

not been without their difficulties, both political and financial. We remember that two years ago my right hon. friend had to approach this House with a large deficit, and we know how manfully he undertook the reduction of that deficit; and the member for Central Murchison (Mr. Illingworth) congratulated him upon the manner in which he so successfully wiped it out. Well, all credit is due to the Premier and his Government for the way in which they performed that service to the country. I mention this to show that although the Premier has had a prosperous career, at the same time it has been a career filled with many difficulties; and I, as another member who is leaving at an early date—I think this will be the last time I shall have the honour and pleasure of addressing this House—should like to add my testimony, to the effect that I look upon my friend the Premier as a great political leader, as one whose every motion has been based upon principle and patriotism; and I am sure that every member in this House will agree with me that when the Premier places his political armour at our feet and retires from this House, he will carry with him a spotless banner and a spotless reputation—a reputation of which any public man in this or any other country might well be proud.

MR. MORAN: I move that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 9:50 o'clock, until the next Tuesday.

## Legislative Council,

Tuesday, 16th October, 1900.

Papers presented—Question: Canning Jarrah Mills closed, Conditions of Concession—Question: Liquor Licenses, and Reformatories for Drunkards—Motion: Railway towards Norseman, to Construct 25 Miles, Amendment passed, Division—Motion for Papers: Judges and Conciliation Bill—Conciliation and Arbitration Bill, second reading, referred to Select Committee—Constitution Amendment Bill (Members of Federal Parliament, to disqualify), in Committee, third reading—Public Health Amendment Bill, discharge of order—Adjournment.

The PRESIDENT took the Chair at 4:30 o'clock, p.m.

#### PRAYERS.

#### PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Beer Duty Act, Regulations; 2, Fever cases reported near Sanitary Pumping Site, North Perth, Return; 3, Rabbit Invasion, Correspondence.

Ordered to lie on the table.

#### QUESTION—CANNING JARRAH MILLS CLOSED.

HON. J. M. SPEED asked the Colonial Secretary: 1. If it is a fact that the Canning Jarrah Timber Company's mills at the Perth water supply catchment area were recently closed down for a period of six months or more. 2. Did the said company thereby break its agreement and render itself liable to ejection. 3. Why were steps not taken by the Government to have the said mills and the adjoining settlement removed.

THE COLONIAL SECRETARY replied: 1. Yes, during a process of re-construction of the company. 2. If the output from the machinery was less than twenty loads of timber per month, for six consecutive months, the unexpired term of license and the machinery were liable to forfeiture. 3. It was not deemed equitable, during the re-construction of the company, to enforce the extreme rigour of the agreement as to forfeiture, even if the circumstances would legally have justified the Government in so doing.

#### QUESTION—LIQUOR LICENSES, AND REFORMATORIES FOR DRUNKARDS.

HON. J. M. SPEED asked the Colonial Secretary: 1. Whether the Government,

in view of the fact that over 50 per cent. of the profits from the liquor traffic are received by the State, intends to provide reformatories for drunkards. 2. Whether the Government is aware that, owing to the want of such reformatories, the criminal classes in this colony are largely recruited from persons who are put in gaol for the offence of drunkenness.

THE COLONIAL SECRETARY replied: 1. The Government are unable to deal with this matter at present. 2. The Government is not aware that the want of reformatories has the effect named.

**MOTION—RAILWAY TOWARDS NORSEMAN, TO CONSTRUCT 25 MILES.**

HON. T. F. O. BRIMAGE (South) moved:

That in order to give increased facilities of transit to the Norseman Goldfield, to provide additional timber and fuel for mining purposes for Coolgardie and Kalgoorlie, and generally to further encourage and assist the gold-mining industry, this House is of opinion that it is desirable, in the general interest of the colony, that a railway be constructed from Coolgardie southwards, *via* Burbanks and Londonderry, towards Norseman, for a distance of at least 25 miles.

He said: In moving this motion I feel sure I have the sympathy of the House; and I ask members to pass the motion, because the railway proposed is necessary, and I am sure is warranted. I am equally certain that, if constructed, it will pay. I brought some figures which I intended to place before hon. members, but I seem to have mislaid or lost them. I would first mention that the point of my motion is that the railway is only the starting point of a railway to Norseman, which I am certain all members hope to see completed in the near future. In Norseman we have a population of some 1,800, and in that district there are 200 heads of stamps; the amount of gold produced this year being 134,000 ounces. With regard to the projected Norseman railway, I would say that, seeing a motion in favour of its construction was thrown out by another place, it is my intention to move for an opinion of this House in reference to the construction of 25 miles of line on that route. In defence of the motion, I would say the proposed 25 miles of railway will tap a most important centre,

namely that of Burbanks, and it will also tap other centres along the route for the whole distance. There are mines in the vicinity, at the terminus of the proposed line, which have been prospected for some considerable time, but they have had to be thrown up owing to the absence of railway facilities. In the vicinity of Burbanks there are 1,200 people.

HON. R. G. BURGESS: That is about ten miles off.

HON. T. F. O. BRIMAGE: Eight miles; not ten. The number of men employed in that district on day labour is 350, whilst those employed by contract number a hundred. The wages paid per annum are £55,250, and under contract £9,600; the firewood consumed amounts to 15,600 tons, and of mining props there are required 3,600 tons. I may explain that props are used because there are no railway facilities for carrying timber from jarrah sawmills on the coast, and were there railway facilities these props would not be used.

HON. R. G. BURGESS: Eight miles.

HON. T. F. O. BRIMAGE: Londonderry is fifteen miles. The sawn timber and bricks used amount to 2,000 tons, and store supplies to 700 tons, while concentrates for back loading amount to 200 tons per annum. This line would pay if any private person would construct it, seeing that the amount of timber consumed at Kalgoorlie alone is 1,000 tons per day, and for Coolgardie I should estimate a quarter of that quantity for mining props. The line at present has been duplicated between Kalgoorlie and Coolgardie, and as timber reserves are running short, I feel confident further timber supplies will be required at no distant date. I know this House is not supposed to speak on matters of finance, but the Government have been taking up the light rails between Perth and the goldfields and laying heavy rails, and I hope these light rails will be utilised for the line of railway I am now advocating. The construction of this line would, I estimate, cost not more than £20,000, and would be a great boon to the mine owners in these two rich localities, who would then know they had another source of supply of timber to draw from. I cannot urge too strongly that timber is necessary for these

mines. As I said before, Kalgoorlie is burning wood at the rate of 1,000 tons per day, and the whole of that timber is supplied from within a radius, I should say, of twenty miles from the town, and anybody who has visited that locality, and knows how the timber has been stripped there, will see that the necessity for further supplies is urgent. I also ask hon. members to pass this motion for the simple reason that the line should start from Coolgardie. There is at the present time an agitation at Boulder to get the line started from that place, but if the line be started from Boulder, Perth residents and other people doing business with those districts will have to send their merchandise and other goods about sixty miles further. A line from Coolgardie has been promised for the last three years, and it has always been shown that a line would be a paying concern; and I ask hon. members who are residents of the coastal districts to vote in favour of the motion, because if there be any delay, the agitation may get stronger and Coolgardie lose the line.

HON. R. G. BURGESS: Does the hon. member represent Coolgardie?

HON. T. F. O. BRIMAGE: I represent Coolgardie; but it is not because I represent that place that I think the line should start from there, and were I representing any other district I should still advocate that as the starting point. I have in my possession petitions from the Kalgoorlie Town Council, Kalgoorlie Roads Board, Bulong Town Council, Bulong Roads Board, and other public bodies in the district, all asking for the line to be started from Coolgardie; and it is necessary that the line should start from there, because should it go from Boulder, the terminus at Norseman or any other place would be too long a journey from the capital to be of any service. There would then be a cry to tap the seaboard, but Perth and Fremantle will always have the trade on account of the fine supplies of timber, so long as the line goes from Coolgardie. I must apologise to hon. members for so soon coming into prominence in this way, and I hope they will excuse me, but this is a matter which I was asked by my constituents to bring before the House.

HON. J. T. GLOWREY (South): I have much pleasure in seconding the

motion, and there are two good reasons why this line should be constructed. If the motion be carried, and this section of the railway constructed, it will be the first link in the Coolgardie and Norseman railway, and we know that the people at Norseman have been clamouring for a railway for the last three or four years. This important goldfield, in consequence of its isolation, appears to be unknown to many hon. members, and to a great portion of the inhabitants of this colony, but I would like to say we have there some very large mines. We have one mine in connection with which there has been disbursed in salaries and plant close on £200,000, and there are three or four other mines the owners of which have disbursed in plant and wages about £100,000, while the Norseman goldfield has produced gold to the value of £500,000. Many capitalists have invested large sums of money in the Norseman goldfield, under the impression that that part of the colony would, no doubt, receive what it is justly entitled to, namely railway communication with this and other parts of the colony; but I am sorry to say they have been disappointed, and these mine owners and shareholders are, at the present time, leaving many of the mines practically idle; or, if the mines are not idle, only such work is being done as is necessary to comply with the Mines Regulation Act. It has been said that this line is not wanted and will not pay; but I would like hon. members to accept my assurance, and the assurance of other members for the goldfields who have probably a more intimate knowledge of the district, that the line is wanted, and will pay handsomely; and I am sure any hon. member who has travelled through from Coolgardie to Norseman will bear me out in this statement. But there is another reason why this motion should be passed. If no Norseman ever existed, and there were no goldfields at all south of Coolgardie, there is good reason why this line of railway should be constructed. Mr. Brimage has just told the House that the mines at Kalgoorlie are consuming about 1,000 tons of wood per day; but I think he was under a slight misapprehension, because, so far as I know from railway returns, the Kalgoorlie mines are receiving at the present

time 1,500 tons of firewood per day by rail, exclusive of what comes in by team. The country between Kalgoorlie and Coolgardie is at the present time practically denuded of timber, and on this side as far as Bullabulling, which is close on fifty miles from Coolgardie, the timber on both sides of the railway line is cleared out. What is going to happen in another twelve months if this line or some other line of railway is not built? If the Government will not build this railway they must build some other, because the mines must have firewood. The collieries cannot supply coal, and even if they could, there is no rolling-stock to convey coal to the goldfields; and that alone is a good and ample reason for passing the motion, which I hope will receive the support of hon. members. I am sorry I cannot give some statistics in regard to the timber supply, but this line would tap the best timber belt on the goldfields, well suited for fuel and for mining purposes.

HON. G. BELLINGHAM (South): In supporting the motion I would say this is a line, practically, to supply the goldfields with timber. Some little while ago the Surveyor General and the Under Secretary for Mines were on the goldfields making inquiries as to the consumption of timber at Kalgoorlie and Coolgardie, in reference to a private line from Kurawa, eight miles from Kalgoorlie, by a company which at the present time is to a large extent supplying the Kalgoorlie mines. I interviewed those two gentlemen, and also the Minister of Mines, last week, and the report of the former is that there is only about twelve months supply of timber, according to the present consumption, at the mines on the goldfields. To carry on mining the great thing is to have fuel, and to provide fuel on the eastern goldfields we must seek fresh pastures, seeing that twelve months supply is very little to look forward to. By the construction of a line from Coolgardie southwards we would touch the large mining district of Burbanks, which at the present time has a population of some 1,200 people, and employs between 300 and 400 men, while there are numerous other mines employing a great number of men. Further south, there is a large belt of excellent timber both for fuel and mining purposes,

which the railway would tap, and which to my mind is the whole object of the railway. I have been over the country where this timber is, and there is an extent of splendid timber country three or four miles in width, and from 20 to 25 miles in length going southwards. If we do not wish to see the gold-mining industry languish, upon which industry the whole of this country depends at the present time to a very large extent, we must look ahead and supply the mines with fuel. That is my reason for supporting this railway. The railway will open up good country, and will not interfere with mining. The country comprising this timber belt is not auriferous, and it will be the backbone of the goldfields in the eastern districts. I do not think I shall be the last speaker on this motion, and I hope that the matter will be put plainly before members, so that they will understand why we want this railway, the object of which is to supply the mines and to keep them alive with fuel. Gentlemen who have been on the goldfields will be able to follow the arguments in favour of this line. I have much pleasure in supporting the motion of Mr. Brinage.

HON. C. SOMMERS (North-East): I do not wish to delay members long, but I would like to say that the loss of the Norseman line to the Coolgardie district came as a great shock, the people at Coolgardie having been promised this line for a considerable time. Members must not confound the proposed line with the Norseman line. The line now proposed is simply a short line running out from Coolgardie 25 miles south. I have had experience regarding the quantity of mining timber in that locality; and if argument were wanted to support the construction of this line, it is to be found in the fact that the Hampton Plains Company have introduced into another place a Bill for a line which is really a timber line. That line is proposed for the purpose of carrying timber to Kalgoorlie. If a line is wanted by private enterprise, that ought to be a good argument for the construction of the line now proposed. At a public meeting held in Coolgardie on Saturday night, attended by about 2,000 citizens, resolutions were carried (copies of which have been forwarded to hon. members) showing that

this line is urgently desired. Great satisfaction was experienced when it was known that Mr. Brimage intended to introduce this motion to the House to-day, because people felt that hon. members would only be acting in fairness towards this particular locality by unanimously passing the motion, which would result in the introducing of a Bill by the Government for the construction of this short line. The loss of the Coolgardie-Norseman railway has been a very great shock to Coolgardie, Burbanks, and the district. I can assure hon. members that the line proposed will pay. I did not quite catch the figures quoted by Mr. Brimage, but I know that in the little town of Burbanks the amount paid annually in wages alone is £72,800.

HON. R. G. BURGESS: A nice little walk.

HON. C. SOMMERS: Yes, about six miles. There is any amount of firewood, and any amount of water. There is a splendid dam belonging to the Government, for which there is no use at present, and there is enough water for railway purposes for at least twelve months. The line advocated is a light one, and seeing we have lost the Norseman line so long promised to Coolgardie and the Norseman people, and that there is no chance of getting it for many years, I trust an act of justice will be done to Coolgardie by enabling us to have the line now advocated in order to supply those most important districts with firewood. I hope the House will see its way to support the motion unanimously.

