

to know that we shall be able to part in harmony and peace, and I think the country will recognise that Parliament has done its duty during the session. Whatever views the people outside may have about Parliament, we in the House who have to do the work know how strenuous the life is. Therefore, after having sat for nearly six months I think we have justly earned our holiday. I wish you, Mr. Speaker, and all the members of the House, the compliments of the season, and trust you will all enjoy the best of health.

Mr. CARMICHAEL (Leichhardt) [10.9]: Might I claim the indulgence of this House for a moment to refer to a matter of urgent public importance? This week I referred the Premier to many misstatements made in the Indian press with regard to immigration, and he said that if I could bring him any specific case of misleading statements being made he would have them inquired into. I wish before the House rises to bring before the Acting-Premier a paragraph in *The Englishman*, a Calcutta paper, the latest to hand, of 22nd November, in which, amongst a number of other misstatements with which I do not intend to trouble the House now, Captain Holden, an agent for the Immigration League, states:

All civil immigrants are required to pay their own passages, but will receive a rebate from the Government—the states Government—in the shape of a grant amounting to £6 per adult and £3 per child payable after their occupation has been taken up in Australia.

That is a serious misstatement. It is one of a series. It is backed up by a leading article in the same paper very forcibly urging all people in India to make Australia their home under this rebate. I ask the Acting-Premier, in accordance with the promise of the Premier, to have this misstatement contradicted in the Indian press. I wish to refer to another matter, which is personal. In the press of to-day I am reported as having stated in reply to the Premier, who said that I had no kindly feeling towards the unfortunate people that were being squeezed out of work and the women and children in Leichhardt, “the Premier is a liar,” and to have repeated it. I say that the words I used—and I think the Chairman of Committees will bear me out—were these, that “the Premier lies under a misappre-

hension,” and I repeated these words to the Chairman of Committees. I think it right to make that contradiction, because I do not think I have ever applied that term to the Premier, and I do not think I am likely to do so.

Mr. O’SULLIVAN (Belmore) [10.12]: I merely wish to join in the felicitations of the Acting-Premier on behalf of the progressive party. Although I belong to the labour party, I have not yet been indorsed. Until they indorse me I remain a member of the progressive party. Therefore, I join with the Acting-Premier in his felicitations at Christmas time. We are all with him. We think just as kindly of him as he thinks of us, and I hope that this kindly feeling will prevail in Parliament at all times.

Dr. ARTHUR (Middle Harbour) [10.13]: With regard to the statement of of the hon. member for Leichhardt, before he makes such a statement he should consult the Government regulations upon the matter. He will find that the statement he has referred to is absolutely accurate. The statement will be found in the Government regulation with regard to the immigration of persons coming from other countries than the British Isles that they will, if they embark upon work on the land, after a certain fixed time receive a refund of £6 on their fares.

Question resolved in the affirmative.

House adjourned at 10.14 p.m.

Legislative Council.

Friday, 17 December, 1909.

Appropriation Bill—Aborigines Protection Bill—Suspension of Standing Orders—Industrial Disputes Act (Amendment) Bill—Prevention of Railway Collisions.

The PRESIDENT took the chair.

APPROPRIATION BILL.

Royal assent to this bill reported.

ABORIGINES PROTECTION BILL.

Bill received from the Legislative Assembly, and read the first time.

SECOND READING.

The Hon. J. HUGHES rose to move :
That this bill be now read the second time.

He said : I do not think hon. members will require a very long explanation of this bill. It is a very simple one for the protection of what is left of the aborigines of Australia, and under the heading of "Aborigines" comes that unfortunate class who have aboriginal blood in them. Difficulties arise in connection with these people, as hon. members who know the country understand better than I do, and at the present time, though there is an Aborigines Protection Board, they have not sufficient power to deal with the position as they find it in many places. For instance, near towns there is no power to move these people on, and keep them out of the reach of temptation. Also in regard to rations and blankets issued to them, there is no power for the board to follow these things and see that they are not misused. As hon. members know, there is a good deal of trouble in these respects, and this bill simply proposes to give full power to the board to regulate the whole matter. After providing for the constitution of the board and the appointment of officers, it enables the board to appoint local committees and local guardians under clause 6, which provides for their duties. It gives them control of reserves, and it prohibits certain things as offences against the act—the supply of liquor to aborigines, wandering with aborigines, the employment of female or infant aborigines. Provision is also made for apprenticeship, and the board is practically placed with regard to these people *in loco parentis*. The subsequent clauses give the board power to remove aborigines camped in the vicinity of townships—a very important power, and one that they should have. The bill also provides for dealing with people who are found in illegal possession of blankets, and it provides further that the cost of the maintenance of an aboriginal child may be recovered from near relatives. These clauses practically follow the sections of the Infants Protection Act, which is at present the law generally in the state. The remaining clauses are practically ordinary clauses, providing for penalties, and the framing of regulations.

Question proposed.

The Hon. E. W. FOSBERY : It is not my intention to delay the House many moments in making a few observations regarding this bill. It is rather a belated measure, considering that the late Sir Henry Parkes, who was the author of many useful acts benefiting humanity and the community, determined that the neglect of these unfortunate aborigines, which existed for nearly 100 years, should at once be entirely removed. He accordingly formed a protection board in the year 1883, and on this board were four gentlemen, who, I think, were all members of this Chamber, and they all devoted themselves with great assiduity to the task of removing the disabilities under which this unfortunate race was suffering. I might mention their names as they occur to me—the Hon. W. H. Suttor, the Hon. Phillip King, the Hon. Richard Hill, and Mr. Justice Foster. When they took office, I was chairman, and I had a census taken of the aborigines. My chief object now is to point out the changes which have taken place in the twenty-seven years during which this board has been in existence. I took the figures out just now, and I found that in 1884 there were between 6,000 and 7,000 pure-blood aborigines in the state. By the census taken last year I find the numbers have been reduced to 2,000. Therefore the provision made in this bill for an appropriation of £20,000 to supply the necessities of the remainder of this unfortunate race will be a decreasing expenditure, because the object of the board, no doubt, is, and always has been, that these people who are living on the reserves that have been made for the aborigines, who are half-castes, quadroons, or even octoroons, should merge as soon as possible into the general community. The object of the stations that have been established by the Government have been chiefly to provide for those who are crippled, aged, and infirm, and, above all, to provide some education and training for the children, in order that they may be apprenticed out as provided in this measure. It is rather late in the day to pass this bill, but it has been earnestly desired for some years by the board administering the department, and it would very ill become me, having now left the board, to say anything which would retard in the

slightest way the passage of a measure which cannot be productive of anything but benefit. The condition of the aborigines in the old times is a standing historical disgrace to the whole community. I found them wandering about like pariah dogs, seeking for scraps and bones. They had no clothing, nothing to shelter them from the weather, and worst of all, the women and the children were infected with a loathsome disease in very large numbers. This state of affairs, fortunately for the community, has been in a great measure remedied, and before very long I fear that the Aborigines Board will have to administer a state of affairs which, as it exists at the present time, is not likely to continue very much longer. There is no question about it that many of the people who are now living on the valuable reserves that have been granted are respectable hardworking men, and to my knowledge a good many of them, strange to say, are total abstainers. But there are a number of intruders who come on these camps and they will not remove, and there is a feeling of affinity, almost of affection, which exists between the aborigines of a tribe which prevents them from parting from any one of their blood, even if they are only quadroons. Another thing is that they cannot be removed to one station, as they were in Victoria, where the difficulty no longer exists, because the aborigines there have died out altogether. But you could not have one central station, and they will not remove from the place where they were born and where they have lived all their lives. I trust that when this measure is considered in Committee it will be passed through without any unnecessary delay. The board is doing good work and they desire that they should have these further powers, some of which are absolutely necessary, and it would be very ungracious for me or anyone else to retard in any way so beneficial a measure.

Question resolved in the affirmative.

Bill read the second time.

In Committee :

Clauses 1 to 10, inclusive, agreed to.

Clause 11 (Employment of female or infant aborigines).

The Hon. E. W. FOSBERY said that there was an error in this clause which required correction. The *breviate* re-

ferred to the employment of female children, but the intention evidently was to deal with the employment of children of both sexes. In one part it said, "having an admixture of aboriginal blood in his veins."

The Hon. J. HUGHES: The Interpretation Act provides for that!

The Hon. E. W. FOSBERY said he knew that, but the clause was limited to males by the inclusion of these superfluous words "in his veins."

The CHAIRMAN: It is within my power to alter the *breviate*.

Clause agreed to.

Clauses 12 to 20, inclusive, agreed to.

Schedule agreed to.

Preamble and title agreed to.

Bill reported without amendment; report adopted.

Bill read the third time.

SUSPENSION OF STANDING ORDERS.

Motion (by Hon. J. HUGHES) agreed to :

That so much of the standing orders be suspended as would preclude the passing of a bill, intituled "A bill to amend the Industrial Disputes Act, 1908; to prohibit certain monopolies and certain contracts, agreements, and combinations in restraint of trade; and for purposes consequent thereon or incidental thereto,"—through all its stages during one sitting of the Council.

INDUSTRIAL DISPUTES ACT (AMENDMENT) BILL.

Bill received from the Legislative Assembly, and read the first time.

SECOND READING.

The Hon. J. HUGHES rose to move :

That this bill be now read the second time.

He said: This is a bill, as hon. members are aware, which the Government have introduced to deal with the tragical state of affairs which is going on around us. When the Industrial Disputes Act was passed members of both Houses, I think, were under the impression, and certainly hoped, that the fairly light penalties provided for breaches of the act would be sufficient. In other words, Parliament to a large extent trusted to the common-sense and good sense of the people at large who were concerned in the question. The penalty provided for breaches of the act, lock-outs, or strikes was a fine of £20, or imprisonment for

two months. As hon. members know, recently there has been a very serious strike, and the act and the penalties provided by it have been openly flouted. Under these circumstances, and faced with the position that either law and order had to rule in New South Wales, as represented by the Government of the day, whoever they might be, or that government would be abrogated in favour of other people acting illegally, the Government have introduced this bill. The main provisions are set out in clauses 2, 3, and 4. The difficulty that had to be met was that the strike now in progress seriously injured the Commonwealth. It deprived the public, who were not in any way connected with the questions in dispute between the two sides, of what is as much a necessary of life as food itself. To enlarge the penal clauses of the act generally would, in the opinion of the Government, be doing something which is not particularly called for; but what is called for is that some steps should be taken and some powers given by legislation to enable the Executive to suppress not the vast body of strikers, with whom some of us can in many ways have a good deal of sympathy, but to suppress the men who live on the game so to speak—the men who in times of excitement sway these men, instigate a strike and continue and manage the strike, and generally usurp the functions of the Executive Government as far as the industry in question is concerned. Clause 2 provides:

Section four of the Industrial Disputes Act, 1908, is amended by inserting after the definition of "Minister" the following definition:

"Necessary commodity" includes—

The bill provides heavier penalties than are provided in the act, if any action is taken that will tend to deprive the public of what is defined here as a necessary commodity. Those are articles of common use which the general public cannot do without. They are specified as follows:—

- (a) coal;
- (b) gas for lighting, cooking, or industrial purposes;
- (c) water for domestic purposes; and
- (d) any article of food the deprivation of which may tend to endanger human life or cause serious bodily injury.

[*The Hon. J. Hughes.*

The bill provides in the next clause for an amendment of section 42 of the act. That is the section prohibiting lock-outs or strikes. It declares that:

If any person—

- (a) does any act or thing in the nature of a lock-out or strike, or takes part in a lock-out or strike, or suspends or discontinues employment or work in any industry; or
- (b) instigates to or aids in any of the above-mentioned acts,

he shall be liable to a penalty not exceeding one thousand pounds, or in default of imprisonment not exceeding two months.

That is the section as it stands to-day. As we propose to alter it, the words in subsection (b) are struck out, and a new subsection will be inserted to read as follows:—

If any person instigates to or aids in any of the abovementioned acts he shall be liable to imprisonment for a period of twelve months.

