men he had employed had been those who had been without a certificate. He did not know however, whether that applied to the legal profession as well. It was to be noticed the other evening, when the question of animals was at stake and the Bill for the prevention of cruelty was before members, pronounced interest was taken in every clause, but at the present time when the question affecting human lives was under consideration members of the Opposition did not seem to desire to take any part whatever in it.

Hon. Frank Wilson : You admit yourself you have not read the Bill.

Mr. THOMAS : If he were the leader of the Opposition he would feel it his duty to read every Bill that came before the House. There was no desire on his part to take a parochial view of the matter, and he certainly thought that in all cases there should be reciprocity, but he was strongly opposed to the lowering of the standard of the profession of nursing. It would be better for the public and better for the nurses themselves if we put up a high profesional standard because the people would have greater confidence in the nurses. If we were going to set up every Sairey Gamp who chose to come up for a pettifogging diploma, and, backed up by the State, give her the power to pose as a professional nurse, there would be tremendous risk incurred.

The Minister for Mines : Do you think that a responsible board in England would give certificates to persons who were not qualified to hold them?

Mr. THOMAS : The Act referred to any part of the British dominions, and there were many parts of the British dominions where the qualifications were not very high. We should not take any risks. Infant mortality in this country was high enough at present.

The Minister for Works : That is not due to nursing.

Mr. THOMAS : Very often it was due to nursing. What did a woman know even if she had received six months' training. What did she know about bacteriology and so forth? Throughout Western Australia practically there had been no restriction in the past, and people had had to take their chance. There were many people in the country who accepted qualifications as proof positive of the capacity of a person, and the poorer people of Western Australia would employ the nurses and say the Government had fixed their qualifications. They had to be registered as nurses and consequently these people assumed that the nurses were qualified and able to carry out their duties.

The Minister for Mines : Because there has been no restrictions in the past we should make haste slowly.

Mr. THOMAS : There had been no restrictions in the past and the hall-mark of the State was not placed on the nurses. There was ample time at present to evolve a proper qualification in this Bill. Members did not fully realise the importance of the measure, there were few members in the House who realised the full importance of what was being done by the Bill. He supported the member for Cue in the suggestion made. The point briefly was that he did not want to see the qualification lowered in any way at all. He did not want to see facilities for admitting practically unqualified nurses any wider than were the facilities at the present time. He would feel inclined if time were available, to draft an amendment to raise even the standard existing in Western Australia. It was to be hoped the Minister would consider this question a little and see that the qualification would be kept up to the highest point possible. The future mothers of Western Australia, if they only understood the work we were asking the Minister to do for them on this occasion, would fully appreciate our efforts.

Mr. GARDINER: The Health Bill which was passed last session had caused great hardship to many people in the State. Therefore he urged the Minister to liberalise the qualification. An instance had come under his notice. A number of women were acting as nurses in a particular town. Immediately this law came into operation a qualified nurse went to the town and immediately the women who had been acting as nurses there were prohibited from attending cases.

Hon. W. C. Angwin: Had these women done their work satisfactorily?

Mr. GARDINER: Absolutely. The nurse made her charges so exorbitant that it was absolutely impossible for working people to be attended by her. Professional men advocated that the standard should be raised, to thereby create a monopoly. The Minister was absolutely justified in the amendment which he was endeavouring to affect, and he trusted the clause would be further liberalised so that people in the country towns would have an opportunity of receiving attention from those from whom they had received attention in the past.

Mr. HEITMANN: The member for Roebourne seemed to think that the present Act created a hardship on people in country districts, and he instanced the case of Roebourne where women who had been carrying on nursing in the past had ceased their occupations, and the hon. member intimated that this was in consequence of the Health Act coming into operation. But there was a provision in that Act which allowed a nurse who had attended a certain number of cases to become registered, therefore it was the nurses' fault that they were not registered. The idea that an Act of this description would enable nurses to create a close co-operation and have a monopoly and increase prices would not hold water. Every member must recognise that after a nurse had gone through her training the £3 or £4 per week which she charged was not too much.

Mr. Lander: The working man cannot pay those fees.

Mr. HEITMANN: Then the hon. member should try and get the working man more money. By the amendment we would enable nurses who were qualified in the Eastern States to become registered here. At present we allowed nurses from other parts of the world who had received certificates under statutory authority to come here and practise, but we prevented nurses from the Eastern States no matter how long they had practised. According to our Act, all nurses, before being registered, must have six months or twelve months training.

Mr. McDonald: What is the qualification in the Eastern States?

Mr. HEITMANN: Six months.

Mr. McDonald: Nothing less?

Mr. HEITMANN: Yes, they must have a general nurse's certificate. The Central Midwives Board of London was an association governing a great number of nurses doing slum work. Well trained nurses would attend a case and afterwards nurses who were not thoroughly

qualified would further attend the cases for a fortnight. After three months these nurses were registered. He considered that that was not sufficient training, and the Minister would not say that a nurse in England was able to get sufficient knowledge in three months while here it was necessary to have a longer training.

Mr. McDonald: Do they have the qualification of an ordinary nurse in England?

Mr. HEITMANN: No. That was under one association in England. It was only right that the department should relieve the anomaly now existing. We could train plenty of nurses in Western Australia if we were to give them a status when we had trained them. It would be interesting to the Committte to learn from the Minister what had been done in regard to the construction of a training home for maternity nurses, for it was high time this matter was seriously considered. Anyone reading the statistics in Western Australia would recognise that there was something wrong when they found that in 1908 the maternity death rate was about 45 out of 3,800, although in large lying-in hospitals in other parts of the world 10,000 and 15,000 cases had been treated without a single loss.

The Minister for Works: It may be the doctors.

Mr. Underwood: What about the milk?

Mr. HEITMANN: Those statistics made one realise that we should not, at all events lower the standard of nurses, but the Government would be doing that by allowing nurses to come into the State to be registered who had not sufficient qualifications.

Mr. UNDERWOOD: The proposal of the Bill to allow the registration of nurses from the other States was worthy of support, but not so the idea that there should be any restrictions on the employment of qualified women, no matter where they came from. Above all, what was wanted was some provision whereby poor people could be treated, for, unless a man was receiving something over the ordinary wages paid to manual workers, it was almost impossible for his wife to have children, and for him to pay his debts.

Mr. Gardiner: What will it be when these restrictions are placed on?

Mr. UNDERWOOD: The position might then be worse, but the hon. member should realise that the Bill was not making the position any worse. It was the duty of the Government, and the Health Department particularly, to assist the people in connection with the enormous cost of child-birth in the out-back portions of the State. Although the doctor was, in some places subsidised to the extent of £500, he charged ten guineas for a maternity case, and the nurses charged four guineas per week. In addition, there was the extra "keep" of the nurse, and in many cases, when the nurse was very highly qualified, she wanted somebody to assist her.

Mr. B. J. Stubbs: She wants a nurse to look after the other children.

Mr. UNDERWOOD: The "old man" had to do that. At any rate in the North-West it was considered that the cost of bringing a child into the world was about £50.

Mr. George: And the Commonwealth is only paying £5.

Mr. UNDERWOOD: If the hon. member had his way, the Commonwealth would not pay even that amount. The State should subsidise the Commonwealth's efforts to some extent; in many districts it would be possible for the State to provide both nurses and doctors. The Minister should realise the absolute necessity of, in some way, reducing the cost of bringing children into the world, particularly in the out-back districts.