HON. A. G. JENKINS (North-East): In supporting this motion I think that, apart from the auriferous portion of the question, if I may so term it, there is one aspect staring us in the face, that being the subject of the timber supply. There is not the slightest doubt in the world that, if this line is not passed, or some fresh line constructed to tap the timber belts of the eastern goldfields, within twelve months at the most the Kalgoorlie mines will have to be shut down. The consumption of timber is so enormous that we have only a twelve months' supply in hand, and unless some fresh line of tramway or railway is constructed to tap the timber belt south of Coolgardie, the mines at Coolgardie and Kalgoorlie will, I repeat, have to be shut down.

HON. J. W. HACKETT: Can you say how much timber this line would open up?

HON. A. G. JENKINS: This country, according to the report published, has the finest belt of timber existing on the eastern goldfields.

HON. J. M. SPEED: How long will it last?

A MEMBER: There are millions of tons.

HON. A. G. JENKINS: We cannot say how long it will last; but it has been reported upon. It is, I repeat, absolutely the finest belt of timber at present existing on the eastern goldfields. There will be no great expense in running a line. Leave the question of the Norseman line out altogether—that is not what we ask for at the present time, all we ask being that this House shall authorise the Government to compete to a certain extent with private enterprise; because there is a railway which was illegally granted over Crown lands. That railway was eagerly sought for by a certain syndicate, and it pays that syndicate handsomely. If it paid a syndicate to construct that line, how much more would it pay the Government to construct this line, seeing that the Government may use a certain amount of rolling-stock already in their possession? This syndicate had to pay for rolling-stock and rails, but the Government will be only using old rolling-stock and rails, which will be quite sufficient for the purpose. Apart from that, we know that reserves have been proclaimed, and people are only allowed to come within a mile each side. Will this House see the mines at Kalgoorlie and Coolgardie shut down? Because that is what it will come to, if we neglect to pass this motion. Apart from the gold-producing centres that this line will serve, we only ask at the present time that the Government shall bring in a Bill to construct a line 25 miles in length in order to supply the mines around Coolgardie and Kalgoorlie with the necessary timber.

HON. T. F. O. BRIMAGE (in explanation): I would like to answer a question by Mr. Hackett, and say it is estimated that there are 200,000 acres of timber in that 25 miles.

HON. J. W. HACKETT: Within what radius?

HON. T. F. O. BRIMAGE: The terminus; there are about four tons of firewood per acre.

HON. D. MCKAY (North): From what has been said by members representing the eastern goldfields, I do not think there is any doubt this line is necessary. I shall support the motion.

THE COLONIAL SECRETARY (Hon. G. Randell): I have considerable pleasure in supporting the motion moved by Mr. Brimage. I think the reasons alleged here this afternoon are of first importance in regard to the welfare of the goldfields. It is well known that firewood, or at least fuel, is an absolute necessity for the proper carrying on of the operations of the mines; and the construction of any line that will give us a belt of country such as has been spoken of here this afternoon, and which I had previously been given to understand comprised very valuable timber, is a matter for very earnest and careful consideration by members of this House. I am certain every member here is animated by the strongest desire to not only do justice to the goldfields, but to treat any question concerning them from a liberal point of view. We have been told from time to time, and we have been told again this afternoon, that the supply of fuel for these mines is restricted, and is gradually, or rather I think I may say rapidly decreasing. Some large belts of country overgrown with timber a very few years ago have been denuded of that timber, and people have to seek in fresh directions for the necessary supply. The question of coal supply has been referred to, and in the ultimate future doubtless coal will have to be supplied to these mines.

HON. G. BELLINGHAM: You must burn wood with it.

THE COLONIAL SECRETARY: The expense of coal would be very considerable, and the haulage for such a long distance would increase the cost of that fuel to such an extent that it would interfere with the profitable conduct of numerous mines on the eastern goldfields. I understand that Mr. Bellingham alluded to the fact that the country referred to is three or four miles broad and from 20 to 25 miles in length. A line laid down that length would afford immense facilities for the purpose of carrying this timber to those who need it. It would also, I know

from my personal observation, be a considerable help in developing the Burbanks and other goldfield centres in the vicinity of Coolgardie itself. Without labouring the question, I hope the motion appeals to the feelings of members here, and that they will be willing to accept it with a slight amendment I propose to move. The only reason I can see for their rejecting the motion is that they have made up their minds that there shall be no more expenditure of public money on public works which have not been already authorised. If members will reflect for a moment upon that point they will see that to adopt a position of that description is tantamount to saying the colony must stand still; and I hope no member of the House anticipates that the colony will stand still. Think of the development taking place in the Leonora district, which is progressing rapidly, and bids fair to become a rival of Kalgoorlie and Boulder. I hope no member of the House will be willing to take up the position that no further efforts shall be made to extend these boons of rapid and cheap communication into those remote districts. It would be arguing that we have run to the extent of our powers in borrowing for the development of this great country, and away and beyond Mount Margaret the same principle would apply. If we say that this line is not necessary or desirable on the ground that we must not incur any fresh expenditure, then to stay the extension of the railway beyond Mount Malcolm and Leonora in a north-westerly direction would be a logical sequence to that argument. I will not labour the question further, but will move:

That the words in lines 1 and 2, "to give increased facilities of transit to the Norseman goldfield" be struck out, and that the words in line 10, "towards Norseman" be also struck out.

The motion, as amended, will read:

That in order to provide additional timber and fuel for mining purposes for Coolgardie and Kalgoorlie, and generally to further encourage and assist the gold-mining industry, this House is of opinion that it is desirable, in the general interest of the colony, that a railway be constructed from Coolgardie southwards, via Burbanks and Londonderry, for a distance of at least 25 miles.

These amendments will, I think, commend themselves to hon. members who

have moved in this matter, and will avoid perhaps difficulties which might arise in another place. I am not prepared to say the amendments will avoid any difficulty, but in submitting a motion of this kind we should, as far as possible, avoid coming into conflict with our Standing Orders.

Amendment—to strike out certain words—put and passed, and the debate continued on motion as amended.

HON. E. McLARTY (South-West) : Hon. members who have spoken in favour of this short line of railway have certainly made out a strong case, and the railway appears to me to supply several wants. It will supply what is so much needed, namely, fuel for the goldfields ; it will meet the convenience of a large number of people within the area of twenty-five miles ; and, if I understand the position rightly, will shorten the journey to Norseman by a similar reduction, and thus be a great consideration to the residents of those districts. Personally, I feel a great deal of sympathy with the Norseman people, knowing they fully expected a railway to that field would have been passed this session. That such a measure was not passed must have been a great deal of disappointment to them, and must hinder the development of the mines to a great extent, and, although I am against borrowing money for further expenditure, this small amount could surely be raised. It is absolutely necessary something should be done, and too much importance cannot be attached to the fact that the supply of firewood is running short on the goldfields, and that if we stand still and allow these mines to close down for want of fuel, it will be a great calamity for the country. I have much pleasure in supporting the motion.

HON. C. E. DEMPSTER (East) : I should feel very much pleasure in supporting the motion, emanating as it does from a representative of the goldfields—in fact I should have pleasure in supporting any measure I thought at all likely to advance the interests of the fields—but I look on this as the eleventh hour of an expiring Government, and it is hardly desirable we should rush into an expenditure of the kind at this time. It is a matter which ought to be considered later ; because I cannot see that it would be advisable to construct a line of railway

from Coolgardie in the direction suggested, solely with a view of supplying the mines with firewood. It has been admitted by several of those who have spoken, that the country in the neighbourhood of the mines is already denuded of firewood ; and as the supplies of firewood in the district proposed to be served by this line would soon be worked out, it would never pay the colony to construct a railway solely with a view of supplying the goldfields with this commodity. This is certainly a step towards the construction of the Norseman line, and no doubt in the future, perhaps the not far distant future, there will be a railway from Coolgardie to Esperance, and I hope some day to see it. There is not the slightest doubt Esperance Bay should be the port for the goldfields, and come that must some day, though it certainly would not pay in the interest of this part of the colony at the present time. I do not support the motion, because it would not be consistent for me to do so, but if the matter is brought forward later I may take a different view.

HON. M. L. MOSS (West) : It is a matter of regret to me that I feel compelled to oppose the motion. On the case made out by hon. members who represent goldfields electorates, it appears we are asked to give our assent to the construction of twenty-five miles of railway merely for the purpose of supplying fuel for the mines now in work in the various localities.

HON. R. S. HAYNES : "Dog in the manger."

HON. M. L. MOSS : That is the main reason brought forward in support of the motion. I take it the construction of this twenty-five miles of railway would involve an expenditure of £100,000.

HON. G. BELLINGHAM : Nonsense !

HON. M. L. MOSS : To lay down this railway and properly equip it would make a very big hole in £100,000.

HON. R. S. HAYNES : A million was spent at Fremantle without any demur.

HON. M. L. MOSS : I am not discussing Fremantle at the present time.

HON. R. S. HAYNES : "Dog in the manger."

HON. M. L. MOSS : Nor do I propose to refer further to the remarks of Mr. R. S. Haynes, who generally endeavours to

argue these questions by means of interjections. To my mind the House would not be justified in approving such a huge expenditure at the present time for the purpose mentioned, and on the very flimsy evidence we have before us as to the quantity of wood available within the area this line would tap.

HON. G. BELLINGHAM : There are 500 square miles.

HON. M. L. MOSS : We have very little evidence that the timber area the line would tap is considerable.

HON. C. SOMMERS : You have never been on the goldfields.

HON. M. L. MOSS : That may be, but I am now dealing with the arguments which have been adduced by hon. members in favour of the motion ; and to undertake the construction of twenty-five miles of railway, for the purpose merely of procuring this timber when the areas will probably be worked out in a very short space of time, is not an economical policy to which the House should give its assent. I think with Mr. Dempster that the present is not an opportune time for considering the question. I am not going to say I shall not keep my mind open, and may take a different view later on, when further information is available, when more evidence is before us as to the quantity of timber country, and when we have more information as to what the line is going to cost ; but at the present moment it is inexpedient for the House to agree to the motion.

HON. A. P. MATHESON (North-East) : I am sorry Mr. Dempster and Mr. Moss should oppose the motion, because I was really in hope we should have had a unanimous vote on a motion of this sort. Mr. Moss, in his criticism about the expense, has certainly put down the cost of a first-class line for carrying passengers, and seems to have entirely overlooked the fact that this line would be constructed from the cast-off rails of the existing main line, which would cost no more than what they might be sold for as old iron. In a line of this sort very little grading or earthworks are done, the whole of the expenses being practically the cost of the sleepers and rails. As to rolling-stock—for Mr. Moss has included equipment in his huge figure—it would probably be the rolling-stock at present used for carrying timber in

other districts which are now almost denuded.

HON. F. WHITCOMBE : Mr. Moss has included sleeping cars.

HON. A. P. MATHESON : It would really seem so, when he mentions so high a figure as £100,000 for a line 25 miles in length. It is quite clear that a large number of trucks now being used in the timber business will be thrown idle, and unless some way is provided of supplying timber, these trucks will practically be wasted. Both Mr. Dempster and Mr. Moss have said "Let the Kalgoorlie mines wait"; but I ask the House to consider for a minute what would be the result if the Kalgoorlie mines are obliged to wait. It would be another 12 months before this or the other House could give an authorisation, and in the interval the entire stock of timber in the neighbourhood would have been exhausted, and the mines would have had to shut down. Is that a reasonable proposal to set before reasonable people? Mr. Moss and Mr. Dempster would ask us to sit here with these facts facing us, and let the mines be shut down, and the country suffer to the extent it would suffer through such a deplorable contingency.

HON. C. E. DEMPSTER : There is timber in other directions.

HON. A. P. MATHESON : Undoubtedly the hon. gentleman is right: they have timber in other directions, but that timber is equally inaccessible. All timber in the neighbourhood of the existing line has been exhausted. That is shown conclusively, if the hon. member would only think of it, by the fact of a private company having obtained leave to construct a line, having denuded the whole of the area from which timber was previously supplied.

HON. C. E. DEMPSTER : Why not leave it to private enterprise now?

HON. A. P. MATHESON : I suppose the reason no person is prepared to come forward and offer to construct the line by private enterprise is that when a line is constructed by private enterprise, not unnaturally everybody wants to stamp it out. As soon as the other line was constructed in the district, everybody had a complaint to make against it; and there were very reasonable complaints too from Coolgardie. Many members are thoroughly opposed to the principle of



lines being constructed by private enterprise. If a line is going to pay, it is better that the Government should get the benefit of it.

HON. R. S. HAYNES: Hear, hear; no jobbery.

HON. A. P. MATHESON: It is unsatisfactory for private people to take the profit which should otherwise go to the Government. I do not propose to detain the House. I merely desired to deal with objections urged by the hon. member, and I hope members are convinced that those objections are groundless.

HON. A. B. KIDSON (West): I am pleased indeed to have an opportunity of supporting the motion of Mr. Brimage, and the more so because I think there is a feeling extant upon the goldfields that people on the coast are not in sympathy with them. I would like to see that idea swept away from their minds, and to assure them that the people on the coast are in sympathy with the goldfields, as I think their past action will show. In my experience there has never yet been a work that could reasonably be put forward by the Government on behalf of the goldfields that those on the coast have not supported. I am reminded by Mr. Hackett "except the Norseman railway;" but I would point out the construction of the Norseman railway would really mean the expenditure of an extremely large sum of money, which this House at the time almost unanimously thought it was inadvisable to spend. That was the reason why that railway did not go through. We know that in the present session of Parliament the measure has been thrown out in another place, and for reasons best known to members of another place. But I do not think members in this House can be held responsible for that. It has been stated that the line will cost £100,000. That amount was mentioned by Mr. Moss. I am inclined to think the hon. member is hardly correct in his figures. It seems to me that such a sum for a line of railway some 25 miles in length would be out of the way. The object of this railway must not be forgotten. Hon. members who have spoken (and I think this House must accept the statements of those hon. members), have shown the absolute necessity for this line for providing fuel for the working of the

mines. If those statements are correct (and as I say I think hon. members should accept them), it seems to me it is very necessary this matter should be put in hand at once in order to provide the fuel required on the mines.