The Hon. N. J. BUZACOTT: Are you striking out the monetary penalty?

The Hon. J. HUGHES: We are not striking out the monetary penalty provided for those taking part in a strike; but the imprisonment for an instigator of strikes, instead of being for a term not exceeding two months, is to be an absolute term of twelve months.

The Hon. F. FLOWERS: Then no one but an employee would ever be imprisoned under that; no employee could ever pay £1,000!

The Hon. J. HUGHES: These details we can deal with in Committee. The present act has been found inadequate. I do not suppose any hon. member will say it is adequate to deal with the agitators—not the strikers themselves, but the people who promote strikes. The present penalty is a money payment or two months' imprisonment. Most industrial troubles—not only the present one, but those in the case of any big strike—are due to the action of a limited number of people. The Government, therefore, proposes to alter that, not as far as the rank and file are concerned, but to deal with the real offenders—the people who instigate or manage strikes. For them we are making this penalty a good deal more burdensome, inasmuch as the period of imprisonment, instead of being "not exceeding two months," is made twelve months.

The Hon. F. FLOWERS: Without the option of a fine!

The Hon. J. HUGHES: Subsection (a) will read:

If any person does any act or thing in the nature of a lock-out or strike, or takes part in a lock-out or strike, or suspends or discontinues employment or work in any industry, he shall be liable to a penalty not exceeding one thousand pounds, or in default to imprisonment not exceeding two months.

That is the first part; then subsection (b) is struck out in the act and is united with subsection (a) with certain amendments. Then there is a new subsection (b) which I have read. The fine of £1,000 or imprisonment for two months is still left as the penalty for any person doing any act or thing in the nature of a lock-out or strike. It is left as it was regarding the rank and file, but the leaders are dealt with under subclause (b), which gives no option. They are liable to imprisonment for twelve months. Then, under clause 4 of the bill, certain new sections are added to deal with the difficulty that exists at present—that the authorities have no means of getting information as to what is going on, possibly behind closed doors. Power is given to the authorities under these new sections to enter any place where a meeting is being carried on for the purposes of a lock-out or a strike. Entry is authorised to any police officer above the rank of sergeant. Unlawful meetings are declared to be:

A meeting of two or more persons assembled for the purpose of—

- (a) instigating to or aiding in a lock-out or strike; or
- (b) managing, directing, controlling, or aiding in the continuance of a lock-out or strike already in existence.

And in those cases where the police have reason to believe that a meeting of that sort is being held, authority is given for them to enter, by force if necessary, and take the proceedings specified in the section. Finally, there is a penalty dealing with a contract or combination in respect of trade. Hon. members know, without very much explanation from me, exactly what has happened in that respect. There is in the Commonwealth an act in force giving the federal authorities power to deal with cases of that sort; but there is no such act in force within the state. I do not want to go into

details, but it is a matter of common notoriety that one firm have profited very considerably by their knowledge of what was about to happen with regard to the coal-mining industry. Such an action is, unfortunately, as far as the law goes at present, one that cannot be dealt with. It can be dealt with under the Commonwealth law. Representations were made by the Government, therefore, to the Commonwealth authorities, giving the information in the possession of the Government, and stating the facts known to them with regard to the transactions of the firm of A. Kethel & Co. That firm entered into contracts under rather suspicious circumstances, a few days prior to the strike. I need only mention the case of the gentleman who, posing as Captain Waller, and being really a junior warder in an asylum, and the brother-in-law of the manager of the firm I have named, went about among the coal merchants, endeavouring to obtain contracts for the immediate supply of coal, with the ordinary strike clauses struck out. In one instance, at any rate, that has been made public, he succeeded, and as soon as the contract was signed, the curious fact transpired that the transferees of that contract—the firm I have named—did not apply in the ordinary way to the vendors for delivery of the coal, but applied in the first instance by their solicitor. The first notification the vendors of the coal had that their purchaser was not the person he appeared to be was a letter from the solicitor of the firm I have named, stating that they had purchased the coal from Captain Waller (because even the solicitor joined in the misrepresentation made on that point), and requiring delivery at the yards of the firm in question. I am very glad to say that delivery was not made; but that is what was going on. It was obvious to the Government, and it must be obvious, I think, to everybody who knows the facts, that here was a case of a firm taking advantage of the public necessity, and of information they could only have got from some of the people who intended to strike, and strike suddenly, to get what coal they could get, and sell it to the public at famine prices. And they did very well. When these facts were represented to the Commonwealth authorities,

the federal Attorney-General decided not to intervene. No doubt he did that with a full sense of his responsibility, and acting in what he conceived to be the powers vested in him by the particular act; but it became obvious to the Government here that if an act of that sort, which they believed would defeat that sort of trading, could not be put into force when such a case occurred, then it was high time for the state to enact a law to that effect, to operate within its own boundaries. I want hon. members to distinctly understand that there is nothing of a retrospective character in this bill as it stands. We are simply providing penalties for the future. No person will be liable for anything that has occurred in the past, however much we may object to what has already taken place; but after the passing of this bill, if people, knowing the law, and seeing it in black and white, proceed to do what has been done hitherto, because of the non-existence or non-enforcement of law in this state, then they will have in front of them the penalties they are incurring as the consequence of their action.

The Hon. N. J. BUZACOTT: Could the hon. member tell us what Commonwealth statute those sections are taken from?

The Hon. J. HUGHES: I never said they were taken from any Commonwealth statute.

The Hon. Dr. CULLEN: It is the Australian Industries Preservation Act!

The Hon. J. HUGHES: Now, we first of all deal with the instigator of the strike, and the man who continues to manage it and mislead the rank and file of the workers, for whom I—and I think hon. members also—have every sympathy. The leaders are the men that we want to get at and penalise. Provision of that nature was not made in the Industrial Disputes Act, and we are asking Parliament to make it in this bill. Secondly, we want to prevent the recurrence of such a scandal as that to which I have referred, in connection with which a firm has made profit out of knowledge it has acquired as to what were going to become the necessities of the community. If the bill is passed, and anything further of that nature is done, the Government, having power, will take action. I do not think I need go any further into the matter.

[*The Hon. J. Hughes.*]

The whole of the provisions are set out in a very few clauses, and hon. members know exactly the situation, and the question which has arisen, whether the Government are to rule New South Wales, or whether the affairs of the community are to be controlled by an irresponsible body, which can do as it pleases, and flout the law because apparently the penalties are not sufficient to deter it. We are now asking Parliament to give us an act which will prove a sufficient deterrent to a recurrence of recent events.

Question proposed.

The Hon. F. FLOWERS: I recognise that if ever there was an occasion when a measure should be calmly and coolly considered, it is the present one. Personally, I have no desire to enter into the history of the unfortunate dispute that is proving so calamitous to the people, not only of this state, but of other states. But I think I am entitled to say one or two words. I shall be brief, because I recognise that the Government have placed this House in such a position that it is almost impossible for us, whatever our objections may be, to refuse to pass the bill. As a matter of fact, the Government have plainly stated that they are at the end of their resources, and need a bill of this character in order that they may once more bring about industrial peace. The Vice-President of the Executive Council stated that the bill was rendered necessary by the troubles going on all around us. But I very strongly object to the action of the Government in this matter. After having failed during the last five weeks to bring this trouble to a termination, at the very last moment of the session they introduced into the Assembly a bill which was forced through in a very few hours by the utilisation of every form of the House that it was possible for a Government to resort to. Then the measure has been forwarded to us under conditions which have precluded hon. members from obtaining any information beyond the meagre information contained in the daily press. We have had no opportunity to peruse the reports of the speeches made during the debate on the bill in the other Chamber, and we have to depend entirely upon what the Vice-President of the Executive Council has told us, and upon the information we can gather from reading

the bill. It is very unfair that a coercive measure of this kind should be brought before us, and that we should be asked to take part in such panic legislation—legislation which, I think, will have effects just the opposite of those anticipated by the Vice-President of the Executive Council. I venture to say that there were a hundred ways in which an intelligent Government might have brought the present disastrous struggle to a speedy termination.

The Hon. J. HUGHES: Tell us one of them!

The Hon. F. FLOWERS: I will tell the hon. member presently. I have no hesitation in saying that the methods adopted in connection with the present strike meet with my disapproval. I am no advocate of the strike. I think it is the last weapon that should be used. I think, further, that if both sides had seen their way to accept the present law, it would have proved amply sufficient to meet the situation. I blame the Government for having countenanced the disregard shown for the Industrial Disputes Act. The act was not considered good enough for the Newcastle miners, and the Government so far approved of the attitude of the miners that they granted a special court for the settlement of disputes between the owners and the men. If to-day the Industrial Disputes Act is good enough for the settlement of disputes between the mine-owners and the miners at Newcastle, why was it not good enough some time ago? The admission made by the Government that the special circumstances of the coal-mining industry called for the appointment of a special court, encouraged the parties in the view that the Industrial Disputes Act was not sufficient to meet their case. To that extent the Government was responsible. During the five weeks that have elapsed since the strike commenced, the Government have not apparently been seized of the gravity of the situation. But I have been; and other hon. members, both in this Chamber and the Assembly, weeks ago realised the importance of the strike, and joined in making suggestions with a view to promoting a settlement. But what suggestions have the Government made that could be accepted by either side without loss of prestige or dignity? When everything seems to point to industrial peace, and when there is evidence that

common-sense and reason will once more predominate, the Government come along with a proposal—I do not say it is done designedly—that is calculated to inflame the parties to the present dispute, and accentuate the trouble. A fortnight ago efforts were made which, but for the action of the Government, would have led to a satisfactory settlement of the dispute. Measures were being taken to bring the two parties together, and there is not the slightest doubt that the determination that I hear has been arrived at within the last few hours—that the western men should go back to work, probably to be followed by the southern miners—would have been arrived at then. But to the consternation of those who had spent many sleepless nights, and devoted many hours to bringing about a settlement, at the very moment when success seemed to be assured, the feelings of the men were further inflamed by the, at that juncture, indiscreet arrest of certain leaders of the strike movement.

The Hon. R. PATTEN: Why indiscreet?

The Hon. F. FLOWERS: Indiscreet at that moment. I do not intend to discuss the matter. The men are on their trial, and they have a right to a fair trial without any comment being made here.

The Hon. J. GARLAND: The hon. member was commencing to comment on the case!

The Hon. F. FLOWERS: I was not.

The Hon. J. GARLAND: The hon. member said that the action of the Government was indiscreet!

The Hon. F. FLOWERS: I said it was indiscreet at that juncture; whether the action was justified or not remains to be seen. The men are now in the hands of their judges, and I shall not make any further reference to the matter. The Government are not blameless in this matter. They have not taken up the attitude that a wise and intelligent Government would have adopted. To prate everlastingly about the law to men whose feelings are inflamed is not such conduct as would be expected from men of wisdom and foresight, and with a knowledge of industrial matters. Under tactful management two days would have been sufficient for the termination of the trouble. Were it not for the fact that

the Premier seems to think that there is some kind of divinity surrounding the Industrial Disputes Act —

The Hon. H. E. KATER: The law should be obeyed!

The Hon. F. FLOWERS: I trust that the hon. member always obeys the law. There are very few men who go through life without in some form or other breaking the law.

The Hon. H. E. KATER: Let the hon. member speak for himself!

The Hon. F. FLOWERS: I should not care to speak for the hon. member in that respect. But the Premier thinks that the law he had the honor of passing through this Parliament, and of which I am a warm supporter, will under all conditions and circumstances meet every case that arises. We know it is nonsense to say that. The very fact that Parliament meets here year after year, and will do so till doomsday, to make the laws as circumstances require, shows that such an idea is out of the question. Here was a great struggle the like of which we had not had since 1891, and such as I hope will never take place again, and yet this feeble Ministry could not rise to the occasion. I heard a proposal which possibly the hon. member who made it when he speaks will father himself. I heard it from a member of this House whose name I am not at liberty to mention. This gentleman said that if the Government had wanted to settle the strike they could have done so in twenty-four hours. They could have insisted that the mine-owner and the mine-worker—of course, I put the mine-owner first, because it is a strange thing that the Vice-President of the Executive Council in making his speech only spoke of the strike and the strikers. He did not speak of those who lock-out —

An Hon. MEMBER: There is no lock-out now!

