THE ATTORNEY GENERAL: If the clause were restored to its original state, another debate must take place in the Upper House, and the Bill would be endangered. He would ask the House to entrust some future Parliament with the duty of making necessary amendments.

MR. GEORGE: Such amendment should not cause delay, for one night would suffice for the debate in another place. He had suggested the exclusion of members of Parliament from municipal councils, because it was better that offices of dignity should not be monopolised by the few. As many as possible should be induced to take a lively interest in public affairs. At present the clause favoured pluralism, and would permit of a man being at once Premier and Mayor of Perth.

MR. ILLINGWORTH: This was a very grave question, because municipal practice had an awkward habit of becoming parliamentary practice. It would be dangerous to admit clergymen as members of Parliament; and though there did not seem to be the same objection to their entering municipal councils, yet that might be the thin end of the wedge. Women had hitherto been precluded from sitting in Parliament, and it would be a mistake to admit a new principle in this Bill. Nor would it be wise to open the question of excluding members of Parliament from councils. Better restore the clause to its original form. He moved that the words, "No female nor minister of religion, and" be inserted at the beginning of the clause.

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

Clauses 42 to 45, inclusive—agreed to.

Clause 46—Penalty for acting when disqualified:

MR. GEORGE: Would it be in order for the Chairman to read the parts of the Bill, instead of the clauses separately? To do so would save time. He wished merely to emphasise the fact that the Bill was being passed in a thin House, without proper discussion. It had been fully considered in another place, and on the other House must rest the responsibility.

Clause put and passed,

Clauses 47 to 445 (put to the vote in divisions, by general consent)—agreed to.

Schedules—agreed to.

Bill reported with an amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 10·38 o'clock, until the next day.

Legislative Council,

Tuesday, 20th November, 1900.

Question: Federal Parliament, Opening—Return: Eastern Railway Sidings, Receipts—Truck Act Amendment Bill: Administrator's Suggestion of Amendment—Brown Hill Loop Railway Bill, second reading, in Committee, reported—Industrial Conciliation and Arbitration Bill, in Committee, Clauses 2 to 58, progress—Fire Brigades Board Debenture Bill, first reading—Municipal Institutions Bill, Assembly's Amendment (Count-out)—Adjournment.

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

PRAYERS.

QUESTION—FEDERAL PARLIAMENT, OPENING.

HON. A. P. MATHESON (for Hon. R. S. Haynes) asked the Colonial Secretary: 1. If the Government has made any inquiries from the other Australian Governments whether it is intended that the member of the State Parliaments shall be present at the opening of the Federal Parliament. 2. If not, will the Government make such inquiries.

THE COLONIAL SECRETARY replied:—1. The Government have not made any inquiries. 2. The various colonies will be consulted, but it is considered premature to do so at present, there being plenty of time in which to consider what arrangements shall be made.

RETURN—EASTERN RAILWAY SIDINGS, RECEIPTS.

HON. R. G. BURGES moved:

That a return be laid upon the table of the House, giving in detail the amount of traffic in stock and produce or otherwise sent and received from the different sidings on the Eastern Railway from Spencer's Brook to Beverley; showing the amount received to credit of such sidings, to and fro, for the last 12 months, or up to date of the return furnished.

A sum of money had been placed on the Estimates to make roads to these sidings, and it had been stated that these votes were not warranted. He wanted to show that the votes were warranted, and that the sidings would be useless unless proper roads were made to them. If the return did not show that the sums of money were warranted, when the Appropriation Bill was before the Council he, as one of the representatives of the province in which the sidings were situated, would move that the items be struck out.

Question put and passed.

TRUCK ACT AMENDMENT BILL.

ADMINISTRATOR'S SUGGESTION OF AMENDMENT.

Message from the Administrator received and read, recommending an amendment to be made in the Truck Act Amendment Bill.

Ordered that the Message be considered at the next sitting of the House.

BROWN HILL LOOP RAILWAY BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): This is merely a formal Bill, as the work has been passed in the schedule to the Loan Bill. This railway has been under consideration for a considerable time; and really it is earnestly and anxiously required by the residents in the locality at Kalgoorlie and around the mines. The line will serve a large population, and there is every likelihood of its being a very productive work. I feel sure members will readily agree to accord to the miners at Brown Hill and between that place and Kamballie, also the population residing on the areas, every facility for getting into the town of Kalgoorlie and transacting their business there. The line will afford considerable convenience and it has been desired for some time past. I believe there are some reasons why this line was not pushed forward at an earlier date. As far as I can gather this Bill has the sanction of all parties interested. Plans are lying on the table, showing the route of the proposed line. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

Read a third time, and *passed*.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

IN COMMITTEE.

Consideration resumed from 15th November.

Clause 2—Interpretation:

HON. A. B. KIDSON: When progress was reported, he was about to submit an amendment; and as Mr. R. S. Haynes, the chairman of the select committee, had agreed to accept the proposal, he moved that the word "adult," in line one of the select committee's suggested amendment, be struck out and "person of eighteen years or more" be inserted in lieu.

THE CHAIRMAN: Mr. Kidson had already moved an amendment, which would have to be withdrawn before the present proposal could be submitted.

HON. A. B. KIDSON (his previous amendment being withdrawn) formally moved the amendment as indicated.

HON. F. WHITCOMBE urged that the age of nineteen years would be preferable. He could not support the amendment.

HON. M. L. MOSS asked Mr. Whitcombe not to press his opposition, because eighteen years was an age at which most young men who were apprentices in the Government workshops completed their indentures.

HON. A. B. KIDSON: The amendment, he understood, would be acceptable to the persons most interested on both sides.

HON. F. WHITCOMBE said it was not his intention to more than mention his objection.

Amendment put and passed.

HON. A. P. MATHESON moved that the following words be struck out: "by the week, day, or hour, or by the piece, and dischargeable by notice of one week or any lesser time, but shall not include *(a)* persons engaged under a contract of service for a period of one month or over." He had already explained on a previous amendment that there was no logical reason why persons, other than those paid by the day, week, or hour, should be exempted from the conditions of the Bill. Domestic servants were already included as the clause now stood, and if the amendment were carried, it would be perfectly simple for Mr. Kidson's further amendment to include all railway employees, to be added to the clause.

HON. A. B. KIDSON expressed the hope that Mr. Matheson's amendment would not be pressed, as it would only cause unnecessary trouble. On the best authority he understood that the clause, as amended in the manner he had indicated, would meet the views of both sides.

HON. C. SOMMERS: As a member of the select committee he must vote against the amendment.

HON. F. WHITCOMBE: It was not necessary that the clause should include the words "by the day, week, or hour," and he suggested that these words be struck out.

HON. A. P. MATHESON: Then the desired point would not be gained.

THE COLONIAL SECRETARY: The amendment of Mr. Matheson would be very far-reaching, and a number of people not contemplated by the originators of the Bill would be included within the provisions. The definition in the Bill was fairly acceptable to both sides, and it was not desirable to introduce amendments which would, to a certain extent, jeopardise the measure. It was his desire to see the Bill an operative one, and any amendments not likely to be accepted in another place ought not to be submitted. The railway employees would not come under the operation of the conciliation portion of the Bill, but under the arbitration portion. If any amendment were proposed to include the railway servants within the scope of the Bill, he would have to object to it. The railway employees were very well provided for in Clauses 92 to 94, and there were one or two amendments which he would propose which would place them in a safe and proper position.

HON. A. P. MATHESON: It was surprising that no members gave a reason why certain persons should be excluded from the scope of the Bill. The Colonial Secretary had asked members not to enlarge the scope of the Bill. Was the Bill to be beneficial or pernicious? If it was to be beneficial, why not enlarge its scope? If the Bill was good for one class of workers, it was good for another. The logical deduction, from the remarks of the Colonial Secretary was that the Bill was pernicious, and that its scope should be limited.

THE COLONIAL SECRETARY: That word was never used by him.

HON. A. P. MATHESON: The hon. gentleman did not use that word, but it was the only logical deduction. The Colonial Secretary had said that the Bill should be limited.

THE COLONIAL SECRETARY: Nothing of the kind.