HON. M. L. MOSS: It is another way of dishing up the Norseman railway.

HON. A. B. KIDSON: I do not agree with the hon. member. It is not a question of the Norseman railway, but a question of building 25 miles of railway for a specific purpose. Members must be clear upon that point. The Colonial Secretary has had the motion amended in such a way that the intention of the motion is absolutely clear; so I do not think any member who votes for this line on the specific ground mentioned in the motion would be bound to vote for the extension of the line to Norseman or anywhere else. I myself should not feel bound to do so, but I should feel myself bound to vote as I thought best in the interests of the country. This railway is proposed in the interests of the goldfields, and the prosperity of the whole of the colony depends on the prosperity of those fields; therefore anything we can do to assist in furthering the mining industry ought to be done by us. The expenditure of money will not be large, as expenditure in connection with the construction of lines goes, and I think the House may very well pass the motion.

HON. W. MALEY (South-East): I had no intention to speak in reference to this motion, although I think it is an extraordinary thing that a motion has been brought forward in this House dealing with a monetary matter, without information being given to members as to exactly how much expenditure the country would be committed to, if the motion were carried. It has been said that the line would cost something like £100,000. It may cost only half of that—

HON. A. G. JENKINS: Seven hundred pounds or eight hundred pounds a mile.

HON. W. MALEY: It may not be an expensive line, or it may be, and we do not know what we shall be committing ourselves to in passing the motion. First of all, a survey should be made before the House takes serious notice of a proposal to construct any railway line. If this were a proposal to deal with a survey

only, I should support the motion; but I am in the dark, and I believe pretty well nearly every member of the House is in the dark, on the subject. I believe there is only one member who has been on the ground, and that is Mr. Bellingham. We want more light and more information, and that information should be provided before this motion is carried through the House. I think the House had an idea that this would be the first section of a railway to Esperance. For the past six or seven years I have advocated a railway from Esperance to the goldfields, and I think that with more enlightenment the people in Perth, as well as the people in the country, will recognise how necessary it is to open up all the country. If the question of a railway from Coolgardie to Esperance crops up again, we shall probably find, if this motion be carried, that this first section of the proposed railway to Esperance will be practically useless, being made of old railway iron and old sleepers which are practically useless for a continuation of the line to Esperance Bay. I shall feel it my duty on several grounds, and principally on the ground of the present condition of the finances of the country, to oppose the motion now before the House.

HON. S. J. HAYNES (South-East): I intend to vote against this motion, and I do not propose to give a silent vote. The reason I take that stand is that I do not think we are at the present time in a position to fritter away the money—

HON. D. McKAY: Fritter!

HON. S. J. HAYNES: Yes; I think so. I voted some time ago against the Coolgardie-Esperance line on the same ground, that we were not in a position to afford it. The Coolgardie-Esperance line is one which will, I think, come some day, and I hope I shall be able to support it. I am decidedly against these small spur lines. In other parts, especially in Victoria, these spur lines have been a serious drag to the country.

THE COLONIAL SECRETARY: They were agricultural lines.

HON. S. J. HAYNES: They were agricultural lines. In this instance we are told that if a line is not built, the mines will languish. I can scarcely credit that. The interests are very large, and I am sure that the owners will protect

them by private enterprise; and, in my opinion, a branch line of this sort is peculiarly suitable for private enterprise. At any rate, at the present time I cannot support this motion. We have not sufficient details before us. Of course if a proper Bill comes forward, and I have other details before me to convince me that it would be a good thing for the country, I shall have the right to vote for it; but on the details before the House at present I must certainly oppose the motion. It has been pointed out by my friend and colleague Mr. Maley (and the motion itself suggests it) that this would be part of a scheme for the railway ultimately carried out between Coolgardie and Esperance. This line may not at all fit in with the surveys for that line. There may be other lines even, if the timber is absolutely necessary; and if it strikes a majority of this House and also a majority in another place that a line is absolutely necessary, it may be considered that the line suggested by the motion is not the most suitable one. Under the circumstances I shall certainly oppose the motion at the present time, on the ground that we cannot afford the line.

HON. R. S. HAYNES (Central): I had no intention of speaking on the motion, because I thought it was just a proposal that would be approved, and there would simply be an expression of opinion from this House that the line ought to be built at once, or in the near future, for the purpose of supplying the various gold mines in Kalgoorlie and Coolgardie with timber. Without timber the mines are bound to languish. Mr. S. J. Haynes says he cannot see why these mines will languish. I can see it, because I have driven over the country. I know the country pretty well from one end to the other in that district, and I know it is not heavily timbered; but the timber is of a stunted growth, and is sparse, and not expected to run any length of time.

HON. R. G. BURGESS: Where is that?

HON. R. S. HAYNES: Kalgoorlie district. We are accustomed to think the timber is the same in that locality as it is around Perth, but it is not so.

HON. R. G. BURGESS: Have you been there to see?

HON. R. S. HAYNES: I have been through portions of the country. The

hon. member (Mr. Burges) thinks he is the only expert in the world.

HON. A. G. JENKINS: He was there 30 years ago.

HON. R. S. HAYNES: He ought to have stayed there. I hope the House will pass the motion, and I compliment Mr. Kidson on the way in which he supported the proposal. It has been said that any attempt to divert traffic from Fremantle is always opposed by the members for Fremantle, but I do not think it is so. I think the members for Fremantle are just as honourable as any other members of the House. I am pleased to see Mr. Kidson has a broad view of the question, and that at all events he is not now responsible for an attack which might have been made upon Fremantle representatives on the ground that they are always legislating for their own constituencies.

HON. W. MALEY: The line will help Fremantle.

HON. R. S. HAYNES: Perhaps so. I cannot help being surprised at Mr. S. J. Haynes and Mr. Maley voting against the motion. They are the very first to cry out when their toes are trodden on; and, when there is a proposal intended to benefit the goldfields or a portion of the goldfields, they cry out. I am surprised that there is a debate upon this motion, for it is of such a character that it should commend itself to every member of the House, and I hope the House will carry it without a division.

HON. C. A. PIESSE (South-East): I did not intend to speak in reference to this matter, but it was with extreme regret I heard both my colleagues announce their intention to vote against this motion. I am sure the province I represent does not wish to injure the goldfields, which are yet in their infancy. I have been all over the country referred to, and I have probably travelled where this timber is. In the early days I went 50 or 60 miles on every side of what is now Kalgoorlie, and I have an idea of the quantity of the timber growing there. As I say, I did not intend to speak, but I could not allow the feeling to go abroad that our province (South-West) was against the construction of this railway. As my colleagues have spoken in a pronounced manner of their intention to vote against the line, I thought it my duty

also to announce my intention to support the motion, as I have always supported any railway which it could be shown would pay. The motion has been well backed up, and all I can hope is that the House will give a strong vote in favour of the line.

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

Ayes ...	...	...	19
Noes ...	...	...	6

Majority for ... 13

**AYES.**  
 Hon. G. Bellingham  
 Hon. H. Briggs  
 Hon. T. F. Brimage  
 Hon. J. M. Drew  
 Hon. J. T. Glowray  
 Hon. J. W. Hackett  
 Hon. R. S. Haynes  
 Hon. A. G. Jenkins  
 Hon. A. B. Kidson  
 Hon. A. P. Matheson  
 Hon. D. McKay  
 Hon. E. McLarty  
 Hon. G. Randell  
 Hon. J. E. Richardson  
 Hon. C. Sommers  
 Hon. J. M. Speed  
 Hon. W. Spencer  
 Hon. F. Whitcombe  
 Hon. C. A. Piesse  
 (Teller).

**NOES.**  
 Hon. R. G. Burges  
 Hon. C. E. Dempster  
 Hon. H. Lukin  
 Hon. W. Maley  
 Hon. M. L. Moss  
 Hon. S. J. Haynes  
 (Teller).

Question thus passed as amended.

On further motion by Hon. T. F. O. BRIMAGE, ordered that the resolution be forwarded to the Legislative Assembly for concurrence.

#### MOTION FOR PAPER—JUDGES AND CONCILIATION BILL.

HON. F. M. STONE (North) moved:

That all letters that have passed between the Judges of the Supreme Court and the Government, with reference to the Industrial Conciliation and Arbitration Bill, be laid on the Table of the Council.

Before the House proceeded further with a discussion of the Industrial Conciliation and Arbitration Bill, it was desirable to have the opinion of the Judges of the Supreme Court as to a Judge's position as president of the proposed Arbitration Court; and with this object the motion was submitted.

THE COLONIAL SECRETARY (Hon. G. Randell) said he had pleasure in laying on the table the letter written by their honours, Mr. Justice Stone and Mr. Justice Hensman, to His Excellency the Administrator.

Letter read by the CLERK, as follows:—

Judges' Chambers,  
 Perth, Sept., 1900.

Sir,—We desire to draw your attention to the Bill relating to the settlement of industrial

disputes now before Parliament in so far as it affects the position of the Judges of the Supreme Court. The Bill has not at present been referred to the Judges for their consideration, but we have obtained copies from the Government Printer, and we also gather from the newspapers that the Bill has passed the second reading in the Assembly, and that it is now in the Committee stage in that House. We take the earliest opportunity of making some observations upon the clauses which relate to the proposed Court of Arbitration. These clauses appear to us to aim at placing the Judges in a position which they have not hitherto occupied, and one in which they would be called upon to exercise functions not appertaining to their judicial office. The duty of the Judges is to administer justice, according to law, to decide upon the legal rights and duties of litigants, according to the established rules of law and of legal evidence and procedure. By this Bill it is proposed that the Judges shall assist in the decision of disputes between workmen and their employers, not as to their mutual rights and obligations under contracts of service or at Common Law, but rather as to what ought to be their relation to each other, according to the principles of natural justice, or of expediency, or of political economy. It is also provided by Clause 58 that the Court shall be at liberty to receive any evidence it may think fit to receive, whether legal evidence or not. The Judges have devoted their lives to the study and practice of the law, and they do not profess to have made a study of those innumerable social and economical questions which will arise in the near future in disputes between capital and labour. The Judges hold their offices for life, and can only be removed for misbehaviour, by the Crown, upon an address by both Houses of the Legislature. By Clause 53 of the Bill, it is provided that the Governor may remove any member of the Court from office. This strikes at the constitutional position of the Judges, and in itself shows that the functions of a Judge under this Bill would not be judicial. The Governor has no power whatever to interfere with the judicial office. Indeed, the duty of a Judge requires him in many cases to adjudicate between the Government and the people. We may remark that the wording of this clause is very offensive in its application to a Judge, as it provides that the Governor may remove any member of the Court from office who (amongst other things) is "convicted of any crime, the punishment for which is death or imprisonment."

**THE COLONIAL SECRETARY:** That provision had been removed from the clause.

Again, the Judges of the Supreme Court are accustomed to have their decisions treated with respect and obedience, in fact their judgments are part of the law of the land. Under this Bill a Judge presiding in an open court would be liable to have his opinion summarily over-ruled by two laymen, whose decision is to be final. We can hardly imagine anything

which would be more likely to lessen the respect of the public for the judicial office than such a procedure.

But again this Arbitration Court will be called upon to adjudicate at times of great social and political excitement, and a Judge presiding would be brought, as it were, into the political arena. He would be exposed to the criticism of hostile parties as to his opinions on matters upon which the public would consider themselves as competent to give an opinion as the Judge himself. These are the principal objections we have to this Bill, and we regard them as of the gravest importance. We think we cannot do better than quote from a speech of the late Master of the Rolls upon this subject. Speaking at the Mansion House on behalf of the Judges, on November 9, 1892, Lord Esher referred to the attacks which had been made upon Mr. Justice Mathew, who had accepted the presidency of the Irish Evicted Tenants' Commission. His Lordship, after referring to the independence and impartiality of the Judges, said: "This indeed was so well known and recognised, that when the Judges of England acted within the scope of their ordinary duties nobody ever attempted even to suggest that they were not impartial. At the present time, however, they knew that one of the Judges had been asked to go beyond the scope of his ordinary duties, and he for one was surprised and sorry that the Judge in question had consented to do so. The result was inevitable. The Judge had been fiercely accused already of partiality, or of a want of a desire to do justice."

E. A. STONE.

A. HENSMAN.

**THE PRESIDENT:** Did the hon. member, after hearing the letter read, still desire that it should be placed on the table?

**HON. F. M. STONE:** Yes; it was desirable the letter should be available for further reference.

Question put and passed.

Ordered that the letter do lie on the table.

## CONCILIATION AND ARBITRATION BILL.

### SECOND READING.

Debate resumed from 10th October.

