Legislative Assembly,

Thursday, 15th August, 1912.

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

PAPERS PRESENTED.

By the MINISTER FOR WORKS: Return showing valuations of land an improvements resumed from Messrs. G. H. Holmes, R. Bunning, and R. A. Bunning (ordered on motion by Mr. Allen).

QUESTION—RAILWAY HORSE BOXES, SHORTAGE.

Mr. BROUN asked the Minister for Railways: 1, I he aware that a number or owners of valuable draught stud stock, exhibited at the recent horse parade, were unable to procure horse boxes for the conveyance of stud horses from Claremont to their various destinations, although return rates were paid, with the resut that cattle trucks had to be used instead, entailing great risk of injury to the stock mentioned? 2, Will he have inquiries made and take steps to avoid similar occurrences in the future?

The MINISTER FOR RAILWAYS replied: 1. Yes. All available boxes were supplied for the horse parade; the balance were in use for the Kalgoorlie races, and had been ordered for this purpose prior to those ordered for Claremont. 2, The trouble in this instance was due to the horse parade and Goldfields races traffic loading on the same day, and a recurrence is highly improbable.

QUESTION — TOURIST DEPARTMENT, GOLDFIELDS ITINERARY.

Mr. GREEN asked the Premier: 1, Is he aware that the Eastern Goldfields are not at present included in the itinerary of the Tourist Department? 2, Is he cognisant of the fact that goldfields hotels were communicated with some time ago by the Tourist Department, and that they replied they were prepared to meet the Railway and Tourist Departments by allowing the usual concessions? 3, Will he have the Eastern Goldfields included amongst other tourist resorts, so that tourist concession tickets may be availed of by those wishing to visit the Golden Mile?

The PREMIER replied: 1, It is the practice of the Tourist Department to bring the Goldfields under the notice of inquirers, in common with all other places of interest. Negotiations are being conducted with the Railway Department, with a view to providing a concession in the rate of tickets to visitors, so that a complete system of "coupon tours" may be adopted. 2, The officers of the Tourist Department are not aware of any such negotiations. These would, however, follow as a necessary corollary to the concession fare scheme mentioned in answer to question No. 1. 3, Answered by No. 1.

QUESTION — FERRY SERVICES, SOUTH PERTH AND APPLECROSS.

Mr. LEWIS asked the Premier: 1, Is it the intention of the Government to take over the Coode-street and Applecross ferries, and thus complete the nationalisation of those services. If so, when? 2, Will the Government institute a ferry service between Perth and Como Beach, South Perth, calling en route at Queen-street jetty?

The PREMIER replied: 1 and 2, These matters will receive consideration.

QUESTION—BATHING FACILITIES, PERTH.

Mr. LEWIS asked the Minister for Works: Do the Government intend to provide bathing facilities for lady swim-

mers in Perth waters during the coming summer?

The MINISTER FOR WORKS replied: It is understood that the matter is receiving the consideration of the local authorities.

QUESTION—POULTRY INDUSTRY, GOVERNMENT ASSISTANCE.

Mr. TAYLOR asked the Minister for Agriculture: 1, Is it the intention of the Government to further assist the poultry industry this year? 2, If so, by what means?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, In addition to the usual subsidy the department is granting special amounts for prizes for farmers' flocks, judged on the farms. This is done with a view of encouraging farmers to take up poultry raising to a greater extent as an adjunct to their ordinary agricultural operations. The whole time of an officer who has special knowledge of poultry matters is available for giving advice and assistance to those desiring it. He also regularly makes inspection of the markets with a view to preventing the sale of diseased birds.

QUESTION—MAITLAND BROWN STATUE.

Mr. CARPENTER asked the Minister for Railways: 1, Has a request been received from the Fremantle Municipal Council for permission to erect a statue to the late Mr. Maitland Brown on the reserve near Fremantle railway station? 2, Is it the intention of the department to grant such permission? 3, If not, why not?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, Until the requirements of the Trans-continental railway are definitely settled, it is not considered advisable to alienate any portion of the railway land at Fremantle. 3, See answer to No. 2.

QUESTION—SAVINGS BANK, STATE AND COMMONWEALTH.

Mr. WISDOM asked the Premier: 1, In view of notice having been received by the Government from the Commonwealth Government to remove the Savings Bank from Commonwealth premises, has any arrangement been made with the Commonwealt Government for the taking over by it of the Savings Bank business? 2,If so, what is the nature of such arrangement? 3, If not, when will he be in a position to state the Government's intentions with regard to the Savings Bank?

The PREMIER replied: 1, No. 2, Answered by No. 1. 3, Negotiations are proceeding at the present time, but nothing can be definitely arranged pending the visit of the Governor of the Commonwealth Savings Bank, who is expected to arrive in the State shortly. With a view to being thoroughly prepared, in the event of the negotiations not resulting in a satisfactory arrangement between the Commonwealth and the State Governments, the manager of the State Savings Bank has,in the meantime, been instructed to make all necessary preparations for the continuance of the Savings Bank business in Government and other places, under the direct control of the State authorities.

QUESTION—LAND RESUMPTIONS FOR FREEZING WORKS AND MARKETS.

Hon. FRANK WILSON: I should like to ask the Premier (without notice) if he will kindly place on the Table a plan showing the resumptions of land at West Perth, and the portion which it is intended to use for freezing works and markets. I have heard a little discussion outside the House as to whether the site is quite suitable and as hon. members are not aware exaltly where the site is. I think the Premier might place the plans on the Table.

The PREMIER: We have no objection to complying with the hon. member's request.

QUESTION--SLEEPERS FOR TRANSCONTINENTAL RAILWAY.

Hon. FRANK WILSON: Is the Premier in a position to take the House into his confidence in regard to the contract entered into with the Federal Government for the supply of sleepers for the Transcontinental railway? The Premier made some reference at a public dinner the other night to the prices, and perhaps he will now give the information to the House.

The PREMIER: The information I can furnish to the House is as follows: The Federal authorities have notified the State Government that they are prepared to accept our tender for the supply of 680,000 powellised karri sleepers for the Transcontinental railway in Western Australia. In the meantime, while the powellising plant and mills are being established, we are to supply them with a limited number of jarrah sleepers in order that a commencement may be made with the line. The Federal authorities have also entered into a contract with the State Government to take a further 720,000 karri sleepers, but the question as to whether these sleepers are to be powellised or not has not yet been definitely settled. This latter quantity is to be delivered on trucks at Port Augusta.

Hon. Frank Wilson: What is the price?

The PREMIER: We are not in a position to state the price at present by request of the Federal authorities, because they have not yet completed the contracts for the whole of the sleeper supplies, and by divulging the price at this stage it would probably influence the tenders for the future. Unless the Commonwealth authorities are prepared to make an announcement, I do not think that I can do it at this stage. As the hon. member is anxious, however, I may inform him the price is satisfactory from the State point of view.

Mr. O'LOGHLEN: I should like to ask the Premier if he has received any proposal or advice from the Federal authorities that there is a possibility of unpowellised karri sleepers being used. I fear there would be a great danger——

Mr. SPEAKER: The hon. member must not discuss the question.

The PREMIER: The Federal authorities have not intimated that they propose to put in karri sleepers unpowellised. The question of whether the sleepers are to be powellised is held over for a period, but there is no doubt that some process will be adopted to counteract white ants and dry rot.

Hon. FRANK WILSON: May I ask the Premier if he will get permission to make this information public?

The Premier: I can ask for it.

Hon. FRANK WILSON: The Premier made reference to the prices the other night, but nobody seemed to take any note of them. I cannot see how the disclosing of this information is going to affect any subsequent tenders at all. The public are entitled to have this information.

Mr. SPEAKER: The hon. member cannot ask a question and discuss it at the same time.

Hon. FRANK WILSON: Will the Premier seek permission to make the price public?

The PREMIER: I will ask the Federal authorities if they have any objection to publishing the prices that have been accepted, and if they have no objection I will give the information to the House on Tuesday.

BILL—WHITE PHOSPHORUS MATCHES PROHIBITION.

Council's Amendment.

Amendment made by the Legislative Council now considered.

In Committee.

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

Clause 1, Strike out "the first day of January, One thousand nine hundred and thirteen," and insert the words "a day to be fixed by proclamation not earlier than the first day of June, one thousand nine hundred and thirteen."

The MINISTER FOR LANDS: The purpose of the amendment was to alter

the date for the commencement of the Act, and place no difficulty in the way of existing stocks of the prohibited matches being sold. As the difficulty occurred only in the manufacture of the matches, there was no objection to the amendment. He moved—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

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

DISRESPECT TO THE CHAIR.