The Hon. F. FLOWERS: No; but there are such things as lock-outs, even though they assume for the time-being the appearance of strikes, and men can be so harassed, so annoyed, and so driven to desperation by designing employers and managers that they are perforce driven sometimes to strike when their common-sense would dictate that it was a foolish thing to do.

[*The Hon. F. Flowers.*]

The Hon. J. GARLAND: There is a law to protect them now if they choose to avail themselves of it!

The Hon. F. FLOWERS: Yes, I know; and the lawyer does all he can to prevent justice being given to the unfortunate men when they get to the court. If there is anything that has caused the break-down of the Industrial Disputes Act and made the men lose confidence in it, it has been the bickering of this devil's brigade. I was pointing out that an hon. member of this House stated that if a plan he suggested had been carried out, the strike would have been settled in twenty-four hours. That suggestion was that the Government should invite the two parties to a conference, and, if they failed to meet, a very short bill could have been passed through Parliament conferring upon the Chief Justice power to force these people to come to an open conference and state their grievances publicly. If that had been done, the strike would not have lasted very many hours. But the pride of the Premier stood in the way. He said, "We have a law on the statute-book to-day," forgetting that he himself had neglected to use that law, and had set it on one side on a previous occasion.

The Hon. J. HUGHES: What was the previous occasion?

The Hon. F. FLOWERS: When he granted the special court for Newcastle.

The Hon. R. PATTEN: At whose request?

The Hon. F. FLOWERS: I do not care at whose request; he has no right to break the law any more than any other member. If the law is good enough for the bricklayer and mason, it is good enough for the miner. Why did not the Premier stick to it then? He is very fond of telling us that he is going to stand by the law now; why did he not do so on that occasion? If he could make an exception then, why could he not have done it at the beginning of this dispute? Could he not, as a far-seeing man, see that there was going to be an industrial upheaval, that the two parties were determined to come into conflict? And let me say this: however much the men are to blame—and I am not defending them—they should not have left their work. I am saying now what it requires

a lot of courage to say. I say there was no justification for their leaving their work while there was a law to deal with them. But the fault does not lie entirely with the unfortunate miner. There is no member of this House but will admit that the miners have grievances, and that some of these grievances are serious, and have long remained unremedied. According to the history of what has occurred during the last two or three years, they have appealed time after time for redress of certain grievances under which they laboured. Were they met in a spirit of conciliation by the employer? No. We know that the Newcastle vend has during the last few years been most tyrannical in its methods of dealing with the men. Why? We hear rumours that the vend were just as anxious to bring about a dispute of this kind as were those who led the miners to come out. We are told that they have said repeatedly that the present position of affairs was intolerable—that was, I suppose, owing to the number of grievances that were coming up day after day, and they thought that if they had a general strike, so it is said—I do not know—these statements are what you hear at the street corners —

AN HON. MEMBER: And in the papers!

The Hon. F. FLOWERS: No, the papers do not say that. The papers, since the first day, have been showing that the miner is at fault, and not the mine-owner. I am showing that the mine-owner is not free from blame in this matter. It always takes two to make a quarrel, and we have been told that the miners have been goaded and driven to desperation during the last twelve months or so, and induced to take the action they so unwisely determined upon some five weeks ago. Whether it be true or not, the fact remains that from the commencement of the strike until the present time the mine-owner has refused every effort at mediation and every offer of conciliation. Even when the Acting Premier invited the owners to meet him for the purpose of consultation, just to see where the trouble lay, the representatives of the men did him the courtesy to go and see him and explain their position. But where were the mine-owners? I understand that not even an apology was sent. The Government were treated with the utmost contempt. The chief man in the

land, as far as our representative Government is concerned, was slighted and simply "turned down." The owners wanted to fight to a finish; they wanted to beat and crush the men. And for what? I have not sufficient knowledge to know whether it is true, but statements have been made —

The Hon. R. PATTEN: Do not repeat them, then!

The Hon. F. FLOWERS: I want the hon. gentleman to say whether they are true or not. He seems to know everything. He is the kind of man who intrudes into everything, whether he knows anything about it or not. We are told that certain contracts were entered into by the vend of a most unprofitable character. If these statements are wrong the hon. gentleman can deny them, but if they are true, then the mine owner has been conspiring against the peace and good order of this community for some little time past. If the refusal to redress what have been called pin-pricks, but some of which are more than that—are, in fact, very serious—has led up to the culmination desired, and the men have left their work, the result is, so I am informed, that the owners can repudiate all their cheap contracts. If that is so, it is a most reprehensible thing; it is a disgraceful state of things. But if the Government feel that in the face of a trouble of this kind they are perfectly helpless, that all means have been tried but have failed to bring the parties together, and if the machinery of the law is not sufficient to carry out the Industrial Disputes Act in accordance with the spirit and the principle of that legislation, the Government of the day, representing a majority of the people, have a perfect right to come here and ask for legislation to enable them to do so. But I do not know that there is any justification for a drastic bill of this character. I do not know that to make a man a criminal because he may, in the heat of the moment, say that the only way to get redress is to down tools—I do not know whether a man under those circumstances is deserving of twelve months' imprisonment. If the Government want to go as far as possible, they have almost done so in this bill. They would only have to take another step to declare that every union in New South Wales is illegal.

The Hon. J. A. GUNN: There is all the difference in the world!

The Hon. F. FLOWERS: The hon. gentleman has had such a long acquaintance with unionists —

The Hon. J. A. GUNN: Yes; he has!

The Hon. F. FLOWERS: In fighting the unfortunate shearers, probably—only on that side of the question. But I do not know whether the hon. gentleman thinks we can secure industrial peace by a bill of this character—by throwing open the doors of the union, and allowing the police to take possession of it.

The Hon. J. HUGHES: And every other door!

The Hon. F. FLOWERS: That is all very well. It depends upon who has the administration of the act as to what door is open and what door is closed.

The Hon. J. GARLAND: I understand the hon. gentleman's party hope some day to have the administration of the act!

The Hon. F. FLOWERS: If we have we will give a guarantee that from the day the labour party assumes office there will be industrial peace in New South Wales. No law is effective that has not the respect of the people. As far as the administration of the present Industrial Disputes Act is concerned, it is one-sided. I am speaking as a friend of industrial peace, and as one who believes that every effort should be made to prevent strikes from taking place in this country. I hate strikes. They have done no one any good. The present one I say without hesitation has not harmed an employer in New South Wales, but it has inflicted upon thousands of unfortunate employees such misery as should not exist at a time like this. It is a question of administration, and I charge this Government with being parties to practically holding up to contempt the administration of the law as regards the Industrial Disputes Act. If an unfortunate rock-chopper is fined, and refuses to pay his fine, he is sent to gaol. If foolish boys, aping their elders, come out on strike, they are fined. But if an employer flagrantly breaks every part of the Industrial Disputes Act, he is fined, but the fine is never collected. If the hon. gentleman dares to ask me for a case, I will give him one, but he is not game to ask me. For I can tell him of a case

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where a man was fined for breaking every essential part of the act, and the judge thought the offence was so heinous that he inflicted a fine of more than £90, and it was well deserved. Three months were given this employer to pay; six months have gone over, and not one penny has been paid into the Treasury. This is the contempt I am speaking of. That is how the workers have got it into their minds that they are not getting fair treatment from the Government of the day, and that is why they treat the law with contempt. It all depends upon the administration. If the Government think that they have not sufficient power to enable them to carry out the principles of this act, they have a right to ask Parliament to confer and clothe them with that power. But they must take the responsibility of it. As far as I am concerned, I will simply enter my emphatic protest against a bill that is not required at this stage. If the bill had been introduced five weeks ago, then there would have been some justice behind the claims for its passage. But the mischief is done. The strike has gone on. It has caused its disasters, poverty, dislocation of trade and its black misery, and the Government at the last minute, when everything is going serenely in the direction of a settlement, come down with a bill of this kind. It is too late. It would be quite time enough next session, because there will be no more strikes until then, and I hope this is the last one. No one wants to go on strike for striking sake. The Vice-President of the Executive Council said something about strike leaders who live on the game. That is about the cheapest and nastiest satire and sneer that could be made at men who probably have done more to prevent strikes taking place than they have done in assisting them.

The Hon. J. HUGHES: The bill will never touch that class of men!

The Hon. F. FLOWERS: I do not know to what class of men the hon. member is referring. You might as well say that a lawyer who does nothing else but industrial work lives on the game. I do not think it is called for, it is not adding to the dignity of the House, to refer to certain men as living on the game. I am sorry to take the hon. member to task for saying that, because he is generally so

politic in his language. In conclusion, I have nothing more to say than that the opinions I expressed when the Industrial Disputes Act, in the form of a bill, was before this House, I do not retract in any shape or form. I still firmly believe that, under impartial administration, administration that will be respected, we have nothing to fear from the unionists of this state, but that they will observe the law in every particular. I think that the House will agree with me, at any rate, that, as far as these five weeks of turmoil are concerned, one must express the greatest of gratification that, notwithstanding that there have been causes that might have led to some disastrous conflict—which I am not going to say a word about except as another instance of the stupidity of either the Government or their officials—there has not been one solitary outrage or assault, showing that right throughout, from Newcastle on the one hand, to the west and the south on the other, these men have come out with a strong determination not to outrage or break any law, but to ask that some measure of justice shall be done to them. I say again, that the Government would have shown statesmanlike action if they had followed the example of Mr. Gladstone. Some time ago—I think 1896—as the records show, when a strike, something similar to what is taking place in this country, was in existence throughout England, Scotland, and Wales, there were two hundred and odd thousand men out on strike for many weeks. At last the Government took action, and the Cabinet sent a letter which was read, I understand, in the Assembly, and which I will not read to this House, urging that the two sides should meet to discuss their grievances. That invitation was accepted. Lord Rosebery presided over the gathering of mine-owners and miners, and although for an hour or so the meeting was turbulent, in getting rid of all each side had against the other, it resulted in a complete settlement of that great disturbance after a few hours' deliberation. Surely it would have been far better for the Government to have saved all this distress by adopting a similar course. They could see that the two parties to the dispute were coming savagely into the field, spurred on to combat by the foolish irresponsible

leaders which have appeared in the daily press from day to day, and which in my opinion have done more to continue the strike than anything else. The Government could see that from the very commencement it required a strong, intelligent, and statesmanlike hand, and they could have said to the two parties, "We are not going to have perpetrated on this state something which will affect every man, woman, and child in it. If you refuse to meet by agreement amongst yourselves we will pass a bill through Parliament"—and it would have been carried unanimously—"conferring on the Chief Justice power to send for the contending parties, and allow the public to see what grievances they have." The matter could then have been referred to a competent tribunal, which would have brought in a verdict which would have been acceptable to the miners and the mine-owners. My position with regard to this bill is that I enter my protest against it. I recognise that the Government have rights, because they are representing, or trying to represent, so far as the votes in the Assembly show, a majority; but the Government must remember that they are taking upon themselves responsibilities in carrying a bill of this kind, which the country will hear of from one end to the other at the only strike I believe in, and that is when the people are asked to record their votes for their representatives.