**HON. J. W. HACKETT** (South-West): I may congratulate hon. members of the House on being present in such large numbers this afternoon, to consider what seems to me the most important measure in its details, its principles, and its probable effects which has come before the House for very many sessions past. I trust the next time there is a crowded House, it may be in another chamber

where the conditions of life will be a little less pestilential than in this room at present. However, in spite of danger to health, I shall endeavour to say what I consider right in regard to the Bill. It is not altogether to be expected any member of the House or of another place, who may be familiar with these problems or with legislation on the subject, can altogether approve of the Bill which has been introduced by the representative of the Government. Nevertheless, it seems to me that when we weigh both sides of the question, it is right we should give a certain amount, and a very large amount, of credit to the Government for their endeavour to deal with one of the most perplexing and one of the most troubled questions which have ever agitated the political waters of Australia. The Bill, so far as I understand it, is a Bill primarily to get rid of strikes, and if it does no more than that, it deserves the attentive consideration of the House, and a large majority in favour of its second reading. Strikes are a legacy of the dark ages of our industrial history. They date from a time when the principal idea of the employer was to treat those under him—those who were making his fortune, whether they were men, women, or little children—as machines specially devised by Providence for the behoof of the particular industry into which he was placing his capital; and strikes come from a time when the principal conception of the State, and of most political economists, was that a country grows in proportion to the rate of profits on the one side, and in inverse ratio to the rate of wages on the other side. The idea abroad was that the larger and the more abundant the profits, the richer the country became, and the lower the point to which wages could be reduced and kept, so much the better for the wealth and the resources of the community. These ideas have now passed away in Australia; they are passing away in most of the civilised countries of the globe; and we now know that almost the very reverse is accepted as the true principle, which is that a country is benefited exactly in proportion to low profits and high wages. I lay down that principle without stopping to argue it, because I am convinced that anybody who has looked into it, who studies the history

of the matter, or who is practically acquainted with all aspects of the question, has persuaded himself of that view before coming to consider the question in this House. This Bill gets rid of strikes, or it endeavours to get rid of strikes. I do not suppose it will altogether abolish strikes or lockouts. There are cases, no doubt, in which strikers will conceive that under this Bill they do not obtain justice or what they are entitled to. There are also cases in which the employer will feel that so little is his business understood either by employees or the Board of Conciliation, or Court of Arbitration, so entirely do they misunderstand the circumstances of making a profitable enterprise, that he is prepared to abandon his business altogether—because that is the alternative—rather than persist in a course which first of all leads to endless fines, and next to endless unrest and unsettlement in his industry. But it will have this effect: it will reduce strikes to an immeasurably small amount, and it seems to me that as industrial knowledge progresses, the (I will not say rights), position of the employer will be better understood; so far understood that those who have it in their hands to advise to resort to conciliation boards or courts of arbitration will assure themselves that their course is right before they take the extreme step of forcing an employer to discontinue giving employment. In other words, there is something more important than strikes and lockouts, and that is the continuance of employment, in the interests of both capitalists and labourers. The pattern which the Government have set before us in this Bill is the New Zealand Act. They could not do otherwise, for, except with a few alterations made in the colony of New South Wales, the New Zealand pattern remains the only one in existence for dealing with this branch of industrial disputes; and I may say that to my mind the Legislature in New Zealand have been particularly happy in many respects in the Bill which they have given forth to the world. That Bill is not perfect—it would be astonishing if it were perfect; but if it is found to be formed on a sound foundation, on a true economic basis, we may all persuade ourselves that as time goes on and its defects are discovered, the

good sense of Parliament and the community will amend those defects and bring the Act to as near a measure of perfection as it is possible for Acts to attain. There is no doubt that the New Zealand Act is the result of the labour movement; and, in addressing myself to the Bill as impartially as I can I desire to look at it from the employer's point of view as well as from the workman's point of view; but I say this, and I say it as a ground of credit to the labour party in New Zealand, that the Bill we have before us now is a labour emanation. In other words it is the product of a labour Government, and especially the work of the representatives of labour in that Government in New Zealand. And if the employer complains that the Bill has come from such a source, let him for one moment reflect that he has no one to thank but himself. For many generations he had it in his power to bring forward legislation in this matter, but he declined to do so, and it was left to the workers in New Zealand to do their best in dealing with a question which has been fruitful, I suppose, of more injury and mischief to civilised communities even than the wars which are often so wantonly and extravagantly entered into, and of which the working men have to pay the cost. In getting rid of strikes they get rid of a cruel, a barbarous and an unequal weapon; cruel because of the widespread misery it inflicts; barbarous because of its intense costliness and its frequently proved inefficiency; and unequal because the suffering in nearly all cases falls upon the innocent heads of the women and children of the family. If the New Zealand Act has only gone some way towards redressing that shameful state of things, then I say let us welcome it, let us place it on the stocks, let us do our best to convert it into something more useful; and we may prove as time goes on that the Bill will do what it professes to do, and bring industrial legislation within the sphere of law and order. Putting aside the Board of Conciliation and the Court of Arbitration (on which it is unnecessary to say anything, for no doubt we have made up our minds), the main principle in the New Zealand Act, the distinguishing feature, the feature for which the author of it is especially to be congratulated, is the

inclusion in the last court of appeal, in the final tribunal, of a Judge of the Supreme Court; and in reference to that letter which perhaps you will allow me to refer to—

THE PRESIDENT: It is on the table of the House.

HON. J. W. HACKETT: Yes; it is on the table—in reference to that letter, I do trust that on further consideration the Judges of the Supreme Court will see some ground to modify the attitude which they have taken up. This provision is essential to the Bill, and I trust that if it is eliminated, the Bill will be dropped instantly. I for my part, as an employer of labour to some extent, would entirely refuse to vote for the second reading of the Bill, for reasons which I need not dilate on at present, if I thought that the last voice on this question would not be the voice of a Judge of the Supreme Court; if a Judge were not to sit as umpire finally and of his own accord (because the two gentlemen with him are supposed to represent each a side of the issue brought before him); if he were not to be the official arbiter pronouncing final judgment. The Judges complain that they will be brought out of their high judicial atmosphere in which it is their privilege to sit, and will be brought into the political arena. That complaint comes somewhat late in the day. They should have made that complaint when various other matters were relegated to their arbitration; above all, when the question of disputed elections (a burning political question of every Parliament of the past) was taken from the Houses, who were thought to be not impartial judges, and remitted solely and absolutely to the Supreme Court bench, whether in England or in these colonies. It began then. It was the high attributes of our Judges, and confidence in their impartiality and justice, which led them to be selected as the arbitrators in cases where the fever of political feeling or undue influence might exist, and where the Judges would sit on a pedestal far above any consideration of the kind. No doubt the Judges will be brought down into the political arena; but though they will be in that arena, they will not be, to use a common phrase, of that arena: they will bring to it, if I may use the word, "seasoned" impartiality; they will bring to it a train-

ing in the rules of evidence; they will bring to it finally a determination to see justice done irrespective of the merits or the positions of the parties before them. And it is vain to look for that in any other tribunal; therefore I trust that the Judges will further consider the matter, and will realise that what really they have to do is not to come down and enter into the dispute at all on one side or the other, but to do what they do every day of their lives—listen to the evidence, probe it to the foundation, and decide according as they believe the balance of that evidence to be on the one side or the other. There are two or three matters in this Bill which deserve special attention, and there is one which the Colonial Secretary seems to have made up his mind on, but in regard to which I hope he may see reason to change. That is the determination—and no doubt the hon. gentleman is voicing the view of the Government—that none of the public servants shall be allowed the benefit of this Bill, excepting one department, and one department only. Railway servants are allowed to come under the Bill, but all others are to be excluded, and the hon. gentleman is thoroughly satisfied that this rests upon grounds of logic which apparently cannot be upset. I earnestly trust he will be able to put before us the grounds for that, somewhat more fully than he has done in his opening address. After giving the matter the most careful consideration, I am unable to conceive the grounds on which he proceeds. We are told the railway servants are to come under this Bill, but the postal servants, the telegraph operators, and the Government printers are to be excluded. I believe I am not misstating the scope of the Bill or the speech of the hon. gentleman. It comes to this, that while an operator in a signal box is to come under the Bill, an operator in the telegraph office at Perth will not be allowed to do so. How will the hon. member justify the distinction?

HON. A. P. MATHESON: How about the prerogative of the Crown?

HON. J. W. HACKETT: The prerogative of the Crown applies in the same way to all.

HON. A. P. MATHESON: Not to the railway service.

HON. J. W. HACKETT: Yes; because of a special Act. That Act can be repeated half a dozen times, if necessary, so that it shall apply to other public servants. It is a ludicrous point that an artificial barrier should not be removed by the very means that created it. If we wish to include other servants of the Crown, we can pass a similar Act. Let the Minister make up his mind that, if this Bill pass, as I trust it will, we shall have to include other public servants before many years or sessions are over. The hon. gentleman wishes us to believe that a man who brings his trunk to the cab from the railway carriage is entitled to come under the provisions of the Bill, but that a man who brings his letters from the Post Office is to be refused the benefits of these provisions. How can the hon. member, with any sense of consistency, take up that stand?

THE COLONIAL SECRETARY: That would alter the whole scope of the Bill.

HON. J. W. HACKETT: I do not say I shall move in that direction at all, but the hon. member must make up his mind that if he press the Bill—let him get into no fool's paradise—he will have to include the whole of the public servants, since he has already opened the door to the railway servants. That is the first point to which I wish to draw attention; and the next point is one of equal importance, namely that the Bill introduces absolutely a new industrial era, or what is practically an industrial revolution. Let not the hon. member blind his eyes on the subject. This measure goes further in the direction of pure socialism—and I am not using the word with any desire to discredit it—the Bill goes further in the direction of municipalising—to use the longer, more uncouth, but perhaps more frequent word in such cases—than any measure which has ever come before the Parliament of Western Australia. The natural effect of the Bill will be, first of all, to destroy, as time goes on, all competition amongst employees. Decisions given elsewhere carry that to an extreme point, and result in abolishing, it seems to me, freedom of contract altogether. This legislation takes up the same stand in regard to industrial questions that agrarian legislation does for Ireland. That agrarian legislation does not go a bit further, and probably, in many cases, not so far as the Bill. The

Irish legislation, I need hardly remind the House, was adopted by what is probably the most conservative body in the world, namely the Imperial Parliament, and was brought forward by a conservative administration and forced through all stages in both Houses by the members of that administration. But we must face the fact that the day of organised labour is now at hand, and when that day fully dawns, the day of freedom of contract, so far as employees are concerned and employers of course, will have gone for ever. We must, therefore, take this Bill with a full apprehension of what it means. Not that I fear what may be the result; but we ought not to blind our eyes and think the legislation will escape any of the pitfalls, or lead us by a safe and easy path into the harbour which we desire to reach. That point may be taken into consideration with this other point, namely that the Bill is undoubtedly—and I say this quite candidly and openly—more against the interests of the employer than it is against the interests of the employee. I am quite sure of this, because the Bill takes away, to a great extent, the weapon that the employer has depended on, namely the lock-out, which was almost the only weapon in his hand, while it strengthens and tempers the weapon of the working man—the employee or the labourer—and renders it far more effective than ever before, that weapon being the weapon of the organisation of labour. That the Bill will not result evilly to the country, I am sure; but let us all understand when we take the step of reading the Bill a second time, that for the main part it is intended to compel the employer to recognise his obligations. All through the Bill you will see this standing out, and I say it is in accordance with the fact that our industrial methods are to a large extent the survival of the methods of the past, when undue power naturally fell into the hands of the employer or the capitalist, and when it was a constant struggle on the part of the labourer or working man either to assure recognition of his deserts, or to share the money made by the employer out of the worker's labour. The reason I urge that the employer will be placed at a disadvantage is specially affirmed by some of the principles of the Bill, to

which I desire to draw attention. The employer can be compelled to submit: there is no question about that. He cannot undergo fines of five hundred pounds, say repeated every month or so, which he must submit to if he do not accept the terms of the Court of Arbitration.

THE COLONIAL SECRETARY: That is for breach of agreement.

HON. J. W. HACKETT: I know that, but if he refuse to conform to the award of the Court of Arbitration, he will be fined; and if the matter be brought up again before the Court, he will have to submit to a second fine, and so on, and he will have to pay these fines, short of closing his business.

HON. C. A. PIESSE: He will close his business.

HON. J. W. HACKETT: That is what I say: short of closing his business, he must pay. What I wish to impress is that this power is very strong, and weighs more heavily against the employer than against the employed. For my part, I feel free to say I believe the Bill presses against the employer to an extent that is not absolutely fair; it has the employer, so to speak, in the hollow of its hand, seeing that it can compel him to give way, or can destroy him. Of course, if equal justice were meted out to both sides, the same would happen to the employee; but according to the provisions of the Bill, the employee is in a far different and safer position. The labourer or workman, when he forms his union, if the award be given against him, has to submit to a certain payment per head, but that payment, on the face of it, is more or less illusory. It would be difficult, and almost impossible, to enforce the fine of £10 per head, and there are very few employers who would go to the trouble, or would have the hardness of heart, to inflict a fine of £10 on the family of his employee. He would deserve at once to see friction created between him and his employees, and the main benefits of the Bill, namely the permission of industrial enterprise, defeated. But it is next to impossible to believe that this fine of £10 will ever be paid; and the Bill does not even secure the payment. It is provided that each member shall be liable for the fine, but if the union chose to disband, there would be nobody to levy on. A union



could disband one day, and reform the next into a new association, and the next week proceed as in the previous instance.

**THE COLONIAL SECRETARY:** That has never been done.

**HON. J. W. HACKETT:** I know that, but I am pointing out what is possible.

**HON. A. B. KIDSON:** It could not be done.

**HON. J. W. HACKETT:** The hon. member says it could not be done, but there "are more things in heaven and earth than are dreamt of" in the hon. member's philosophy.

**HON. A. B. KIDSON:** And in your philosophy.

**THE COLONIAL SECRETARY:** There is the common sense of the parties.

**HON. J. W. HACKETT:** Unfortunately, common sense and self interest do not always go together. As a matter of fact, this very point was raised in New Zealand, when a decision was given by the Board of Conciliation in favour of the demands of the men, and when the Court of Arbitration reduced the award of the Board of Conciliation. It was then seriously considered amongst members of the union whether they should not disband the association and go out on strike.