HON. A. P. MATHESON: The hon. gentleman spoke against the scope of the Bill being enlarged. Why should not the scope of the Bill be enlarged to include other classes of workers? Clerical labour was excluded already. He desired to enlarge the clause so that it should refer to all other workers employed by day or week.

HON. A. JAMESON: The amendment recommended by the select committee should be allowed to stand. There was a very important reason why this should be so; it went to the very root of the Bill; it defined the distinction between mechanical industry and that for services. Wherever there was a contract for service, in which life was concerned that implied that the contract was for service by the month, such as in the case of domestic and agricultural employment; therefore these services would not come within the scope of the Bill. We could always extend the scope of the Bill, but it was very difficult to go back. As far as industrial labour was concerned, the Bill was very good, but when it applied to domestic service and pastoral service it was very bad indeed. There was another element which entered into work that of trust. That class of labour did not require the same skill or technical

ability, but it required certain elements which were not necessary in mechanical pursuits. Wherever life was involved in the animal or the vegetable kingdoms, there was an element of trust and care. That was the point the select committee had endeavoured to bring out.

HON. J. W. HACKETT: It was desirable that the select committee's amendment should be left as it stood, for if we adopted Mr. Matheson's general phrase we would not know at all where it would land us.

Amendment put and negatived.

HON. A. B. KIDSON moved that between the words "time" and "but," in the third line of the amendment, the following words be inserted:—"And shall include all railway employees other than clerical, however paid or dischargeable." The Colonial Secretary had an objection to the words being inserted, but if an assurance was given to the Committee that if the words were left out, railway servants would be included, he would prefer not to move the amendment. From his reading of the proposed clause, unless some words of this kind were inserted, railway employees would be left out.

THE COLONIAL SECRETARY: The arbitration portion of the Bill only referred to the railway employees. If there was any doubt about that, he was willing to insert a proviso at the end of Clause 92.

HON. A. B. KIDSON: If the hon. gentleman would do that, he was prepared to withdraw his amendment.

Amendment, by leave, withdrawn.

HON. A. B. KIDSON moved that the words "twenty-one," in the first line of paragraph *b*, be struck out, and "eighteen" inserted in lieu. This was a consequential amendment.

Amendment put and passed.

Amendment (Mr. Haynes's) as amended agreed to.

HON. A. JAMESON moved that the interpretation of "industry" be struck out, and the following inserted in lieu:

"Industry" means any employment involving directly or indirectly the production, transport, and distribution of minerals or manufactured commodities.

Already he had explained the reason why this amendment was brought forward. He wanted to see agricultural and pastoral pursuits, those requiring actual services, and dealing with life as distinguished from dead material, excluded from the operation of the measure. The Bill ought to deal with skilled industry under human control. The moment we dealt with agriculture we were dependent on the seasons, or if we dealt with seamen we were dependent on the elements, or those looking after live stock we were dependent on the life of the stock, or domestic service we were dealing with the health of individuals: if we enlarged the Bill to include these services we would get into difficulties. We wanted to have "industry" clearly defined to see that this Bill did not pass into the scope of dealing with life. It was so very easy to extend the scope of the Bill at any time, but we should be perfectly careful to see that we did not go too far at present in this conservative House. The legislation was experimental, and it was not wise to go too far. The interpretation he proposed had been taken from Mr. Wise's Bill.

HON. A. B. KIDSON: The amendment seemed somewhat to contract the term "industry," and he would be afraid to adopt it, as he did not know where it might land us. The Bill might be of little or no use if the proposed interpretation were adopted. The term "industry" should have a wider definition than that given to it by Dr. Jameson.

HON. J. W. HACKETT: The original definition in the Bill was a ridiculous begging of the question, and neither did he approve of Dr. Jameson's definition, because it went to the other extreme, and was of too limited a character. The classes which Dr. Jameson sought to exclude ought to be able to take advantage of the Bill if their interests were in any way affected. The definition in the Bill had been tried in New Zealand and found incapable of interpretation, and it was his intention to move that the definition which had been substituted in New Zealand should be inserted in the Bill. The present definition was like a dog chasing its own tail, beginning with "industry" and ending with "industry," and he moved that it be struck out, and the following, from the present New Zealand Act, inserted in lieu:

"Industry" means any business, trade, manufacture, undertaking, calling, or employment in which workers are employed.

This definition was absolutely simple and intelligible, and hung on the definition of "worker" which the Committee had just passed.

THE COLONIAL SECRETARY: In view of the definition of "worker" which the Committee had arrived at, the proposed amendment of Mr. Hackett might meet the case.

Amendment—to strike out the definition—put and passed.

Amendment (Hon. A. Jameson's)—to insert words—put and negatived.

Amendment (Hon. J. W. Hackett's) put:

THE COLONIAL SECRETARY: It would perhaps meet the views of hon. members if Mr. Kidson would exclude agricultural and pastoral pursuits from the definition.

HON. J. W. HACKETT: There was a good deal of undue anxiety about excluding agricultural employees. If agriculturists would benefit by the Bill, let them have the advantage of the measure, but it was well known that such callings could not be included.

THE COLONIAL SECRETARY: Why?

HON. J. W. HACKETT: Because agriculture was a matter of season, and almost a matter of the weather of the day, except in the case of creameries and the like. He hoped no reference would be made to agriculture, because if it were found these employees could improve their status, by all means let them do so.

HON. W. MALEY: Agricultural and pastoral pursuits should not be included in the Bill, because a strike at harvest time would be disastrous in its effects. The agriculturist employer had many difficulties to contend with, and often had to keep men employed when the labour of these men was valueless. He moved that after the word "employment" the words "agricultural and pastoral excepted" be inserted.

HON. F. M. STONE: It would be advisable to leave agricultural and pastoral workers within the operation of the Bill. At the present time these men could strike at harvest time, but under the Bill if a dispute arose, the men would have to keep at work until that dispute was settled, so that the measure rather prevented strikes than otherwise.

HON. R. G. BURGES: Agricultural and pastoral pursuits should not be included within the operation of the Bill. The Bill was required for large concerns, such as gold-mining and timber industries, therefore he did not want to offer any objection. Mr. Stone's idea was out of the question altogether.

HON. C. SOMMERS supported the amendment proposed by Mr. Hackett. He did not think the amendment would interfere prejudicially with the rights of the farming industry.

HON. D. McLARTY: The amendment would rather protect the farming industry than otherwise, and he as an agriculturist thought that there was nothing to fear. He would accept Mr. Hackett's amendment.

HON. H. J. SAUNDERS: At first sight he was rather inclined to support Dr. Jameson, but looking into the matter further, he thought Mr. Hackett's amendment the better to adopt.

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

Amendment (Mr. Hackett's) put and passed, and the clause as amended agreed to.

Clause 3—What societies of employees may be registered:

HON. R. S. HAYNES moved that in paragraph 4, line 2, the word "seven" be struck out and "twenty-five" inserted in lieu.

HON. A. B. KIDSON: Perhaps it would be well if the Committee allowed this amendment to go. Although this was as important question, consideration would be given to it when the next amendment suggested by the select committee was proposed. If it was decided after discussion of the next amendment that 25 members should not form a society, but some other number, then the Bill could be recommitted for the purpose of amending this clause.

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

Clause 4—Mode of application and terms of rules:

HON. R. S. HAYNES moved that the following paragraph be added to Subclause 3:

The investment in some security to be approved by the Registrar of the amount hereinafter stated to be necessary for registration of such society as an industrial union in the joint names of two persons, to be elected by such society, and of the Registrar, and subject to the provisions that such amount shall not

in any way be diminished or dealt with, pending cancellation of such society as an industrial union, excepting in satisfaction of an order of the Court.

This amendment was introduced to give effect to a new sub-clause which would be proposed later. The whole question we had to decide was whether a society upon registration should deposit a sum of money or not. Several suggestions were made before the select committee. It was proposed that a society should register without putting up any money or lodging any security, but he could not agree to that. He had consulted with the members of the select committee, with the exception of Mr. Speed, and it was agreed that the suggestion that at the time of a dispute arising, a deposit of money should be put up if a society wished to take advantage of the Bill, would not meet the objections. That conferred advantages on the workmen, but not on the employer. The suggestion of Mr. Kidson that the money should be deposited when a dispute arose was open to the objection that it would rest with the registrar to decide what amount should be deposited.