The Hon. Sir JOSEPH CARRUTHERS: I think we all regret the necessity for the passage of a bill of this character. I do not intend to debate this question in any controversial spirit, but merely to answer what was said by the hon. member who has just resumed his seat. The hon. member voices the opinions of a large party in this country when he says that the labour party have not approved of the present strike. The hon. member also says that one of the results of this strike has been to cause misery to thousands of helpless employees and their families, and that not one employer has suffered. I differ from that, because I think many employers have suffered. But taking the statement of the hon. member that the strike has not been approved by the labour party, and that it has caused great distress and untold misery to thousands of workers in this country, I think that there is an admission

of the necessity of passing this bill. If the existing law and its administration can result in a state of affairs that a strike is perpetuated which is disapproved by all parties in the country, that that strike causes punishment, not only to the innocent community, but to a large body of workers, is not Parliament wise in accepting the alternative to punish the few men who caused the strike rather than to let the community and the workers of the country be punished? The laws of this country have been practically set aside. The Government of the country has been practically defied—with what result? That we have had another law set up in its place, by one or another of the disputants, and that law, without any authority from Parliament, has inflicted greater punishment on this country than a thousand bills like this would inflict on any individual. If a foreign enemy were to come to our shores, blockade our ports, and cut off our supplies, the whole country would be up in arms, and I think there would be nobody of men who would be more quickly up in arms than the workers. Is it permissible that we should allow people to cause hostility and stand in undisguised contempt of the law, and that Parliament should sit idly by, simply blaming the Government, and do nothing? The Government may not have done all that it ought to have done. It may not have used all its authority. The Government has no doubt excuses for what it has left undone. It is very easy to say that the Government should take harsh and extreme measures at the beginning of a trouble; but there is a natural desire on the part of Governments representing the people to avoid putting into operation repressive legislation and penal sections when they think that by a conciliatory attitude they may avert the trouble. It is easy for us to judge the Government after the event, and think that they might have adopted a firmer stand at the beginning. I was a member of a Government twenty years ago that had to control this country during the great maritime strike, and I know the difficulties that beset the Government in those days. To a large extent circumstances have altered, and I join with the hon. member in the spirit of self gratulation that right throughout this strike there have not been any misdemeanours

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or crimes such as have been associated with industrial disturbances in this state years ago and in other countries. But we must not disregard what is after all a great crime. The two parties, in order to settle their disputes, involve a third and innocent party, the community, in suffering and in loss, and the community has to stand by until Parliament or the Government come in and take action. That is the standpoint from which one must contemplate this bill. Is it necessary in the interests of the community? The lesson that we have been taught must show us that our arbitration and conciliation laws have failed to meet a juncture such as this. I regret that conciliation has failed so much that pure coercion has become necessary. But surely the hon. member and the public outside whom he represents must admit that it is far better to introduce a penal bill, even a coercive measure, of this character than allow a repetition in the future, or a continuance now, of a state of affairs which is causing such disastrous loss to so many members of this community. The harvest, which is almost a record one, is held up, the country districts are practically losing that income which is necessary for their support, the primary industries of this country are practically receiving a blow which may have very serious results for a long time to come, the great state services are being held up, services such as the light service associated with the municipal life of the country are also being practically held up. Why? Simply because a few men in this country have gone beyond the approval of their fellows, and beyond that which their own party could support, and by defying the law and the Government have plunged this country into what may be called the throes of an unarmed revolution—because that is practically what it is to-day. The laws of this country are on the most democratic basis. Every individual in the community is protected by the law to a greater extent than in any other part of the world. There is no country where the democracy has such rights—the adult franchise, a free Parliament, and liberty to make laws to protect themselves. Those who are on strike, or who are engaged in a lock-out, have the protection of these laws. And it is not too much to

ask that if they are to have the protection of these laws, they should, in the event of their breaking them, be subjected to severe penalties. I will go much further and say that if people break the laws—and I do not care whether they are mine-owners or miners—and inflict great loss and suffering upon the community, I would deprive them for a period of civil rights under the law. Why should a man come in one day and claim civil rights under the law, and the next day defy the law and the power of the community which preserves to him those civil rights? It would go a long way towards ensuring respect for the law if we made it clear that those who break the laws and set themselves up in defiance of the whole community—who set themselves up in rebellion, must be prepared for the confiscation of the civil rights which they so flagrantly set aside in their momentary passion. One word in passing. I was the first man in any Legislature of the Empire to introduce an arbitration and conciliation bill. I have never wavered in my support of the principle of conciliation and arbitration. But in connection with a new thing of this character, we must gather experience and learn according to that experience. Twenty years' experience has shown us where our legislation has failed. The events of the last few months have shown us how the most recent legislation we have passed has to some extent failed. Our industrial arbitration laws have proved most effective with regard to what we may call the trades, in respect to which we have no trouble at present. But in respect to large bodies of men like the coal-miners and the wharf-labourers, who work together in battalions, and think in battalions, it must come home to us that the law requires some amendment. When we find that the conditions of trade and employment are not defined by one individual representing the men in a shop, but are defined by federal bodies and councils such as the federated council of the miners, and the Mine owners' Association, we must be prepared in the future for an amendment of the law to bring these bodies together so that they may take the place of a wages board—that is to say, you can deal with tradespeople such as carpenters, butchers, bakers, grocers, and

shop employees as units, but you have to deal with these men employed in thousands as battalions for whom the thinking is done by a few representative men, and the only way to effectively settle their grievances is by constituting a body upon which these executive councils shall be authorised to sit. This strike, so far as one may judge, has been largely a dignity strike. So far as that is concerned, I am not here to argue the merits of the strike. But because the two parties would not come together—one wanted the men to go back to work, and the other would not submit to any conditions being imposed, each party standing on its own dignity—the community has had to put up with all the consequences. The community has put up with the consequences too long. If there is no power on the part of the Government to force these men to go back there ought to be power taken in the future. I say, advisedly, that in this country, which runs public services such as the supply of water, transport services, and sanitary services, we ought to treat any industrial disruption which aims at the cessation of those services in a much more severe way than we would treat an ordinary industrial difficulty affecting the employment of forty or fifty men and two or three employers in an industry of no great importance so far as its effects upon the community are concerned. This bill seems to affect the public services to some extent. Clause 4 refers to unlawful meetings in respect to necessary commodities or transport services. I should like to see this provision go much further, but I recognise that this measure is being introduced to meet a special case. I trust that when the whole position is reviewed, and a more comprehensive bill is introduced, there will be included in it provision for protection against any unlawful meeting attempting to disorganise, not merely the transport services, but all the services connected with sanitation, water supply, and public lighting services, which are as important as that of transport. I do not intend to extend my remarks. I think the Government is entitled, in a position of difficulty such as this, to the whole-hearted support of Parliament, not merely in the passage of legislation of a repressive character, but of legislation to enable the third party to the conflict—

the public—to have a law to punish those who have brought upon the public such unmerited suffering as we have seen. To that extent I shall give my whole-souled support to the passage of this bill.

The Hon. Dr. NASH: After five weeks of this industrial trouble we are presented by the Government of the country with this short bill. It may be said that the mouse has come forth from the mountain—that is, the mountain of evil—and the mouse will be productive of little that the Government expect. A remark made by the hon. member, Sir Joseph Carruthers, has appealed to me very much as being something beyond which the Parliament of this country should have stepped. He took credit to himself for having twenty years ago been the first to initiate a measure which has something of arbitration in it. That is well and good; but I would ask him if we in that twenty years, in the administration anyhow of those arbitration acts upon which we have spent so much time, have advanced one single step? If you go back over that period and refer to the history of the various industrial disturbances which have taken place in that time you will find that the great upheavals have been word for word and day by day exactly as the present one. The tragedy is being played amongst the humble people who have no defence; amongst those to whom I have so often referred in this House—the tragedy of want of food, want of nourishment, and sustenance, where there is no credit or money to get it. That is where the tragedy of these events takes place. It has always been with the view of eliminating this tragedy from the history of our state that I have done my best in my humble way to ask the Legislature to pass measures which, in the hands of a responsible Government, would make impossible and impracticable the conditions under which at the very moment we live. Could it be conceived that to-day in this state, after the experience we have had, that any Government would allow a coterie of men—I do not care whether they are employers or employees—members of Parliament or humble members of the community—to sit in Goulburn-street and set at naught the whole of the power that is supposed to exist in Macquarie-street? Should we stand it for twenty hours? I

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do not think so, and I entered my protest against this Parliament being prorogued when there was an intention to prorogue it, without something being done to give the Government power to act effectively in defence of the rights of the people. I am glad that the Government is now doing something—it was absolutely essential that something should be done—but I say that it was criminal on the part of the Government not to do it in the very first instance. They should have stood up and said, "This must not be," because they were the people to do it. There was no other combination of people in the world who should have the right, unless the people who took away from the Government their legislative powers were prepared for a revolution—and, thank God, we have not in this state the material, because there is no necessity. Hunger and want, the father and mother of revolution, and oppression, the grand-parent of revolution, do not exist in this land of full and plenty; and it will never be in the power of any man or any set of men to cause a revolution in this country while those conditions do not exist. The Government should know it, and should have been strong enough to tell these men, "This must not be." Look at the next feature that we have been accustomed to see in every prolonged struggle in this state, the comedy that everyone who has lived here twenty years has seen enacted as the second stage in these great industrial troubles—the arresting of men and the slow process whereby they are brought from day to day before the court, the methods gone through, and the various acts of this comedy. There will be played in this state a third portion of the previous industrial disturbances. That will be played in the city of Sydney where we will have, in Darlinghurst or somewhere else, amongst the superior courts, a prosecution; and the final act in the whole drama or this series of dramas will be reached when the heart of the Government will be appealed to, and it will be said, "These things are past; now show your charity." But should not everybody at the commencement of this trouble have known that, unless that was done, we would have exactly a repetition of what occurred before? That is what I find fault with—that there was nobody in the Government who had

sufficient knowledge of the conditions of our country to know what would happen from day to day unless they put their foot down and said, "Nobody must do these things in this country." I am not going to labour this matter. I am too sick, too sad, and too sorry about the whole affair to go on much further. I recognise that this little bill amending the Industrial Disputes Act, to which we devoted so much time, is practically a temporary measure. Its penal clauses can only be effective if they are received with the proper spirit of free people living in a free country, who recognise not that the penalty is great, but that it was necessary for the Government to inflict a penalty upon them because they had sinned against the commonweal. If I had any power in my voice to give these people advice, people amongst whom I have worked and have known personally for many years—at heart they are good people, and I am prepared to give them a certificate from a full knowledge—if I had power or my voice would be effective I would say to them, "You certainly can be punished under this act; but, for God's sake, in the interests of your own people, take the verdict of Parliament as the verdict of the great majority of the people of this country, who say to you, 'We have put this small punishment into an act of Parliament, but do not let us have to inflict it. Now, start afresh; own up that whatever injustices you suffer have perhaps been your due.'" But there is, I hope, in the Parliament of this country a sufficient number of members to see that any injustices which a section, large or small, of our people suffer, will have due consideration, and will be remedied in the immediate future. I hope that the Government, in the exercise of the functions they are given in this bill, will temper discretion with leniency, and not to be too hard upon people who have been misguided, and to a certain extent possibly misjudged.

[*The President left the chair at 6.27 p.m. The House resumed at 7.30 p.m.*]

The Hon. J. GARLAND: I desire to say a very few words in support of this measure. I deny that this can be called in any sense of the word panic legislation. This is legislation which is brought about by reason of an unexpected condition of affairs that has occurred. Hon. members

will remember that when the first industrial bill was before Parliament it was pointed out by opponents of the measure that it was likely to be one-sided in this respect: that if any large body of workers made up their minds to disregard the act it would be practically impossible to enforce it. But what was the answer on behalf of the labour party? What was the answer that their leaders gave to this argument? The answer was this: we are able to control the men of our union and we pledge ourselves that we are in a position to exercise that control, and being in that position, we pledge ourselves that this act when brought into force will be faithfully obeyed and adhered to by the workers. In face of these pledges the act was passed. The penalties imposed for breaches were small, because it was believed that it would only apply in isolated cases. But what do we find now? That in spite of the action of a number of the leading men of the labour party, in utter defiance of their counsels and their requests, in defiance of their pledges and their entreaties, a vast number of the working-men of this state have broken out in open rebellion. They have set up a tribunal which arrogates to itself to say what men are to work and what men are not to work. It is actually applied to for certificates of exemption, so to speak, by a certain class of men who desire to go back to work. They have set up, as it were, a Government within a Government—a state of things which is absolutely intolerable in any civilised country. They are punishing the public; they have stopped supplies which are necessary for the carrying on of the industries of the country; they have stopped supplies which are necessary for the comfort of the individual; they have practically blocked the transport of this state; and the leaders of these men are sitting in open conclave, dictating a policy to them, whether of an extension of the strike or a restriction of the strike it does not matter. The men who are in favour of restricting the area of the strike openly declare that they are restricting the area in order that they may conduct what they are pleased to call a scientific strike, which will be a more lengthy proceeding, which is supposed to be aimed at the proprietors of certain collieries in the northern district, whom

they declare they are going to bring to their knees, and having once got them down, they intend to sit upon them.