Hon. W. C. ANGWIN: Hon. members appeared not to have read the clause in the principal Act, which left it entirely optional with the Board as to what certificate they should accept. Was it reasonable to think that any board brought together to deal with the registration of nurses would accept any diploma which was not up to the standard set by the board as the qualification required by their own nurses? The member for Cue had complained of nurses who were certificated in England; but one might safely say that English nurses, even in the slums, would have a great deal more actual

practice in midwifery cases than they would have in a considerably longer time in Australia. There was no doubt that even the passing of the Health Act, providing for the registration of nurses, had caused some difficulty in country districts. From some places complaints had been received that it was almost impossible to get nurses, and the Government, to get over that difficulty, had introduced a district nursing scheme, and, in several parts of the State, had subsidised nurses to enable them to practice. The great difficulty met with to-day was that, in many country districts, nurses could not obtain proper accommodation to enable them to reside locally, and the Health Department was now considering whether it would not be advisable to take steps to see that nurses could obtain accommodation in out-back districts.

Mr. Heitmann: What steps have been taken in regard to maternity wards?

Hon. W. C. ANGWIN: Many districts at the present time were adding to their hospitals and providing maternity wards. Kalgoorlie and Sandstone had provided maternity wards, and Bulong, also, was making a similar provision, whilst plans were being prepared for the erection of an up-to-date maternity hospital in the city of Perth. That would overcome a great deal of the difficulty which the department had at present to contend with. Members must realise that, if the Act were amended as provided in the Bill, there was no possibility of the board admitting any diploma that was not up to the standard of the diploma prescribed by the board.

Mr. Thomas: You leave it entirely to their discretion?

Hon. W. C. ANGWIN: Absolutely; but the board were not going to take anyone who had not a diploma up to the standard which the board had set. To-day there was no statutory authority in Victoria or in New South Wales. The diploma in those two States was issued by the Australian Trained Nurses' Association, and was under regulations made by that body. The member for Cue had pointed out that in Victoria and New South Wales it was necessary to have six months' training, but that training was for the purpose of obtaining the A.T.N.A. certificate. In Western Australia, under the Act as it stood to-day, before the Australian trained nurse could receive a midwifery certificate, she must have had twelve months' training prior to her examination. Nurses who had been trained in the Melbourne Hospital as general nurses, and in addition, had received their training as maternity nurses to qualify for the A.T.N.A. certificate, must undergo another examination before they could practice in this State. It was now proposed that the Board should have the power to admit those nurses if they considered them qualified to practice in this State. If we did not watch what we were doing in health matters, it would soon be almost impossible to live at all, or to bring extra life into the world. In the Eastern States the nursing profession realised that they were in an unfair position so far as Western Australia was concerned. They considered they should be able to practice on coming to Western Australia so long as they held fully qualified certificates. By the amendment the clause proposed there would be no further difficulty in this regard.

Mr. DWYER: The amending Act passed last session had rendered it impossible for nurses holding diplomas under the Australian Trained Nurses' Association to secure registration. This was an anomaly and it was pleasing the Minister had seen fit to rectify it. The omission of the words "under statutory authority" would at once open the door to the admission of members of this and other associations, and the safeguard for the public was afforded by the constitution of the midwives' registration board consisting of the Commissioner of Public Health, two medical practitioners and two nurses. In regard to the cost of maternity cases in outlying centres of the State, some relief should be given by the Government. There was not much to complain of in populous centres where competition made for moderate charges; but from what one could gather, the charges in country districts were exorbitant from the point of view of the parents. If the

Government subsidised medical practitioners in outlying districts they should have the right to specify the charges in maternity cases, and if special privileges were given to nurses there ought to be specified charges for attending midwifery cases. The member for Bunbury displayed crass ignorance by being unaware of the fact that the charges of the legal profession were fixed and determined and very often cut down to the very marrow and bone.

Mr. Thomas: I take exception to the words "crass ignorance" and ask for their withdrawal.

Mr. DWYER withdrew the words "crass ignorance." The hon. member had shown want of knowledge on the subject. The charges of the legal profession were almost in every respect fixed and scheduled. That was not the case with medical practitioners or nurses. At any rate, in regard to the Bill before the House, the public were amply protected by the constitution of the board, and members of certain associations previously excluded would be permitted to register and ought to be registered. Everything possible should be done to increase the number of nurses available to give their services to the public.

Mr. THOMAS: The hon. member would limit the charges midwives could make in the exercise of their profession, but immediately any restriction on the "Gent-One" profession came under consideration the hon. member became exceedingly sensitive. He (Mr. Thomas) regretted having made any remark about the legal profession which hurt the hon. member's feelings. The point was that the board would have absolute power to do just as they liked. The member for Perth was perfectly satisfied that the constitution of the board was an entire safeguard for the whole of Western Australia. But why should this power be left in the hands of the board? We had been sent here by the people to make these laws, and not to delegate our powers to any five individuals outside the House. He agreed that nurses who had secured their credentials in other States should be admitted to practice in this State, but he was utterly opposed to the admission into Western Australia of unqualified nurses, and the placing in their hands of diplomas which would enable them to misrepresent themselves to the people of the country. It seemed to him to be due to a total lack of understanding of the needs of the people that it should be proposed to allow unqualified persons to cater for their requirements. The clause applied more particularly to the poorer people of the State, and because of that it was deserving of special attention on the part of hon. members. To lower the standard of qualification of the nurses would result in a great deal of injury being done throughout the country. The Bill would admit nurses from England who had had no preliminary training and but three months' training as midwives. How was it possible for any woman to gain sufficient knowledge of the work within three months? Clearly hon. members were about to take a very serious step which might result in a great deal of harm, and it behoved them to give the deepest consideration to the clause.

Mr. B. J. STUBBS: The objections taken by the member for Bunbury were well worthy of endorsement. We first set a high standard of local examination, and then subverted that standard by placing in the hands of the board the power to say what certificates they would recognise as being equivalent to our own examination. That was giving the board far too great a power. The health authorities, it seemed, would like to see the standard of nursing depreciated. He was not at all sure that those charged with the administration of the existing Act were in sympathy with a high standard of nursing. Fears had been expressed that with an improved standard of nursing the already high cost of maternity cases would be enhanced. It could be shown, however, that by the employment of a highly qualified nurse the cost of such cases in outback centres would be decreased, because such a nurse would be well able to dispense with the services of a doctor. In his opinion the excessive cost of these cases in remote districts was ascribable wholly to the fees charged by the medical attendants. There were two ways of overcoming this difficulty; one by employing a nurse who would not require the services

of a doctor, and the other by nationalising the medical profession. If the board were given the power proposed to be put in their hands, they would in all probability depreciate the standard of nursing. The Minister was in a difficulty. It was desirable that we should admit highly qualified nurses from the Eastern States without further examination, and at the same time avoid opening the door to oversea nurses who did not possess the necessary qualifications.

Mr. GEORGE: Nurses should not be allowed to come into the State unless they possessed qualifications equivalent to those required from nurses in the State. When the Bill was discussed this point was considered fully, and the impression on his mind was that local nurses should not be put to any disadvantage as compared with nurses imported from other parts.