HON. A. B. KIDSON: The Judge.

HON. R. S. HAYNES: It would always be for the board to decide the amount, and that would cause friction. The Tailors' Union would say that the Barbers' Union had only to deposit £20, and why should they deposit £50? The Shearers' Union might say that they had to pay £200, whereas the Barbers' Union only put up £50. A certain fixed sum might be deposited at the time of registration or security found for the amount, and the cost of finding security for the sum of £50 to answer an award he did not think would cost more than £2 a year. If a union was desirous of taking advantage of the Bill it should be prepared to pay that sum. He had discussed the matter with the select committee, with the employers of labour, and with the representatives of the workers, and there did not seem to be very much objection to the principle, but to the amount. He would like to refer members to the evidence of Mr. Reid. Question and answer 176 was as follows:

It is suggested that before any union shall register they shall invest the sum of £200 in the names of two trustees and the Registrar of Friendly Societies to meet any award which may be made against them—both unions of employers and workers—and that this amount shall be available for the satisfaction of any order of the Court made against either a union of workers or employers, otherwise it is suggested there is absolutely no provision in the Bill for enforcing an award against the workers or the employers, although the employer's plant is there to be levied upon?—I am certainly not in favour of a deposit of £200.

Then question and answer 201:

You must not run away with the idea that the amount will be £200. It is suggested it should be £200, but we will say a sum of money should be put down, and that no workers' union or employer should be allowed to register until they have put up a sum of money?—I think it is too much money; £200 is too strong.

HON. J. M. SPEED: Read question 203.

HON. R. S. HAYNES: There would be no objection to the sum of £50, though Mr. Fergie Reid objected to £200.

HON. J. M. SPEED: Mr. Reid objected to any sum.

HON. R. S. HAYNES: This clause was the result of compromise. The select committee had all along compromised with the workers, and would have compromised further but for some interfering meddling nobodies outside the House, who caused friction between the committee and the witnesses. When six members of the House endeavoured to act fairly and honourably to both sides, and came to an agreement, hon. members ought to pay some attention to their suggestions, and the merits of the clause as now proposed he would be prepared to argue before any assembly of workers or employers. An employer could not take advantage of the Bill, but his workmen could if they were registered, and they could bring the employer before the Court. An employer if he entered into an industrial agreement could take advantage of the Bill, but he knew of no instance of a single employer taking action under the provisions.

HON. J. W. HACKETT: Let the employer give security when a dispute arose.

HON. R. S. HAYNES: It was the men who disputed, and employers never sought the aid of the Court. It would be absurd to say that every employer throughout the colony should forthwith deposit £200, though if he became a member of a union, he would be bound to find security, in the same way as was a workman when he became a member of a

union. He took it that the Committee would debate the question whether any sum of money should be deposited before a union was registered; and voicing the opinion of the select committee, with one exception, he could say that rather than see the present clause altered, which was the subject of compromise, they were prepared to see the Bill thrown out.

HON. A. B. KIDSON: The amendment proposed by Mr. Haynes was absolutely unfair, and that hon. member had not told the Committee what kind of compromise had been arrived at or with whom. If a compromise had been arrived at, it had been under a misapprehension, and it was of the first importance that this clause, which was the crux of the whole Bill, should be fair to both sides.

HON. R. S. HAYNES: Mr. Cartwright, and the secretary of the Lumpers' Union, Mr. Cook, together with another gentleman interested, did not object to the clause.

HON. A. B. KIDSON: These were the very gentlemen who had stated to him (Mr. Kidson) they had never agreed to any clause of the kind, and it would not be possible to frame a clause more unfair to one side or the other. It was said the Bill would not apply to a single employer, but only to a union of employers; but Clause 3 provided that any firm consisting of five members could register as an employers' union.

HON. M. L. MOSS: Clause 3 said any "society."

HON. R. S. HAYNES: Mr. Kidson was quite wrong.

HON. A. B. KIDSON: The deposit, it would be noticed, was on a sliding scale, and in nine cases out of ten an employers' union would consist of less than fifty members, so that the result would be that employers would deposit £50, while the workmen's union, which would consist of a hundred members or more, would have to deposit £100 or £200. The clause must work badly and cause a considerable amount of friction.

HON. R. S. HAYNES: Make it £200 all round.

HON. A. B. KIDSON: If a deposit were necessary, it should be a sum fixed by the president of the Court prior to the dispute being heard, and that amount could remain in the hands of the registrar during any period the president thought necessary. The clause as submitted by the select committee would wreck the Bill, and if by any mischance it became law, it would, instead of bringing about conciliation, cause the utmost friction.

HON. R. S. HAYNES: Amend the clause so as to provide that an employers' union must deposit £200 at least.

HON. C. SOMMERS: Mr. Kidson's suggestion would cause delay.

HON. A. B. KIDSON: The president could fix the amount on the application of either party, so that no delay would be caused.

HON. R. S. HAYNES: But the president would not know what the award was going to be.

HON. A. B. KIDSON: The president would fix the amount he thought necessary in the ordinary way of evidence brought before him. Personally one was not in favour of having any deposit at all, and at the present time there was no deposit in ordinary law cases between individuals. He moved, as an amendment on the amendment, that the following be inserted:

> No proceedings shall be initiated or taken, or settlement or award made, in respect of an industrial dispute or industrial agreement entered into in connection with an Industrial Union of Workers, consisting of less than one hundred members, excepting in the name of and by, against, or with the Council or Industrial Association of Workers with which it is connected or affiliated, or of which it forms part.

That amendment would do away with the necessity of having any deposit at all, seeing that consent would have to be obtained from the larger association, who became responsible for the due carrying out of the award. He felt sure such a provision would be acceptable to both sides. As the clause stood, it would be absolutely unfair.

HON. R. S HAYNES: The clause was necessary in view of a subsequent clause to be proposed. The principle of giving security was not new: it was recognised when a person was out of the country, and when an action was brought against a newspaper.

THE CHAIRMAN: The question before the Committee was the insertion of a new paragraph to Sub-clause 3.

HON. A. B. KIDSON: The amendment he moved was in lieu of that.

HON. A. P. MATHESON: It was surprising to hear Mr. Haynes say that

no employer could act individually and ask the aid of the Court. It seemed to him that Mr. Haynes had fallen into the same mistake as the Attorney General did when introducing the Bill in another place. Both these legal luminaries had overlooked several clauses of the Bill. According to Clause 19 it was perfectly clear that an employer in his individual capacity, and not as a union, might enter into an industrial agreement. The contention of Mr. Kidson was absolutely logical. Mr. Haynes's amendment was very unjust, as an individual employer would not be bound to put up a sum of money.

HON. R. S. HAYNES: An individual employer could not raise a dispute himself.

HON. A. P. MATHESON: Yes; he could.

HON. R. S. HAYNES: How could an individual employer start a dispute?

HON. A. P. MATHESON: There was a difference of opinion between two parties, and a dispute started.

HON. R. S. HAYNES: The hon. member did not see the point.

HON. A. P. MATHESON: A single employer could make an industrial agreement; he could go into the Court on an industrial agreement, but there was no provision made by the select committee for a single employer to put up a deposit. He would oppose the suggestion of the select committee. Long before Mr. Kidson tabled his amendment, this subject had come up for discussion between himself, the leaders of the workers, and the legal advisers of the employers on the goldfields, and both parties were unanimous in their desire for a clause, such as that proposed by Mr. Kidson, being inserted in the Bill. If a deposit was to be put up, it should be made applicable to all parties.

HON. J. W. HACKETT: What was the question before the Committee?

THE CHAIRMAN: Mr. R. S. Haynes's amendment to insert a new paragraph to Sub-clause 3, but the debate had been mainly on the next sub-clause. He had allowed the debate, because it seemed to bear on the question. Mr. Kidson's amendment would come on for discussion when the next suggestion by the select committee was proposed.