The Hon. F. FLOWERS: Remember that the mine-owner said he would bring the men to their knees!

The Hon. J. GARLAND: I am not here defending the claims of the miner or of the mine-owner. I am here protesting against the existence of a state of lawlessness in our midst. These men have admittedly broken the law; they are admittedly now breaking the law. They are meeting together for the purpose of seeing how they can prolong this law-breaking.

The Hon. N. J. BUZACOTT: Has the hon. gentleman ever known a strike where there has been less violence?

The Hon. J. GARLAND: I have not, and I say it reflects very much to the credit of the men and their leaders that they have contented themselves with breaking only one law. It would have been very much worse if they had broken other laws. Still the fact remains, and is admitted by the hon. member, Mr. Flowers, that the men have broken the law, and that they are still breaking the law, and though this has been done in defiance of the counsels of the more moderate members of the party, still the fact remains. Is Parliament to be powerless? Is the Government to be powerless? It is admitted, so far as the men who are directing the strike at the present moment are concerned, that a number of them are, through technical defects in the present law, absolutely beyond the reach of the law. Now, is the law to be powerless? I say the time has arrived when it is our duty to step in, and we are not going to be set aside by the fact that we are taunted with introducing panic legislation. This is not panic legislation. It is the absolute legitimate outcome of a state of things that, owing to the assurances given by the leader of the party when the first bill was introduced, was never contemplated. When we find that the leaders of the unions are incapable of controlling those unions, when we find that the men have broken out into a state of revolt, then a strong step must be taken, and that step, I venture to think, has not been taken a moment too soon. The hon. member, Dr. Nash, in his speech complained that the Government should have

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taken this step immediately the strike occurred. I wholly disagree with the hon. member. I think that repressive measures ought not to be taken except as a last resort. Everyone hoped, every hon. member of this House hoped, that better counsels would prevail—that the men would see that they had made a mistake in breaking the law, that some terms of compromise or arrangement might be arrived at which would obviate the necessity of introducing this repressive measure, and it was in hopes of that that the Government stayed their hand. I remember only the other day listening to a debate in the other Chamber when most of the members of the party to which the hon. member, Mr. Flowers, belongs were belauding the Government for the wise moderation they had shown in not taking repressive measures for a long time. But when mediation became futile, I do not care through whose fault, the law had to take its course. This state of affairs cannot be allowed to exist, and hence the necessity for this bill. Statements have been made that the Government have been acting dishonestly in the administration of the law, and therefore the workers felt themselves compelled to rise in their strength and repudiate the law. I say the Government have not been acting dishonestly, and no case of dishonest administration has ever been made out against them. The hon. member, Mr. Flowers, cited one case where there had been a remission of the penalty.

The Hon. F. FLOWERS: No; I said it had not been paid!

The Hon. J. GARLAND: That is one case. With regard to the special circumstances of that case, I do not know what the reason was; but if the hon. member can only find fault with the administration of this act because in one case a penalty has not been enforced against an employer, seeing that this act has been in force for a number of years, it is the poorest indictment I ever heard.

The Hon. F. FLOWERS: Suppose I cited a dozen penalties that had not been paid, would that alter the hon. member's mind?

The Hon. J. GARLAND: If the Government had failed in a considerable number of cases, in the interests of one section of the community, to enforce the

penalties, and if they had enforced rigorously the penalties in the case of another section, there might have been something in the hon. member's contention; but I challenge him to do that. I can point to the fact that the only one of the three cases in which penalties in connection with strikes and lock-outs has been enforced by the Government was against an employer. Hoskins and Co., Ltd., were taken before the court and fined a substantial sum on account of the well-known lock-out at Lithgow. That is the only case of a lock-out that has occurred in this state, and in that case the owners were prosecuted and promptly fined.

The Hon. F. FLOWERS: Under this bill a man will get twelve months' imprisonment.

The Hon. J. GARLAND: If a man incites people to commit an offence, he may be prosecuted, and in one case he is liable to a fine of £1,000 or two months' imprisonment; in the other case, he is liable to twelve months' imprisonment. Then the hon. member, Mr. Flowers, put it to the House that the Government had broken the law themselves by appointing a special tribunal to deal with the case of the northern miners. He said that was done while the Industrial Disputes Act was in force. As a matter of fact, it was done long before, when the Arbitration Act was in force.

The Hon. F. FLOWERS: But it was sitting while the Industrial Disputes Act was in force!

The Hon. J. GARLAND: The Government are entitled to appoint a royal commission. This one was appointed at the request of both parties as a means of settling what then threatened to be a strike. Both the miners and the masters did not want to go before the Arbitration Court, but they wanted their differences settled; and the Government, in order to prevent industrial disruption, appointed a royal commission. I fail to see how, in so doing, they in any way broke the law of the land. They were perfectly within their rights, and it was done at the request of both parties. There was nothing illegal.

The Hon. F. FLOWERS: It was a special exemption!

The Hon. J. GARLAND: It was not. Those parties were not bound to go before

the Industrial Arbitration Court; they could refer their disputes to any tribunal, and there was no compulsion and no breaking of the law. It was a wise step taken for the purpose of preserving industrial peace. This measure, in my judgment, is necessitated by the requirements of the occasion. It provides for nothing exceptional, nothing extraordinary. It simply increases the penalty which is at present imposed upon persons who engage in a strike. It makes the penalty heavier in the case of persons who incite to a strike than in the case of the ordinary participants in a strike. Hon. members can easily see why that should be so. Where many of the men follow others as blind followers—they possibly do not think for themselves, and possibly come out without any desire at all to come out, through a mistaken feeling of loyalty to their fellows—the ordinary law is quite sufficient to deal with those men, the penalty imposed by the act is quite sufficient to meet cases of that sort. But where men come forward and deliberately incite other men to break the law, and raise men to such a condition as that described by the hon. member, Mr. Flowers, who, when speaking of the condition of the northern miners now, said that those men were so inflamed that they were practically driven into a state of madness—when men act like that and induce men to break the law, then, unless civilisation is to break down altogether—unless Parliament is to abrogate its functions—something must be done to stop such conduct.

The Hon. F. FLOWERS: They were inflamed by the injustices they were labouring under—not by the speeches!

The Hon. J. GARLAND: That could easily have been cured by an appeal to the act now in force. It is idle to talk about men being driven into a state of madness by injustices, when everybody has a right to ask for a wages board, and one consisting of a representative of the employers and a representative of the employees, and an impartial chairman is immediately appointed to deal with any matter of grievance then existing, and will continue in being in order to deal with any matter of grievance which may exist in the future. Where in the wide world is there a set of affairs which gives greater protection to

the workman, which absolutely safeguards him against tyranny and injustice, than does such a provision as that? It seems to me that the imposition of not more than twelve months' imprisonment—that is the maximum; it is for the judge to determine what the minimum shall be—

The Hon. F. FLOWERS: Not a jury!

The Hon. J. GARLAND: No, not a jury; because all parties have agreed that the industrial disputes and troubles, and the breaking of the laws, are to be handed over to the judge of the Industrial Court, in whom I am happy to say both sides place implicit confidence. What more satisfactory tribunal could be chosen to deal out even-handed justice than the judge of the Industrial Court?

The Hon. F. FLOWERS: Who told the hon. member that both sides had implicit confidence in that judge?

The Hon. J. GARLAND: I have heard it said by members of the hon. member's party!

The Hon. F. FLOWERS: We are not allowed to refer to judges in this Chamber, or else we might say something—at any rate I could say something!

The Hon. J. GARLAND: It appears to me that this is a measure justified by the necessities of the occasion. It is a measure which does not go too far—a measure which has proved effective already; because, strangely enough, coincident with the introduction of this measure, we hear that the western men are returning to work. It may be merely a coincidence, but I suggest to hon. members that it is at any rate a remarkable coincidence. I intend to support the second reading of the bill.

The Hon. J. A. GUNN: In addressing myself to this subject, I desire to say how heartily I approve of what has been done by the Government in this measure.

The Hon. F. FLOWERS: It is the first time the hon. member has approved of the action of the Government this session!

The Hon. J. A. GUNN: It may be. I have had occasion to oppose the Government this session on one thing only, and that is their land legislation. That I did not approve of, and I said so. This legislation I do approve of. I think it is absolutely necessary, and I am pleased to have the opportunity of saying so. I am one of those who, when this strike took

[The Hon. J. Garland.]

place, thought, and I still think, that the law should have been put into force without one moment's hesitation or delay. The law was there and it should have been enforced. I recognise that I have not the responsibilities of the Government, nor do I know what motives may be behind the Government's mind; and whilst I myself would have approved of immediate action I fully recognise the enormous responsibility that lay upon the Government in this matter. Whilst perhaps not agreeing with their action, I recognise and appreciate the wise moderation which has characterised their proceedings all through, from the time when the Premier first offered to mediate in the matter and submitted a compromise, which could have been accepted in spite of what was said by the hon. member, Mr. Flowers, without loss of dignity by either party, and which, if it had been accepted by the miners who are on strike, would have ended the trouble there and then. No fairer compromise was ever offered by the Premier of a country whilst the laws of that country were being broken. The hon. member, Mr. Flowers, in his very able, and in view of the position he holds, very fair speech, when I interjected, referred to my want of knowledge of unions. But it is a well-known adage that lookers-on see most of the game. And no man can fail to see that for some years past these enormous strikes have not been entered upon to remedy grievances or injustices which the hon. member, Mr. Flowers, in his eloquent speech declared often drove men to madness. We were assured by one of the leaders that this strike is not to readjust small grievances, and not to get one shilling extra for the miners, but to put the cause of unionism above the cause of lawful government. No man who has watched the course of these strikes but knows that the agitator—the paid leader—is the man who is responsible for every one of them. The great fault of our industrial legislation to the present has been that it has not recognised that fact.

The Hon. F. FLOWERS: The hon. member is an agitator for his own class!

The Hon. J. A. GUNN: That may be; and if I break the law I will go to gaol with pleasure.

The Hon. F. FLOWERS: The hon. member must be careful and not break the law!

The Hon. J. A. GUNN: If my hon. friend is Premier and I break the laws, I trust he will put them in force against me. As I said, nearly all the labour troubles which have fallen upon this state have been prompted by paid agitators.

The Hon. J. HEPHER: That shows how little the hon. member knows about it!

The Hon. J. A. GUNN: The great fault in our industrial legislation has been that that fact has not been recognised. In this bill it is recognised, and the leaders who in the past have practically been exempt from punishment are the men who will be made responsible, and upon whom the penalties will be imposed under this bill.

The Hon. F. FLOWERS: That is the stuff the hon. member reads in the *Herald* and *Telegraph*!

The Hon. J. A. GUNN: It is not. It is the stuff every sensible man knows to be true, and every man who has had to do with these strikes knows it also, and no one better than my hon. friend. No Government has had so many consecutive labour troubles to face as this Government has had, and I doubt whether any Government would have acted with the moderation and discretion which this Government have shown in every trouble. The whole public are suffering, not as the hon. member, Mr. Flowers, said, through the action of a weak Government, but through the action of the strike leaders, whether they are connected with the I.W.W., who advocate a general strike to paralyse the whole country, or whether they are the scientific strike leaders, who, under the guise of peace, hope to paralyse the community section by section until they gain their ends. It is their action, and not the action of the Government, which is responsible for the suffering and misery so graphically depicted by my hon. friend.