**HON. A. P. MATHESON:** Has any association ever done that in New Zealand?

**HON. J. W. HACKETT:** To the credit of the union, however, they brought such pressure to bear on the members who desired to disband and go out on strike, that the proposal was withdrawn and the award of the Court accepted. I think in most cases that is what would happen; nevertheless, we have before us the fact that the Court of Arbitration can ruin the employer if he will not give way, whereas it has no power whatever over the members of the workers' union, beyond the very doubtful and illusory power, as I call it, to which I have already referred. What I desire to say is that I do not wish to see penalties of imprisonment proposed; I do not desire that there should be, as suggested in some quarters, a deposit by industrial unions before they take proceedings; but I do desire to be assured that a decision of the industrial union to proceed before either the Board of Conciliation or the Court of Arbitration is the decision of a large and responsible body of men. I should be

perfectly prepared to accept an amendment of the Bill which would carry the socialistic principle still further, and make freedom of contract still more hopeless, and would give a further impetus to the general organisation of labour. I should be perfectly willing to accept an amendment by which the superior trade councils—those bodies in the colony which are representative of the smaller unions—should give their assent, and sanction proceedings taken by the lesser unit, the industrial union. If that could be brought about and disputes first of all brought before the Trades and Labour Council, which of course would see the employers on the matter and use what the Colonial Secretary has termed their "common sense," consider what the dispute was all about, and talk it over even before they went before the Board of Conciliation, the probability is the whole thing would be settled. At least the employer would know that the decision to go forward was taken by men who were in themselves to a degree impartial, and who had satisfied themselves of the justice of the claims made by the industrial union.

**HON. A. P. MATHESON:** That is the present practice.

**HON. J. W. HACKETT:** I want it to be the law: the practice is not worth a snap of the fingers. If the hon. member looked into these matters a little more closely he would know that.

**HON. A. P. MATHESON:** I have looked into it very closely.

**HON. J. W. HACKETT:** Then the hon. member has not brought much discernment to bear. But if it be made a legal necessity that the sanction of the Trades and Labour Council, or when that higher body comes along as it will come along, namely the Australian Labour Federation, which is representative of all industrial unions and trades, and which, by the time it reaches Western Australia, will probably be representative of all the colonies—if it were necessary before the extreme step were taken, to get the sanction of that body, or of a lesser but still largely representative body, so that the responsibility might be divided in as many quarters as possible, I should heartily say, "Give all the powers in the Bill, and more, to the employee." If that be not done I feel

that the Bill, to a large extent, will be a one-sided measure. It is proposed that the Bill should go to a Select Committee, and I do not suppose there is any strong objection to that course if the majority favour it, because we cannot have too much light; the measure cannot be examined too closely or too fundamentally in all its details. But, at the same time, I trust that as little alteration as possible will be made by the Select Committee, and that the Bill, with a few amendments which commend themselves to the judgment of hon. members, will be passed in to law practically in the shape it now lies on the table. I urge that because I believe the Bill will take those disputes away from the region of caprice and lawlessness, and will introduce rule and legality where at present we have nothing but friction, suspicion, and something stronger, namely, enmity between employer and employed. If we accept this Bill, we shall know, at all events, we are moving forward in the great work of establishing industrial enterprise on a foundation which no man need fear in these colonies. It may be that it is only a step forward, which will ultimately result in what I believe is the higher form of industrial enterprise, namely co-operation and profit-sharing. But, in any case, we shall enter on a path where, if we find ourselves to be wrong, we may retrace our steps. If we find that on the whole the path conducts us to a place of safety, then the imperfections and mistakes which are bound to be found in the Bill, no matter in what shape we pass it, can be remedied. I have much pleasure in supporting the second reading.

At 6:30, the PRESIDENT left the Chair.

At 7:30, Chair resumed.

HON. H. BRIGGS (West): I congratulate the Government on bringing forward this Bill, which has been manifestly wanted by the circumstances of the colony. Mr. R. S. Haynes viewed its introduction with suspicion because it has been introduced very close to a general election; but that reason would have very little force in this House, because we have no general election close at hand. If an objection had been made to any extension of any great public works policy, I could

understand that it would have weight, seeing that a future Parliament would have to find the means, but precisely those social questions which have been long debated in the public mind, fittingly come forward and under our concern at this peculiar period of time. The voice of public opinion has been heard in many directions, and it has been almost unanimous that some system of determining trade disputes, some system of conciliation and arbitration other than referring to strikes and lockouts, should be resorted to; and there is also an equal general desire that this system, over and above voluntary interposition between the two parties, shall have some sanction of a legislative character. We all know that in trade disputes, as in all other disputes, it is well for the contestants to come together, to see each other face to face, and to place the arguments before some unbiassed, intelligent authorities, so that they may be settled. Conciliation is simply taking counsel together, and taking counsel together always makes for peace. Mr. Whitcombe charged the Government with allowing themselves to be forced into a line of legislation, and he used a rather obnoxious phrase. He said they were pandering to a section of the community. I do not see that the Government are doing that. It is the duty of the Government to accede to the general wishes of the whole body of the people; they are the executive, and they have to fulfil the demands of the people; they are in fact as they are in name, Ministers of the State. In August last there was in Perth a full representative meeting of the organised bodies of labour in this colony, and those representatives, with a rare amount of self-control, on which I compliment them, passed by 31 votes to 15 a resolution saying that, to emphasise their desire that no strikes or labour disputes should interrupt the progress of the colony, they were prepared to accept this Bill, though it did not come up to their standard of perfection, as an evidence that the principle of conciliation and arbitration should find a place in the legislation of the colony. Not only these representatives of labour, but other organisations, as I may say, on the other side—such important bodies as the Builders and Contractors' Association, the Chamber of Manufactures, the

Chambers of Commerce in Perth and Fremantle, the Mine Managers' Association, Kalgoorlie, the Chambers of Mines at Coolgardie and Kalgoorlie, the Steamship Owners' Association, and others—these bodies had accepted the Bill, though I will not say they accepted it entirely, for each of these bodies thoroughly scrutinised the Bill, and they were prepared to make amendments to it. The proper method of settling all these contending views is by way of compromise—a principle of give and take—and although Mr. Whitcombe said the Government were pandering to one section of the community, I have now shown that the employers and workers are affected, and I will also point out that the whole of the community who stand outside the circle of direct industrial interests are themselves equally concerned with the result of our discussions on this Bill.

HON. R. S. HAYNES: Not this Bill exactly.

HON. H. BRIGGS: I think Mr. Haynes in his speech spoke more as an advocate of the Employers' Association.

HON. R. S. HAYNES: No.

HON. H. BRIGGS: I trust the hon. member will be on the Select Committee, and then he will give us the other side of his mind—that sagacious, judicial side—and will offer us a broad and full view of both sides of the question. It seems to me that the Government are the keepers of the peace, and the guardians of the general interests of the colony, and the State should intervene to prevent industrial war, which might, like the last railway strike, inflict an immense amount of mischief on non-combatant and dependent interests, and obstruct the whole progress of the colony. Objections have been made by Mr. Whitcombe that this kind of legislation was purely experimental, beautiful in theory, but unproved by practice. For many years past this question of conciliation and arbitration has occupied the minds of thoughtful people, and as far back as 1891 and 1892 the Hon. Charles Cameron Kingston, the then Premier of South Australia (whom I look upon as the pioneer of this form of industrial conciliation in Australia), passed this measure twice in the House of Assembly in South Australia, and two years after this similar Bills were twice

passed in the Lower House in New Zealand, but the Bills were thrown out by the Legislative Councils of those colonies. Mr. Reeves, the present Agent General in England for New Zealand, passed the New Zealand Act (framed, I may say, on the skeleton of Mr. Kingston's Act), and it became law, and it is on his Act that this Bill is based. In the colony of South Australia, in the same year, 1894, Mr. Kingston's Act was passed, and it came into force in that colony on the 1st January, 1895; an honoured justice (I think it was Mr. Justice Bunday) accepting the position of chairman of the Board of Conciliation. So we see this is no passing whim of the day, but it has been thoroughly considered. As the Colonial Secretary is often fond of saying: "What are they doing in the old country?" In this case I think it is fair he should say that, because if there is any one particular point on which the whole of the United Kingdom is bound up, that is in regard to its industrial interests. This question has been brought before the English public in the Press, at public meetings, and by Royal Commissions for very many years, and the time became ripe for legislation about the year 1896. It was at that time a Conciliation Act was passed through the English House of Commons, having been introduced by the President of the Board of Trade, Mr. Ritchie. That Act places the power of the Board of Conciliation chiefly in the hands of the Board of Trade, whereas in the New Zealand Act, upon which ours is based, that power was placed in the functions of the Governor in Council. I may say that this Act passed in 1896 did not meet with a success commensurate with its merits. One of the strongest Royal Commissions, and one most in touch with the various interests of the country, sat previous to the passing of that Bill. There was a minority report with seven very strong names, one of them being that of the Duke of Devonshire, who was described by the late John Bright as one of the most hard-headed men in England. This minority report dissented from the other, and I may say that the Bill which is now being brought forward in the colony of New South Wales by Mr. Wise—whose speech in introducing it was so highly complimented by the Colonial Secretary—is based principally on that

minority report signed by the Duke of Devonshire and six other able men. I think personally that Act is a far better one than our own, but it is the plain practical duty in common life to take the things that are before us. We have this Bill before us, and it is a step in the right path; so I commend the Bill to the House. Why the English Act of 1896 did not bring forth the results which its supporters expected, was because its powers were circumscribed. It had chiefly only four powers, namely: 1, To inquire into the causes and circumstances of any differences between the masters and workmen; 2, to bring the parties together, under the presidency of a chairman mutually agreed upon or selected by the Board of Trade; 3, to appoint a board of conciliation upon the application of either party; 4, on the application of both parties to appoint an arbitrator. It is a fair thing to see how that Act which was passed in 1896, worked. Two reports have been published as to the result of that Act. One report extended from October, 1896, to June, 1897, a period of nine months. In that period 35 cases were dealt with, and 19 of them were settled. The second report was from July, 1897, to June, 1899, a period of two years. Thirty-two cases were dealt with during that period, and 22 were settled. Thus 67 cases in all were dealt with, and 41 of them were settled. It may be interesting to account for the 26 which this board did not settle. The remaining 26 were thus accounted for: twelve applications were refused by the board, seven were settled by the parties during negotiation, and in seven the Court of Arbitration failed to effect an arrangement. Of the 41 disputes settled—and this is noticeable—26 were settled by conciliation and fifteen by arbitration. The 32 cases dealt with in 1898 and 1899 were distributed as I shall shortly show; and the figures will indicate to hon. members the class of employments which are likely to come under the Bill. In the building trade there were nine disputes; in mining, nine disputes; in metal, engineering and ship building, six disputes; in transport trades, three disputes; and in miscellaneous industries, five disputes; and in all cases where success followed, arbitration had

been asked for by both parties, the English Act not making arbitration compulsory. I am speaking now of the period up to the end of 1899, taking my figures from the report of one of the most trusted authorities in England, Mr. Bernard Holland; and in England there are nineteen boards of conciliation.

HON. R. S. HAYNES: There were 50 cases in six months, in New Zealand.

HON. H. BRIGGS: It may come as a surprise to hon. members that at the last Trades Union Congress, held at Huddersfield this year, there was a large majority against arbitration. I cannot give the reason for that until we get the newspaper reports, as there seems to be no special explanation sent forward in the cables; but I can point out what in my opinion was the reason. In the industrial world there is now springing up a cleavage between the old trades-unionism and new trades-unionism, the latter seeming to be permeated with a spirit of collectivism or socialism which is abhorrent to the old trades-unionist leaders, who have large funds at their disposal, and look askance at the new movement. Many people think that industries are all of one common character, and that a single policy will do for all; but this is a very great mistake, because, between the labour associations in England, there are two broad distinctions. On the one hand there are the skilled unionists, men who have been trained in apprenticeship to their trades, who are well organised and have large funds, and whose leaders have somewhat a conservative tendency, while outside these, there is another and second class consisting of a mass of miscellaneous workers, comparatively poor, generally unorganised, and of roving and unsettled habits; and it is impossible to determine any kind of policy which will fit both classes. In this Bill I am pleased to notice that five employers, or seven working men, can be registered and avail themselves of its provisions; and the question of finding a fitting president for the Board of Arbitration is, as Mr. Hackett rightly said the other evening, "the keystone of the whole structure." To show what kind of arbitrators suit best in large industrial circles in England, I will mention a few who have been appointed by the English Board of Trade. In the case of the

great South Wales coal strike, the Right Hon. Sir Edward Fry, now Lord Justice Fry, was appointed conciliator, and his report gave the death-blow to the strike; Sir William Markby acted in a coal mining dispute at Polesworth, and there was no stoppage; Sir Thomas Wright was successful in preventing a dispute of carpenters and joiners from coming to a head at St. Helen's; Mr. Thomas Bell, an ex-inspector of mines, arbitrated in a local colliery dispute at Brecon, and saved a strike; Mr. Asquith was conciliator first and arbitrator afterwards in a strike of 1,200 lace makers at Newnills; Mr. A. Hudson, a barrister, helped to save a stoppage of 3,090 hands in the Bristol building trade, and Sir Talbot Baines saved a strike in the Potteries. The qualifications of a president of a board of arbitration seem to be these. First of all, the president ought to have sufficient intelligence to form a proper opinion, and to be sufficiently fearless to stand by that opinion, and, in the second place, he ought to be sufficiently aloof to be unbiassed, and at the same time sufficiently cognisant of the local circumstances of the parties. The experience of England is that barristers of independent position, with knowledge and intellectual powers, accustomed to weigh evidence and settle disputes, are most in demand and most successful as arbitrators. Board of Trade officials have been tried, but they have been found to be hard, and no good whatever except in cases where mere verbal or technical settlements are required; and the general tendency of the English public is to secure some thoroughly well-credited barrister. I regret very much to hear, through the Colonial Secretary, the communication from our hard-worked Judges. No doubt the Judges feel what they write, and from what we have heard to-night we can see clearly they have great reason. But, with the addition of a fourth Judge, their labours would be lightened, and, taking the proportion of workers to the population here, and comparing that with the number at home, I do not think the work would be of such an exacting nature as their honours seem to suppose. From the letter, the Judges seem to think they would be one of three contending parties in the dispute, but it

rather seems to me there would be one advocate for the employers, and another for the workmen, and we want a president of judicial ability to weigh the merits of the two, and decide equitably and justly between them.