Mr. FOLEY: The Minister was to be complimented on his amendment. If the words were deleted we would be safeguarding the infant life of the State. Where we had a board constituted as at present, the interests not only of the professional people but of the patients, would be safeguarded. At present we were debarring nurses trained elsewhere from coming here. Many of the local nurses when desirous of becoming midwifery nurses had to go to the women's hospital in Melbourne and undergo six months' training. That was under no statutory authority. The experience was that the more highly qualified a nurse was the more unlikely she was to go to midwifery cases without the services of a doctor. Many women had had more midwifery cases in one year than some of the trained nurses had had in the whole of their career.

Mr. B. J. Stubbs: They can be registered.

Mr. FOLEY: They were registered. Nine out of ten patients, he believed, would sooner have the services of one of these women than those of the most highly trained nurse obtainable. During his connection with more than one of the subsidised hospitals he had known of cases where medical men had given their services freely for the sake of the children being brought into the world. As far as the nursing went, in almost every case the husband was called upon to pay, because generally the women had been those who had come under the Registration Act. If we could bring down the cost to the parents it would be a good thing, but until the nationalisation of the medical profession came about, we would have to legislate for things as they existed. He would vote for the amendment.

Hon. W. C. ANGWIN: There was no desire by the amendment to reduce the standard required of those who practised as midwifery nurses. During the last session objection was taken especially with regard to the training. At that time a person who had had three years' training at general nursing was allowed to go up for examination after six months' training as a midwifery nurse. That provision was deleted by another place, and a good deal of controversy was caused and the question was raised of the kind of institution in which they should be trained. The desire was, as far as possible, to protect the nurses who had passed the Western Australian examination. No board would accept any diploma or certificate if the holder had not passed an examination of the standard required by the board. The grounds for objecting to the admission of nurses to the State, however, had not been substantial, and this had placed the State in an invidious position so far as other States were concerned. It was true that certificates issued by the Melbourne and Sydney women's hospitals and similar institutions were not accepted in Western Australia until they passed another examination. There were only four places in the British Dominions which had statutory authority. The board was in existence before the present Government came into office and on it were such men as Doctors Hope, White, and Hicks, and, he thought, two nurses from the trained nurses' association. They could rest assured that this board would not register any person until she had the required qualification. The Act provided that persons who had practised for two years prior to the pass-

ing of the measure could, under certain conditions, be registered. Thus all nurses now must be registered. These nurses had had to produce certificates from doctors showing that they had attended not less than 20 cases under the superintendence of medical men. He thought we could leave it to the board to protect those engaged in nursing. We should not make the qualification too severe. This was a State of long distances, and in places where assistance was necessary there might not be sufficient residents to enable a qualified nurse to practise there, and by making the conditions too stringent the requisite help might not be available. There were frequent complaints regarding the difficulty of obtaining nurses, and we had also to consider the cost. A trained professional woman would not take the same position in a working man's home, for instance, as one who realised the necessities when such events occurred. Not only had the nurse to be provided, but assistance had to be procured in connection with household duties.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. C. ANGWIN: Hon members would realise that the alteration was brought about for the purpose of admitting those from the other States who were debarred at the present time. Some remarks had been made with regard to the action of the Commissioner for Public Health, but he assured hon. members that there was no man at the present time in the State who was more concerned about the health of the State, and who was also desirous of seeing the high status of the nurses maintained than was the Commissioner.

Clause put and passed.

Clauses 8, 9—agreed to.

Clause 10—Amendment of Sec. 300:

Hon. W. C. ANGWIN: This was an innovation which provided that a copy of a regulation could be presented to the Court at any time when legal proceedings were being taken. At the present time, it was necessary before a Local Board of Health could take proceedings to produce a copy of the *Government Gazette*, and it would be generally admitted that it was sometimes difficult to produce the *Gazette*. The regulations were amended frequently, and it might be necessary for the local authority or the Government officer to find, not one, but many copies of the *Government Gazette*. It was thought advisable, that, if a copy of the *Gazette* was produced, dealing with the question before the Court, and if that was signed and approved by the Government Printer, that that should meet all requirements. That would assist to a great extent in the conduct of any case before the Court.

Clause passed.

Clause 11—agreed to.

Title—agreed to.

Bill reported without amendment; and the report adopted.

MESSAGE—WICKEPIN - MERREDIN RAILWAY, SELECT COMMITTEE.

Leave to confer.

Message received from the Legislative Council intimating that leave had been granted to the Select Committee of the Legislative Council, appointed to inquire into the Wickepin-Merredin railway to confer with the committee of the Legislative Assembly appointed for a like purpose.

The MINISTER FOR LANDS (Hon. T. H. Bath) moved—

That the consideration of the Message be made an Order of the Day for Thursday.

Mr. MONGER: May I ask whether that Message can be taken into consideration now? I may mention that the select committee of this House will be taking evidence to-morrow morning, and, under the circumstances, it would be advisable to deal with the Message at the present time.

Mr. SPEAKER: The Message can hardly be taken into consideration now. It must be dealt with on a day later than that on which it has been received.

Question put and passed.

Mr. MONGER: I am sorry the Minister has thought fit to disagree with my suggestion, and I am sorry that the hon. member in charge of the select committee has not thought fit to support me. If I am in order——

Mr. SPEAKER: The hon. member is not in order. There is nothing before the House.

PERSONAL EXPLANATION—MR. DWYER AND THE PERTH CITY TREASURER.

Mr. DWYER (Perth): With the indulgence of the House, I desire to make a short explanation. When speaking on the Perth Tramways Purchase Bill in Committee the other evening, I quoted certain figures which went to show that the Perth municipality would lose the sum of £76 odd, if a certain clause in the measure were passed, and I gave as my authority for the figures the Perth City Treasurer. Subsequently, the Premier, speaking on the recommittal of this clause, stated that the figures which I quoted were entirely incorrect. While I admit that the Premier was perfectly right in what he said, I would like to make this explanation for the purpose of freeing the Perth City Treasurer from any blame in the matter. The figures were not his, but were supplied to him by the tramway company, and the mistake which was made was not that of the Perth City Treasurer, but of the tramway company who supplied wrong figures as to the mileage.

BILL—INDUSTRIAL ARBITRATION.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: In introducing the second reading of this Bill, I feel that the weight of the task I have before me is almost too great for me to do myself justice with. I cannot help but realise that this measure is a mile-stone in the history of the development of the British race. I take that race as an emblem of all that is progressive, all that is humane. Its march through the history of the past has been marked with triumphs of liberty, and equally triumphs of justice, but the distribution of liberty and justice has been only in proportion to the fitness of those upon whom those blessings fell to receive those blessings. In other words, at time only a few, the enlightened, the leisured few, are enabled in their consciousness to appreciate liberty or justice. The area of action of those blessings is exceedingly circumscribed. As time runs on, the circle grows until at length the whole of the people who figure within that race receive these blessings, appreciate them, and exercise them, and if, in tracing that development, I may be allowed to make this introduction to this measure, one cannot but marvel how from time to time history repeats itself. The great upheaval of what, a year or two ago, would have been called the labour classes, which has marked every civilised country in the globe within this last decade, and the development of the human mind among the lower strata, so to speak, seems to come in cycles, and I cannot help but compare for a moment in passing, when I stand introducing this great measure tonight, the movements and agitations of the century in which we live with those equally potent movements of the 14th century. I may be pardoned, before I get into the heart of my speech, and merely by way of introduction, if I read one paragraph from the work of a great historian, who, in these words, speaks all too briefly of the period I am referring to—