Mr. SPEAKER: Conduct is pursued in the Chamber that is disrespectful to the Chair. When the Speaker is putting a vote members are in the act of speaking or crossing the floor. I hope that conduct will not be repeated.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the previous day; Mr. McDowall in the Chair, the Attorney General in charge of the Bill.

Clause 6—What societies may be registered:

Hon. J. MITCHELL: It was provided that ten employees could form a union, but in the case of employers, a union could not be formed unless the employers employed not less than 50 persons during six months. Could not that number be materially reduced?

The Attorney General: Any one employer could go before a court. It was not necessary to have a union of employers to do so.

Hon. J. MITCHELL: In the case of domestic servants, it would possibly take fifty employers to form a union. Would it not be wise to reduce the number of workers required to be employed?

The ATTORNEY GENERAL: It was provided in the Bill that ten employees could form a union, but he proposed to accept an amendment increasing that number to fifteen though that would probably mean excluding some crafts. It was necessary for the purpose of forming the union that men in the same craft should combine, but that was not essential in the case of employers. The employer of a bricklayer could also be the employer of other tradesmen. It would not do to have an association of employers consisting of only one or two employers employing one or two workers.

Hon. J. MITCHELL: In small towns 15 domestic servants could form a union but it might be impossible to get a sufficient number of employers to form a union.

The ATTORNEY GENERAL: The hon. member had chosen an unfortunate illustration. It might not be possible to obtain 15 domestic servants to combine but it would be easily possible for employers of 50 domestic servants to join a union.

Hon. J. MITCHELL: There might not be 50 in a small town.

Mr. GEORGE: If there were industries in which there were fewer than 15 employees it might be difficult to find sufficient employers to comply with paragraph (a) of Subclause 1. If the employees in a special industry were to be treated more liberally then it was only fair the employers in these special industries should be treated in a like manner.

The Attorney General: An employer, no matter what industry he was engaged in, could join a union of employers.

Mr. GEORGE: That placed a different complexion on the matter, but still if there were special industries there should be special consideration for the employer as well as the employee.

The Attorney General: Take cigar makers, there were not 15 in the State and therefore they could not form a union.

Mr. GEORGE: How many employers were there?

The Attorney General: Perhaps half a dozen, but they could join any union of employers.

Mr. TAYLOR: If an association of employers was formed any employer, no matter of what description, could join it. Therefore, there was no limit to the association of employers.

Hon. J. MITCHELL: Whilst the Attorney General admitted that men engaged in special industries should receive special consideration, yet he was making the employers join an association of employers, whether their interests were identical or not.

Mr. UNDERWOOD moved an amendment—

That in paragraph (b) of Subclause 1 the word "ten" be struck out and "fifteen" inserted in lieu.

Amendment passed.

Mr. GEORGE: Where was the necessity for paragraph (b)? The object of the Bill was to concentrate the power into a body of unions and if that was done why was there a necessity to subdivide?

The ATTORNEY GENERAL: There were branches registered as separate unions but were joined together in an association. Take the Federal Miners' Union; it had branches registered as separate unions although they were all federated forming the one association. Any branch of a society or industrial union might be treated as a distinct society, and with the approval of the registrar might be separately registered as an industrial union. Later on in the Bill there was a provision for branches desirous of becoming independent separate bodies to be able to separate from a union and go on their own as it were? Certain forms had to be carried out before that could be done. There might be great distances between mining centres and the central body might be located in Kalgoorlie. The central body would not be able to manage the affairs of the branches at a great distance, therefore an opportunity should be given to the branches to become separate bodies.

Mr. GEORGE: The real object was to avoid the trouble of getting the necessary vote of members to enable them to bring a case before a court, but according to Clause 98 an industrial trouble might be commenced before all those in the industry had been consulted about it. Take the miners' federation, which the Attorney General referred to, before any particular portion of the miner's association wanted to have a dispute they would have to submit their case to the council of the association. That was all right, but in Subclause 2 any branch of a society might be treated as a distinct society, and under Clause 98 it would not be necessary for that branch of a union to then submit their case to a special meeting of the association.

[*Mr. Holman took the Chair.*]

The ATTORNEY GENERAL: An association required to have representatives of every individual union that came within its scope. So long as those representatives were there, every dispute, wherever it might have originated, required to be submitted. Before a union could start on its own, under strict autonomy, it had to withdraw its representatives from the association, and of such withdrawal it was necessary to give three months' notice in writing.

Hon. FRANK WILSON: It was not clear how a single employer could approach the court, unless that employer happened to be a party to an existing award. From what the Attorney General had said it was understood that a single employer could approach the court; but as far as was to be judged from the clauses they all referred to an employer who was a party to an existing award. Had an individual employer the power to go to the court?

The ATTORNEY GENERAL: Certainly, a single employer had the power to move the court. As a matter of fact, anybody could move the court—even the president of the court could do so. There were no restrictions whatever on the approaching of the court. Could the hon. member point to any restriction in this regard?

Hon. FRANK WILSON: Clause 59 referred to the procedure and jurisdiction of the court, and spoke of a "party" but gave no definition of "party." His desire was to see the court free to an employer, and he knew that the Attorney General entertained the same desire.

Hon. J. MITCHELL: Perhaps the Attorney General would agree to postpone the clause, and have the matter carefully looked into. It was a point

that should be made perfectly clear to the Committee.

Mr. NANSON: The policy of the Bill was to prevent employees from individually going before the court. It was, therefore, provided that if an employee wished to move the court, he could only do so through the union he belonged to. It followed, therefore, unless specifically laid down to the contrary, that the policy in regard to an employee would also be the policy in regard to employers. There was nothing to show that an employer might, any more than an employee, move the court on his own behalf. What was the object of this association of employers, if it was not to get the employers in the various industries into a bunch so that they might take united action before the court? It was most undesirable that the Bill should be silent on the point. We had heard complaints that the existing Act was full of defects. That should make us all the more careful in regard to the Bill that we should, as far as possible, avoid ambiguity of any sort. Even assuming that the Attorney General was right in his contention that individual employers might approach the court, it could not be said that there was any certainty on the point, and if it came to be argued in a court of law, it was quite possible that such a court would hold that the individual employer had no right to approach the arbitration court, except, as pointed out in clause 64, when he happened to be subject to an award. The Attorney General should give consideration to the matter, and see whether it was not necessary to clear up the ambiguity.

The ATTORNEY GENERAL: In an effort to meet the desires of the committee, special consideration would be given to this point. But the hon. member would know that, if an employer was capable of being a party, he could himself make the reference. Clearly, therefore, an employer by making the reference became a party. An employer could be a moving party to a reference.

Mr. GEORGE: In the interpretation clause, the definition of "employer" referred to persons, firms, companies, etc., but made no mention of the singular form, "person."

The Attorney General: One carries the other.

Mr. DOOLEY moved an amendment—

That the following be added to stand as Sub-clause 3: "If it is proved to the satisfaction of the president that, under the conditions existing in any locality defined in the application for registration, it is expedient that the limitation of the purposes of the society to a specified industry should not apply, the society may be lawfully registered as an industrial union under this Act, notwithstanding that its members may be associated for the protection and furtherance of the interests of employers or workers (as the case may be) in connection with divers industries, and notwithstanding that such divers industries may not be a group of industries within the meaning of this Act."

On the second reading debate, the leader of the Opposition had said there was in the Bill a tendency to a multiplicity of unions, and he (Mr. Dooley) had agreed with that. However, this was not exactly the motive which had actuated him in bringing forward the amendment. His object was to give the freest possible access to the court to all persons who came within the industrial sphere. In Geraldton last year, an industrial trouble had occurred, in consequence of which the supplies of the town were menaced through a strike of workers who belonged to what was termed a "composite union." These workers had practically held up the supplies of the town, and they could have brought about a very serious state of affairs. That union, without having any legal standing, had three industrial agreements dealing with the timber yard workers, brewery workers, and hotel and restaurant employees. They were in one union, and had separate agreements, but the agreements had no legal endorsement because the union was not legally recognised. The union was a serious menace to the industrial peace of Geraldton on that occasion. If such a body were now shut out from registration we would run a great risk of injuring the com-

munities in outlying centres. The Bill provided that there must be fifteen members in a union to secure registration. In small communities fifteen members of one particular industry were unobtainable. Not only in Geraldton, but elsewhere, the men formed composite unions which had worked satisfactorily from an industrial and a union point of view. The sub-clause would bring the work of the court within better scope and instead of having to deal with petty unions day after day, necessitating perhaps a number of courts, the business would be concentrated, and full protection would be given to the outlying centres.

The ATTORNEY GENERAL: In such a case as that cited by Mr. Dooley, and under the exceptional circumstances, he agreed to the proposal applying to centres where there were no other unions available.