HON. A. P. MATHESON said he did not care when Mr. Kidson's amendment came up for discussion, he would support the principle. If a deposit had to be put up on one side, it should be put up by both parties, and a reasonable sum of money would no doubt be fixed.

[Mr. Kidson's amendment not proceeded with further.]

HON. R. S. HAYNES: They took the security of a billiard marker in the case he had quoted.

HON. A. P. MATHESON: Security was taken in proportion to the number of members, and the Judge would be capable of fixing an arbitrary amount if necessary. Personally he was not in favour of any amount being provided in the Bill.

THE COLONIAL SECRETARY: Mr Kidson had established the position that there was no necessity for a deposit, and to provide for a deposit would be departing from the principle adopted in other colonies where there was similar legislation. As Mr. Kidson had said, the amendment of the select committee would be eminently unfair to the workers.

HON. R. S. HAYNES: The workers had not said so.

THE COLONIAL SECRETARY: The select committee's proposal would be a serious interference with the intentions of the Bill, and there was a clause which provided that any association or society which made default, could not again take advantage of the provisions of the Bill.

HON. R. S. HAYNES: Then they could go out on strike.

THE COLONIAL SECRETARY: It had been stated that no case had been decided against the workers, but it might be taken for granted that unions of workers would be as honest as unions of employers, and for the honour of unions the larger bodies would see that an award of the Court was properly and implicitly obeyed. If an element of the kind had to be in the Bill, then the proposal of Mr. Kidson would meet the case. It was desirable to keep the lawyers out of this matter as much as possible, because these were industrial disputes in which legal assistance was not required so much as the assistance of those versed in industrial matters; and it was to be hoped the Committee would not agree to the amendment proposed by

Mr. R. S. Haynes, which was objectionable from every point of view. Hon. members should avoid anything which would have the appearance even of putting difficulties in the way of small bodies taking advantage of the Bill.

HON. J. M. SPEED: As a member of the select committee, he pointed out there was no provision made as to employers giving security. The labour representatives who gave evidence were selected by the select committee, and it would be seen that in reply to Question 203 Mr. Fergie Reid disapproved of any security as unnecessary. Mr. Hamilton, one of the witnesses, at first said there was no analogy between cases under the English law and cases which would come under this Bill, but he afterwards admitted there was an analogy, and could not explain it away. It was an established principle of British law that no man by his poverty should be debarred from having justice, and it must be remembered that the people who came under the provisions of the Bill did so voluntarily, and unless both workers and employers were given a fair opportunity the measure would remain a dead letter. This was no question between workers and employers, because the Bill was brought in for the benefit of neither of these bodies, but for the benefit of the whole community, the object being to prevent the interests of the community being interfered with by strikes. He was not speaking on behalf of any class, because he did not come into the House as a lawyer, but as the representative of his constituents.

HON. R. S. HAYNES: Mr. Speed came to the House as a labour member.

HON. J. M. SPEED: No; he was sent there to represent all classes, and if the Bill were passed in its present form it would do no harm, but, on the contrary, would be beneficial to the public generally.

At 6·30, the CHAIRMAN left the Chair.

At 7·45, Chair resumed.

HON. R. S. HAYNES: The more the proposal of the select committee was discussed, the more it would appear to be founded on justice and common sense. An objection had been made that an employers' union, which of course would consist most likely of under 25 members, would only be bound to put up the sum of £50. That was quite true according to the amendment, but when the clause was first drawn it was decided to fix the maximum at £200. There was no necessity therefore to state that a union should deposit the full amount. Since then an interview had been held between the workers and some members of the committee, with the result that a clause was drawn on a sliding scale, and it had escaped his attention that no provision was made for an employers' union putting up the maximum amount. When the next amendment was proposed, he would move that the employers' union should deposit the maximum amount of £200. The proposal that a union should enter into security at the time a dispute arose was open to objection. A Judge would never be able to decide or form an opinion of what would be the gravity of the case coming before him. It might be that the amount decided on by the Judge was out of proportion to the requirements of the case, for the simple reason that the Judge would not be in a position to form an opinion as to what the result of the deliberations or the form of the order, or the result of the strike would be. On the one hand the Judge might fix £50 as the deposit, and in another case £500. The consequence would be that the Judge would be open to attacks in the Press.

HON. M. L. MOSS: A Judge was more likely to be right than a hard and fast rule.

HON. R. S. HAYNES: The Judge could not be right, because he would be taking a leap in the dark. Judges would be attacked if they were called on to fix the amount of the security in an action. The principle was bad, it would be better to accept a safe principle. Now that a suggestion had been brought down by the select committee, members were being besieged by the workers associations, but these bodies did not besiege him (Mr. Haynes). It seemed the best way to wreck the Bill, speaking with some knowledge of the Council, was to follow in the footsteps of the Colonial Secretary and throw out all the clauses as to security. The Colonial Secretary had suggested that, and had indulged in a little abuse of the legal profession.

THE COLONIAL SECRETARY: Oh, no.

HON. R. S. HAYNES: Such abuse coming from the leader of the House was in very questionable taste. The profession was generally attacked by those outside the profession, and the learned professions were entitled to some little consideration here. He was sorry the leader of the House had made a remark, which on reflection no doubt the Colonial Secretary would withdraw. If the Bill provided that an individual employer should find security, then every employer in the colony would have to deposit £200, or security to that amount, and some employers might never have a dispute at all. He asked the Committee to pass the amendment, but if hon. members wished to strike the proposal out, they would be doing what would ultimately mean the wrecking of the Bill.

HON. A. B. KIDSON: In that case he would have to be included with those who were endeavouring to wreck the Bill, because he opposed the amendment. The object of having a deposit was to bind the award, but was there any compulsion on any employer or any union of employers registering? Until the registration took place there could be no deposit. If a union of employers did not register, while a union of workers did, and a dispute took place where was the employer's deposit to bind the award?

HON. C. SOMMERS: The employer could not go into court, but he could be brought in.

HON. A. B. KIDSON: That showed that the proposal was manifestly unfair, and the only fair proposal was to have the deposit fixed by the Judge.

HON. R. G. BURGES: Have the amount fixed by law.

HON. A. B. KIDSON: It was impossible to suit all cases. In some cases the amount of the deposit would be more than in other cases, according to the seriousness of the dispute. Who was better to fix the amount than the Judge?

HON. M. L. MOSS: Supposing one party refused to give the security?

HON. A. B. KIDSON: He could not refuse.

HON. M. L. MOSS: He could, and that was the difficulty.

HON. A. B. KIDSON: The suggestion which he made was that the Judge should fix the amount, and that the amount was to be placed. If a Judge made an order, it would have to be carried out, or the person would be guilty of contempt of court.

HON. M. L. MOSS: A man might not have the ability to make the deposit.

HON. A. B. KIDSON: If an employer had not the ability to make the deposit, then the employer would be in precisely the position which the hon. member suggested. It was impossible to make a man pay £100 if he had not got it. It should be incumbent upon both sides to put up a deposit prior to entering upon a dispute. Nothing could be fairer than that.

HON. M. L. MOSS: It would be well if the Committee disagreed with the recommendation of the select committee and Mr. Kidson's amendment, although Mr. Kidson's amendment was the better of the two. The proposal to compel parties to give security would be unavailing unless both parties were compelled. Supposing a dispute was started, and the workers were in the position of a plaintiff in an action, one could understand where the president of the court ordered security to be given that the party moving would give the security. But the defendant might refuse to give the security. Were the proceedings in such a case to be stayed?

THE COLONIAL SECRETARY: They would go on.

HON. M. L. MOSS: That showed the absurdity of the proposal. If the case went on, the defendant would not have given security. Both in New Zealand and New South Wales this question had not remained unconsidered: it had been considered by the advocates of the employers, and the workers, who had come to the conclusion that there was a great difficulty in departing from the rule followed in the conduct of all legal proceedings. However the Committee might strive, they would find great difficulty in getting a clause, or series of clauses, to carry out the object Mr. Kidson had in view, though that object was a good one. But he (Mr. Moss) might give Mr. Kidson's amendment support, if it could be shown how it was possible to make a defendant give security.