HON. R. S. HAYNES: That would not be so, because the majority decide, and not the President.

HON. H. BRIGGS: There are other members of the community who have settled disputes. We have had cardinals, and bishops, and men of high repute, and I may mention the late lumpers' strike at Fremantle, where the Rev. G. E. Rowe, Bishop Gibney, with Bishop Riley as umpire, settled the dispute, and the award they gave has been faithfully observed by both parties. That is a good instance of voluntary effort in stopping a quarrel; but while I yield all this to benevolent neutrality and sympathetic good will, I think there are no persons in this colony who are so able to decide justly, or hold an even balance, as the Judges of the Supreme Court. I shall have no further opportunity of expressing my views on this subject; and I beg hon. members, to look at the great issues which stand forth in the contests between capital and labour at the present day. Capitalists and employers are no longer competing against each other, but are uniting and forming themselves into companies, and the increase of costly machinery is placing the workman more and more under the power of the machine owner. The enforced agreement, accepted by the workman out of sheer necessity, he knowing that otherwise he and his family would starve, is simply a submission to the inevitable, and only in sad mockery can it be called a free contract. The great employers of labour—the limited liability companies—are simply dividend-forcing machines, and I am compelled to say—and I say it advisedly and from knowledge—that there are great companies in this colony who, unlike the old-fashioned employers of labour in the old country, do not seem to think that the employment of labour brings its responsibilities. These old-fashioned employers look after the interests of their workmen in the matter of churches, schools, hospitals, institutes, and recreation; but the great limited liability companies have no

care or concern for such things, simply looking on the employees as a means of producing dividends. Many of these capitalists have enough to live on without the industry, whereas the workman's labour is his sole capital; and when the Bill goes into Committee, as it may do, and there arises the question of justice and of holding the balance evenly between employers and employed, I hope there will be a leaning of mercy towards the workman.

HON. A. B. KIDSON (West): I feel somewhat at a disadvantage in rising to debate the motion before the House, because the subject has been so fully discussed by previous speakers, who have enunciated very many views which I hold myself and which I had intended to put forward. But I would like to assure hon. members that in the views I now submit I am not actuated by any feeling to one side or the other; that is to say, I have no feeling more in favour of the employer than of the employed, and I state my views only because I honestly think they are right and correct. Before dealing with the Bill I should like to refer to one or two remarks which have been made by hon. members. I was rather sorry to hear Mr. R. S. Haynes, in dealing with the question, take what to my mind seemed to be a very narrow view of the very broad subject under discussion. The hon. member seemed to me to have strong leanings on the side rather of the employers than of the employed; and I do not say this because I think the hon. member was wrong, but because if the matter should anywhere be viewed from an impartial standpoint, it is in the upper or deliberative House of Parliament. The hon. member said it was an effort to, amongst other things, injure the capitalist and benefit the workman. I really cannot agree with him in that. The hon. member seems to forget that this measure has been in force elsewhere, and has stood the test of time to a considerable extent, proving a success rather than otherwise.

HON. R. S. HAYNES: Question?

HON. A. B. KIDSON: The hon. member says "question," but the fact remains, and if the hon. member chooses to take the trouble to read up—

HON. R. S. HAYNES: I have.

HON. A. B. KIDSON: Then the hon. member has not profited much by the reading.

HON. R. S. HAYNES: You have not.

HON. A. B. KIDSON: If he takes the trouble to read up, he must come to the conclusion that to a considerable extent the effect of this measure has been for good.

HON. R. S. HAYNES: Failure.

HON. A. B. KIDSON: I think also the hon. member was wrong when he said the effect of the Act in New Zealand had been to scare capital away. I have taken the trouble to look up the subject.

HON. R. S. HAYNES: From whom?

HON. A. B. KIDSON: If the hon. member likes, I will read to him upon the subject, shortly, and I think that will satisfy him.

HON. R. S. HAYNES: Read to the House. I have information.

HON. A. B. KIDSON: I will read to the House. It is the report of Mr. Reeves, Agent General for New Zealand, and perhaps the authority will satisfy the hon. member.

HON. F. WHITCOMBE: The introducer of the measure.

HON. A. B. KIDSON: This is the report that gentleman gives, and I do not know that I should be inclined to view it with the same amount of suspicion as the hon. member does. It is unnecessary for me to read the report, for apparently the hon. member knows about it.

MR. R. S. HAYNES: It is simply "playing to the gallery."

HON. A. B. KIDSON: I do not know that I am playing to the gallery any more than the hon. member is doing himself; but if I am playing to the gallery, I am doing so in a good cause, which is more than the hon. member has done. The hon. member in his remarks has endeavoured, but I do not say he has succeeded, to be as scathing as possible in connection with this Bill. I listened most carefully during the whole of the hon. member's remarks to see what remedies that learned and hon. gentleman, who has taken such trouble to investigate and examine the clauses of the Bill, would propose by way of amendment, and the only thing the hon. member mentioned was that he thought there ought to be a deposit by both sides with the

registrar, to bind the parties to observe the award. That is the only thing the hon. member put forward by way of suggestion of amendment of this Bill. I took particular note of it. I mention that, because I think if members will carry their recollection back they will come to the same conclusion as I have pointed out. I do not propose to deal further with the hon. member, because I think I have said enough on him.

HON. R. S. HAYNES: Oh! Thank you.

HON. A. B. KIDSON: Perhaps the hon. member is satisfied with what I have said, but I should like to deal with one or two remarks made by Mr. Whitcombe.

HON. R. S. HAYNES: Look out!

HON. A. B. KIDSON: He had better look out. Amongst other remarks the hon. member stated he was surprised at the Government introducing the Bill at this stage. For my part I am not surprised, and I do not think other members in the House are surprised at the Government introducing the Bill at this stage, because it seems to me the Government have grasped the situation, which that hon. member and one other hon. member, at all events, do not seem to have grasped, and it is this, that the public want the Bill and intend to have the Bill, and unless some measure of this kind is passed into law, a very ill effect indeed will be experienced. One of the remarks that fell from Mr. Haynes was really one of the strongest arguments why the measure should be passed into law, that being the statement that he thought that before long there would be considerable trouble on the goldfields. [Interjection by Hon. R. S. HAYNES.] The hon. member may cast insinuations upon me, but it is like water upon a duck's back.

HON. R. S. HAYNES: Drake, I should say.

HON. A. B. KIDSON: I know the hon. member does not like it, but I think it would be better for him to keep quiet. I do not agree that this is a question of pandering to the people. I do not think so, because I feel confident that the people want the Bill, and if the Bill is not passed this session, it will have to be passed next session. A great many people, a large portion of whom helped to place the two members in this honourable House, want the Bill, and that being so, I think this House will not go back upon them.

HON. R. S. HAYNES: Claptrap.

HON. J. M. DREW: Quite right: they were elected by the working men.

HON. R. S. HAYNES: They were not. Pardon me: I was not.

HON. A. B. KIDSON: The hon. member knows his business best.

HON. R. S. HAYNES: Address the Chair.

HON. A. B. KIDSON: I certainly will. The hon. member knows his business best, and no doubt, when the proper time comes, he will give a proper account of his action in connection with this matter. For my part, I have no hesitation in saying that I look upon this Bill as one of the most important Bills ever brought before the House for its consideration. It would be better if the hon. member did not interrupt. I know his object is to throw me off my line of argument, but he will only find himself at sea, because he will not succeed. He asks me to address the Chair, and the whole time he is addressing me. If the hon. member would kindly keep quiet and let me address the Chair, I should be better pleased. I am sure after that the hon. member will allow me to proceed.

HON. R. S. HAYNES: The next mayor of Fremantle.

HON. A. B. KIDSON: I consider this is the most important Bill brought before this House.

HON. R. S. HAYNES: You have said it three times.

HON. A. B. KIDSON: I will say it four times if the hon. member interrupts: I will keep on repeating it until the hon. member allows me to proceed. The Bill has for its object the settling of these terrible and serious trade disputes. Although we have not seen a large number in this colony, we have heard and read of them elsewhere, and we know of the very serious results that occur in connection with them. In this colony I think it is almost more necessary perhaps than in some other places that a Bill of this nature should be passed into law, because we know that a very large section of our community consists of those engaged in labour. We have had instances—not many I am thankful to say—of trouble in connection with strikes. In considering the Bill, this House should not look at it either from the standpoint of the employee or that of the employer, but from the standpoint of whether in the interests

of the whole of the people of this colony it is advisable that a measure of this nature shall be passed into law; because we know perfectly well that the principal portion of the community affected by a strike are generally not those actually interested in the strike itself; but the outside portion of the community, who have had nothing whatever to do directly or indirectly with the dispute, suffer. I listened with pleasure to the remarks of Mr. HACKETT, though it seems to me that the attitude which the hon. member took up in connection with the measure was a somewhat peculiar one, because, while he supported the second reading of the measure, he seemed to be putting forward all the difficulties and troubles that might arise if the Bill were passed into law. I was glad to find that he corrected one remark he made, because it struck me that the remark was not altogether accurate. He said the primary object of the Bill was to get rid of strikes; but he corrected himself. I do not think the warmest advocate of the measure would say it would have the effect of getting rid of strikes, but it would have the effect of minimising the possibility of strikes. In connection with this measure, there is one point I should like to allude to that has been taken notice of by one or two members. It is in reference to a Judge being appointed President of the Court. I think there is a great deal in the objection put forward by the Judges against a Judge being appointed to the position of President of the Court on the terms contained in this Bill. I say so because I do not think there is one member in the House who would desire to see the Judges or any Judge of this colony placed in an invidious position, and it seems to me that under the Bill as it stands a Judge would be placed in an extremely invidious position, if appointed President of the Court. In the first place I do not think that a Judge (a gentleman occupying one of the highest positions in the land) should be placed in the position of being liable to be dismissed.

HON. J. W. HACKETT: He is not, under the Bill.

HON. R. S. HAYNES: He cannot be.

HON. A. B. KIDSON: Then unfortunately I must have the wrong Bill. It is a copy sent to me from the House, and I

have gone by that. However that may be, I am glad to hear it is incorrect. Another point I think wrong is that the Judge should be placed in the position of being overruled by the other two members of the Court. I do not think that a Judge (who occupies an extremely high and honourable post and an extremely independent one), should be placed in such a position as that referred to.

THE COLONIAL SECRETARY: He could not be overruled.

HON. R. S. HAYNES: Yes; he could.

SEVERAL MEMBERS: No.

HON. A. B. KIDSON: I must have the old copy of the Bill again.

THE COLONIAL SECRETARY: If the labour member and the employers' member agree, there will be no need for the services of the Judge.

HON. A. B. KIDSON: I notice the hon. member is very ingenious in getting out of it, but before the labour member and the other member could agree, the Court would have to meet and the Judge would have to sit on the Bench; so the result would be that the Judge would be overruled by the other two members, and I do not think it is proper or correct that he should be placed in that position.

HON. D. MCKAY: Make the Judge the umpire.

THE COLONIAL SECRETARY: He is so, to a certain extent.

HON. A. B. KIDSON: Let him be umpire; let him be the party to decide. It is not a big matter, and it is one which can be easily rectified when the Bill is taken into Committee.

THE COLONIAL SECRETARY: As I understand, that is exactly the position.

HON. A. B. KIDSON: It is not, as a matter of fact. A great deal has been made of the view that this legislation is experimental; but I would point out that it is not altogether an experiment, but it has been tried elsewhere, and has been found to work successfully to a considerable extent. I may point out that in this Bill there are not so many innovations as some hon. members seem to think. For instance, in the first place it simply adopts a principle which has been adopted for years and years, and that is the principle of trades unionism. In the second place it adopts the principle of permitting bodies of men, or bodies of employers, to enter into agreement with each other;



and although that course has never received legal sanction, yet it has been carried out from time to time, and is being carried out at the present day in connection with very many of the largest industries in the old country. It would, therefore, be strange if, having adopted this principle—and we could not have a better example than the old country—we should stop short of providing machinery for settling disputes. The only additional machinery provided by the Bill is a board or court, a principle which has already been adopted over and over again; though I am not altogether in accord with all the principles in the Bill. For instance, I am not in accord with the proposed Board of Conciliation, and why the Government should have gone out of their way to insert that provision I am at a loss to understand. From what I have heard and read, I believe the Conciliation Board has been a complete failure in New Zealand.

**THE COLONIAL SECRETARY:** Fourteen cases have been decided by the board.

**HON. A. B. KIDSON:** But I understand it has been a complete failure.

**HON. J. M. SPEED:** Not a failure.

**HON. A. B. KIDSON:** Next door to a failure.

**HON. J. M. SPEED:** The board has been used too often, that is all.

**HON. A. B. KIDSON:** My impression is that the board has been a complete failure, and found to be a useless piece of machinery, the Board of Arbitration having proved ample for all purposes. The Government seem to have followed slavishly the New Zealand Act, and this I regret, because all the parties who will be affected by the measure seem to regard the Board of Conciliation as a useless piece of machinery. But on that account I do not intend to do anything to impede the Bill, which I hope hon. members will assist in passing into law. If the measure go to a select committee—a course I do not think necessary—I hope no attempt will be made to burk the Bill this session, and that no amendments will be brought forward which will have the effect of minimising the good results of the measure. The Bill ought to contain some guarantee whereby the decisions of the Court shall be observed by both parties. At present the Bill does not seem to

fulfil all requirements; for instance, I can quite see there is strong force in the argument used by one or two members in connection with the recovery of penalties. In a union of seven members, it is reasonable to suppose the funds will be small, and the difficulty of recovering from individual members will be great. And to carry out the idea put forward by Mr. Hackett in the course of his able speech, I intend to move an amendment to the effect that before an industrial union of less than 100 members can take advantage of the provisions of the Bill, they must get the consent of the council or association with which they happen to be affiliated. The result of this will be that proceedings will be taken in the name of the association, which will have to bear the brunt of the decision, and see that it is carried into effect.