> The dreadful pestilence of 1348, by greatly reducing the number of the new class of hired labourers, nearly doubled the value of their labour—to the great loss of those landed proprietors who had commuted the predial services of their tenants. The landlords, with an utter disregard of the rights of the labourers, had recourse to the Statute of 1349, and to a series of similar Statutes between that year and 1368, by which every able-bodied man, not living of his own nor by any trade, was compelled to hire himself to any master who should demand his services, at such

wages as were paid three years previously, or for some time preceding. These Statutes, whilst failing in the object which they had in view, as appears by the frequent complaints of the Commons that they were not kept, greatly increased the general discontent of the peasantry. In a great many manors at this period the ancient services still remained due, but the villeins, lured by the prospect of high wages, impatient of the burthens of predial service, and animated by the general democratic spirit which the progress in knowledge and refinement had excited throughout Europe, began to confederate for the purpose of resisting their lords. A Statute of the first year of Richard II., passed "at the grievous complaint of the Lords and Commons of the Realm, as well men of Holy Church, as other," for the punishment of recalcitrant villeins, recites that "villeins and tenants of land in villeinage who owe services and customs to their lords, had of late withdrawn their customs and services from them, by comfort and procurement of others their counsellors, maintainers, and abettors, who had taken hire and profit of the said villeins and land tenants; and under colour of exemplifications out of Domesday Book of the manors and villes in which they dwelt, and by wrong interpretation of those exemplifications, claimed to be quit and discharged of all manner of service, either of their body or of their lands, and would suffer no distress or other course of justice to be taken against them; and did menace the servants of their lords with peril to life and limb, and what is more, did gather together in great routs, and bind themselves mutually by such confederacy that each one should aid the other to resist their lords with the strong hand." It has been suggested, with much probability, that about this period the lords of manors who had commuted the services of their tenants, attempted to reimpose the old predial burthens, and that this, in conjunction with the irritating poll-tax of twelve pence a head exacted from rich and poor alike, was the exciting cause of the formidable insurrection of 1381, in which all classes of the villeins—free and slave—made common cause. The actual demands of the insurgents were evidently framed so as to include the grievances of the free agricultural labourers as well as of the *nativi*. They comprised, in addition to a general pardon, (1) the abolition of slavery; (2) a fixed rent of fourpence the acre on lands instead of the predial services due by tenure in villeinage; and (3) freedom of commerce in market towns without toll or impost.

I have read that as showing that the movement in which the enlightened so-called lower orders of to-day are engaged is not new, that the position of master and servant has continued from then until now, and if this were my subject I could show how this and other Statutes of Labourers passed in the reign of Edward III. has lived in our own laws up to the day I am speaking. We are yet governed by those old statutes that came down from the days when the serfs were the property of their masters, when men could be captured and taken back into the employment of their masters, when wanderers could be taken at any place, and when they escaped they could be branded with hot irons, whipped, and compelled to serve in dire servitude. From those days we have received laws that live in the common law of the country, in the interpretation of our courts, and in the customs and habits that regulate our social conditions. It has only been possible for the worker to call himself free within the reign of Her Most Gracious Majesty Queen Victoria. Meetings for the purpose of bettering the law of the worker and unions, companies and gatherings for the purpose of discussing the betterment of the condition of the toiler were held to be illegal; and it is within the recent memory of all of us when unions or companies of men in any trade for the purpose of bettering their lot were considered legal entities and had rights that were recognised by the law. It is only as

of yesterday that that right came to the great body of workers throughout the British dominions, and I am proud of the fact that in the development of those ideas, which have in view the betterment of the lot of the great multitude who must work for hire, the example has been set by the country in which we live For long Englishmen pointed to America as the land of the free; for long that great western republic was looked upon as containing the best essences and the truest light for the guidance of those who wished to be more than mere slaves amongst their fellows, but America with its plutocratic rot, with its evil of wealth concentrated in the hands of the few, has long since ceased to be the guide and beacon light to the rest of the world struggling to make humanity brighter and more contented; and it is under the Southern Cross, in the adjacent Dominion of New Zealand, in the Eastern States of this Commonwealth, and in the State in which we live, that the most advanced experiments have already been made: that the steps taken have been most effectual, and that the hope for still further improvement is deepest rooted and best secured, and I am in hopes still that we shall go on in that direction. Now the Bill that I have is not something like the Palladium of ancient Troy dropped down in a tranquil order of things; it is an actual part of the great movement that I am endeavouring to depict; it is the outcome of a long series of struggles and conflicts, a long priod of suffering and misfortune, and a long awakening from the darkness of the nights that have been into a realisation of the day that is dawning, and the power and possibilities that are at hand. Therefore, it requires no apology except that in my voicing of its principles, and in my description of its purpose, there must, of necessity, be that feebleness which comes from the attempt of any one man to adequately grasp, centralise and adjust all the complex forces that are moving in a growing society. But I want to say at the outset that it is no mere class instrument. I shall repeat that; it should be emphasised. It should not be misunderstood on the threshhold; we should understand that this Bill comes from the growth of humanity, not from the mere selfishness, caprice, and ambition of any section or any class. It would be impossible to have a measure of this kind had not science, taking the wand, swept from the clouds of the atmosphere all the darkness of mediæval superstition, had taken away the darkness and brought the light of truth and knowledge. Before a Bill of this kind is possible there must be education, there must be the free exercise of intellect. The learned classes must not have a monopoly of knowledge, but knowledge must be distributed. Great principles must be whispered in the ears of children and science must take them by the hand as they wander through all the mazes and marvels of nature until the child, growing to manhood, learns to feel himself part and parcel of great nature itself. These are the pre-conditions, the conditions that are necessary to establish the possibility of this movement which we have, for want of a better name in modern times, called the Labour movement. I am aware that for political purposes the word "Labour" has had placed upon it the stigma of degradation. I am aware it has been circumscribed in meaning so as to designate only those who are supposed to be agitators and disturbers of the peace of an easy going community, those who stand in the way of the complacent classes, those who irritate by their cry for higher and nobler things; but I am not going to accept any such circumscribed definition of this word Labour. I do not care whether we leave the secular world and enter into an atmosphere more calm and sacred, more associated with what has been revered by our fathers and by ourselves, that word rings through every age, right from the mythical Eden, when it was the great injunction to those who are supposed, at least in mythology, to have started our race, that they should toil and cultivate the earth. Labour was the great cloak that was placed upon them, the sceptre that they had to bear through all ages; and no poet has ever sung so truly, never has such music been placed into his

rythym, or inspired his verses, as when he has sung of the toil, of the dignity of the labour of men; and as I speak here to-night, I can hear, in imagination at least, the old Latan poet when he says "*Laborare est orare;*" and one of the best poets of our race, the last inspirers of the hearts of men, the same theme instils and makes him feel the mover of mankind, when, rising from his poetic seat, he cries, as it were, to the whole human race—

> Let us then be up and doing,
> With a heart for any fate,
> Still achieving, still pursuing,
> Learn to Labour—and to wait.