The Hon. F. FLOWERS: The hon. gentleman thinks it is a weak Government, because he never supports them!

The Hon. J. A. GUNN: I have supported them all through, except in respect of one piece of legislation, in which I think they were mistaken, and badly mistaken. I have the greatest pleasure in supporting them when they are right, and

now I think that they are absolutely right. The hon. member, Mr. Garland, said that the penalty proposed was twelve months or less, at the discretion of the judge. I do not so read the clause, and I hope it is not so, because that will weaken the measure and leave us open to the troubles engineered by these agitators. As I read the act, it is a penalty of twelve months, and twelve months only. I trust that that is the case, because a fixed penalty is the only one that these men will fear. I agree with the hon. member, Sir Joseph Carruthers, that a penalty which would absolutely stop all strikes would be the disfranchisement of the strikers; but as the Government have not seen fit to go that far, I can only say that I heartily support what they have done, and I trust the House will carry the measure without a dissentient voice, except that of the hon. member, Mr. Flowers.

The Hon. Dr. BEESTON: I give my hearty support to the measure. I have had a good deal of experience of strikes in the Newcastle district, and this is the most iniquitous strike that we have ever suffered. It is not a simple matter of miners going on strike, but it is a case where a body of men have endeavoured to take the reins of government in a secret conclave down Sydney way, and have attempted to rule the country in defiance of all constituted authority. The miners, individually, are a law-abiding and decent set of men, but when they are inflamed by these agitators they will stop at nothing.

The Hon. F. FLOWERS: They are terrible agitators!

The Hon. Dr. BEESTON: They are, and twelve months is too little for some of them. I speak feelingly, because I come from a district which is smarting under the effects of this strike. It is only lately that the people in Sydney have felt the effect of these strikes, but we have been suffering from them for years. They happened to catch the owners at a time when the owners were not prepared. They caught the owners "napping," so to speak, and now the Sydney people are feeling the effects of the strike.

The Hon. Dr. NASH: Some of them do not know that it exists!

The Hon. Dr. BEESTON: They will before it is finished. I am glad to hear

that the western miners are going back to work, and I have no doubt that the strike will "peter out" in the Newcastle district before long.

The Hon. J. TRAVERS: My objection to the bill is that it is undesirable and unnecessary. We are asked at this stage of the industrial trouble to suspend the constitutional functions of the House in order to put through the measure at one sitting. That is an entirely wrong position for a House constituted as this is to take up. One of the basic principles upon which the foundation of this House rests is that it is a check upon hasty legislation. Yet we are asked, in view of the industrial disturbance outside, to suspend the constitutional liberties of every member with the view of passing this measure at one sitting. Up to the present the debate has been confined, not to the measure before the House, but chiefly to the dispute. I am one of those who believe that the miners acted wrongly in going out on strike. I believe that the Industrial Disputes Act should have a fair trial, the same as any other act, and that its defects should be remedied as soon as they are seen. But whilst I admit that, I hold the view that, for a considerable time past, the miners have been suffering under a great many grievances. I blame the miners for not seeking redress under the Industrial Disputes Act, but I also hold the mine-owners to blame, because, from its very inception, they have set themselves against complying with the act. I should like to invite the attention of hon. members to a statement which was published in the *Sydney Morning Herald* of 23rd October last, as follows:—

Newcastle, Friday.—When delivering his decision this morning in a number of cases in which the colliery proprietors on the Newcastle-Maitland coalfields were charged with breaches of the engineering industry award, his Honor Judge Heydon criticised the attitude taken up by the northern colliery proprietors towards the Industrial Disputes Act. He said that their attitude had been in marked contrast to that of the southern and western colliery proprietors; in fact, he might say the stand they had taken up was a very obstinate one. The act had been fought very determinedly by them ever since it first came into operation. When the engineers asked for a board, the northern colliery proprietors fought the application in a most determined way, and carried it to a higher court. The consequence was that the act was amended. Then, every time afterwards, when any class of

employees would come to get a board that would include the northern colliery people, the same thing occurred. At last, in consequence of matters that he had repeatedly pointed out, and he thought he might say on account of the wise advice given them by Mr. Kelynack, they altered their attitude altogether. They came down and asked for a board—the course they should have adopted at the first. It was, therefore, not fair that people who treated the act in a proper way, and asked for a board, should be ignored in favour of the northern colliery proprietors. The consequence was, that when the board asked for was granted, the people who already had boards retained their existing rights. The engineers' award must have been under their notice several times, and they must have been informed of the fact that it applied to the mines. His Honor said that he did not so much wonder at the non-recognition of the engineering award at an earlier date. They received no notice, and they had been going on in their own way for a long time. However, when the award was made clear to them, they decided to fight it.

That was the attitude of the northern mine-owners towards the Industrial Disputes Act. I think that hon. members will agree that the *Sydney Morning Herald* does not go out of its way to advance the interest of the miners or other workers of this country, and I should like to quote from a leading article which appeared in that journal of 13th November last, as follows:—

The growing seriousness of the situation created by the coal strike calls for immediate action on the part of the Government; and Parliament as representing the people may be said to be as much upon its trial as Ministers themselves. Up to the present moment there has been a continued hope that something would come of the efforts to bring the colliery proprietors and the miners together, and those in authority have trusted that conciliation might provide a salve for the wounds of the state. But at every turn there has been difficulty. The latest obstacle has apparently been created by the masters rather than the men, though our forecast yesterday morning of a meeting between Mr. Bowling and some of the proprietors seems to have been sufficiently accurate. To-day we have to report that an effort is to be made to bring about an interview between Mr. Hughes, as representing the strikers and Mr. Learmonth, as head of the coal vend. It may be successful. We sincerely hope it will be. Yet the position has again to be taken that the men must return to work if the colliery proprietors grant an open conference, not because either has been convinced of good faith in the other, and now gives way, but because the people demand it in the interests of the state. The Government must take action, and Parliament has to justify itself before the country, because the parties to this quarrel have sunk to a secondary place, and because it is felt that all the negotiations for a conference may be but so much marking-time

[*The Hon. Dr. Beeston.*]

to serve a special purpose. While private individuals try to mediate, the railways are beginning to fail, industry is ceasing, production is struck at the heart, and the people will soon starve. Certainly the proprietors will have a great deal to answer for if they continue to assume that they are safe behind the statutes. They have pointed to the breach of them, and decline to move until there has been a return to work, forgetting that they are as much open to attack as the men if they allow opportunities to pass for helping to mend a broken law. People are not in a mood to-day to listen to arguments from the miners any more than they will consent to silence or indifference from masters, who, after all, are under their control, and who may be forced to show that they are flesh and blood. The proprietors will do well to meet Mr. Hughes if they have the chance, not necessarily to be subdued by his eloquence, but to find out how far the way is open for a settlement of the strike.

It is only fair that both sides of the case should be put before the House. I am satisfied that the northern miners had nothing to fear from a direct appeal to a tribunal under the Industrial Disputes Act, but there can be no question that the men have been suffering for years past from pin-pricks. A good deal has been said to-night about agitators, and I wish to say a few words upon the strength of twenty years' experience, of which seventeen years have been spent as secretary of a union. In nine cases out of ten the secretaries and other responsible officers of unions do not advise the rank and file to go out on strike. In almost every case those who are responsible for administering the affairs of trade unions are against the cessation of work, and the resort to arbitration for the settlement of trade disputes was first forced upon the attention of the public by the leading officials of the various trade organisations. I admit that once it has been decided to settle disputes by arbitration recourse should not be had to other methods. I could at once understand the position taken up by the Government if they had exhausted all available means offered by the Industrial Disputes Act for the settlement of the present strike. But with all due deference to them, I contend that they have not brought the provisions of their own Act into operation. Section 42 of the Industrial Disputes Act provides :

If any person—

(a) does any act or thing in the nature of a lock-out or strike, or takes part in a lock-out or strike, or suspends or discontinues employment or work in any industry ; or

(b) instigates to or aids in any of the above-mentioned acts ;

he shall be liable to a penalty not exceeding one thousand pounds, or in default to imprisonment not exceeding two months.

I say, with all respect to the Government, that if they had put this provision into force things might not have been just as they are at present. They propose to alter one of the basic principles of English justice, and to say that a man should be no longer tried by a jury of his peers. Under our state laws the state has summary jurisdiction to inflict upon a man imprisonment for six months without the intervention of a jury ; but under this bill a man will be handed over to the tender mercies of the judge of the Industrial Court, against whom personally I have not a word to say, who, I believe, is a very distinguished member of his profession, and who, from what I know of him, I believe to be an eminently fair man ; but I am not prepared to say that I should be willing to hand over my liberty to Mr. Justice Heydon, or any other gentleman who may occupy that position.

The Hon. F. FLOWERS : And with no appeal !

The Hon. J. TRAVERS : Absolutely no appeal, either by prohibition or otherwise, against that gentleman's decision. I say that is entirely wrong. Let me state a case to hon. members. Suppose that against a decision, or the expressed wish of the secretary or other representative of an organisation, the men decided to go out on strike. Loyalty to the organisation, once they had decided to come out, would of course compel him to stand by them. He may have advised them not to come out. He may have done everything possible that a man could do to keep them in ; but yet when the men come out he stands by them with the view of minimising, as far as he can, the consequences of the strike. Under this bill that man is picked out for special treatment.

The Hon. F. FLOWERS : He is the victim !

The Hon. J. TRAVERS : Of course he can resign, but what man worth his salt, at a time like that, would think of resigning his position as secretary or leader of the trade union ? The Government are acting very unwisely in taking up a position of this kind. It is unfortunate

that just as there are some signs of a settlement, a dark cloud should come over the horizon and undo all the good work that has been going on for some time. I am prepared to say that if the Government had not arrested the men in Newcastle recently the western miners would have been back now. It is said that the western miners are going back to work. Let me tell hon. members, as one who knows something of the trouble outside, that although the western miners decided to go back to work, they came to that decision before this measure was introduced by the Government. What I am very much afraid of is, that the action of the Government at the present time will turn them right-about-face. Seeing that the Government for the last five or six weeks have taken up practically a neutral attitude they should have allowed things to go on for a while longer. If the Government had put into operation the full force of their act I could quite understand their coming to Parliament and asking for further powers. I do not desire to say any more, except to register my objection against what I consider to be a most pernicious piece of legislation—a piece of legislation that practically drives a wedge into the sanctity of the home—a piece of legislation which says :

If any officer of police of or above the rank of sergeant has reasonable grounds to believe that any building or place is being used for a meeting for the purpose of instigating to, or aiding in, or managing, or aiding in the continuance of a lock-out or strike, he may enter such building or place, and may, if necessary, obtain assistance and use force by breaking open doors or otherwise for making such entry, and may seize any documents which he reasonably suspects to relate to any lock-out or strike, or intended lock-out or strike.

This is an innovation in a British community. It is a pernicious principle, and I hope the House will not pass it. I register my objection against the House being asked to practically force a measure like this through in one sitting. I am satisfied that if the Government had stayed their hand a little longer, this dispute would have been settled without any interference on their part.