HON. A. B. KIDSON: It was, of course, impossible to get "blood out of a

stone," but if a person had money, he must pay, because no one could disobey an order of the court. The difficulty suggested had already occurred to him, but the amendment proposed did not deal with a deposit at all.

HON. M. L. MOSS: It dealt with security.

HON. A. B. KIDSON: The amendment did not deal with security, and the difficulty mentioned was one of the reasons he was not in favour of security being given. The amendment was in a different direction altogether, and made the representative body of the unions responsible for the due carrying out of the award.

HON. C. SOMMERS: Mr. Speed, as a member of the committee, raised no objection to the calling of these labour witnesses, and, therefore, might be considered a party to their being asked to give evidence. If the award had to be carried out there must be some security, and Mr. Kidson's amendment would mean delay, because the president or Judge could not know until he had heard the evidence, what the damages were likely to amount to. The trouble would be caused by the sudden demand for the deposit of a certain sum of money, whereas under the select committee's proposal time would be given to provide funds. A deposit would prevent unions rushing into disputes in the way they had done in cases in New Zealand, and the cost, worry, and expense of collecting money from a body of workers would be more than the amount was worth. The men against whom an award was given would feel sore and certainly would not try to make easy the collection of the money, but would, on the other hand, endeavour to evade payment in every possible way. The select committee had been twitted with not providing security on the part of the employer before registering, but according to Question 176 such an idea was in the minds of the committee, and there had been an oversight in drawing up the report. So far as the discussion had gone no suggestion had been made which was better than that of the select committee; and it must be remembered that the employer did not seek the protection of the court, but was dragged there.

HON. J. M. SPEED: Not necessarily.

HON. C. SOMMERS: If a single employer were brought into court the first thing he would ask would be as to who was going to provide costs; and the party who brought the action should provide security.

HON. A. B. KIDSON: But the employer was only asked to put up £50 every time.

HON. C. SOMMERS: It had been urged that the clause should be made as fair to one as to the other.

HON. M. L. MOSS: It was against the policy of the State to make a litigant pay before the doors of the court were opened.

HON. C. SOMMERS: There was no evidence as to how such a law would work in the case of an award being given against the workers, but the workers themselves said some provision should be made whereby the award could be carried out, and the employers took the same view.

HON. J. T. GLOWREY supported the amendment of the select committee, and regarded the amendment of Mr. Kidson as altogether unworkable. The Judge would have to make some inquiries before he was in a position to say what amount should be deposited; and it was possible by leaving the proposed power to a Judge to do an injustice to one of the parties. In a great labour difficulty on the goldfields, for instance, a Judge might order £500 or £5,000 to be deposited; and altogether this was too much power to leave to the president of the court, who should know nothing whatever about a case till it came before him in his judicial capacity. The Colonial Secretary could not have considered the proposal, or he would probably have come to a different conclusion. We were frequently told by the workers that the principle was necessary. Some of the workers took up the position that they were bound to satisfy an award because of the moral obligation; but we knew that moral obligations were not always fulfilled, particularly on the goldfields, and the same argument applied elsewhere, that if we trusted to moral obligation very often it would be found wanting. He intended to support the proposal of the select committee.

HON. J. W. HACKETT: From the importance of the debate, all realised we had now come to the crucial point of the Bill. According to how we decided

to-night, if we were prepared to stand by our decision it would possibly either defeat the measure or there would be a vast improvement and a general benefit to the community. Although he still held the views which he expressed in the debate on the second reading, he had listened with an impartial mind to all the arguments brought forward in favour of the amendment of the select committee, the amendment proposed by Mr. Kidson, and the other suggestions made in the course of the discussion: a more evenly balanced body of argument it would be difficult to obtain. Members should vote with that humble and doubtful spirit that would lead them to keep so far within the limits of the alterable that they might be prepared to rescind their vote, if pressed to a finality which would end in destroying the Bill or in doing some great harm to the question. We had now launched on a course which would end in one of two things; either the Bill would be fairly satisfactory to the country at large, or there would be repeated endless struggles. The people would either accept the law, or what was still more likely, the opposition of members of this Council would be beaten down, and a Bill far more extreme would be placed on the statute book than any of the principles now embodied in the measure. Rather than that this matter should be kept in the crucible, he was prepared to abandon a large portion of his convictions and unite with a majority of both Houses in agreeing to a measure which would have some effect in steadying the calamitous course of strikes, even if it did not do full justice to all parties. With regard to the question of securities, he confessed that though he had read the proposal of Mr. Kidson and the amendment of Mr. Haynes with a desire to give way to them, yet he had come to the conclusion it was impossible to make any provision for security in the Bill. He was quite aware that it might be pointed to hereafter that this was one of the blots in the Bill, and that an impecunious employer or union might bring an opposing party into Court, and if there was not a strike, at all events there would be steps equivalent to a strike, and the employer would be compelled to give way or close his business altogether. If by introducing any provision for security by way of cash or on paper such as would satisfy the Judge, we could either make the appeals less frequent or more certain, he should be prepared to assent to introducing security. He entreated members not to make up their minds so finally as to be induced to give any pledge that, failing some amendment on the question of security, the Bill would be wrecked.

HON. R. S. HAYNES: That was pledged in the report.

HON. J. W. HACKETT: It was to be hoped, and he spoke in the interests of employers, of labour, and the community at large, that no steps would be taken by the Committee to prevent the Bill becoming law this session.

HON. R. S. HAYNES: The hon. member was taking steps by rejecting the amendment.

HON. J. W. HACKETT: The Committee should not believe that. We had to reckon with another place, and behind another place we had to reckon with the people. He believed the select committee had acted with a sense of honesty in order to obtain good evidence and suggestions for the improvement of the Bill; but the select committee might look back with the deepest regret when we saw the measure which would ultimately be passed into law a session or two hence at most.

HON. R. S. HAYNES: There would be the same Council.

HON. J. W. HACKETT: The same Council must bend to public opinion, and if this Council chose to put its foot down and oppose the wishes of the whole community—well, the hon. member would remember the old adage about Stevenson and the cow crossing the rails in front of the locomotive: it would be "varra bad for the coo." He could see clearly that the absence of security would lead to much injustice, in the character of blackmail. It would be injurious to the employment of labour; but when we came down from the general to the particular, from the theoretical to the concrete, we found it impossible to suggest a principle of security which would apply to the employer and the employee as well. Mr. Haynes suggested that the security should be a fixed amount: he provided the opponents of the Bill with the argument that the Bill was one-sided, providing for

security on the part of the employee, and no security on the part of the employer.

HON. R. G. BURGES: Propose an amendment that both sides should find security.

HON. J. W. HACKETT: It would not work out. The single employer, with whom most of the disputes would occur, would not be compelled to put up a security while an association of employers would be.

HON. R. S. HAYNES: An amendment would be proposed by him to overcome that difficulty.

HON. J. W. HACKETT: If the hon. member had any amendment, let him bring it forward.

HON. R. S. HAYNES: Not now; he would do so presently.

HON. J. W. HACKETT said he had listened to every word the hon. member had said with the earnest hope that he would show some way out of the position, which to him was most involved and complicated. The omission of providing security by a single employer or employers generally gave a handle to those who would invite an amendment of the Bill in the direction opposed to that in which the hon. member wished it to travel, and on grounds which would necessitate the reconsideration of the question within the next year or two. What terms then would the employers get?

HON. C. SOMMERS: Experience would show us.

HON. J. W. HACKETT: Experience would come too late. The experience which the hon. member desired would be ruined employers: not strikes, but crowds of men and women thrown out of employment. The limits to which the Bill would go were not foreseen. Mr. Kidson brought forward an amendment which at first sight one was prepared to welcome, providing that a Judge should fix the amount.

HON. A. B. KIDSON: That was not his amendment.