Hon. FRANK WILSON: The sub-clause was hardly so definite as the Attorney General had explained. The facts had to be proved to the satisfaction of the president, but the sub-clause did not state that it should apply when no other union was available. It was at the absolute discretion of the president, who might in any portion of the state permit of composite unions. That seemed to be the position which the Attorney General desired to avoid.

The Attorney General: I do.

Hon. FRANK WILSON: There was also a danger of one union embracing all in a drag net style. The Minister was leaving the decision to the president.

The ATTORNEY GENERAL: This was intended for places like Geraldton. The proposal was that the evidence should be placed before the president. Provision was made for chamber applications and he thought this would be one of that description. If it were proved to the president's satisfaction that under the conditions existing in any locality it would be expedient to allow these varied trades or handicrafts to join one union, he might grant it, notwithstanding the general tenor of the measure against it.

Hon. FRANK WILSON: Members, he was afraid, were playing with edged tools. It was inconceivable that in a thriving town like Geraldton it should be impossible to get fifteen members to form a union in a particular industry. He would sooner see the stipulated number reduced to ten or seven so that the industries could be kept distinct. If we had a large number of labourers in a union with say half a dozen plumbers, and fifteen bricklayers, the labourers could force the skilled men into the court at any time, although they might not desire to go.

Mr. Dooley: The skilled men are prepared to take the risk.

Hon. FRANK WILSON: They were not prepared to be outvoted by unskilled workers. It would be much easier to reduce the number.

Mr. Dooley: There are other centres like Carnarvon.

Hon. FRANK WILSON: If that were so the proposal needed more serious consideration.

Mr. Dooley: The object is to secure industrial peace in the outlying centres.

Hon. FRANK WILSON: Industrial strife would result as sure as fate, if we had composite unions with the different sections of workers looking after their own intersets.

Mr. Dooley: You cannot prevent their existence, and if they are not under the court they are a menace.

Hon. FRANK WILSON: The Attorney General ought not to accept the proposal.

The Attorney General: I leave it entirely in the hands of the Committee.

Hon. FRANK WILSON: Some provision ought to be made. What number would suit the hon. member?

Mr. FOLEY: So far from this proposal making the measure cumbersome, it would have quite the opposite effect. Many members on this side of the House had had more experience of composite unions than the leader of the Opposition. The Registrar of Friendly Societies had laid it down, for instance, that a man must be a miner before he could join a miner's union, and to be a miner he must work in, on or around a mine. Once the union was registered only miners were provided for. Those men

at the present time, under the Friendly Societies Act, were debarred from joining the big union; and if so debarred, they were unable to move the arbitration court.

Mr. B. J. STUBBS: The experience of the arbitration court had proved the necessity for a clause such as the one proposed to be inserted. Numbers of unions had been formed lately which in the past it had been found impossible to form into an organisation. The shop assistants had already had their case thrown out of the arbitration court upon a technical objection, and he was in the court on that morning listening to the arguments which involved the very question members were discussing, and it seemed to be getting harder every day to define an industry. This had been brought about because lawyers were taking a far keener interest in the Act than they had done hitherto, as many employers were finding it necessary to get legal advice. A further interesting discussion had taken place in the court that morning on what was an industry, and the president of the court gave it as his opinion that shopkeeping was not an industry. If that was so, it meant that shop assistants had no possible chance of getting an award from the court. When the case was before the court previously Mr. Justice Rooth ruled that shopkeeping was an industry, and for that reason Mr. Justice Burnside would not rule the case out of court. The definition which was given in the Bill would not even be sufficient. With regard to the case of the clerks, there were not many firms in the city who employed a large number, and it meant that the clerks were not able to combine to go to the court, and because of that, they would have no chance of reaping any benefit from the Bill. Efforts had been made to overcome those difficulties as they presented themselves, and he believed there was no way of overcoming them except by giving power to form composite unions. What objection could an employer have to allowing workers to combine, even though they were employed in different industries. A clerk was a clerk, no matter where he was employed. If a clerk got out of work to-day, and could find no employment in the particular industry he had been used to, he would have to secure it in another industry, but according to the ruling of the court, a clerk's union would have no standing. The Bill should be amended to allow of employees in more than one industry combining. Clerks were employed in more than one industry, and to allow them to register, and have the benefits of the measure, it was necessary to permit them to combine. The president of the court complained that we were putting definitions in the Act, and he had declared that if we left the measure without definitions, he would know what to do. The president pointed out that the English Acts did not adopt that system at all. There could be no objection to the amendment going through, even from the employers' point of view, and if it were passed, it would overcome a great many objections that had arisen in connection with arbitration court work.

Mr. Carpenter: It would be very seldom used.

Mr. B. J. Stubbs: That was so. It would be used only where necessary.

Mr. NANSON: It seemed to him that the clause, instead of solving the difficulty would merely pass it on. It would embrace some half dozen occupations, employing, perhaps, on an average three or four men each, and then there must be an award to deal with the different occupations. If we took hairdressers, barmen, drapery employees, and blacksmiths, and those engaged in two or three other industries, and put them together under one industry, how would it be possible to say that the conditions of all those industries were so identical that there should be the same wages in each one? If there were not to be equal wages running all through, then it became a question of evidence to decide what wages should be given in each one of the separate industries, and the work of the court would be stupendous. It was just as difficult to say in a place like Geraldton what was a fair wage for half a dozen men employed in one particular industry as it

was in a big manufacturing industry to say what was a fair wage for 6,000 men all doing identically the same work. If therefore, a clause of this kind were passed, and the judge of the court felt it his duty to give permission for the formation of the union and to give an award dealing with every class of this particular kind of labour, the work of the court would become so tremendous that it would soon be necessary to have not one arbitration court, but several throughout the State.

Mr. SWAN: The member for Geraldton was to be congratulated on moving the amendment because it strengthened the one weak point in the Bill. The arguments of Opposition members appeared to be rather against the whole principle of arbitration than against this particular amendment. He was one who desired arbitration as the best means of settling industrial strife, but the hon. members who were opposing the clause appeared to be those who were anxious to continue the present industrial unrest, and if that was what they were looking for they were going to get it in the near future. Arbitration was on its last legs if it was to be dealt with from the point of view of the Opposition. If it was possible, as it undoubtedly was, to constitute a court that would be satisfactory to both sides, this Bill gave the means of settling all industrial disputes, the one weakness in it being that which the member for Geraldton sought to remedy. Experience showed that it was necessary to have composite unions. The member for Greenough had referred to the difficulties which the amendment would place the court in, but was it not better for the court to have to meet those difficulties than that industrial trouble should continue and industry become disorganised.

Mr. George: You are making the court an exaggerated wages board.

Mr. SWAN: If the Committee adopted wages boards, they would be adopting what was worst in arbitration. There would be no solution of the industrial troubles by arbitration while those in Opposition continued their present methods. Every endeavour had been made by the Government to enable industrial troubles to be dealt with constitutionally, but the Opposition were trying to thwart the Government's efforts. He repeated that arbitration was on its last legs, and if this measure failed to deal successfully with industrial strife, the employing class would have to suffer. The amendment would make the Bill an absolutely satisfactory measure for solving industrial dispute if the employing class were prepared to submit their disputes to a fair and impartial tribunal; if not they would have to get back to the old method of settling these disputes by brute force, and he hoped they would enjoy it.

Mr. GEORGE: The member for North Perth had given to the Committee a clean and naked exposition of how things were from his point of view—that if this Bill failed to pass the State was to be prepared for what was practically civil war. How could the hon. member pretend that he and his friends, including the Attorney General, were making a complete attempt to deal with industrial strife when they could not command the people for whom they were legislating? It appeared that the Australian Labour Federation on the Goldfields could not find language sufficiently strong to apply to the Attorney General, and yet that hon. gentleman had been absolutely honest in his endeavour to bring forward a measure which would be considered fair to all parties.

Mr. Bolton: Yet you are stone-walling.

Mr. GEORGE: The Opposition were not stone-walling the Bill. Notwithstanding the Attorney General's desire, it was doubtful whether he with all his knowledge and the assistance he could get from Government members, would be able to frame a Bill which would be satisactory even to those for whom the Government were legislating.

Mr. Swan: Leave us to deal with them.

Mr. GEORGE: The fact of the hon. member being returned to the House did not take from him the obligation to do what was fair to all sides although he might represent only one particular section. The member for Subiaco had referred to Mr. Justice Burnside. His

Honour had frequently expressed his opinion in regard to arbitration, and in several cases his complaint had been that the Legislature had not made its meaning clear in the Act.

The Premier: I have heard him say otherwise.