The Hon. J. ASHTON : If I consulted my own personal feelings, I would be disposed to let this question go without making any observations. A good deal

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has been said in the course of the debate as to the attitude that has been taken by the Government from time to time with regard to this dispute, and the criticisms which have been offered against the action of the Government are very much on the lines of the criticisms which have been heard in almost every conceivable quarter—out-of-doors, in the public streets, and in the press—for the last three or four weeks. I suppose every hon. member has heard every act of omission and commission on the part of the Government blamed and praised—that is to say, you can get an infinity of difference of opinion as to the course of action taken by the Government during the last five weeks. But in all the criticisms that I have heard, both verbally and in the newspapers, I have seen not one suggestion that commended itself to me, or, I think, to the public at large, as a method of settling the strike. As a matter of fact, in the nature of the case it is an almost impossible task, without the goodwill of the two contending parties, due, of course, to the very trite adage that while one man may take a horse to water, twenty cannot make him drink. Until some way is devised whereby twenty men can be enabled to make a horse drink when he does not want to drink, there is no power in the law or in any community to end a strike if the strikers are averse to ending the strike. As a sample of the criticisms to which the Government have been subjected, I might refer to some observations by the hon. member, Mr. Flowers. In referring to the hon. member's speech, I feel sure that I am expressing the opinions of most hon. members when I say that if the leadership of industrial disputes was in the hands of men as bold and courageous and as honestly outspoken as that hon. member has proved himself to be in this House, both on this question and others, there would be fewer great industrial upheavals than there are. But I think that in his advocacy of the cause which he has closely at heart, he also did the Government an injustice. He complained bitterly both of the Government neglecting to enforce the law, and of the Government proceeding to enforce the law, all of which illustrates the tremendous difficulty that confronts the

Government at a time of great industrial disturbance such as this. He contended that the Government at all events, if it had not broken the law, had connived at breaking the law by not remitting the industrial dispute at Newcastle to a district board under the existing act, instead of allowing it to go to a special court. What are the facts in regard to that? Hon. members will remember that before the Industrial Disputes Act was passed the Newcastle miners were out on strike, and, largely owing to the untiring efforts and careful mediation on the part of the Premier, the two sides were brought together, and industrial operations were renewed, and one of the terms of that arrangement was that the disputes, which were duly catalogued, between the two parties should be remitted to a special tribunal, the nature of which was agreed upon, and both sides agreed to a truce and also to abide by the award of that tribunal. It was during the currency of the work of that tribunal that the Industrial Disputes Act was passed, and with the assent of both parties to the dispute, and according to what was conceived by the Government to be the wisest course, it was agreed to let this voluntary submission on the part of both parties go to the special court which had been constituted in pursuance of the agreement come to between the parties.

The Hon. F. FLOWERS: Was not that a sign of weakness on the part of the Premier and of want of confidence in his own act?

The Hon. J. ASHTON: I do not think it was—for this reason: the tribunal was constituted before the wages boards were brought into existence, and it had dealt with a very considerable amount of work. Both parties felt that it would be unwise and inexpedient to disturb the method of settlement which had been agreed upon between them, and they objected to its being taken away from that special court.

The Hon. F. FLOWERS: And then it was hung up about eight weeks!

The Hon. J. ASHTON: I know it was hung up for various causes on many occasions, but we can quite conceive the tornado of condemnation which would have whirled about the Government's ears if, when both parties agreed to the work

of arbitration being carried out by a special tribunal created before the Industrial Disputes Act was brought into existence, that arrangement had been brushed aside and both parties had been told, "No, you shall not have the tribunal you agreed your disputes should be remitted to, and by whose award you agreed to abide; you will have a tribunal which we have technical power to force upon you under the newly-passed act." I think the Government pursued a wise, prudent, and discreet course in allowing the case to be tried by the tribunal which had been agreed upon; and while it was technically not a breach of the law to allow the dispute to be dealt with by that tribunal, I think at the same time it would have strongly conduced to the possibilities of a settlement if that tribunal had been allowed to deal with the dispute to the end. Unfortunately it was not successful, but I venture to think there was something in the nature of the case which would have absolutely precluded any tribunal from being successful in the settlement of the disputes. I should like to say a word or two on the measure itself. I vote for this bill with many regrets. If it had been introduced as part and parcel of the general legislation of the country, instead of, as I regard it, a mere emergency measure—

AN HON. MEMBER: A panic measure!

The Hon. J. ASHTON: I will not say a panic measure, but an emergency measure—there are some provisions to which I could not give my consent. I realise the truth of the maxim that "desperate diseases require desperate remedies," and that, I think, constitutes a justification for legislation of this character; but I should like to say that this bill would have been more palatable to me if the Government had added one clause to it, enacting that the duration of the measure should be, say, twelve months, because I am afraid—

The Hon. F. FLOWERS: The hon. member is afraid of the elections; that is what he is afraid of!

The Hon. J. ASHTON: Not at all. At all events, the duration of the measure would extend long beyond the next elections, even if it were limited to twelve months. The reason I say that is this: this legislation is of a drastic character,

and I would have liked to see, at a time of less stress and excitement, Parliament deal with what it might deem to be the most effective remedies for circumstances existing at the present time.

The Hon. N. J. BUZACOTT: Will the hon. member propose an amendment to that effect?

The Hon. J. ASHTON: If the hon. member in charge of the measure would accept such an amendment I would support it, but I realise—I am not a babe in this matter—the extreme difficulties with which the Government are surrounded, and I am prepared to leave it to the Government to determine what shall be done. I am now expressing my opinion as to what in my judgment would have been the better method to adopt. One of the objections that I have to this measure is that which has been referred to by the hon. member, Mr. Travers, namely, that this bill permits a judge from whom there is no appeal, without a jury, to send a man to gaol for twelve months. I should be sorry to think that such a provision was incorporated as part and parcel of the permanent law of this country. It would have hall-marked this measure as an emergency measure introduced and passed for the purpose of dealing with a special set of circumstances if its duration had been limited. There is one other provision to which I would like to invite the attention of the Vice-President of the Executive Council. I refer to new section 42B, and I would ask the hon. gentleman between now and the Committee stage to consider the meaning of a few words contained in that section. As it stands the section reads:

42B. A meeting of two or more persons assembled for the purpose of—

(a) instigating to or aiding in a lock-out or strike; or

(b) managing, directing, controlling, or aiding in the continuance of a lock-out or strike already in existence,

shall, where such lock-out or strike is in respect of a necessary commodity, or in respect of the transport services of the state in relation thereto, be and is hereby declared to be unlawful.

I do not know whether the “transport services of the state” refer to the transport services which belong to and are controlled by the state, but it seems to me that that is the most reasonable interpretation to place upon the words. The

[The Hon. J. Ashton.]

section, to be effective, ought to extend in its application beyond the transport services controlled by the state, and apply to all transport services in connection with the necessary commodities as defined in clause 2. What I have in my mind in this connection is, that at the present time one vital point in the industrial situation is the attitude of the waterside workers in regard to the part they play in the transport services in connection with certain commodities. I would have thought that this clause would have been devised for the purpose of dealing with the troubles incidental to those two particular industries. It may be that these words may be interpreted to mean “transport services carried on within the boundaries of the state.” If so, the clause could be made to apply to transport services other than those belonging to and controlled by the state, but I am very dubious about the interpretation that might be placed upon those words, and this bill when it becomes law, might, in operation, be found to be weak in one place, if that clause were found not to be applicable to the transport services of the character to which I refer. The hon. gentleman in charge of the bill may be able to remove my apprehensions upon this point, but I should be glad if he would give it his consideration. I would very much like to regard this bill as purely an emergency measure, temporary in its operation, and I would have voted for it with very much less misgiving if it had been hall-marked in that way.

The Hon. B. B. O’CONOR: The great objection to this bill will arise from the reasons stated by the hon. member, Mr. Ashton. A slight amendment might be made which would not delay the passage of the bill very much in either House by omitting after the word “service” the words “of the state.” Any confusion or doubt would thus be instantly remedied. It is merely a trifling amendment, which I commend to the consideration of the Vice-President of the Executive Council. Of course it is a matter of responsibility with the Government, and that is the reason why I feel diffident about criticising the measure at all. We must admit that the Government is charged with the orderly conduct of affairs, and if it is of opinion that a certain situation has arisen

demanding drastic remedies far-reaching in their effects, it would be presumptuous on the part of any member of Parliament to arrogate to himself the liberty of thinking that, with the limited resources at his command, he is in a better position to judge than the Government, which has unlimited means of gathering information. I regard it as a tremendous invasion of the liberty of the subject to give to any man, whatever his qualifications may be, the right to deprive a fellow-citizen of his liberty for twelve months. I would have preferred to see a very much more drastic penalty than twelve months, but safeguarded in the same way as any other punishment for a criminal offence. I believe in industrial legislation and have viewed with satisfaction the growth of that legislation for the settlement of disputes. I regard anyone who interferes with the happiness, prosperity, comfort, and enjoyment of life by means of the invasion of industrial legislation and the committal of offences in the same way as I regard a man who commits any other offence against the law of the land. The pin-pricks of men are no justification for the heart-aches of women. These men say that they have had pin-pricks. How are you going to establish that before any tribunal? Probably one of the pin-pricks might be that a miner was spoken improperly to by a deputy. What tribunal is going to decide that? We all have pin-pricks in life—some deeper than others—but how can we establish them to the satisfaction of other people? It is an extraordinary thing in a British community that it is always the leaders who blunder. The men are loyal, self-sacrificing, and willing to follow their leaders anywhere, let them be as stupid as the leaders in this particular strike. They will follow a man who does not believe in industrial legislation for the curing of the ills of humanity, but who openly admits that arbitration has no charms for him, and that he has no appreciation for constitutional methods as we understand them. These men, every one of whom believes in the principles I have indicated, with a loyalty and heartiness not found elsewhere than in British communities, will follow a man who does not believe in constituted authority, or in the methods of settling industrial disputes

such as we have here. I cannot understand men coming out and saying that they have pin-pricks. The pin-pricks that they have to endure are nothing as compared with the stabs they have given to the innocent men, women, and children of the community, who will take a long time to recover. Why do not the malcontents do something? They complain that the newspaper press does not represent them, and that the directors of companies do not give them fair consideration. What becomes of the huge sums of money that are poured into the union coffers year after year; and which in the aggregate represents thousands of pounds? The shares in coal-mining companies are quoted on the open market, and almost any nine in New South Wales could be bought by the workers. Why do not they do this? The *Daily Telegraph* shares are quoted at £70, and this amount only requires to be multiplied by the number of shares in order to arrive at the amount of capital necessary to secure the control of a widely-circulated and influential newspaper. No; they do not do anything of that kind. That would be constructive, and of no use to the leaders of the strike. When a body of men are banded together as are the Newcastle miners, what is the position? It is a case of *force majeure*. The other people of the community are in exactly the same position as if an invading force had landed here. Individuals in the community are bound to obey the enactments of the invading force. If they opposed them they would be liable to severe penalties. Twenty thousand men have got up there at Newcastle, and they are tyrannising over other men. Any man would be a fool who would oppose his isolated opinion and judgment against those who are absolute masters of the situation. No man, however honest or intelligent, has any chance of asserting himself physically; and the Newcastle miners are exercising an intellectual tyranny as great as ever was. Men are not allowed to assert their manhood or freedom, judgment or will. I believe that something could be done which would ease the trouble down. I would place at the disposal of these men means by which they could acquire homes for themselves. Why is it that Newcastle has always been regarded as the

danger zone in our industrial life? The miners of the south agree with their employers, and the miners of the west can get on amicably with the colliery proprietors, and it is left to the Newcastle miners to plunge the whole community into such a state that nothing but ruin and disaster confront it. Why? I have my own idea. Go to the southern mining districts, and about Woonona and Bulli you will see a large number of miners who have their own homes—and lovely homes they are—of which the owners are very proud. The miners are thrifty in every sense of the word. Go up to Newcastle and you find they have not had the opportunity to make a home.

The Hon. N. J. BUZACOTT: There are a good many bag shanties round Clifton!

The Hon. B. B. O'CONOR: I dare say, and for the same reason that exists around Newcastle—they have not been able to get a freehold tenure—they have had to build on leasehold land, and their tenancy is liable to be terminated at very short notice. I believe that if to-morrow you could make every man in the industrial world of New South Wales the possessor of his own home, we should have no use for a lot of these agitators.

The Hon. N. J. BUZACOTT: Where are those model homes on the South Coast?

The Hon. B. B. O'CONOR: Go down to Woonona and Bulli and you will see them.

The Hon. F. FLOWERS: Mount Kembla, for example!

The Hon. N. J. BUZACOTT: And Mount Kiera!

The Hon. F. FLOWERS: The stables are superior to the houses there!

The Hon. B. B. O'CONOR: I was speaking about Bulli, and I say that if the miner at Bulli can make a beautiful home why cannot the miner at Mount Kiera?