HON. J. W. HACKETT: The amendment to which the hon. member addressed most of his remarks, and on which a majority of the members had spoken, was that the president should fix the amount of security to be put up by one side or the other. That seemed all right. But first of all a Judge must inquire into the whole case, practically prejudge the case, to find out the amount of the security to be put up. The amount might be fixed at a figure that the employer could not pay, and that employer would have to disclose all his transactions, all his assets and liabilities, he would have to expose all the secrets of his position to show that he was not able to put up the security. There were other reasons: a Judge might make a mistake. Mr. Kidson seemed to object to that, but there was nothing incredible in a Judge making a mistake. The argument indicated by Mr. Moss, that it was practically impossible to put this proposal into operation because one could not compel both parties to put up a security, seemed to be a good one. One could not see the way out of the difficulty. One party could be brought into Court, and the party moving would put up the security; then there was a dilemma of an absurd kind if the other party would not put up a security. One party would insist on the matter being settled, and bring the opponent before the Court of Arbitration; but the opponent would not put up the security, and the moving party would not allow the opponent to go into Court until he had put up a security.

A MEMBER: It would go by default.

HON. J. W. HACKETT: And go by default against the very men whom Mr. Kidson's amendment was intended to help, because there was no other mode known to the law.

HON. M. L. MOSS: Then that was charging for the administration of justice.

HON. J. W. HACKETT: Exactly; and that brought in political questions of the most serious character. Although he at first thought Mr. Kidson's suggestion afforded a solution of the difficulty, yet that amendment now seemed the more impracticable of the two. Mr. Haynes's amendment stamped the Bill as a temporary measure, and invited strenuous efforts for amendment before many months were over.

HON. R. S. HAYNES: Why not move that the Bill be read this day three months?

HON. J. W. HACKETT expressed the hope that the Committee would not be induced to postpone the Bill, which would

make the case far worse for those concerned than if the Bill were passed in its present form. The fact that there was no similar provision in the New South Wales Bill or the New Zealand Act, raised considerations of the most vital character, because we might feel sure that this question had been fully discussed, and that it had been found impossible to introduce a clause of the character. He did not think security was possible, and the better plan was to widen and enlarge the responsibility of those who took the step of going to the Court of Arbitration. If we could only be satisfied that not only the lower union but the higher association agreed to such a step being taken, we might rest assured the question had been fully threshed out, and that the larger unions were satisfied it was good for the trade, and good for the employers as well, that a reference should be made. The great fault of the New Zealand Act was that it left to a bare majority of an irresponsible union the power to declare that trade should be "thrown into the pot," and employers assailed, and perhaps ruined, for the sake of a fancied grievance, which might depend more on the feelings of the men than on the reality and justice of their case. He did not say this course was the best, or the only course, but it was certainly the only course which had been suggested during the debates. He would be prepared, with many doubts, to vote against the amendment of the select committee, and also against the amendment of Mr. Kidson; but he would heartily support the latter gentleman in rendering more effective and operative the principle indicated in another amendment, that these disputes should receive the sanction and approbation of the larger, more impartial, and fully responsible body which ought to be behind the union.

HON. A. JAMESON: As neither an employer of labour nor a worker, he was perhaps in a position to view the matter independently. The select committee had gone to a great deal of labour, and after looking into this matter very carefully, had given certain advice, which he for one intended to follow. The chief argument he had heard, appeared to be that the giving of security had not been hitherto a principle of law in our ordinary law courts. But the question before the committee was not that of poverty or the poor man, and the reason security had never been considered necessary in the past in the law courts was that the rich man having the greater control, influence, and power, it had always been thought well not to lay down security, as it would injure the poor man. That did not apply in the present case, which was a question of industry and the distribution of wealth. This was not a question of the poor man, and the whole idea of security was to enable so many workers, combining together, to be placed in a parallel position with that of the employer. What was the object of the Bill if it was not, by the men coming together and finding a combined security, to put them in the position of the employer? It was a question of a combination of workers making themselves as one rich man against the employer, and this seemed to go to the whole root of the matter. There was no difficulty about security at all. From his position in the colony for many years, coming into contact as he did with all classes, he knew well that the workers could afford £2 or £3 a year, just as well as the employer could find his £200; and if the workers were not disposed to find this small security, it was an indication that they were not in earnest in regard to the measure.

HON. C. SOMMERS: And the workers need not find money?

HON. A. JAMESON: No; it was only a matter of security. He hoped hon. members would see their way to support the select committee, who had gone carefully into the matter, and had brought forward a report of which every member had reason to be proud.

HON. W. MALEY supported the recommendation of the select committee. Large strikes in this colony were scarcely known, except that in connection with the Railway Department, which startled Western Australia. The people who suffered from strikes were not always the working men, but were their wives and families; and although those strikes were maintained by unions which acted in concert throughout all the colonies, it was those dependent on the workers who bore the brunt of the battle. If miners could find the money to keep

themselves and their families while there was a strike on, surely they could find a sum of £200 to deposit before they went to the Court of Arbitration. It was sometimes, as Dr. Jameson had said, more difficult for an employer of labour who had a large capital, and perhaps a large overdraft, to find £10 than for an employee, who had a fixed deposit or a deposit in the Savings Bank, to find that amount. It was right that a deposit should be put up by both parties to the dispute. Mr. Hackett's speech was a terrible prophecy. Jeremiah, had he been alive, could scarcely have competed with Mr. Hackett.

HON. J. W. HACKETT: Prophecy of what?

HON. W. MALEY: Of what would happen if the Bill were wrecked. Mr. Hackett referred to the employers, and the hopeless condition of things if the Bill was wrecked: altogether his prophecies would have done credit to Jeremiah himself.

HON. D. McKAY: Both parties to a dispute should put up a deposit: this would be the means of stopping strikes and disputes.

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

Ayes	...	...	13
Noes	...	...	8
Majority for	...	...	5

AYES.	NOES.
Hon. G. Bellingham	Hon. J. W. Hackett
Hon. T. F. Brimage	Hon. A. B. Kidson
Hon. W. G. Brookman	Hon. A. P. Matheson
Hon. R. G. Burges	Hon. E. McLarty
Hon. J. T. Glowrey	Hon. M. L. Moss
Hon. R. S. Haynes	Hon. G. Randell
Hon. A. Jameson	Hon. J. M. Speed
Hon. W. Maley	Hon. A. G. Jenkins (*Teller*).
Hon. D. McKay	
Hon. J. E. Richardson	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. H. Lukin (*Teller*).	

Amendment thus passed.

HON. R. S. HAYNES moved that the following be inserted as Sub-clause 4:—

No society shall be registered as an industrial union under this Act unless it shall lodge, together with its application for registration, a certificate showing to the satisfaction of the Registrar that the sum of fifty pounds where the number of members does not exceed fifty, and one hundred pounds where the number exceeds fifty but does not exceed one hundred, and the sum of two hundred pounds where the number of members exceed one hundred, has been placed in some security approved of by him in the joint names of two members of such society and of himself, or in lieu of such certificate shall deposit with the Registrar a guarantee, to be approved of by him, to pay and discharge any order of the Court to the amounts hereinbefore mentioned: Provided that in the case the sum so deposited or the guarantee so given shall at any time be reduced by payment of an order of the Court, such society shall cease to exist as an industrial union until the amount of security or guarantee is again increased to the original amount: Provided that no union of employers shall be registered until it deposits a sum of two hundred pounds or finds security for that amount.

In regard to the objection that an employer was not bound to put up any money, when we came to Clause 57 he would propose an amendment that no employer should proceed in the Arbitration Court before he had deposited a sum of £100.

HON. J. M. SPEED, in opposing the amendment, said that there was no provision as to the single employer giving security in the Bill. Supposing the workers were registered and an employer was not registered; the worker asked for the intervention of the Court, but the employer practically escaped scot-free, as he was not registered, did not want to register, and there were no means of compelling him to register. The employers who did not happen to be banded together reaped all the advantages, if there were any, from the Bill, and if they wanted to obtain a reduction of wages amongst their employees they would take care to obtain that reduction before registering. The workers were going to suffer more injustice than the employers by the amendment.

HON. R. S. HAYNES: If a union of employers wanted to register, it had to put up the maximum amount or find security. He had promised to move an amendment later on that a single employer should put up security to the amount of £100, and that amendment would be moved in regard to Clause 57.