Mr. GEORGE: The member for Subiaco had stated that Mr. Justice Burnside had only yesterday delivered himself of the opinion that even the definition in this Bill would not cover every form of dispute, and, seeing that at this early stage it was possible for His Honour to express that opinion, the Legislature would be far more likely to come to a satisfactory conclusion if the judge could be asked to meet members in conference and let them know what his views were. If there was one man in the State who should understand what was necessary in the framing of a Bill to meet the different industrial troubles he was Mr. Justice Burnside, and if at this early stage he could express the opinion reported by the member for Subiaco, surely the committee were not going to get much nearer to the result they desired to attain by passing the Bill in its present form. Even if the amendment were passed the latter part of it from "notwithstanding" to the end should be deleted. The purpose desired by the member for Geraldton would be perfectly served if the proposed new Sub-clause were to stop at the point indicated, because the balance of the amendment was altogether ambiguous, and did not achieve what was in the mover's mind. The member for North Perth in referring to composite unions doubtless had more particularly in mind the Amalgamated Society of Railway Employees. This organisation had been originally started for the guards, porters, fettlers and other men, but into its ranks came tradesmen. Considerable trouble followed when the society wished to deal with the wages of these particular industries, and the unions outside objected to this composite body dealing with this matter.

Mr. Dooley: Do not forget that we had a majority in the union of that class of labour.

Mr. GEORGE: In places such as Geraldton or Bunbury there were all sorts of skilled trades in operation, but there were not sufficient men in each trade to form separate unions.

Sitting suspended from 6·15 to 7·30 p.m.

Mr. GEORGE: The subclause should stop at the word "Act," and the balance be omitted. The latter portion was not at all clear. If his suggestion were adopted the object of the mover of the amendment would be achieved.

Hon. J. MITCHELL: The desire of the mover of the amendment seemed to be to enable bricklayers for instance, if they numbered fewer than 15, to get to the court. That was desirable. Then the proposed subclause should be altered to authorise the registrar to give permission for fewer than 15 men to be registered as a union if it were impossible to get that number in the district. That would do justice to the workers where they were few in number.

Mr. B. J. Stubbs: That would not overcome the position with regard to shop assistants and clerks.

Hon. J. MITCHELL: Their inclusion was not being dealt with at present.

The Attorney General: The Bill provides for them.

Hon. J. MITCHELL: Yes; but they should form a union by themselves.

Mr. Dooley: What do you think a fair number, three or four?

Hon. J. MITCHELL: What number it should be he was not prepared to say. It would simplify the matter if the proposal were withdrawn and left with the Attorney General to frame a subclause to meet the case.

Mr. FOLEY: The Attorney General ought to accept the amendment. There might be one industry in a certain district embracing a majority of the men and keeping the town going. In the case of a miners' union the court would have no power to provide for a carpenter who happened to be working on a mine. The subclause, however, would make that clear, and not only would unattached workers be served, but many who were

deprived from coming under the scope of the arbitration court.

Mr. SWAN: Members of the Opposition seemed to have lost sight of the fact that the first word of the subclause was "if," and their arguments seemed to infer a want of confidence in the court. Either we had to find a solution of the difficulty or allow employers and employees to go ahead as before. If we threw arbitration overboard, he had no fear for the workers, but a bad state of affairs might exist meanwhile. Mr. George had said that the union appeared to be unable to control the workmen. They had never had machinery in an Arbitration Act yet wherewith to control either workers or employers. The Bill, however, made provision to control them. We should have a reasonable measure of arbitration or none at all. He would stand by the heavy penalties, both for the worker and the employer, and insist that both parties must abide by arbitration, so long as we gave them a fair measure of it. In the past it had been unsatisfactory from the standpoint of both parties. He was out to give arbitration a fair trial, and unless those who were considering the welfare of the employers were prepared to give the Bill fair consideration and fair passage they could make up their minds that the employees were not going to have any more hybrid arbitration, such as they had had in the past. If the parties did not abide by the provisions of the measure, he would say, put them in gaol.

Mr. George: You have not gaols enough to do so.

Mr. SWAN: The Bill placed great powers in the hands of the court, and he was satisfied to give the court that power. The Bill would not be wrecked in that Chamber, and although the other House represented the capitalists and the voice of the employer was heard nine times against once on behalf of the employee, he hoped that House also would give the Bill fair passage so that arbitration would receive a fair trial.

Mr. GEORGE: Probably a majority of the people in the State were satisfied that to do away with arbitration was neither desirable nor possible. With a Bill going through Parliament, however, the views of the Opposition should be heard. Mr. Swan and his friends were not more in earnest than members on the Opposition side. Arbitration could not exist unless the Bill were absolutely fair and just to both sides, and unless the provisions of the measure could be carried out.

Mr. MUNSIE: The leader of the Opposition said that we might as well have composite unions. Personally he believed for the benefit of the welfare and peaceful carrying on of the industries it would be a good thing if we did have them. The principal congestion of the Arbitration Court in the past had been due to the fact that there were too many unions and too many citations to the court. If a majority of the workers desired to join one great composite union there would be fewer cases before the court, and greater satisfaction would result to all sides. The member for North Perth pointed out that the proposed subclause started off with "if," and the clause only went so far as to trust the president of the court. We knew that there were hundreds of employees who could not under existing circumstances join a union unless they joined one which might be many miles away from where they were. We should not debar those men from having the right to approach the arbitration court.

Hon. FRANK WILSON: It was agreed that everyone should have access to the Arbitration Court as easily as possible. At the same time it was thought advisable that different industries should be represented specifically. The position was that if they were going to have a union consisting of, say, 1,000 members, and 750 belonged to one industry, perhaps of ordinary labourers, and the other 250 belonged to half a dozen different industries, and they were all skilled, the latter were going to be dominated by the majority. It would be better to reduce the number of workers that would form a union because better satisfaction and better results would follow.

Mr. Swan: What about congestion.

Hon. FRANK WILSON: We could get over that by having more courts if necessary. There would never be satisfactory awards given if we allowed a minority in a union to be coerced into certain action by the majority which represented some other industry than that which was being brought before the court. It was his intention to propose an amendment to the subclause moved by the member for Geraldton, and it would provide that a society could be lawfully registered as an industrial union, notwithstanding that its members might number less than 15. That would not be a lack of confidence in any president. If it was expedient he would allow one man to form a union. As he said on the second reading, he would like to see the court open to any number of workers and any individual employer. If we were giving the court absolute power over our industries that court should be as free to approach as the police court. We had every confidence in the president to say in his opinion it was warrantable for a lower number than 15 to be able to approach the court.

Mr. Bolton: That would be a splendid opportunity for one of your single blackleg friends to form a union of his own.

The CHAIRMAN: Order.

Hon. FRANK WILSON: What was the hon. member talking about? He had no friends who were blacklegs, unless it was the hon. members opposite. His desire was to see every individual able to maintain his own rights and decide his own action, and if he wished to approach the court, even if the number of men employed in the industry in a particular locality was below 15, he would give that man power to go to the court. He moved an amendment to the proposed subclause—

That all the words after "expedient" in line 4 be struck out and the following words inserted:—"That a society may be lawfully registered as an industrial union under this Act, notwithstanding that its members may number less than 15."

That would seem to fill the Bill if hon. members were sincere in making the court accessible.

The ATTORNEY GENERAL: The subclause as it was originally proposed would be preferable to the amendment moved by the hon. member. He had tried to listen for the purpose of gleaning some reason for the strenuous opposition the subclause had received, and he could find that no logical argument whatever had been advanced for the rejection of the clause. It was proposed to make provision for isolated cases, and to make the judge responsible for granting the innovation. The purpose of it was to allow the unions existing worth being called by the name of unions. He could well undertsand the attitude taken by the leader of the Opposition, because if it were possible to split up every union of 100 members into 10 or 20 separate unions the validity of unionism would entirely disappear. It was in the multitude that there was safety, in the multitude there was strength, and the object of the Opposition seemed to be to make small, and, therefore, a lot of helpless unions instead of large and powerful union. The member for Greenough tried to build an argument on the supposition that there might be a dozen different specific trades combined in one union, and that when the judge came to deliver an award on a dispute remitted to the court, he would have to settle six or seven or a dozen different sets of claims from the bodies constituting that union. That was purely an imaginary case. Supposing a composite union of this kind had in it six different bodies of workers, each separate and distinct, and one of those bodies suffered some inconvenience or some wrong from the employers represented by the workers in that body. The question was how were they going to get their differences settled; the answer was by reference to the court. But there were five bodies of workers without any trouble, and only one with a trouble; what question would they put to the court? They had that one trouble and the court would have no more to do than to take evidence on that one trouble. To talk about the Court having

to go into the merits, relationships, difficulties and troubles of all the others was entirely beside the question and imaginary, because that would never occur. Then came the other argument, that when the matter of referring a dispute to the court was being considered the majority might over-rule the minority. Was there any danger in the fact that when a union, having 750 members of one trade and 250 of other trades, was considering the question of referring a dispute to the court, the 750 would have the voting power? What would they vote upon? As to whether the court should hear the merits of the dispute. In that all unions were at one; if there were a genuine grievance, let the matter be referred to the court.