That is our theme, Labour; and in that comprehensive word we include all of the nature of toil that has for its purpose the maintenance, the improvement and the happiness of the human race. We therefore, include the man who toils at his desk, the man who labours in the philosopher's closet, the man who by his instruments measures the furthest distance of the stars, or he who looks by the aid of the microscope in that minute and still more marvellous universe infinitely small; for he labours, he works for the benefit of the human race. In the word "Labour," therefore, is involved and implied the whole army of brain workers, of muscle workers, all body-and-mind workers who toil for the good of all mankind. Now, people in so large a class as that are not a section, not a fraction of the community. The class embraces not a little sect, not a clan, not even a political party. Misunderstood by those who cannot read the signs of the times, misunderstood by those who keep their eyes still fixed on the has-been and the dead past, mistrusted by those they benefit, and serve, they only are maligned, their motives are misunderstood; and I shall not marvel, therefore, if the work we are doing to-night in trying to get this Bill upon our statute-book is misrepresented, misunderstood, our motives misconstrued; and I shall not be surprised if we are not told that this is purely trades-hall legislation, that it is intended only for those who are secretaries and presidents of unions—agitators, as we shall be told, with a capital A. But those who fight us with such weapons as those are fighting for their own destruction. A tide like this that has its source of flow so far back that we cannot say when the tide commenced to rise, whose high-water mark was seen in the fourteenth century, and whose passing I have quoted to-night, and whose history goes far beyond, I say that which has been so long growing and coming to such maturity now must destroy, must sweep over, leave helpless, so to speak, in its passage, those who are foolish enough to stand up with an effort to resist it. They can no more stop its progress than could King Canute, at the demand of his flatterers, stop the rising tide on the coast of England so long ago. And I am going to say that this Bill is really the greatest blessing that proud employers could wish bestowed upon them, because it means that if anybody is to benefit by the peaceful flow, so to speak, of industry, if anybody is to have enjoyments as the result of contented labour, it is those who get profit out of the labours of their fellow men. It can never be to the benefit or advantage of the employing class to have a discontented set of workers who, if they cannot obtain all they think ought to be bestowed upon them, will immediately cease their labour or use other arbitrary, harsh and cruel means in order to obtain their needs. In other words, strikes are never benefits. I ought, perhaps, not to say "never benefits," I ought rather to say they are "never adequate benefits." I do not deny that there are instances where strikes have been benefits, like some warfares have been the only justifiable means in circumstances of drawing attention to great grievances and of insisting on the redress of great wrongs. There have been times when the strike was the only instrument, but now we have come to that growth of knowledge, that advance of understanding, which enables all those who differ to argue together and reason in unison, and finally come to a conclusion that benefits all, though no party may get all it wants. As I have alluded to that power so I say now it is coming in the ranks of the workers all through the world; and despise the toiler and agitator as you may, the great force in the Labour movement through agitation in what you call their

trades halls, their development of understanding, their contribution of knowledge to the common stock, their distribution of that knowledge combined with the spread of the sense of comradeship and union all through the ranks of the workers wherever we may be, all this has conferred upon all humanity an inconceivable blessing, has given to the lowest toiler a higher status, a higher rung in the ladder of progress. Look back to the time when men could call their fellows their slaves, their own; look back a little later when men could call their fellows their hands, their mere instruments, their mere tools, and look on to-day when we see even the proudest in the land, the greatest in the land, extending the hand of fellowship to a toiler. Think of those peasants of the fourteenth century, and then picture another scene—the King, standing as the symbol of kingdom and sovereignty, extending his hand to Fisher, the working man, but the representative of a great Commonwealth like this.

Mr. George: Why should he not?

The ATTORNEY GENERAL: Is it not a miracle?

Mr. George: No, simply a gentlemanly thing to do.

The ATTORNEY GENERAL: Of course it is, but that gentlemanliness would have been impossible in the days of which I speak. It would have been an impossibility a few centuries ago. That gentlemanliness that makes comradeship, equal manhood between these two, is only possible after the long struggles for trades unionism, after the long struggles of the Labour movement, after the achievements of that democracy that is expressed in our Labour movement. It is this that has created that change. This great movement has added to the intellectual life of this globe of ours. Instead of one or two wise men in the community, we have wisdom and knowledge, foresight and capacity in every man we meet. We no longer have our scales of degradation; but all stand upon a common level, with hearts beating in unison, recognising each one we meet as a brother, as a comrade, as an equal. The only distinction is in the amount of knowledge one has. This movement has given to the world more light, more truth, more hope, more dignity; and, therefore, it is no party movement; and I say that the time has gone past now for recognising men as slaves, or as hands; they are men all the world round now. Again, that is what this movement has done. It has aroused manhood all through the world. The dull brains of the past are gone. Now, as I was saying, contrast the prosperity of those days of serfdom, the sordid condition of England then, those days when there were masters and servants, which was only a step ahead, the wealth of the British Empire then, contrast it with now, when a worker and toiler can be Prime Minister of a great part of the British Empire like this. See the difference; see the advancement. Who gets the best of it? If it were possible by some magic to sweep out of existence all these blessings I have alluded to, and to return all men who are now in this great movement into the slaves their forefathers were, with it we would sweep from our earth our magnificent cities, all the scenes of grandeur and greatness and glory and magnificence; all our seas would be depopulated of their floating towns, our commerce would be swept into the little petty fleets such as those Raleigh explored in or Drake did his adventures with. But all this greatness comes with the like greatness of the intellect of man, and this Bill, therefore, acting in line with that, being a chapter, as it were, only out of the great book, a mere text in the history of our times, confers as great a benefit, if not a greater benefit, on the employing class as it does on the class it is supposed to peculiarly serve. Now the purpose of this Bill is to recognise the union and unity of labour. That is its first purpose.

Mr. Monger: I am glad to hear that.

The ATTORNEY GENERAL: I am pleased that I am making the heart of my friend glad so much. It is not often I can please when I speak from my seat on this side of the House. But it stands to reason that the first thing this measure does is to take into consideration the fact that there are unions of workers ex-

isting; and though the English law has, within comparatively late years, as I have said, recognised the legal entity of trades unions in the Motherland, yet we are more effectually recognising trades unionism, workers' unionism and industrial unionism—I want to impress those words "industrial unionism"—by the measure now before us. Now, we first of all prescribe that these bodies called unions and combination of unions called associations shall be legally recognised as having certain rights, certain privileges and certain duties and obligations.

Mr. George: Are they not recognised now?