Amendment (Hon. R. S. Haynes's) put, and a division taken with the following result:—

Ayes	...	...	13
Noes	...	...	8
Majority for	...	...	5

AYES.	NOES.
Hon. G. Bellingham	Hon. J. W. Huckett
Hon. W. G. Brookman	Hon. A. G. Jenkins
Hon. R. G. Burges	Hon. A. B. Kidson
Hon. J. T. Glowrey	Hon. E. McLarty
Hon. R. S. Haynes	Hon. M. L. Moss
Hon. A. Jameson	Hon. G. Randell
Hon. H. Lukin	Hon. J. M. Speed
Hon. W. Maley	Hon. A. P. Matheson (*Teller*).
Hon. D. McKay	
Hon. J. E. Richardson	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. T. F. Brimage (*Teller*).	

Amendment thus passed.

HON. R. S. HAYNES moved that in Sub-clause 5, line 2, the word "half" be struck out. This was only concerned with the filing of returns, and to do so yearly was thought sufficient.

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

Clause 5—Other provisions respecting rules:

HON. R. S. HAYNES moved that in Sub-clause 3, line 1, after "rules," the words "and of the last preceding annual balance sheet" be struck out. To make up a balance sheet and give it to everybody for a shilling would entail very considerable work, and the workers ask that these words be struck out.

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

Clause 6—Registration of society:

HON. R. S. HAYNES moved that in line 5, after "cancelled," the words "or to have expired as hereinbefore mentioned" be inserted. This was a consequential amendment.

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

Clause 7—Incorporation of society:

HON. R. S. HAYNES moved that in line 3, after "dissolved," the words "or expires as aforesaid" be inserted.

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

Clauses 8 to 17, inclusive—agreed to.

Clause 18—Recovery of fees:

THE COLONIAL SECRETARY moved that between "fees" and "and," line 1, the words "fines, levies" be inserted.

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

Clauses 19 to 31, inclusive—agreed to.

Clause 32—Provisions for first and subsequent elections of boards:

HON. R. S. HAYNES moved that the following be inserted after sub-clause 5:—

> Provided that if the members shall not have agreed upon a chairman within one month after such first meeting, it shall be lawful for the Governor to nominate some person as chairman, who shall thereupon become the chairman of the board.

There might be some difficulty in members who represented opposite factions agreeing on an impartial chairman, but if they knew the Governor had the right to appoint, it was possible an agreement might be arrived at.

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

Clauses 33 to 36, inclusive—agreed to.

Clause 37—In what events vacancy to occur:

THE COLONIAL SECRETARY suggested that between "disqualified" and "or," line 2, a comma be struck out. Perhaps after this amendment Mr. Glowrey would not say that he (the Colonial Secretary) had not given attention to the Bill.

Clause put and passed.

Clause 38—agreed to.

Clause 39—Quorum of board:

HON. J. M. SPEED: Unless the words "provided that such even number is composed equally of representatives of employers and representatives of workers" were struck out, it would be possible for members, by staying away, to prevent the board sitting. This proviso was not in the New Zealand Act, and he moved that it be struck out.

HON. R. S. HAYNES: The suggestion that these words should be struck out had at first favourably impressed him; but it must be expected that the members of the board would be reasonable, honest men, and if they did such a thing as had been suggested, it would be time to repeal the whole legislation. In any case, there was a provision that if a member were absent from three consecutive meetings, he could be removed from the board; and to strike out the words would give opportunities for snap decisions.

THE COLONIAL SECRETARY: It was the very essence of the Bill to have an equal number on each side.

HON. J. M. SPEED: After what had been said he would not press the amendment, but difficulty would be found in working the measure if the words were allowed to remain. As to a "snap decision," it was not likely the workers would seek such a thing. It was

more likely employers' solicitors would endeavour to gain an advantage.

Amendment by leave withdrawn, and the clause passed.

Clauses 40 to 43, inclusive—agreed to.

Clause 44—Mode of referring disputes:

HON. R. S. HAYNES moved that in line 5, paragraph 3, of Sub-clause 1, after "members," the words "on the rolls of such association or union" be inserted; that the words "present and" be struck out; and in line 6 after "ballot" insert "or by proxy." It was unsafe to allow a decision being arrived at without getting an absolute majority of those belonging to a union, and voting would be allowed by proxy.

Amendment put and passed.

HON. A. P. MATHESON moved that in line 6, Sub-clause 1, after the words "summoned by" insert "at least three clear days' notice." No term of notice was given, and a meeting might be called on at a day's notice, or a few hours' notice. It was only right that three clear days' notice should elapse before a meeting was held.

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

Clauses 45 to 47, inclusive—agreed to.

Clause 48—Powers and duties of board:

HON. R. S. HAYNES moved that in line 13, the words "two months" be struck out, and "one month" inserted in lieu. Two months was too long before the report was brought up.

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

Clauses 49 to 56, inclusive—agreed to.

Clause 57—Summons for directions:

HON. R. S. HAYNES moved that the following be added to the clause:

> No employer not being a member of an industrial union shall commence or continue proceedings in the Court unless he shall first find security to the satisfaction of the registrar in an amount of £100 to abide by the order of the Court.

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

Clause 58—Appearance of parties:

HON. R. S. HAYNES moved that in line 2 after "or" the words "with the consent of all the parties" be struck out.

HON. J. M. SPEED said he did not appear here in a professional sense. Industrial matters should be dealt with apart from any legal assistance. Th Judge would be able to give all the leg assistance necessary. It might be sa that a man should support his professio but a member was not sent into th Council or to another place for the pu pose of representing his profession onl The rights and privileges of the professio were not touched and this was a matt beyond the scope of professional men.

THE COLONIAL SECRETARY: was incumbent upon him also to oppo the introduction of the legal element in the Bill. For years in New Zealand a Act had been administered without suc a provision; and Mr. Wise, the Attorne General of New South Wales, had n seen fit to depart from the princip laid down in the New Zealand la Good reasons were given by Mr. Wi why counsel or solicitors should not appea without the consent of all parties. Th was not a legal matter but a question fact, or an arrangement of business therefore an accountant, a business ma or any man of business would be able deal with the question. No legal que tion would arise making it necessary f the introduction of the professional eleme into these Courts excepting with the co sent of both parties. The introduction solicitors or barristers into the Cou would have the effect of lengthening th proceedings, and, he might be pardone for saying, confusing the issues.

HON. M. L. MOSS: How about pr ceedings under Clause 65, interlocuto matters?

THE COLONIAL SECRETARY: Th clause did not convey the meaning th hon. member endeavoured to place on i A party to a dispute could appear by a agent, and might select a profession man to appear: then no objection woul would be raised. No injustice would done to either party by this provisio The Bill had been considered by anoth branch of the Legislature, who ha arrived at the same conclusion as th Legislatures of New Zealand and Ne South Wales. This was a Bill of th kind in which there was no necessity f the attendance of legal gentlemen, an from their absence no harm could ari to the persons who availed themselves the provisions.

HON. A. B. KIDSON: Legal membe of the House must be very much indebte

to the Colonial Secretary for the manner in which he had held up the interests of the profession. As to the remarks which had fallen from Mr. Speed, it could only be said that the worst enemy of the hon. member would not suggest that it would be possible for him to speak up for his profession on any occasion. It had been suggested that members of the legal profession could be engaged as agents; but he was voicing the feelings of legal members when he said they objected, as belonging to an honourable profession, to being classed in the category of agents. It was a deliberate insult to the members of the profession to suggest that they should be placed in such an ignominious position. The Colonial Secretary could not have held up a worse example than that of the New Zealand legal profession, because in that colony the profession was absolutely degraded.

THE COLONIAL SECRETARY: There was a similar provision in the New South Wales Bill.

HON. A. B. KIDSON: But it was not the law in New South Wales yet. New Zealand lawyers or solicitors were not admitted to practise in any part of Australia, and he would be ashamed to belong to the profession in this colony if it occupied the same status as that in New Zealand.

THE COLONIAL SECRETARY: There were three members of the New Zealand bar in the House.