Hon. Frank Wilson: But let the men who are interested refer the case.

The ATTORNEY GENERAL: Every member of the community, whether a member of the union or not, was interested in the settlement of these disputes; therefore, there was no danger but rather safety, because what a few might do the majority might correct. If it were mere foolhardiness or folly, a few might be guilty, but if a larger number had the opportunity to vote the larger number would give a calm and commonsense decision. What the amendment provided was to permit the judge to hear evidence as to whether it was justifiable for such a union to exist, and if he decided in the affirmative then that union could refer to the court for settlement of the disputes of any section. Surely it was to the advantage of all that a union of that kind should act as agent for each section, not in promoting strife, but in the settlement of strife by the properly constituted tribunal. Therefore the Committee should vote against the amendment of the leader of the Opposition, and vote for the amendment of the member for Geraldton.

Mr. SWAN: It was absurd for the leader of the Opposition to urge that a smaller number of workers down to 15, or even three or four should be allowed to form a union. The hon. member must know that there was a certain amount of expense in approaching the court, and how was a union of three or four men to find the money to approach the court? The arguments of the leader of the Opposition were merely quibbles to enable him to build up a case against arbitration. The whole of that gentleman's arguments had been against the court, because all the Bill proposed to do was to place in the hands of that tribunal the very greatest power.

Amendment (Hon. Frank Wilson's) on amendment, put, and a division taken with the folowing result: —

Ayes	14
Noes	25
Majority against ..	11

AYES.

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

NOES.

Mr. Bath	Mr. Lewis
Mr. Bolton	Mr. McDonald
Mr. Carpenter	Mr. McDowall
Mr. Dooley	Mr. Mullany
Mr. Dwyer	Mr. Munsie
Mr. Foley	Mr. O'Loghlen
Mr. Gardiner	Mr. B. J. Stubbs
Mr. Gill	Mr. Swan
Mr. Green	Mr. Taylor
Mr. Hudson	Mr. Walker
Mr. Johnson	Mr. A. A. Wilson
Mr. Johnston	Mr. Underwood
Mr. Lander	(*Teller*).

Amendment thus negatived.

Amendment (Mr. Dooley's) put and passed.

Clause as amended agreed to.

Clause 7—Resolution and rules to be passed before application made for registration:

Mr. FOLEY: If the Attorney General would give his assurance that the clause affected the purpose which the amendment on the notice paper aimed at there would be no necessity to move it.

The ATTORNEY GENERAL: The object of the amendment was to make it perfectly clear that the use of the word "members" covered only those who were present at the meeting, and was not in-

tended to include a majority of all members on the roll. The clause as it stood effected all that the amendment aimed at. It provided that at the special meeting the majority should be of those present in person.

Mr. George: Whether they be few or many.

The ATTORNEY GENERAL: That was so. The object was to prevent others who were not present at the meeting being included in the majority.

Mr. Foley: I will not move the amendment.

Mr. GREEN: There seemed to be a shade of doubt because the sense of the subclause could be altered by the way it was read.

The ATTORNEY GENERAL: There was no possible shade of doubt as to its meaning.

Mr. GEORGE: The number present at a meeting should bear some ratio to the membership of a society. If a union numbered 150 and there were 15 present at the meeting it might mean that the decision of eight members would bind the society.

Mr. NANSON: As there was ambiguity in the subclause, he suggested it should be altered to read, "Before any society makes application to be registered, a resolution authorising the application must be passed at a general meeting of the society by a majority of persons, who, being members of the society, are present at such meeting."

The Attorney General: That is what the subclause says.

Hon. FRANK WILSON moved an amendment—

That the following be added to Subclause 2:—by notice specifying the object of the meeting served on each member or posted to him in a letter addressed to him at his last known or usual place of abode.

Notice should be given so that when a very important resolution was to be carried it should not be carried by a small number of members.

The ATTORNEY GENERAL: There was no need to waste words over the amendment. No obstacle should be put in the way of getting a resolution passed to have a society registered. It did not matter how notice was given so long as the agency of calling the meeting was sufficient to enable every member to become acquainted with the fact that the meeting was to be held; but if we laid down a cumbersome process, such as the amendment suggested, it would be putting difficulties in the way of registration. Half the difficulties in the law courts were over such matters as this; whether meetings had been properly called or whether parties had got proper notice and so forth.

Mr. MUNSIE: One union was formed by a notification in the Press, and 17 persons attended the meeting and decided at once to apply for registration. As a matter of fact there were no unions in existence in Western Australia more than 24 hours before they applied for registration. How then could the members of those unions be notified as the amendment suggested?

Amendment put and negatived.

Hon. J. MITCHELL: Would it not be well to provide a limitation to the entrance fee that could be charged by a union? With preference to unionists it must be made an easy matter to join a union, because it would be a simple process for a union to set up a prohibitive entrance fee.

The Attorney General: What fee would you suggest?

Hon. J. MITCHELL: Half-a-crown. It was important to protect every worker in this regard as far as possible. It was impossible for a man to become a member of the lumpers' union unless he paid his entrance fee. We should provide that the entrance fee should not be excessive. We should also provide that a man should not be expelled from a union without reasonable cause. In his own electorate two men had been expelled from a union because in a municipal election they had voted against the selected labour candidate.

Mr. Munsie: That statement is incorrect.

Hon. J. MITCHELL: The statement was quite correct. So recently as yesterday he had been talking to one of the two men referred to.

Mr. Munsie: I happen to be one of those appointed to hear the appeal.

Mr. J. MITCHELL: There was no doubt about it, the men had been expelled. It was an important point, because a man expelled from a union for political reasons would not be able to get work in the district. It was understood these unions had what was really a black list, although called a green list, consisting of the names of men marked for fancied offences. Were these men to be subject to the will of other men who drew up the rules of the unions! The wharf labourers' union at Fremantle had excluded applicants by making the entrance fee prohibitive. The Attorney General should provide that no man could be excluded from a union who was rightfully entitled to be a member of that union and, further, that no man should be expelled from a union merely for the reason that he voted as he pleased.

The ATTORNEY GENERAL: It was a great pity that hon. members did not read the Bill before criticising it. Clause 26 fully covered the points raised by the hon. member. Paragraph (c) of Subclause 2 read—

> If it appears to the president on the application in the prescribed manner of any industrial union or person interested, or of the registrar—(c) That the rules of an industrial union or their administration do not or does not provide reasonable facilities for the admission of new members or impose or imposes unreasonable conditions upon the continuance of their membership, or are or is in any way oppressive, the president may order the registration of the union to be cancelled, and thereupon it shall be cancelled accordingly.

Hon. J. MITCHELL: How was an individual who was refused admission to a union to get to the president?

The Attorney General: But the registrar must pass the rules.

Hon. J. MITCHELL: Under the Bill free workers were not permitted to approach the court.

The Attorney General: Any person could draw the attention of the registrar or of the president to injustice done in the administration of the rules.

Hon. J. MITCHELL: A limit should be placed on the opportunity of unions to charge an excessive entrance fee. It was to be hoped the Attorney General would provide for all details of membership.

Mr. O'Loghlen: And would you subsequently apply the rules to the medical profession or the Barristers' Board?

Hon. J. MITCHELL: There was no analogy between the several bodies.

Mr. LANDER: There was no occasion for additions to the clause. It mattered not what the union fee might be, if a member were on the rocks the union would take deferred payment. If, on the other hand, an applicant for admission was what was known as two ends of a cur it was not to be expected that the union would admit him. Sometimes the unions had recourse to a prohibitive entrance fee in order to prevent the inclusion of certain undesirables.

Hon. FRANK WILSON: Paragraph (b) of Subclause 4 seemed to have been drawn in the interests of peace. It provided that no part of the funds of a union should be applied to aid or assist strikes in this State. But why limit its operation to this State alone? Why not strike out all reference to this State?

The Attorney General: We are not legislating for the other States. In any case the Federal Act would cover the other States.

Hon. FRANK WILSON: But if a union were to send assistance to a strike fund in Victoria, surely it should be prosecuted, just as if it had used its funds in Western Australia. The Attorney General might agree to have the words "in this State" struck out. We could then get at the men on the spot.