The ATTORNEY GENERAL: I am not denying it. I am saying that this more emphatically recognises their existence. I am taking this early opportunity of saying it because, before this measure is done with, we shall have it hurled upon us that this is an evil measure because it shows preference to unions. We shall have it brought against us as a charge, as something that is criminal, and as something that is wrong, that it shows preference to unionism. It could not exist without that preference. There could be no arbitration without taking into consideration unionism. We must have our unions before we can have any right to appeal to the court which this Bill establishes. There must be a properly organised union before the first step can be taken towards arbitration which is to settle any difficulty, so that the basic principle of the Bill is unionism. That will be considered by some as its blemish; but we could not proceed one step, we could not go a single stage in the development of the measure, unless at the very threshold we recognised unionism as an absolute necessity for the purpose of the Bill? That must be firmly grasped by those who wish to understand the purpose and chief objects we have in view. Then, having got these unions, the Bill provides that they shall be properly regulated, properly formed, properly conducted, and properly maintained unions. In other words, before you can have registration under this measure, you must have so many men. I have said ten. I believe there will be an amendment moved in Committee—I have had an intimation to that effect—that the number will afterwards be increased to 15. That 15 men or women, or men and women, must be united together with a common purpose, a common name, before they can be called a union. They must have then their officers, their committee of management, or other executive body, a secretary, a treasurer, and perhaps trustees; but it is also necessary that they should have rules, that these rules should be compatible with the purpose for which the union is established, and that they should be such as will pass the scrutinising eye of the registrar who is appointed under the Bill for its administration in this respect. Having got the unions you can be registered; and I want to show the absolute fairness of the Bill. Up till now I have been speaking of unions of workers; but there can be unions also of employers, and all through the Bill we have gone on the principle that what is fair for the goose, is fair for the gander; that what is right for one is right for the other. We have endeavoured to be fair, we recognise the unions of employers just as we recognise the unions of workers, and in the same way as unions of workers may be registered, so unions of employers also may be registered, and the moment this registration takes place that moment either party has become subject to the jurisdiction of the court we are creating. We have made some amendments to the old Act in this respect. The old Act had failings in this direction: that being an instrument for the purpose of bringing parties together in the court for the hearing and settlement of disputes, certain formalities were included in that measure which nullified the very object the Act had in view. There were to be so many technical steps taken in the formation of a union, in the registration of a union, and in the reference by a union to the court, that repeatedly the purposes of the Act have been frustrated, and the good which should have been done has been averted. The Bill aims at getting rid of all those difficulties in

approaching the court. That is its first real purpose, namely, to make it easy to get your trouble heard and make it expeditious as far as possible with justice in procuring a settlement. That has been the main object in view. We have been guided in that particular by the cases that have been before, not only our own courts, but the courts of the Commonwealth. I do not know that I need cite the cases, yet I think, perhaps, it would be wise to make some slight reference to some of them. There was, for instance, a case in our own State of Tydeli plaintiff, appellant, and the Commissioner of Railways, defendant, respondent, where it was held that the award of the Court of Arbitration established by the Industrial, Conciliation and Arbitration Act fixing a rate of wages and conditions of employment may be waived by the employers and employees to whom it applies, as the Act does not expressly or impliedly forbid contracting out. We had to have this case to teach us that our Act might be of no avail, that the parties could contract themselves out of it. We have averted that difficulty in the Bill. We have the case in the Commonwealth Law Reports of the Federated Engine-drivers' and Firemen's Association of Australasia, claimants, and the Broken Hill Proprietary Company, Limited, respondents, where it was held by Griffiths, Chief Justice, and Barton and Isaacs, Justices, with O'Connor, and Higgins, Justices, dissenting, that an association of land engine-drivers' and firemen, whose members were employed indiscriminately in mines, in timber yards, in tanneries, in soap and candle works, etcetera, was not, under Section 55, entitled to be registered as an organisation. At the very beginning, therefore, these difficulties stood in the way of settlement of disputes. The arbitration courts were nullified, paralysed so to speak, by the supervision held over them by other courts who interpreted strictly the language used in the existing Acts, putting a construction upon the words which limited and curtailed the power of the court to act. Now, we have gone on the assumption that this court is of no value whatever unless it can act; that its service is in the settlement of disputes, and unless people can be brought together and their case heard, there can be no settlement, and the Act might as well not have been printed. It becomes a farce unless that purpose of bringing people together to reason upon their differences and to come to some settlement can be carried out. Very well then. This Bill simplifies every step in that direction. It makes it easy to form these unions and to carry them along, and it includes the widest possible area of combination. Under the old Act you required to have certain clearly defined industries or trades before you could get recognition. A vast body of workers never could combine, never could organise, never could be made better by unity if they had not some special calling recognised as a trade or industry. But the Bill says that wherever men are joined together in any industry or calling or vocation, they shall be able to combine and have their secretary, their president, their committee of management, their rules and their registration. The old courts took the view that the definition of industry must be from the employers' standpoint, that it must be the employers' view of an industry, having relation only to the employer. This Bill says the converse side of the picture shall be held up, and the definitions of industry shall include all toilers, any vocation, any calling, any class of work that may be done by more men or women than one. So that gives us a large number of possible unions, and brings a larger section of the community under the influence of unions, and that in itself is a great step. I know there are those who look upon unionism as a curse. But is it not the natural course of things that organisation is superior to disorganisation or non-organisation? In the scale of animal development, it is the simple and unorganised that stands at the bottom of the ladder and the highly complex and organised that stands in the higher class of organic activity. And so amongst men, the lowest classes, the unintelligent, unthinking, unfeeling, and uncivilised cannot organise. But as

we grow higher and higher in the scale of intellectual and moral development, organisation becomes possible, and the fact that we can have a greater number of unions existing to-day than was possible in the past is a proof of the upheaval or growth and development of the whole of the body politic. Having given these rights to a larger number of people to form their unions, and also to a larger number of employers as a natural corollary to form their unions and to be registered, we have made it easier for them to come into court. In the old days, under the old Act, before the court would take into consideration any of the differences existing between the employer and the employed, there must be a state of civil war. There must be, what is technically called a dispute. Thus "dispute" gets its technical meaning—and it means an absolute state of friction and unworkable conditions between the employer and employee, and unless that state of things existed, the court would take no cognizance of whatever trouble might be in existence. Whatever difficulties might be there, the court would not look into them. We have made it possible for the court to interpret a dispute, and to say that any disagreement, anything upon which the parties are not at one, may for the purposes of this Act, be construed into a dispute. We will give them the right to enter into the portals of the court to have their disagreement settled, and remembering that the object is to secure industrial peace, is it not right that that should be so? Should not this power of the court to interpret a disagreement as a dispute act beneficially? If we are not going to allow the little differences to be settled by the court, but are going to wait until they become big differences and a wide cleavage, we are going to wait until it is a giant's task to amicably settle these differences. So we have given that power to the court now to construe any disagreement into a dispute, not for the purpose which it may be supposed by some of multiplying the suits, and increasing the number of litigants, but to avoid, by settling little matters, the necessity for settling bigger ones. That is the object and purpose of it. In other words, we are desirous of creating a court which shall fulfil the functions of the Court of Equity of days gone by. There has been nothing said against this measure that was not said against the Courts of Equity when they began to assume their modern form. The quarrels between Chief Justice Coke and Lord Ellesmere were precisely the quarrels between employers and workers in the Arbitration Court now. The Court of Equity despised formalities, overruled technical difficulties, and came to the direct issue of things, enabled persons to bring reasons and arguments, pro and con, apart from any set form of action to be gone on with. And now this court it is proposed shall do exactly the same thing. The Bill proposes to give a court for the trial of all disputes between workers and masters—a court that shall be a Court of Equity and good conscience, and shall be free from all legal technicality. It shall not be confined to the usual rules of evidence, but shall inform itself of the matters in dispute the best way it can, and by the best means available. Surely that is a wise amendment. That is something we should aim at, and shall prize when we get it. This Bill, having established a court, which I may at once tell hon. members will consist of a president, who may, or may not, be a legal practitioner or a judge of the Supreme Court, and ordinary members who are to be paid a salary of at least £400 per year, and also two deputies, one ordinary member elected from the ranks of employers and the other ordinary member elected from the ranks of workers and appointed by the Government—having got this court so constituted, then we increase its powers. We give that court full control and management of matters connected with arbitration, free from all supervision or criticism by the so-called superior courts. We make it distinctly a Court of Equity. We arm it with powers to summon people, to bring them there to give their evidence, no matter whether they are workers or employers. We give them the power to examine into the conditions of working, to ex-