HON. A. B. KIDSON: Those hon. members knew very well what he meant, and they were members of the profession long before the present state of affairs existed. In some instances which would come before the Court, one or two employers would be on one side as against a hundred or more workmen on the other; and were the employers not to be allowed to engage counsel, if they so desired?

HON. M. L. MOSS: While thoroughly in accord with the whole of the remarks made by Mr. Kidson, he pointed out that Clauses 57 and 58 read together contained, on the face of them, a contradiction. It was absolutely impossible for laymen to carry out the provision of Clause 57, which practically incorporated the whole of the practice and procedure of the Supreme Court; and under Clause 58 the whole of the work incidental to these investigations, right up to the morning of going into Court, must be transacted in the solicitor's office, while the solicitor was to be barred at the door from coming into the Court and giving assistance, which would be valuable, not only to the Judge, but to the arbitrators sitting with him. The object should be to so simplify and narrow down the issue that it could be discussed at once by the court, instead of there being any beating round the bush, which there was sure to be if untutored and uninstructed men had the control. Clause 58 dealt a blow at the profession of the law, which he could not consent to, and such inroads in the profession had brought the bar of New Zealand to the position it was in at the present day, when some legal practitioners were obliged to earn their living partly by law and partly by some other occupations. The clause gave certain agitators a good opportunity to go into Court and air their eloquence. Labour leaders would not for a moment dream of foregoing any of their principles; and admitting that to a certain extent the law and other close professions were in a sense unions of a kind, he was not prepared to forego any of his principles.

HON. A. JAMESON: Notwithstanding what had been done in New Zealand, what Mr. Wise in New South Wales had said, or what the Colonial Secretary here said, he contended that where a person's property was at stake, it was a monstrous interference with the liberty of the subject to prevent that person from employing whom he chose. He strongly supported the recommendation of the select committee, independently of any consideration for the legal profession.

THE COLONIAL SECRETARY: If he were sinning, he was in good company, inasmuch as Mr. Wise, a very able member of the bar, had adopted this provision, which had furthermore been in force in New Zealand. There was no desire to cast any reflection on the members of the legal profession or on the select committee; but this Bill was of a kind which did not necessitate the attendance of counsel or solicitors, except with the consent of both parties. It had been pointed out that solicitors might appear as agents; therefore the whole discussion had been useless.

Amendment put and passed.

On motion by HON. R. S. HAYNES, progress reported and leave given to sit again.

FIRE BRIGADES BOARD DEBENTURE BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

MUNICIPAL INSTITUTIONS BILL.

ASSEMBLY'S AMENDMENT.

Schedule of one amendment made by the Legislative Assembly considered as follows:—

Clause 41, insert the words "no female nor minister of religion and" before the word "no" at the beginning of the clause.

IN COMMITTEE.

THE COLONIAL SECRETARY moved that the amendment made by the Assembly be agreed to. This was the only amendment made by the Assembly in this large measure, which was a considerable advancement on the present legislation. The Bill had been demanded by municipalities, and to a large extent met the wishes of the people throughout the country. If the amendment were not agreed to it might have an injurious effect on the Bill.

HON. R. S. HAYNES moved that progress be reported. A number of members had left the House on the understanding that no new business would be undertaken to-night: several members had spoken to him about this particular amendment. He protested strongly against new business being sprung on members when there was barely a quorum present. If the amendment was put to the House he would leave the Chamber.

HON. J. W. HACKETT: Hon. members should be here to deal with the business. Here was a most complicated Bill, which had been passed by the Assembly with but one small amendment. It was a compliment to this Council, and unparalleled. Because women and clergy were excluded from sitting in municipal councils, was the Bill to be rejected? Mr. Haynes could introduce a new Bill next session with a single clause containing this provision.

HON. C. SOMMERS: If this Bill were carried, the new municipal councils just elected would be able to commence proceedings under the new Bill. The amendment was so trifling that nothing should be done to imperil the measure.

HON. W. G. BROOKMAN: There was no particular reason why the Bill should be rushed through at this late hour. Why should not members have an opportunity of discussing the question? He thought members should have an opportunity of discussing this clause. He was in favour of Mr. Haynes's proposition that the Bill should be relegated to to-morrow night's business.

HON. J. T. GLOWREY: This matter should be dealt with right away. Some hon. members came 400 or 500 miles, and it was not reasonable to ask us to await the convenience of members who left the Chamber at 10 o'clock. The session was drawing to a close, and we should not delay the passage of the measure for one day.

HON. J. M. SPEED: It did not matter whether 30 members or 10 members were present, the Assembly would not agree to the Bill in any other form; and we had to agree to the amendment if we wanted the Bill passed. Mr. Haynes could bring in an amending Bill next session; and in the meantime the ladies and the clergy could read up the law, and then be in a better position to carry out their duties.

Question put and passed, and the Assembly's amendment agreed to.

ON REPORT.

THE PRESIDENT having resumed the Chair,

THE COLONIAL SECRETARY called attention to the state of the House.

HON. J. W. HACKETT: What was that for? It could not be undone, but it was a most extraordinary course for the leader of the House to take—a course entirely without justification or precedent. He hoped he was not speaking too strongly.

THE COLONIAL SECRETARY said he did not think Mr. Hackett was quite justified in using those words.

HON. J. W. HACKETT: Unless there was some explanation he would repeat the words.

THE COLONIAL SECRETARY: When the Standing Orders were suspended, he made

he statement that he would not take advantage to rush Bills through the House; and he doubted now whether it would be legal for the Chairman to report progress, or for the President to put the question to the House.

HON. J. W. HACKETT: With great respect, the Colonial Secretary had better read up the rules of the House, and study his *May*. It was a most silly mistake.

THE COLONIAL SECRETARY asked the ruling of the President on the question.

THE PRESIDENT: A Bill of this kind should be passed with a quorum in the House. Although the Standing Orders were suspended for the passing of Bills through the different stages, he did not think that suspension extended to passing a Bill when there was not a quorum; and according to the Standing Orders one-third of the members should be present.

HON. J. W. HACKETT said he had never heard of such a course being adopted before, and perhaps he might ask what now became of the Bill? What was the proper course to be adopted? On the report it appeared to have been discovered that a quorum was not present.

THE PRESIDENT: If a quorum were not formed he would leave the Chair, and the Bill would appear on the Notice Paper to-morrow.

HON. J. W. HACKETT: At what stage?

THE PRESIDENT: In Committee, with the motion of the Colonial Secretary before hon. members.

HON. J. W. HACKETT: And what motion was that?

THE PRESIDENT: That the amendment of the Legislative Assembly be agreed to.

ADJOURNMENT.

THE PRESIDENT (after bells had been rung and the usual interval elapsed), finding there was not a quorum, adjourned the House at 10·15 o'clock until the next day.

Legislative Assembly,

Tuesday, November 20, 1900.

Papers presented—Municipal Institutions Bill, third reading (debate), division—Annual Estimates, Colonial Secretary's Department, Printing (onward), completed and reported—Loan Estimates (resumed), *Nannine Railway*; progress -Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Insurance Premiums paid by Government, return as ordered. 2, Federal Referendum Expenses, return as ordered.

By the COMMISSIONER OF RAILWAYS: Geraldton-Northampton Railway, cost of special train, return as ordered.

Ordered to lie on the table.

MUNICIPAL INSTITUTIONS BILL.

THIRD READING.

THE ATTORNEY-GENERAL moved that the Bill be now read a third time.

MR. JAMES: Every member understood that a Bill of this nature, running into hundreds of clauses and covering 156 pages of print, could not be adequately considered by this House during the present session. The Bill received careful attention in the Legislative Council, and when it reached this House we understood that unless we were prepared to accept it as it came from the Council and without amendment, there would be no prospect of our being able to pass the Bill through this House during the short term of the session now remaining. Hon. members therefore abstained from moving amendments; but he regretted to see that one amendment was made in the Bill last evening, and he now desired to move that the Bill be recommitted for the purpose of striking out that amendment. If the Bill was to be amended at all, it should be amended as much as members considered to be necessary. If, on the other hand, members generally desired to pass the Bill this session, the measure should be accepted as it came down from the Council. He therefore moved that the Bill be recommitted for the purpose of striking out the amendment.