The ATTORNEY GENERAL: The hon. member must know that every State and country in the world had not an Arbitration Act such as we intended this to be. There were places where they had no protection and where still the only weapon available was that of force. To say unions here should not assist a wronged body of people fighting for their rights, who had no law such as this to protect them, would be the grossest act of tyranny. It was quite sufficient to legislate for this

State and provide a good example so that other parts too might, by similar Acts, prevent assistance from being given to strikers elsewhere.

Mr. FOLEY: The leader of the Opposition had opened up a very serious question which would cause a lot of trouble. If Western Australia legislated for itself that was sufficient. We were concerned with the business in Western Australia and so long as there was an agent for it he should have access to the court. If this State wanted to dictate to the Commonwealth it would be taking upon itself a big burden.

Hon. FRANK WILSON: This matter concerned our citizens. He had no wish to interfere with the functions of any other State. If a citizen could be penalised for breaking the laws in Western Australia they could surely penalise him for breaking a law which prohibited him, while in Western Australia, from doing something beyond the boundaries of the State.

Mr. Green: Surely you do not expect that to be carried.

Hon. FRANK WILSON: Why?

Mr. Green: Because it is most unreasonable.

Hon. FRANK WILSON: We had plenty of arbitration courts and wages boards throughout Australia and New Zealand and was it not as great an offence to utilise funds to maintain strikes or lock-outs in other parts of Australia as in this State?

The Attorney General: The measure does not apply in the other States.

Hon. FRANK WILSON: But striking was illegal in the other States. He moved an amendment—

That the words "in this State" in paragraph (b) of Subclause 4 be struck out.

Amendment negatived.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Registration of society:

Mr. FOLEY: The clause did not go so far as the old Act, and he moved—

That the following proviso be added:—"Provided that the registrar shall at least 14 days before the registration as an industrial union of any society or body formed in connection with any industry give the prescribed notice of his intention to effect such registration to every industrial union formed and registered in connection with the same industry, and any industrial union receiving any such notice may make such representations to the registrar as it deems advisable in relation to the proposed registration of such society or body."

That was one of the safeguards to protect the unions. The existing unions should be informed of the advent of new unions, so that they might have the right of objecting and giving the reasons why the new society should not be registered. This would do away with many technicalities in connection with the registration of new unions.

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

Clauses 10, 11—agreed to.

Clause 12—Powers and liabilities of industrial unions:

Mr. WISDOM: Subclause 3 provided that the service of any process might be effected by being left at the registered office, not being a branch office. Further on in Sub-clause 4 of Clause 13 it was provided that "trade union" included a branch of a trade union and of any society in the nature of a trade union duly registered under the law of any part of the King's dominions outside the State. Would that then be a branch office? The danger seemed to be that it would be necessary to serve that notice on the chairman and the secretary at the head office, which might be outside the State.

The ATTORNEY GENERAL: The clause dealt purely with the matter of service. It said that service should be at the registered office, not the branch office of any union. We had to make sure that it went to the registered office.

Mr. GEORGE: Putting together the two sub-clauses which the member for Claremont had referred to, one came to the conclusion that service of process would have to be at the head office of the union which might be in a part of the King's dominions outside the State.

Clause put and passed.

Clause 13—Registration under the Act of trade unions:

Mr. WISDOM: The point which he had raised on the previous clause was not yet clear to him. If in the case of a union which had its headquarters outside the State, would service on the branch be sufficient service?

The ATTORNEY GENERAL: Clause 12 dealt with industrial unions. Clause 13 validated not industrial unions, but trades unions. There were trades unions now existing, and some of these trades unions were inter-State trades unions and some were international. That was to say, that they had their headquarters in Africa or England. What the clause did was to make valid the existence of those bodies and enable them to bring themselves into line with industrial unions, and that we might not exclude those which had branches in other States, we said that for the purpose of this section and this section alone, trades unions included branches of trades unions duly registered under the law of any part of the King's dominions outside the State.

Mr. GEORGE: How was it possible to legislate for a union outside our borders?

The ATTORNEY GENERAL: The hon. member knew that that was absolute nonsense. We legislated only for those unions in the State.

Mr. WISDOM: What he was arguing about was merely the question of the service of process of industrial unions. In sub-clause 3 of Clause 12 a branch office was excepted, and according to the sub-clause under discussion there might be a branch office in the State of an industrial union which had its headquarters outside of the State. What he wanted to know was whether under these circumstances, a notice would have to be served on the head office of that union which was outside the State, or whether it would be valid to serve the notice on the branch of the union which was in the State?

The ATTORNEY GENERAL: Those with headquarters elsewhere would have branches here and it was only the branch which could be registered, and when it was registered the registered office would accept service.

Clause put and passed.

Clauses 14, 15—agreed to.

Clause 16—Company authorised to join society or industrial union or to enter into industrial agreement:

Mr. WISDOM: It might be pointed out that there was a proviso in the clause "that every member of such company in the State shall be deemed to be a member of any society or union or a party to any agreement of or to which the company is a member or party." Did that mean that every shareholder in the company would be personally liable for any award of the court to an amount over the uncalled value of the shares? If that were the case it would conflict with the provisions of the Limited Liability Act.

The ATTORNEY GENERAL: If any member of the company through its manager or responsible officers made a breach of the Act, and incurred its penalties, then just in the same way as every member of a union was liable for a payment of the penalty, so every member of the company in Western Australia was liable.

Mr. George: But you limit the liability of the worker.

The ATTORNEY GENERAL: The Bill pretty well limited that of the employer also.

Mr. Wisdom: Then the protection of the shareholders under the limited liability provisions of the Companies Act will be overridden.

The ATTORNEY GENERAL: If a company did any wrong at all did the hon. member mean to say that the payment of damages should depend on the capital of the company? Those doing the tort and flouting the law would be liable, and no terms of their contract covered the liability for that tort.

Hon. FRANK WILSON: How could the shareholder of a limited liability company, who might be hundreds of miles away, commit a breach of the Act and flout the law? Shareholders might put their money into a company because they had the protection of the

limited liability provisions of the Companies Act, and if the company, through its manager or executive officer entered into a bad bargain or agreement and brought the affairs of the company to bankruptcy the liability ended with the shareholders losing their capital; but if the manager flouted the provisions of this measure, and involved the company in a penalty, should not the liability end with the assets of the company in this case also, instead of going further and making the individual shareholders personally liable?

Mr. O'Loghlen: You are making the members of the union liable.

Hon. FRANK WILSON: A member of a union had a vote on the question and was consulted.

The Attorney General: So does the shareholder.

Hon. FRANK WILSON: The shareholder had no say in it at all; it was only the manager or the principal executive officer who had a say, and yet the individual shareholders were to be made individually liable, even beyond the assets of the company.

The Attorney General: Do you think the manager would register without the consent of the shareholders?

Hon. FRANK WILSON: Certainly the directors would because the shareholders could not always be reached. Surely if the assets of the company were made liable it was not necessary to go further and seek out individual shareholders. The liability was limited in the case of a union, but the individual shareholder could be sued for the recovery of the whole of the penalties which might be imposed on his company through the neglect of the manager.

The Attorney General: Only when he is a law breaker.

Hon. FRANK WILSON: The shareholder was only a law breaker through his manager; the whole of the assets of the company were liable for the act of the manager, therefore why go further and sue the individual shareholder who already had the protection of the Companies Act to limit his liability?

The Attorney General: Had we not better discuss the matter on the clauses dealing with penalties?

Hon. FRANK WILSON: But this clause made every individual shareholder a member of the society or union and a party to the agreement, and, therefore, individually liable; that portion of the clause should be struck out.

The Minister for Lands: Such an amendment would relieve the company.

Hon. FRANK WILSON: There was no desire to relieve the company.

Mr. Dwyer: You want to relieve the individual shareholder, and why should you do that?

Hon. FRANK WILSON: Why should the individual shareholder be responsible for ordinary trade debts?

The Attorney General: Why should an individual member of a union be responsible, if he has no cash?

Hon. FRANK WILSON: But every shareholder in a company had his cash in the concern. The hon. member for Perth should do away with the limited liability provisions altogether, because the object of that portion of the Companies Act was to ensure that if persons had invested their money in a concern they should not be responsible beyond the amount of the money they had put into it. The Bill limited the liability of members of unions to £10, because perhaps they had not put the money into the union to satisfy the verdict of the court, but the shareholders had put their money into the company. Let hon. members consider the case of a widow who invested her money in a limited liability company, expecting not to be liable for more than the amount she had invested, but by the provisions of this Bill, if a verdict were given against the company, she could be sued individually for the whole liability. He moved an amendment—

That all the words after "agreement" in line 7 be struck out.