amine any employee or employer, to inspect books if necessary, subject to certain safeguards—such safeguards as are preserved in the case of ordinary litigants in our superior courts. And we give the court then full power to make their awards, after listening patiently to the evidence, after gaining possession of all the facts that the nature of the case permits of. We enable the court to give its award down to the minutest details for the perpetuation of peace and for procuring the continuance of the industry concerned. Members may say these are extraordinary powers to give a court—the power to fix the time when an award shall exist, that shall bind all parties to it, the members of unions and employers' represented by their unions, and shall also bind all workers in the industry affected, as covered by that award. It is true that this is a great power, but it is no greater power than our superior courts have when they are dealing with contract. We are giving no power in this Bill that is not enjoyed as between citizen and citizen when they meet in the ordinary courts as litigants. In the ecclesiastical jurisdiction of our present superior courts, we can fix up into the minutest details the course of a legacy among the legatees, even giving it its course down to an unborn generation. That is the power the courts have now, and if we are dealing with a great body of people surely we must look at the work they are doing, and all their conditions comprehensively, and try so to make the award a just matter that, from that day onward, we shall have secured our end, namely, peace between employer and employee. That is the purpose of it, and so we must give power to that court to grade men, to fix the number of apprentices, to define the number of children that shall be employed in proportion to the adults, to be able to fix different rates of wages for different grades of work in a particular industry, and, in fact, to so adjust all features of that corporate industry so that one portion of it shall be in harmony with all the rest. It is no use giving a section of the industry something they are asking for, while leaving a discontented portion outside, untouched by the award, causing the germs of disunion to continue, and quarrels to germinate in days to come. That is not settlement, or the procuring of industrial peace. The court if it is to have any value must be able comprehensively to look at every factor of that industry, and then to so adjust factor to factor that when the award is given, the working may be completely harmonised from that day on, remembering it is to procure industrial peace that we are aiming at. Those powers are given then to the court, but we take care that they shall do it after being properly informed, and so, if before this court is brought any matter requiring technical knowledge to properly interpret and understand, the court has power to call in the aid of experts for its guidance. Not only can it do that, but, in some trades it can call in assessors to sit with it, and these experts have not only the right to advise and assist the court, but to help to draw up and so shape an award that it shall not be incongruous or absurd because of ignorance of the trade. That, I admit, is a great extension of power, but it is a necessary and valuable extension of power. We have given power to the court also, so that if after an award has been given, it is misunderstood, or not properly comprehended, or if there is a dispute, it shall interpret that word. And here also in the interpretation of that award the court has the power to call in experts. I cannot for the life of me see that these things are unnecessary, always keeping clearly in our minds that we want a machine that will do all the work or will not come to a standstill at the first difficulty that is presented. We give the court power to travel from place to place, to call in evidence from every possible quarter, and to deal completely and thoroughly, not only with the industry presented but with all workers in that industry wherever they may be throughout the State. At the same time we take care that we do not make every award a common rule. We give power to the court to limit the application of any award to suit the

circumstances of any particular locality. If there should be special features in any locality the court may give its award appropriate to that locality; but unless otherwise limited, the award delivered by the court becomes a common rule and binds all employers and workers in that industry wherever they may be located throughout the whole of the State. In doing that we have not in any sense limited the private rights and relationship of individual unions, bodies, or persons. It is competent for a union, or a number of unions to meet the employers and confer with the employers and draw up an agreement. Without all the formalities of a long trial in the court, parties can draw up an agreement and that agreement can be registered, the whole machinery for which is provided in the Bill, and the moment an agreement is registered it has the force and binding effect of an award, and, unless expressly limited, can also come into the catagory of a common rule as affecting any particular industry. These are measures for the preservation of peace and the saving of expense in that instance. Agreements, can, of course, continue in force until the terms provided in them are completed, and then still continue in force, unless the parties thereto notify that they wish to get out of them. We have the same provisions for parties getting out of awards. At the termination of agreements or awards if the parties wish no longer to be bound by them, by giving 30 days' notice they may retire from the agreements or awards; but unless that be done, the agreements or awards continue, so that there is no immediate chaos when the period of an agreement or an award terminates. The agreement or award continues so to speak, by its own momentum unless the parties to it take steps for its cancellation or retirement. All these provisions are, I think, universally beneficial. It will be noticed in this connection that the districts of the old Bill have entirely disappeared. We have no longer the State cut up into industrial districts. The State is considered as one, as the purview, so to speak, of one court, and therefore, when an award is given, it is given in every district, it is not given for a portion of the State but is given for the whole of the State.

Mr. Monger: From Kimberley to Eucla?

The ATTORNEY GENERAL: Undoubtedly, unless limited. It can be limited by the terms of the award at the time, and then, of course, it is only effective in the locality specially defined in the terms of the award; but otherwise it is general, it is a common rule. And the experience both in other States and this State has shown the wisdom of that, for the effect of the limitation of an award on those not immediately parties to the award has in the Eastern States created disastrous litigation on that score and has made thousands of workers disgusted with the Arbitration Act and has brought into favour in many quarters the old weapon of the strike in preference to that of arbitration. We have given even more power to the court than I have already mentioned. We have given power to the court upon its own initiation to set the law in its own court in motion. When the president of the court has been made cognizant by any means, by his own observation, or by having been approached by any party, that a trouble is brewing, that it is maturing, that is it dangerous, he may himself convene a conference, and he can summon to that conference any employer, whether he is a member of a registered union of employers or not, or any union, secretary, or worker, whether a member of a body that is registered or not, and he can get his evidence from anywhere, and can call this conference into being for the purpose of settling a dispute. If he cannot settle it by a conference, by what is a vestige of the old conciliation portions of the Act that will disappear when this measure becomes law, as I hope it will, if he cannot bring the parties properly together in unison so as to avert a disaster which may be imminent, then he can refer the matter to his own court and have evidence called and the case properly tried and go on to every step until he gives his award in that matter