**A MEMBER:** Supposing a union is not affiliated?

**HON. A. B. KIDSON:** Then the union cannot take advantage of the provisions of the Bill; but as a matter of fact, all unions are affiliated with a council or association. This amendment will have the effect of doing away with the difficulty of recovering penalties, and of getting seven men to observe the award of the Court. There is one other point in the measure to which I would like to refer. By Clause 29, Sub-clause 2, neither party is to be allowed to do anything which might have the effect of injuring the other, or preventing the settlement of a dispute during the pendency of any proceedings. I see that the employer must not dismiss men, and in regard to the employee the sub-clause says:

If any such party contravenes any of the provisions of this section, the board or court, on the application of any other party to the proceedings, may in a summary way impose on the first-mentioned party a penalty not exceeding, in the case of an industrial union, five hundred pounds, and in the case of any other person, twenty pounds, and shall specify the person to whom such penalty shall be paid.

It occurs to me that the £20 might be exceedingly difficult to recover. It is of the first importance that any of the members composing a union, no matter whether employers or employed, should not be allowed to do anything which might have the effect of injuring the other party during the pendency of proceedings; and my idea is that the penalty

of £20 should be reduced to £5 in the case of each individual, and that the union to which the individual belongs should be responsible for that £5 in the event of sufficient funds not being forthcoming from the man himself. Something should be done in that way, because it is most important there should be some safeguard, so that parties and individual members may not be allowed to interfere in any way to the detriment of other parties during proceedings. Clause 44 is a most important part of the Bill; indeed, to my mind, it is almost the crux of the measure, apart from that dealing with the guarantee for the carrying out of the awards. In the third paragraph it will be observed that it is provided that no union shall take advantage of the Bill unless a resolution to that effect shall have been carried "by a majority of the members present, and voting by ballot at a meeting specially summoned by notice served upon each member." Hon. members will perceive at once that a minority might practically control the union; because it does not follow that every member who receives a notice will attend the meeting, and a minority of the members could pass measures which might have ill effects not only on the union but on the public.

HON. F. WHITCOMBE: Does "majority" not mean the majority of members on the roll?

HON. A. B. KIDSON: No; it does not, because the clause may be read as to mean the majority of members present and voting. If so, that is absolutely wrong, and hon. members will see the danger of such a state of affairs, not only to the public, but also to the union; because a minority might do considerable damage to a cause by taking a course opposed to the views of the majority. I also propose to move an amendment providing not only that notice shall be sent to every member, but that every member shall be allowed to vote personally or by proxy, the majority of the whole of the members of the union, voting either personally or by proxy, to carry the day. It is of the first importance that a majority of the union should vote before such a serious step is taken, and that a minority should not be able to bind the majority. This is provided for in a sense in the case of an association, but the

provision is not workable. An association is really a combination of different unions represented by delegates, and I propose to provide that a majority of delegates must pass a resolution, either personally or by proxy, before advantage can be taken of the provisions of the Act. Clause 53 provides:

If any member of the court has been absent without sufficient cause for three consecutive sittings of the court, the Governor may remove that member from office.

That is not a nice position: indeed, it is a most objectionable position in which to place a Judge, and I do not wonder their honours object.

HON. J. W. HACKETT: That sub-clause is governed by Clause 52.

THE COLONIAL SECRETARY: It does not mean removal from the office of Judge, but from office in the Arbitration Court.

HON. A. B. KIDSON: The clause is open to the construction I have put upon it, and I mention this in order that the provision may be looked into in Committee. Clause 54 provides that, except the presiding Judge, every member and officer of the court has to make a declaration that he will not disclose any evidence adduced or offered before him during his term of office, under a penalty not exceeding £500. It seems to me that is hardly a sufficient penalty, because this is a most serious offence, and if a man did such a disgraceful thing he ought to lose the position altogether.

THE COLONIAL SECRETARY: So he would.

HON. A. B. KIDSON: Then that ought to be provided in the Bill.

HON. J. W. HACKETT: And he ought also to pay £500.

HON. A. B. KIDSON: Yes; it is important that a member of the court should be absolutely above suspicion. Clause 85, subdivision 6, making the property of the union available for the satisfaction of the award, and, failing that, making the members liable, requires some slight amendment. I mention these facts to save drawing attention to them again; and this clause does not refer to dealing with the property of an industrial association, though under the Bill an industrial association should be as liable to have an award made against it as an industrial union.

I point out that it does not include industrial unions, and that should be provided for. I have concluded my remarks, and I hope I have not wearied members. I thought it necessary to go into detail as much as I have done in the interests of the measure itself, because it really is most important that the Bill should be made as perfect as possible. I do not say this House or this Parliament will start off by making this Bill perfect, but I think the measure is a step in the right direction. After it has been brought into use for some time the defects in the Bill will be found, and the Bill can be amended at a future date so as to make it better and more workable; but even as the Bill stands now I feel (and I think every member will agree with me) that the effect of it cannot be anything but good. Both employers and employees believe that a measure of this kind is necessary. That is to say they agree with the principle of the measure, and the only difference existing between them is, as it seems to me, exceedingly small. From what I can gather, it is necessary that we should do everything within our power to pass this measure into law as soon as possible.

HON. J. T. GLOWREY (South): I intend to support the second reading of this Bill, and I hope the measure will be sent to a select committee. I quite agree with many members that this is one of the most important measures the House has ever been called upon to deal with. We on the goldfields, where a large amount of labour is employed, welcome the measure. Both the labourers and the employers accept the principle, but we consider there are many amendments necessary, and I think that when the Bill is referred to a select committee, it will be so dealt with that it will pass this House and be placed upon the statute book of the colony.

HON. J. W. HACKETT: You do not suggest any amendments now?

HON. J. T. GLOWREY: So many have been touched upon that I think it would only be waste of time to go into them now. Most of them have been referred to.

THE COLONIAL SECRETARY (in reply): I think it is only right that I should offer a few observations upon the remarks that have fallen from hon. members. I say sincerely I congratulate

the House upon the tone of the debate which has taken place upon this very important question, which fixes the relationships that will in future exist between employers and employees in this country, to a very large extent, and involves a departure from what has been the existing state of things in this country for a great many years. I congratulate members, especially Mr. Hackett, Mr. Briggs, and Mr. Kidson, on the way in which they have approached this subject. Mr. Hackett's speech was very able, and I think that hon. member fairly dealt with the subject from both sides of the question. He has approached it very much from my own standpoint, having some reluctance to see interference with the principle of freedom of contract. I think that a few years ago it would have been almost impossible for me to have given my support to a measure of this kind; but, as hon. members know, events are marching in this country at a very considerable pace, and we are tending now to what Mr. Briggs has called collectivism. I think that hon. member called attention to socialism; but one is not so frightened at these expressions as he would have been years ago, because they have assumed a different meaning in the estimation of most people acquainted with public affairs who have been handling these questions, and have had their prejudices removed, so that now they approach such subjects as this from an altogether different standpoint, that standpoint being, as has already been stated, the good of the whole community. That socialism, trades unionism, collectivism, or whatever you may call it, has come there is no question, and I think there is no doubt it has come to stay, for evil or good. In my opinion the majority of members of the House will make up their minds that it has come for good. The state of things that existed in industrial occupations in years gone by—in the dark ages, as I think Mr. Hackett called them—has disappeared, and now we are beginning to view these questions in the light of the responsibilities and obligations which the employer owes to those who are his employees; and if it is possible by an Act of Parliament such as this to fix the relationship on a satisfactory basis, I am sure the whole of the community will benefit by it, and hon. members will rejoice. The principle is

not new. The principle of conciliation has been in operation in England for some considerable time, and I am sorry to say that to a very large extent it was found to be a failure, and the other step was bound to follow sooner or later. New Zealand has boldly taken up this question, as it has many others relating to labour and capital, and has I believe (notwithstanding what Mr. Haynes has said) dealt with it successfully. The whole history of it, so far as I can gather from the evidence before me, shows that this legislation has resulted beneficially in that island of the southern seas, and I think we have removed the difficulty which otherwise would be present to hon. members' minds in dealing with a subject of this kind, from the fact that for four years, I believe, this law has been in operation in New Zealand; and in my opinion it has operated beneficially, notwithstanding what Mr. Whitcombe has read to us and said to us on the question.

HON. F. WHITCOMBE: I did not say it had not been beneficial so far.

THE COLONIAL SECRETARY: I have before me a report of the Hon. Mr. Best, the late Minister for Lands in the Victorian Parliament, and Mr. Trenwith, a member of the Legislative Assembly there, presented to the late Premier (Sir George Turner). It deals very fairly and fully with the results which have been obtained in the sister colony. I was much struck with an expression in a speech made by Mr. Wise in introducing the Bill, with very little variation, into the Parliament of New South Wales. Mr. Wise said that the fears entertained by numbers of people as to the operation of the Act in New South Wales could not be sustained. "We are not to take it for granted that three fools"—I think those were the words—"would preside over the Court of Arbitration." They are to be sensible men, honest men, men who will bring to the discussion of the questions remitted to them intelligent and honest minds; and the fears that they would decide against common sense and the necessities of business arrangements are baseless. Mr. Hackett has said that the Bill is not one that would satisfy any member of this House upon all points. I think we may safely make the same assertion with regard to any Bill of importance which is introduced into this

Chamber. We approach most subjects from different standpoints, and we bring our proclivities to bear upon them. Perhaps we bring sometimes our interests to bear a little bit. Those interests will assert themselves, whether we know it or not. Perhaps unconsciously we are often guided by our interests to decisions upon different subjects. So I think the argument the hon. member made use of in that direction is not of very serious import. You can never get 25 or 30 individuals to agree entirely on any legislation which may be introduced into any House of Parliament. Although there are some clauses of this Bill with which we do not agree, if in the main we agree with the principles and with the details, and are of opinion that the measure is a satisfactory one, we should adopt it. I am pleased to see that, generally speaking, hon. members of this House are disposed to accept this Bill as an effort to accomplish a great good. Nothing could be stronger than the arguments adduced by hon. members who have spoken in favour of the Bill, to show that the operation of the measure is likely in the highest degree to prevent a repetition of those barbarous events which have taken place from time to time, and which are denominated strikes. We have had a little experience of them in this country, and I am sure the experience we have had is such as to cause us to exercise our best endeavours to prevent their recurrence. It is found under the operation of the Bill in New Zealand that the parties to the disputes which have arisen have been ever ready to give their entire submission to the decisions arrived at by the Court of Arbitration. That a large number of cases have not been decided by boards of conciliation is, I think, attributable very much to the fact that the popular feeling is strongly in favour of courts of arbitration, people believing courts of arbitration to be of a higher standard than the boards of conciliation. I think that 14 only out of 42 cases which have occurred in New Zealand have been settled by the boards of conciliation. I may observe, however, that some have been settled outside. Mr. Hackett, I think, indicated that he would like to see some provision in this Bill whereby cases might be settled by kindly counsel and con-

sideration, without going so far as to be dealt with by boards of conciliation.

A MEMBER: They can do that.

THE COLONIAL SECRETARY: Yes. I believe from what I have read that in some cases such settlements have taken place, after a friendly interview like that referred to by Mr. Briggs to-night. Mr. Rowe and the two bishops met in counsel with the workers and employers, and were able to arrive at a satisfactory arrangement of the dispute which existed.

HON. H. BRIGGS: It was voluntary arbitration.

THE COLONIAL SECRETARY: I am now referring to what was really voluntary arbitration. There is no reason why, if this Bill be passed, voluntary arbitration should not still be adopted wherever desirable or attainable. Mr. Hackett referred to himself as an employer of labour to a considerable extent. I myself have been an employer of labour in the past to a considerable extent, and I am happy to say that during my experience, which extended over a number of years, I never had any serious dispute with any of the men in my employ. However, we cannot expect that state of things to exist where the employees number hundreds. Where so many are employed, questions must from the necessities of the case arise from time to time which cannot be decided by an interview or by discussion between the two parties, and in my opinion it is highly necessary that courts above suspicion should be created to which such questions can be referred. I quite agree with the statement that the Court of Arbitration, as proposed to be constituted by this Bill, is the kernel, or centre, or crux, whichever you like to call it, of the whole Bill. I trust that nothing will be attempted to interfere with this. I quite concur in the expression of opinion that it is high testimony to the integrity, purity, and honesty of our Supreme Court, that a Judge of that court is selected as President. I trust the members of the bench, for whom we entertain the highest respect in the administration of the laws of the country, are above reproach, and that they will be able to look at this matter in a different light. Some of the remarks in the letter which has been read to hon. members to-night are now inapplicable,

because one of the principal objections taken by the Judges has been removed in the passage of the Bill through the Legislative Assembly. Mr. Kidson has expressed the opinion that a Judge of the Supreme Court, acting as President, is liable to be removed from his office as Judge of the Supreme Court.

HON. A. B. KIDSON: No; I mean he is liable to be removed from his position as a member of the Arbitration Court.

THE COLONIAL SECRETARY: No doubt a Judge would be liable to that removal.

HON. A. B. KIDSON: That is not right. The principle is bad.

THE COLONIAL SECRETARY: But I think the provision is very carefully guarded.

HON. A. B. KIDSON: The very fact of its being in the Bill is bad.

THE COLONIAL SECRETARY: I am not inclined to fall in with the hon. member's opinion in that respect. The Court has to be appointed by the Governor, and there may be circumstances arising which make it necessary for the Judge to retire from the office of president and another take his place.

HON. A. B. KIDSON: That is another matter.