Mr. CARPENTER: The hon. member with his time-honoured solicitude for the poor widowed shareholder made one suspicious.

Hon. Frank Wilson: You are always suspicious. I know your breed.

The CHAIRMAN: Order!

Mr. CARPENTER: To anything put forward in a straightforward manner one always liked to give credence, but the hon. member was trying to get some special consideration for company shareholders, whereas the member of a union was just as liable for what the union did as the individual shareholder of a company for what the company did. The individual member of a union might be in the Eastern States when the meeting was held to register and take on liability under the Act and might be away when an offence was committed, yet his liability continued. The same thing should apply exactly to the shareholder of a company. True there was a limitation of £10 on the liability of a member of a union, but that was a more serious thing to the individual unionist than larger sums to shareholders of companies. There was no attempt made by the Bill to put a special disability upon shareholders of a company. It was simply putting on shareholders of a company the same liability as rested on the individual members of unions.

The ATTORNEY GENERAL: The clause simply provided that if a company decided to be a party to an agreement every member of the company was to be a party to that agreement.

Mr. Nanson: And therefore liable to the penalties.

The ATTORNEY GENERAL: If they voluntarily desired to be registered or, as part of a society, were voluntarily party to an agreement, they would take all the liabilites of a breach of that agreement and every member of the company must stand to the terms of the agreement. We could not bind one member of a company; we must bind all its members, and when it came to penalties relating to breaches of agreements, surely whoever committed a breach should be held responsible.

Mr. NANSON: A shareholder of a limited liability company would be made liable for more than the Companies Act made him liable to pay to the company. The members of the Opposition had no desire to limit the liability of a company with regard to its capital, but when the whole of the capital of the company was gone we were not entitled, under the Companies Act, to go further and make a shareholder responsible for finding further money for an offence against the Arbitration Act. We could not deprive a shareholder of the protection given by the Companies Act. If members wished to get the measure through in a good workable form they should not seek to trench on the existing law regulating limited liability companies as they wished to do.

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

Ayes	14
Noes	25
Majority against ..	11

AYES.

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

NOES.

Mr. Bath	Mr. McDonald
Mr. Bolton	Mr. McDowall
Mr. Carpenter	Mr. Mullany
Mr. Dooley	Mr. Munsie
Mr. Dwyer	Mr. O'Loghlen
Mr. Foley	Mr. Scaddan
Mr. Gardiner	Mr. B. J. Stubbs
Mr. Gill	Mr. Swan
Mr. Green	Mr. Taylor
Mr. Hudson	Mr. Walker
Mr. Johnson	Mr. A. A. Wilson
Mr. Lander.	Mr. Underwood
Mr. Lewis	(*Teller*).

Amendment thus negatived.

Clause put and passed.

Clause 17—Unions not to be registered under similar names:

Mr. GEORGE: While it was undesirable that there should be two unions registered under names that might conflict, at the same time it was desirable that members of the one union should not be forced to join another. If there should be a number of tradesmen who did not desire to join one particular union, there should be no bar placed in their way of forming a union of their own.

The clause would force men to join one union notwithstanding that they might have good reasons for desiring to refrain from joining that particular union.

Mr. CARPENTER: The question was, would this clause in any way affect the registration of either of two conflicting societies? It was an important point; if one union was to be wiped out and its members compelled to join the other, hon. members should know it.

The ATTORNEY GENERAL: The clause merely said that two societies should not be registered under the one name: that it should not be permissible to register the same name for two societies. There should not be two societies with names so nearly identical as to create confusion.

Mr. GEORGE: There were two societies in existence to-day, namely the Amalgamated Engineers and the Australian Engineers. Would those two societies still be permitted to retain each its individuality?

The ATTORNEY GENERAL: If the individualities of those two societies were distinct, then surely the two societies could find distinctive names. They would not be registered on names so closely identical as to mislead.

Mr. Carpenter: The point is that these societies exist and are registered already.

Clause put and passed.

Clause 18—Powers to refuse the registration in certain cases:

Mr. B. J. STUBBS: On comparing this clause with the section in the existing Act, it was found that the words "unless in all the circumstances he thinks it undesirable so to do" had been added to the clause. The clause would be greatly improved and would work better if these words were struck out. There was no reason why any discretionary powers should be given in a matter of this kind.

Hon. Frank Wilson: Why have the clause at all?

Mr. B. J. STUBBS: The clause should be retained, for it was a sound policy to have only one union in each industry. Hon. members opposite always desired to have two unions in each industry, in order that they might be played off, one against the other. The member for Murray-Wellington was a past master at this art and had always practised it while in the position of Commissioner of Railways. He moved an amendment—

That the words "unless in all the circumstances he thinks it undesirable so to do" be struck out.

Mr. GEORGE: As an apprentice to the engineering trade, he had always taken a pride in that trade, and he still took the same pride in it to-day. If working at his trade to-day he would, being an Englishman, join the Amalgamated Engineers. If, on the other hand, he were an Australian born, he would most certainly join the Australian Engineers. Both societies were operating in Western Australia. Why should it be compulsory that members of the Australian Engineers should join the Amalgamated Engineers, or *vice versa*? The desire to have the two unions did not arise out of any inclination to play one against another. It was simply a matter of sentiment or predilection as to which union a man should join. He was quite satisfied that there would be no industrial peace in Australia until every man joined a union. Not until then would people now outside of unions have an opportunity of voicing their views within the sacred precincts of the union. That was what we were trending to. It might be years before it came about, but eventually it would mean that every man must belong to a union. Already we had gone a long way in entrenching upon the liberty of the subject, but surely we should allow a man in his trade to join whatever union if he liked?

Mr. CARPENTER: It was desirable that there should be only one union for each trade or calling if it could be done conveniently. But there were very strong objections on the part of the Australian workmen in some trades to accept the conditions and limitations of the old established English societies. In Australia, the younger generation of men particularly would rather have their union apart from sick benefits than be tied up with the old society which provided those things and restricted the action of its members, particularly in

regard to disputes. Seeing that there were societies starting on an improved footing it would be a mistake to attempt to interfere with the rights of the working men to have purely Australian unions. It was not likely that the registrar would often wish to interfere but it would certainly be better to allow him some option. He hoped the amendment would not be pressed.

The MINISTER FOR LANDS: There were occasions when it was desirable that an officer situated as the registrar would be should have the right to exercise discretion and judgment in a matter of this kind. There was no use gainsaying the fact that unions were composed of men who had the same foibles as other human beings, and there were times when unions could be intolerant, and when it was eminently desirable that the registrar should have the opportunity of deciding between two organisations seeking registration or of using his judgment where one organisation sought to prevent another being registered. The registrar would be in no way mixed up in the difficulties which would arise in the circumstances which would bring this clause into operation, and it was desirable that he should have an opportunity of deciding as to the rival claims. There was a further safeguard provided in the right to appeal to the president. The amendment should not be carried.

Mr. UNDERWOOD: Experience showed that one union was sufficient for one industry in one locality, and if unions were duplicated not only was their strength decreased but it became more difficult to control them. Instead of having one union citing a case there would be two unions doing so. Just for the mere sentiment of allowing some men to belong to a union because it was registered in the country in which they were born, the State was to be put to extra expense and trouble in administering the Act. When men came to Australia to make their home here Australia was their country, and they became Australians, and most of such men were perfectly satisfied to belong to an Australian union. There were only two unions in which this duplication occurred, and they were the carpenters and the engineers. All other tradesmen could muddle along under an Australian union but the carpenters and engineers must have two unions. He hoped the Committee would agree to the amendment.

Mr. DWYER: The question was really as to whether the registrar should have discretionary power or not. Considering all the power which had been invested in him, the Committee might well leave it to him to say when special circumstances arose whether two unions should exist or not. That officer would consider each case on its merits, and if he found no justification for two unions he would not allow two. The members should bear in mind that the clause did not affect old grievances but applied only to the future.

Hon. FRANK WILSON: It was not his intention to vote for the amendment or for the clause, because he did not believe in forcing any body of men into one union. The member for Pilbara, of course, wanted to have a powerful political organisation, but he (Mr. Wilson) did not want that; he wanted all men to have freedom of action and thought in regard to the exercise of the franchise. He objected to the clause because the existing unions had departed from the beliefs they entertained when they were first organised. Instead of confining themselves to the betterment of the conditions of employment and the wages of their members, and acting to a large extent as friendly societies, they now practically confined themselves to fighting political campaigns. The Minister for Lands admitted that the unions were intolerant at times, and they were never so intolerent as when a member refused to vote in the manner they dictated.

Mr. Underwood: How do they know how he votes?