also. These powers constitute the court a vital agency in our midst with a beneficial purpose, a purpose of universal contentment for the smooth working of the machine, so to speak, of the toilers. I should hope it would be welcomed by all parties in the State and by every section of the community. I want to draw attention to the fact that, in order to obtain these things, we have been obliged to enlarge the definition of an industrial dispute. The trades and labour councils in their old form have disappeared from the Bill, and we have industrial unions and industrial associations in the place of them. I should point out also that, in order to get the effect we aimed at, we were obliged to fix certain penalties for disobedience to the Act, and these penalties are evenly distributed. In other words, the employer who refuses to stand by an award by which he is affected can be penalised, but in like manner a member of a union can be penalised, a union can be penalised and an association of either employers or unions can be penalised; and, in order that we may have this penalty enforced without trouble, without circumlocution, to anybody, not to any particular class or section, but to anybody who is aware of a breach of the Act or failure to comply with an award or carry out the orders of the Arbitration Court, we have given authority to set either a court of summary jurisdiction into motion, or what is the main feature of change here, the court itself. We have given power to the Arbitration Court to carry out its own orders. It has more power than the old court of equity. It can penalise those who offend it, and it has placed at its disposal for this purpose all the machinery of the State. The sheriff will become a servant of the court under this Bill as he is now the servant of the High Court or the Supreme Court. The bailiffs of the local court are brought into requisition; they are to obey the order of the president of this court. Not only that, but the whole of the police force are placed at the disposal of this court, for the purpose of ensuring that the awards shall not be broken as soon as they are made, that agreements are not waste paper to be torn up as soon as written, and that understandings are to be honourably kept by both parties to the undertakings. So that we give the court now what no arbitration court ever had, complete independence of all the other courts for the machinery for carrying out the will and purpose of the court. I am sure my friends opposite will be pleased we have made these additions to the Bill, because they have always said, "What is the good of having awards if either side can break them." I admit that there is some force in that argument. From this time forth, when this Bill becomes law, it becomes an obligation on every worker to stand by this measure and to submit his differences to the Arbitration Court, just as citizens of the State, having disputes, have resource to our ordinary legal courts in the community. It is established for their good, for their benefit, not as a menace but as something good for them. And for effectually making the purpose of the Act good, we have appointed under this Bill every factory inspector and every mines inspector an officer under the Act. He can observe what has been done, he can observe the conditions of workers, the wages they are receiving, or the hours they have to toil, every worker's condition, and he can bring these matters before the court. So that we have on every side provided for watchfulness and guardianship of the principles of the Bill. I think in these circumstances a measure of this kind should be welcomed because it applies to every section of the community. There will be no body of workers, when this Bill gets properly working, that will not come under its aegis, that will not be under its benefits. Even the Government servants, who are not included among those who, under the Public Service Act, have their own courts and their own tribunals and their own means of appeal and classification; all those outside that Act can join some unions connected with their labours, or unions among themselves; and in that case the Minister of the particular portfolio that may cover their class of work is,

for the purpose of the Bill, their employer, and may be brought to court when there is disagreement with the employees. Also, as I have said, carrying out the same line of justice throughout, the Minister can bring his men to the court if a private amicable understanding cannot otherwise be gained. To make it effective all round, we have said in the concluding clauses of the Bill that no one shall contract himself out of the Bill. Contracts to get rid of an award, or contracts to put one's self out of line with his fellow men, or contracts to undermine his brother workers shall be of no avail. They shall not stand; so in that too we have secured greater effectiveness. It will be impossible at the time at my disposal to explain in detail all that this Bill contains, but I shall perhaps be unjust to myself if I do not point out to the House one other change that has been made in the measure, and it is this: The president of the arbitration court has to be appointed for seven years. In the old measure we have it that he could be removed by an address from both Houses. Now we have adopted in this proposal a suggestion that comes to us from the Commonwealth Constitution Act, where in every election of Senators, in the case of an extraordinary vacancy, the two Houses of a State Parliament sit jointly, and so we say if you want to remove your president of the Arbitration Court, it shall not be by separate action of the separate Chambers, but there shall be a joint sitting of the two Houses. In like way we have provided for the passing of the regulations. The usual course now is to lay regulations, after framing, on the Table of both Houses, and then unless they are objected to by resolution in either House they ultimately become law. But we have provided for the purpose of carrying out this Bill effectively, if the regulations are objected to by either Chamber through a resolution, the Governor shall convene a meeting of the two Houses to sit together and jointly consider their decision upon the point. These are new features, and I of course invite the attention and careful consideration of hon. members to them. Now in thus submitting the Bill to the House I want the motive both of the Government and of myself to be thoroughly understood. It is for the purpose, I repeat once more, of banishing strikes for ever from our midst. It is for the purpose of the recognition of the manhood of the working world and putting toilers on an equality of real citizenship with those they call employers, of recognising that in this State class distinctions do not exist, that men are men and brothers all in whatever callings of life their lot may be placed, and with this object in view, I trust in no captious spirit, in no petulant mood, in no mere spirit of party strife will this measure be criticised. It is beyond party, it is above strife, it has for its purpose the wider union than all, the union of humanity, the union of mankind everywhere upon an equal basis of liberty and justice. I move—

That the Bill be now read a second time.

On motion by Mr. George, debate adjourned.

BILL—PEARLING.

Second Reading.

Debate resumed from the 1st August.

Hon. J. MITCHELL (Northam): The Minister for Works in introducing this Bill made the position very clear. The measure will give the Government a greater control over the industry than they have had in the past. I am pleased to notice that pearlshell culture is to be encouraged. Mr. Haynes has spent a large amount of money and time in the North in endeavouring to develop the industry and the Minister I notice is extending his lease. This to my mind is essentially right. There is no doubt about it, that where a private individual is encouraged as Mr. Haynes has been encouraged, he should be given some security of tenure. It seems to me, too, that notwithstanding that the Minister proposes that the new Inspector of Fisheries shall take up this work, it will be better to let Mr. Haynes proceed and endeavour to effect the experiments he

has undertaken. The Government might of course watch and do all they can to make it a success, but here we believe that the chief inspector should be engaged in giving effect to the promises of the Ministry that we should have cheaper fish for our food supplies, and if the chief inspector were to devote himself to that work alone for a year or two, his time would be fully occupied. There is another provision which seems to me to be a proper one. Notwithstanding that something like £300,000 has been collected from the industry during the past twelve months, I notice that the revenue received by the Crown has only amounted to something like £353. It is true that the revenue from Shark Bay is a little more, but the total is infinitesimal. The Minister explained that he expects to receive something over £2,000 from the industry. This seems to be reasonable. We do not know, of course, how he proposes to collect the tax and how it will be placed, but in Committee no doubt this matter will be fully explained. One provision which will be appreciated by the people who have put large sums of money into the industry is the provision against buying and selling pearls except through the holders of exclusive licenses or persons holding pearl dealers' licenses. This will help to put a stop to pearl stealing, and I take it those who have put their money and time into the industry and have taken the enormous risks which are connected with the North-West coast should be protected to the fullest extent. Large sums have been invested and I have no doubt large sums have been made in some cases.

Mr. O'Loghlen: The State has not received too much.

Hon. J. MITCHELL: The State will now get a little more, but large sums have been risked in the industry and while in some cases the results have been very good, I suppose because of the pearl stealing which has taken place the returns have not been quite what the outlay and the risk justified those engaged in the industry expecting. I think provision should be made to give power to prosecute men with pearls in their possession. The Minister says that this can be done under the Police Act, but I think if this Act is to be considered satisfactory by those engaged in the industry they would like a provision giving power to prosecute. There are many useful provisions in the Bill, but I do not intend to take up the time of the House in referring to them at the present stage. I hope, however, the Minister will not close the debate on the second reading until the return of the member for Kimberley, whose advice and assistance no doubt will help the Minister to make this Bill as perfect as possible.

Mr. Underwood: When do you expect him?

Hon. J. MITCHELL: I understand the hon. member will be back in a day or two, and I am also informed that the Minister has agreed to postpone the discussion on the Bill until that hon. member returns. I am willing to admit there are members on the other side of the House representing the North who know what is needed for the industry, and even they, I am sure, will be glad to have the advice of the member for Kimberley. I support the Bill with a good deal of pleasure, and so far as I can see I think it is a measure which should be passed into law subject to one or two amendments being made in Committee.

On motion by Mr. Gardiner debate adjourned.

House adjourned at 9·12 p.m.