THE COLONIAL SECRETARY: The hon. member will perhaps see it is not desirable the office should be confined to one particular Judge of the Supreme Court; otherwise there would be a certain reflection on the other Judges. That is a detail which we need not go into now; and I gather from hon. members that they are satisfied with the general working of the Bill, and that it will be beneficial to the whole of the country. The relationship between employers and employed will by this Bill be placed on a good and firm footing, and we shall not be liable, I feel quite certain from the history of the operation of the Act in New Zealand, to disastrous strikes. I believe only one strike has occurred in that colony since the Bill came into operation, and that was a very ill-advised strike, in which union authorities as soon as they knew what had transpired, interfered and compelled the men to return to work. That was in connection with the building of the Houses of Parliament, if I remember rightly, which work had to be done in a particular hurry, and the

tradesmen thought they saw an opportunity of securing an advance of perhaps one shilling a day or so in their wages. That advance they demanded, and when it was refused they struck, but before the case could be referred to the Board of Conciliation or the Court of Arbitration, the union stepped in and insisted on the men returning to work immediately. That is the only case, I believe, which has occurred, and that speaks volumes for the operation of the Act in New Zealand, and encourages this House to proceed with the enactment of the Bill. I have already stated that in New Zealand loyal submission has been given on the part of both employers and employed to the decisions arrived at.

HON. R. S. HAYNES: That is not so.

THE COLONIAL SECRETARY: That is the statement made by the Hon. R. W. Best, Minister for Lands, and Mr. W. A. Trenwith, M.L.A., of Victoria.

HON. R. S. HAYNES: I cannot accept the statement; it is not so.

THE COLONIAL SECRETARY: These gentlemen made inquiries, as hon. members will see from their report, into the operation of the Act in New Zealand.

HON. R. S. HAYNES: I have information contrary to their report.

THE COLONIAL SECRETARY: There is also the report by Mr. Edward Tregear, the officer who, I believe, administers the Act in New Zealand. That Act was introduced by Mr. Reeves and carried by the Balance Ministry, and considerable credit is given to that gentleman and that Ministry by all parties concerned. The statement that as a consequence of the operation of the Act, manufacturers have taken their works elsewhere, is disproved by the fact that there has been a very large increase in the number of hands employed in the manufactories of New Zealand.

HON. R. S. HAYNES: It is absolutely untrue.

THE COLONIAL SECRETARY: And there has been an increase in the output of these manufactories. As to Clause 29 to which Mr. Kidson has drawn attention, and the possibility of a union disbanding that hon. member will see, if he refers to Clause 44, that the difficulty and danger are minimised if not removed, because it is there provided that if the men do not comply with

an order of the court, they have no *locus standi* afterwards, and cannot bring any case under the consideration of the court until they have satisfied the previous judgment. With the permission of the House, I will read one or two extracts from the report of Mr. Best and Mr. Trenwith. That report states:—

The administration of the Act is not surrounded with serious difficulties. Part I. of the Act provides for the registration of unions or societies of not less than seven workmen, and of not less than five employers as co-operative bodies, capable of suing and being sued under the provisions of the Act.

Hon. members will see that is proposed in the Bill, and will, I believe, be adopted in New South Wales. Further on the report says:

The Court's award has the same validity as a decision of the Supreme Court, and compliance therewith may be enforced in the same manner as a judgment or order of that court, but no award is to exceed £500.

Further down we find these words:

We were assured that the more reasonable class of employers regarded the Act as fairly satisfactory, but there were other employers, however, who complained they had not the same exclusive privileges of managing their business as formerly.

That is a somewhat serious objection, if it be founded on fact. It is a fear which many hon. members have in regard to the measure: Mr. Hackett alluded to it, and it has been present in my mind ever since I have taken into consideration this important question of conciliation and arbitration. But the report goes on:

The Act is certainly popular with the workmen. Speaking at a special meeting of the Dunedin Chamber of Commerce on the 19th of October, 1897, to consider certain Bills then before Parliament, Mr. James Mills, the managing director of the Union Steamship Company, one of the largest employers of labour in New Zealand, is reported by the *Otago Daily Times* to have said that "personally he thought the Conciliation and Arbitration Act was a very beneficent one, and one of the most important that has been passed, and he felt they were under a debt of gratitude to the present Government and Mr. Reeves for maturing the Bill and passing it in its present shape. Probably the measure was capable of improvement, and it would be improved from time to time, but he was sure that compulsory arbitration was the true solution of all labour difficulties." It should be observed that there have been no strikes since the Act came into operation, save a small strike of unorganised bricklayers engaged in making additions to Parliament House, already referred to.

HON. R. S. HAYNES: How do you propose to deal with the enforcement of the award?

THE COLONIAL SECRETARY: I think the remarks I have read as to the working of the Act in New Zealand ought to be a satisfactory answer.

HON. R. S. HAYNES: I say it is absolutely untrue. Can you collect tenpound debts from working men?

THE COLONIAL SECRETARY: If not, the penalty is that those unions are not able to come before the court again.

HON. R. S. HAYNES: Under which clause?

THE COLONIAL SECRETARY: Under the sub-clauses of Clause 44.

HON. J. W. HACKETT: A union may disband and reform.

HON. R. S. HAYNES: That is so.

THE COLONIAL SECRETARY: I am not versed in these intricacies of legal matters, but I take it that the common sense and the sense of justice of the unions themselves will make such a case as that impossible. However, we find that both employers and employed have loyally accepted the decisions of the Arbitration Court.

HON. R. S. HAYNES: Pardon me; question?

THE COLONIAL SECRETARY: That is the best answer I can give, and further the New South Wales Parliament have decided to adopt the New Zealand Act with one or two small alterations, one of which is to provide the protection for the workmen that they shall not be discharged because they have invoked the assistance of the arbitration court, the onus of proof being thrown on the employer. This is a class of Bill which I think ought not to be referred to a select committee; because it deals with a question which affects the community at large, and the interests of employers and employed, and the proper course is to thresh the matter out in Committee of the whole House. I do not think Mr. Haynes intends there shall be any drastic alterations in the measure, but if he does, I warn hon. members the Bill, which is founded on an Act already in satisfactory operation elsewhere, will be jeopardised.

HON. R. S. HAYNES: That is not so; it is not in satisfactory operation.

THE COLONIAL SECRETARY: The principle of the measure has been admitted

in New South Wales, which is the most important colony of the group.

HON. R. S. HAYNES: Is it the law there?

THE COLONIAL SECRETARY: It will be the law there.

HON. R. S. HAYNES: But it is not law yet.

THE COLONIAL SECRETARY: The hon. member is quite right in that, but I think many of the fears of hon. members would be allayed if they studied the speech in which Mr. Wise introduced a similar Bill to the notice of the Legislature of New South Wales. There are many Bills, such as the Municipal Bill before the House, which it is advantageous to refer to a select committee; but this Bill deals and touches the interests of all parts of the community, and the best way to deal with it is in Committee of the whole. I am quite certain a select committee's findings would not be accepted on a Bill of this description, without very careful scrutiny hereafter, so that time would to a large extent be wasted by such a reference. If, however, the majority of members of this House are determined that the matter shall go to a select committee, I have only to bow to their decision. I could say a great deal more upon the Bill, but I think I should be only wearying hon. members, and perhaps not shedding any fresh light on the subject. As the different clauses come up in Committee of this House (as they will, even if the Bill goes to a select committee), we shall be able to deal with any amendments or arguments with regard to the different clauses of the Bill. I am glad to see there is a determination in this House to carefully consider every clause of the Bill, and to make the Bill the best possible, by intelligence and earnestness of purpose. I am sure members will bring those qualities to bear upon a measure of this far-reaching and important character.

Question—that the Bill be read a second time—put and passed.

Bill read a second time.

#### SELECT COMMITTEE, TO APPOINT.

HON. R. S. HAYNES: I move that the Bill be referred to a select committee. I need say no more than that such a Bill as this requires very careful investigation, and the various amendments which

may be made in the Bill can be very much better discussed in a select committee than in a committee of the whole House. Whatever recommendations the select committee bring before the House, they will not be binding on the House. They may be rejected or accepted, and inasmuch as I propose that the select committee shall consist of seven members, each member representing, I think, a province in this colony, the House may allow the matter to go before a select committee. I do not fear that in referring the Bill to a select committee we shall in any way endanger it, nor do I think the committee will in any way alter the general principles of the Bill. Therefore, I move that the Bill be referred to a select committee of seven members.

HON. J. T. GLOWREY (South): I have much pleasure in seconding the motion proposed by Mr. R. S. Haynes. I think with him and with many other members that a select committee could much better deal with the various amendments that have been suggested, and I have no doubt that if the select committee are allowed a week, the matter will not be delayed. In fact, referring the Bill to a select committee would really help to hasten matters on.

Question put and passed.

Ballot taken, and the following members appointed a select committee:—Hon. H. Lukin, Hon. J. T. Glowrey, Hon. T. F. O. Brimage, Hon. C. Sommers, Hon. J. M. Speed, and Hon. J. E. Richardson, in addition to the mover, Hon. R. S. Haynes.

On further motion by Hon. R. S. HAYNES, ordered that the Committee may call for persons and papers, sit during any adjournment of the House; also to report 23rd October.

#### CONSTITUTION AMENDMENT BILL.

[MEMBERS OF FEDERAL PARLIAMENT, TO DISQUALIFY.]

IN COMMITTEE.

Consideration resumed from 10th October, on new clause moved by Hon. A. P. Matheson:—

Section fifteen of the Constitution Acts Amendment Act 1899, is hereby amended by striking out the words "six months," in the sixth line, and inserting "one month" in lieu.

HON. A. P. MATHESON: It would save the time of the Committee if it were explained that the President had called his attention to the fact that the proposed new clause was considered to be out of order. The Bill, it appeared, was for a specific purpose, and it was held that no other subject, even dealing with an amendment of the Constitution, could be introduced. As the House was aware, he (Mr. Matheson) had given notice of a new Bill entirely, in order to gain his point. Under the circumstances, he asked leave to withdraw the proposed new clause.

New clause, by leave, withdrawn.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

#### THIRD READING.

Standing Orders suspended.

THE COLONIAL SECRETARY moved that the Bill be read a third time.

HON. J. W. HACKETT: If the Bill had to be sent home for the royal assent, when would it become law?

THE COLONIAL SECRETARY said he could not answer that question.

Question put and passed.

Bill read a third time, and *passed*.

#### PUBLIC HEALTH AMENDMENT BILL,

##### DISCHARGE OF ORDER.

On motion by Hon. A. B. KIDSON, Order discharged.

#### ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House do now adjourn.

HON. A. P. MATHESON: Why should the House adjourn at so early an hour as twenty minutes to ten o'clock, when there were such a large number of members present and a considerable amount of business on the Notice Paper? Many country members attended the House week after week at great inconvenience to themselves, and with a Notice Paper in the condition it was that night, it was a little unseemly to adjourn thus early.

HON. R. S. HAYNES said he had been asked by the Colonial Secretary to take charge of the Municipal Institutions Bill, and it would be of small avail to begin the consideration of that measure



to-night. If the House sat to-morrow, the Municipal Institutions Bill could be proceeded with.

Question put and passed.

The House adjourned at 9.50 o'clock until the next day.

## Legislative Assembly,

Tuesday, 16th October, 1900.

Papers presented—Seat Vacant, North Perth—Question: Railways Report—Question: Salary of Civil Service, weekly average—Question: Water Police, Fremantle—Question: Minimum Wage at Government Printing Works—Question: Grants to Agricultural Societies—Question: Travelling Allowances of various Departments—Question: Agricultural Development in North-West—Question: Agricultural Training Farm—Question: Army Horses and Mules, local breeding—Question: Mineral Phosphates, reward for discovery—Question: Commissioner of Crown Lands, to change title—Question: Murgoo Telephone Office—Goldfields Act Amendment Bill, first reading—Noxious Weeds Bill, first reading—Fremantle Tramways Bill, first reading—Trades Unions Regulation Bill, first reading—Hampton Plains Railway Bill (private), first reading—Health Act Amendment Bill, in Committee to Clause 16, progress—Patent Acts Amendment Bill, second reading—Circuit Courts Judge Bill, second reading, in Committee, reported—Annual Estimates, in Committee of Supply, debate resumed, adjourned—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

### PAPERS PRESENTED.

By the PREMIER: 1, Beer Duty Act Regulations; 2, Minimum Wage in Government Contracts, further Telegrams from Premiers; 3, Travelling Allowances of various Departments, Return.

By Mr. MOORHEAD (in charge of Hampton Plains Railway Bill): Plans of proposed route (see report, later).

Ordered to lie on the table.

### SEAT VACANT, NORTH PERTH.

THE SPEAKER: I have to inform the House that the seat of the member for North Perth (Mr. Oldham) has become vacant, according to the Con-

stitution Act; he not having attended in his place here for two consecutive months, without permission of the House.

### QUESTION—RAILWAYS REPORT.

MR. MORAN, without notice, asked the Commissioner of Railways, Whether the annual Report of the General Manager of Railways would be laid on the table before the Railway Estimates were discussed.

THE COMMISSIONER OF RAILWAYS (Hon. B. C. Wood) replied:—The report is now ready, and will be laid on the table to-morrow.

### QUESTION—SALARY OF CIVIL SERVICE, WEEKLY AVERAGE.

MR. RASON, for Mr. Quinlan, asked the Premier: 1, What was the average cost of one week's salary for the whole of the civil service of the colony, excluding teachers only. 2, What would be the total amount payable by taxpayers for services unrendered if every Government servant entitled thereto availed themselves of two weeks' holiday per annum in addition to those public holidays already allowed in the civil service.

THE PREMIER replied:—1, £12,405 11s. 3d. 2, £24,811 2s. 6d.

### QUESTION—WATER POLICE, FREMANTLE.

MR. HIGHAM asked the Premier, Whether, in view of the many accidents and frequent losses of life occurring on the South Quay and jetties of Fremantle, and the acknowledged smuggling taking place there, it was the intention of the Government to reorganise and enlarge the Water Police Service.

THE PREMIER replied: An increase in the number of the water police is shown on this year's Estimates, sufficient for all requirements. Changes in the force will take place in the near future.

### QUESTION—MINIMUM WAGE AT GOVERNMENT PRINTING WORKS.

MR. WILSON (for Mr. Ewing) asked the Premier, Whether the Government intended to comply with the request of the Typographical Society that the minimum rate of wage paid to the employees at the Government Printing Works be £2 15s. per week.