Hon. FRANK WILSON: Had members not often heard certain gentlemen say that they would rather vote for a Chinaman than a Liberal candidate?

The Minister for Lands: That is a matter of metaphor.

Hon. FRANK WILSON: Trades unions should not become political organisations.

Mr. Green: They have arrived.

Hon. FRANK WILSON: Yes, and his object was to try to prevent any body of men from being forced to join them.

Mr. Green: Like Canute trying to sweep back the sea.

Hon. FRANK WILSON: If the trades unions liked to exercise their efforts in the direction of getting political control they were entitled to do so, but they were not entitled to coerce or force anyone outside to join their ranks, or to bring pressure upon them to vote as the unions thought fit. That was the intolerant attitude the unions took up. The supporters of the Government wanted to drive everybody into one big union in order that they might have control over them for all time and that they might have control of the Administration. He believed in the liberty of the subject and he believed that no man should be compelled to bow to the tyranny of the Trades Hall. He would vote against the clause which gave power to the registrar to refuse the registration of a society which might wish to confine itself to industrial matters solely and not mix up with party politics, allowing every member the freedom to vote as he liked.

The MINISTER FOR LANDS: The leader of the Opposition was always talking in a loud voice about the oppressive character of the unions, simply because they had decided to take political action.

Hon. Frank Wilson: They force their members to do so.

The MINISTER FOR LANDS: Absolutely no.

Hon. Frank Wilson: They term them scabs and blacklegs if they do not vote.

The MINISTER FOR LANDS: Anyone joining any organisation must conform to the rules. The basis of membership of a friendly society was conformity to the rules.

Mr. Green: The same with the Liberal League.

The MINISTER FOR LANDS: We had an instance in the East province election where the sitting member, who was afterwards defeated, was taken to task because he had voted for certain measures initiated by the present Government. He was accused of being disloyal to the Liberal party simply because he had voted for certain measures in which he believed. That was the main argument used by his opponent.

Mr. George: No, it was about the Armadale railway.

The MINISTER FOR LANDS: No, he was accused of voting for other measures which were mentioned in detail. The unions prescribed certain rules and if they decided to go beyond mere political action and secure the complement of it by political action, it was done as a result of a vote by a majority of the members.

Hon. Frank Wilson: And the minority are bound by it.

The MINISTER FOR LANDS: So long as members desired to remain in that organisation they had to conform to the rules, the same as the members of any organisation.

Mr. George: Or starve.

The MINISTER FOR LANDS: That was absolute piffle; it was continually stated but never supported by a tittle of evidence. Mr. Underwood had argued the desirability of people having the right to form organisations suited to Australian conditions; at the same time he wanted to impose a condition whereby if registration were secured under other conditions, the first must stand and the other would not be permitted to register. All that was asked was before there was any decision that a society should not be permitted to register, the registrar should have an opportunity to pronounce judgment. That was a reasonable safeguard which should not be struck out of the clause.

Mr. MUNSIE: There was no necessity for any two unions for a specific industry, and he would support the amendment. It would be beneficial if the two unions which had been mentioned were to amalgamate. There had been an illustration on the Eastern goldfields lately of three different unions in the mining industry, and the members had,

on a vote of 90 to one, favoured amalgamation. Under the Bill any society now registered would be registered under the new law and we should not allow any registrar or president the power to say two unions in the one industry should be registered.

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

Ayes	14
Noes	21
Majority against ..	7

AYES.

Mr. Dooley	Mr. Munsie
Mr. Foley	Mr. O'Loghlen
Mr. Gardiner	Mr. B. J. Stubbs
Mr. Gill	Mr. Swan
Mr. Green	Mr. A. A. Wilson
Mr. Lewis	Mr. Underwood
Mr. McDonald	*(Teller).*
Mr. Mullany	

NOES.

Mr. Allen	Mr. Mitchell
Mr. Bath	Mr. Monger
Mr. Broun	Mr. Moore
Mr. Carpenter	Mr. Nanson
Mr. Dwyer	Mr. A. E. Piesse
Mr. George	Mr. A. N. Piesse
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. F. Wilson
Mr. Lefroy	Mr. Wisdom
Mr. Male	Mr. Layman
Mr. McDowall	*(Teller).*

Amendment thus negatived.

Clause put and passed.

Clause 19—Appeal from registrar to president :

Mr. B. J. STUBBS : Power should be given to appeal from the action of the registrar in registering another union.

The ATTORNEY GENERAL : Societies were entitled to forward their reasons to the registrar for disagreeing with another society's registration and the registrar was to give his decision, from which there was an appeal.

Mr. B. J. STUBBS moved an amendment—

That after "union" in line 3 the words "or in registering any other industrial union" be inserted.

The ATTORNEY GENERAL : In consequence of what had already been admitted in regard to notices this amendment could be accepted.

Amendment passed, the clause as amended agreed to.

Clauses 20 and 21—agreed to.

Clause 22—Industrial unions to send yearly list of members and officers to registrar :

Mr. GEORGE : How was the penalty to be recovered ?

The ATTORNEY GENERAL : Under the provisions of the Local Courts Act.

Clause put and passed.

Clause 23—Registration of trustees and treasurers of unions :

Mr. GEORGE : There was nothing said about who was to sign the notices of removal.

The ATTORNEY GENERAL : It was not necessary. The resolutions would be signed in the ordinary way in accordance with the rules of the society, that is to say, by the proper officers, the chairmen and secretaries.

Mr. CARPENTER : Some unions held monthly meetings, but the notices had to be forwarded to the registrar within 14 days. By some oversight the notices might not be sent along in time, yet there was a heavy penalty of £5 on a union for, perhaps, someone's personal neglect. We should reduce the penalty or extend the period.

The ATTORNEY GENERAL : The penalty was only the maximum, and it was an important offence. Of course, if it was mere oversight, on representations to that effect the penalty would not be £5 ; but if it was deliberate suppression to escape liability and responsibility the penalty of £5 would not be too much.

Mr. CARPENTER : There were complaints that we were penalising the unions too much and there should be no desire to do that unnecessarily or give it the appearance that that was being done. There was no desire on his part to protect any union which broke the law, but he could not conceive of any reason why any union would wilfully refuse to supply this information. The period should be extended from 14 days to 30, and with that object in view he moved an amendment—

That in line 4 the word "fourteen" be struck out with the view of inserting another word.

The Attorney General: I will accept that.

Mr. MUNSIE: The clause provided that a copy of every resolution appointing or removing a treasurer or trustee signed in the case of a resolution appointing a treasurer or trustee by the treasurer or trustee so appointed, and by the secretary of the union, shall, within 14 days be sent by the secretary to the registrar. Did that apply in cases of an association of unions?

The Attorney General: Yes.

Mr. MUNSIE: In that case it was his intention to support the amendment and as a matter of fact he thought that the proposal to extend the period to 30 days was not enough. If it were applied to trades unions where members would be electing their members or trustees from among the members of that trades union, 30 days would be sufficient, but in the case of an industrial association he had known where that association had been particularly anxious to get the signatures of the three trustees appointed under the present Miners' Federation, and it took seven weeks to do so.

Mr. GEORGE: The Attorney General had informed the Committee that where a bona fide excuse could be put forward the penalty would not be inflicted.

Mr. MUNSIE: It would be an injustice to inflict any penalty under the conditions which he had explained.

Amendment put and passed.

Mr. MUNSIE moved a further amendment—

That the word "sixty" be inserted.

Amendment passed; the clause as amended agreed to.

Clauses 24 to 29—agreed to.

Clause 30—Saving of right to transfer shares in company:

Hon. FRANK WILSON: It was his intention in the clause to move an amendment to strike out the words, "but no such transfer shall relieve the transferror from any liability incurred by him under this Act up to the date of such transfer."

Progress reported.

House adjourned at 10·49 p.m.

Legislative Assembly,

Tuesday, 20th August, 1912.

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

PAPERS PRESENTED.

By the Premier: 1, Plans showing land resumed at West Perth for proposed public markets, cold storage, and refrigerating works (asked for by Hon. Frank Wilson). 2, Papers *re* claim of W. J. Pascoe for deferred rent during service as warder (ordered on motion by Mr. Carpenter).

ASSENT TO BILLS.

Messages received notifying assent to the following Bills:—

1, Excess (1910-11).

2, Nedlands Park Tramways Amendment.

3, North Fremantle Municipal Tramways Amendment.

QUESTION—STATE HOTELS FOR MERREDIN AND KELLERBERRIN.

Mr. GREEN asked the Premier: 1, Are the Government aware of the monopoly that exists in the liquor trade at the towns of Merredin and Kellerberrin, as there is only one hotel at each of these towns, and the present Licensing Act does not permit of further publicans'