The Hon. F. FLOWERS: I have not seen any of them!

The Hon. B. B. O'CONOR: I say that legislation is necessary, because these people who believe in arbitration as a means of settling disputes are not going to stand idly by and see the political edifice erected by the labours of men extending over years and years—men who have suffered privations in years gone by—they are not going to stand idly by and allow men of the type of these labour leaders to

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overthrow the edifice that has been so laboriously constructed. That is the position I take up, and I agree with the hon. member: I would have tried the two months on these leaders. It is very easy to talk about the pride a man feels in going to gaol; but it is a very different thing after he has been there for a couple of months, and has had time for reflection. As long as the gaols of this community held places to put them in, I would have given them all the two months, one after the other—the leaders; the men, as I say, were forced to come out. They believe they are loyal to a principle. It may be unfounded, and the belief may be wrong, but it is honest as far as they are concerned, and they regard it as incumbent upon them to follow their leaders, right or wrong. It will be very difficult to prove that anybody

has reasonable grounds to believe that the probable consequences of a continuance of such lock-out or strike will be to deprive the public either wholly or to a great extent of the supply of a necessary commodity.

Why should it be incumbent on the Crown to prove that the accused had this information? Why should not the onus be thrown upon the accused of proving that he acted in an innocent and lawful way? That provision will complicate the difficulty very much, and make it much more difficult to get a conviction under the act, although the man may have been clearly guilty. There is one other objection to this bill. It is only a minor objection, but I think it is wrong to bring the judge of the Industrial Court into this matter and to clothe him with criminal authority, seeing that he has to decide the business and industrial relations of a great number of the community. I can understand a situation arising where a man is charged with instigating a strike. It might take days and weeks for that to be determined, and the judge of the Arbitration Court might be engaged in a most important industrial matter. That would have to be hung up while he proceeded with the criminal investigation. In addition to that, people will view with not the kindly feelings and not the belief in the integrity of his actions in this criminal jurisdiction that they would be willing to extend to his actions industrially, because in a criminal matter he would be drawing

inferences while in an industrial matter he would be deciding facts. Whether a man is guilty or not, in some cases it may be the opinion of the judge depending on certain inferences drawn from certain facts, whereas in an industrial matter, he may have only to decide the facts in dispute before him. A spirit of antagonism may therefore grow up between the industrial workers on account of his decisions in criminal matters, and he may be prejudiced very much in his industrial administration. First of all, I would have given the judge summary jurisdiction for any offence that merited six months' imprisonment, as in the case of a police magistrate; and in the case of an offence which in his opinion required more drastic punishment, I would have that sent on to a jury. If we could get another judge of the Supreme Court to act in all criminal matters and reserve the judge of the Arbitration Court for purely industrial matters, leaving the recovery of the penalties to other tribunals, we would not be likely to have a loss of confidence in the tribunals we have created, and we might have a more ready acceptance of the decisions of the other tribunals.

The Hon. J. HUGHES, in reply: I will not take up very much time in the few remarks I have to make in reply to what has been said. The hon. member, Mr. Flowers, referred to the royal commission as a violation of the act, and as being significant of the Government's want of confidence in the act. I did intend to reply to him, but that has been done by the hon. member, Mr. Ashton. I merely add that he and any fair-minded man would have been the first to cry out against the Government if, when an agreement of that sort was entered into, it had been brushed aside by new legislation. I congratulate hon. members who have spoken to-night, and I re-echo what the hon. member, Mr. Ashton, has said, that if the men who are unfortunately breaking the law at the present moment followed the guidance of men who had the courage to speak as their representatives have spoken here to-night there would have been no trouble. The hon. member, Mr. Travers, disagreed with the provisions of the bill, pointing out, and quite rightly so, that secretaries and other officers of unions are generally

and almost invariably averse to strikes. And yet it is said these men are the victims. But these men are not the victims. If a man is averse to a strike, if a man does not instigate to a strike, there is not a word in the bill which can make him responsible for it.

The Hon. F. FLOWERS: The very fact that he is present!

An Hon. MEMBER: Or if he is an officer of the union!

The Hon. J. HUGHES: I think that the hon. members who made those remarks know perfectly well that any Government intrusted with the powers of an act like this will be careful that they use a reasonable discrimination as to the people against whom they put it in force. That is one of the very matters the Government have been blamed for. We have been blamed for not putting the penal provisions of the act in force at once. Hon. members blame us because we propose to take certain action. We have been told we ought to have arrested the leaders at the very beginning. We have been told that we were indiscreet as to the time we selected to do it. We have been told that a bill of this nature should have been introduced five weeks ago, and we are told to-night that it is an unfortunate thing it is introduced now.

The Hon. F. FLOWERS: So it is!

The Hon. J. HUGHES: I am putting these few points before hon. members, only to show them that it is a very easy matter for a gentleman who has no responsibility on his shoulders to show the other man what he should do.

The Hon. F. FLOWERS: The hon. member can easily relieve himself of the responsibility, if he is not capable of carrying on the affairs of the country!

The Hon. J. HUGHES: The hon. member is—I have no doubt about it; but he will have to wait his turn, and I think he will have to wait a long time if many of his friends continue to act as they have been acting lately.

The Hon. F. FLOWERS: This is a nail in the Government's coffin, anyhow!

The Hon. J. HUGHES: That is a matter of opinion, but whether it is a nail in our coffin or not, it is what we believe should be done, and if the consequences to

us are satisfactory to the hon. member, they will be perfectly satisfactory to us, inasmuch as we have stuck to our guns.

The Hon. N. J. BUZACOTT: If the secretary of a union does not join in a strike, but continues to act as secretary, what is his position?

The Hon. J. HUGHES: I am not here to answer conundrums. The hon. member who asked that question knows perfectly well that, even without the action the Government have to take at present, there may be dozens of men who could have been prosecuted. There may be dozens of men who might have been arrested, but we did not do it. Have we not waited day after day, week after week? Have we not negotiated with both sides? Have we not done everything that could possibly be done to persuade people to let their reason influence them instead of their prejudices? It is only when we are driven to act that we have to act. We have to bear the responsibility both of the action and of the inaction. There are plenty of amateur mediators. We have been dogged by them. We have been chased by them from pillar to post. The poor unfortunate Premier, even when he was ill, could not get into bed but he was asked to receive a deputation that did not exist—a deputation of distinguished citizens who never realised *in esse*. That is the sort of thing we have had these five weeks. That is the sort of thing everybody connected with the strike has had; I do not say merely the Government. Other people—men whose efforts have been directed to the cause of peace—could not show their noses outside the door but there were forty reporters round them misrepresenting what they said; and I am rather inclined to agree with something that fell from the hon. member, Mr. Flowers—that if certain people could have controlled their exuberance and could have avoided manufacturing facts that did not exist, because they did not know the facts that did exist, it would have been better for the community at large. But we have nothing at all to do with that. I only want to say one word more, and it is that I repudiate the statement, made honestly no doubt by some hon. members who have spoken against this bill, that it is intended to destroy union-

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ism. Nothing of the sort. I do not think there is a single member of the Government who is opposed to unionism as such. I recognise, and I think every member of the Government recognises, that the position of the working-man has been greatly improved by his unions so long as those unions are worked on fair lines. But where we have to introduce legislation of this sort, as the hon. member perfectly well knows, it is not to deal with the honest representative unionist, not to deal with the men who are looking to the general good of the community, but it is to deal with the very men who are the sore in the body of unionism, and with the very men with whom the hon. member's party have to deal.

The Hon. F. FLOWERS: One of them is a member of the hon. member's party!

The Hon. J. HUGHES: One of whom?

The Hon. F. FLOWERS: One of the strike leaders!

The Hon. J. HUGHES: Has he been arrested?

The Hon. F. FLOWERS: Yes, he has!

The Hon. J. HUGHES: It shows how absolutely impartial the Government are.

The Hon. F. FLOWERS: The hon. member did not know!

The Hon. J. HUGHES: No; we did not know the extent of our support throughout the country. Compelled as we are to introduce legislation of this sort and to ask Parliament to amend the law to give us drastic powers which we all hoped we should never have to ask Parliament for, I say with all sincerity that no one would be more pleased than the individual members of the Government if those powers never had to be put into force. One word more, and I have done. One or two hon. members have objected to the power given in this bill to deprive a man of his liberty for twelve months being vested in the hands of one individual, no matter how distinguished. I want to remove that impression. We do not put that power in any man's hands. Parliament is doing it. Parliament declares that any man who breaks the law on lines laid down in this bill, and who is guilty of these acts, shall be liable to imprisonment for twelve months. It is not the judge. All the judge has to do is to say on the facts before him that a man is guilty, and he has to impose that

term of imprisonment. The Parliament of New South Wales, the Legislative Assembly and the Legislative Council, deliberately declare by this measure that outrages of that sort against the interests of the community are punishable by the term of imprisonment specified. There is no escape from it, no option but to punish in that particular way; and all the judge has to do is not to declare the punishment, but to find the man guilty.

The Hon. J. HEPHER: In his opinion only!

The Hon. J. HUGHES: No; on the facts laid before him. And will any man say that throughout the whole course of justice in this state any judge sitting on the bench has failed in his duty?

The Hon. J. HEPHER: Not wilfully!

Question—That the bill be now read the second time—put. The House divided:

Ayes, 26; noes, 4; majority, 22.

AYES.

Ashton, J.	Macintosh, J.
Beeston, Dr. J. L.	Mackellar, Dr. C. K.
Creed, J. M.	MacLaurin, Sir H. N.
Dangar, H. C.	Meeks, A. W.
Dick, W. T.	Moses, H.
Fosbery, E. W.	O'Connor, B. B.
Gullett, H.	Patten, R.
Gunn, J. A.	Robson, W.
Hill, W. C.	Trickett, W. J.
Holborow, Col. W. H.	Wetherspoon, J.
Hughes, J.	
Hughes, T.	
Hurley, W. F.	
Kater, H. E.	

Tellers,

Black, R. J.
Garland, J.

NOES.

Tellers,

Buzacott, N. J.
Travers, J.

Flowers, F.
Hepher, J.

Question so resolved in the affirmative.

Bill read the second time.

In Committee:

Clause 1 agreed to.

Clause 2 (Definition).

The Hon. F. FLOWERS said that he had no desire to enter upon a series of long debates, but by way of protest he intended to call for a division on every clause, believing that this would be sufficient to call attention to the fact that there were at least one or two members who objected to legislation of this kind.

Question—That the clause, as read, stand part of the bill—put. The Committee divided:

Ayes, 25; noes, 4; majority, 21.

AYES.

Ashton, J.	Hurley, W. F.
Black, R. J.	Kater, H. E.
Creed, J. M.	Macintosh, J.
Dangar, H. C.	MacLaurin, Sir H. N.
Dick, W. T.	Meeks, A. W.
Fosbery, E. W.	Moses, H.
Garland, J.	O'Connor, B. B.
Gullett, H.	Patten, R.
Gunn, J. A.	Pilcher, C. E.
Hill, W. C.	Wetherspoon, J.
Holborow, Col. W. H.	
Hughes, J.	
Hughes, T.	

Tellers,

Beeston, Dr. J. L.
Robson, W.

NOES.

Tellers,

Flowers, F.
Travers, J.

Buzacott, N. J.
Hepher, J.

Question so resolved in the affirmative.
Clause agreed to.

Clause 3 (Amendment of section 42).

The Hon. F. FLOWERS said this was one of the drastic clauses of the bill, as it provided imprisonment for a period of twelve months as the penalty for an offence committed under section 42. It seemed to him most uncalled for that for an offence of this description, for which it was perfectly easy to prove an innocent man guilty, the person should be subjected to twelve months imprisonment at the will of one man, for after all he was only one man, although he was a judge.

The Hon. J. HUGHES: At the will of Parliament!

The Hon. F. FLOWERS said it was no more at the will of Parliament than it was at the will of Parliament when it was said that no man should be sentenced to a longer term than six months, unless he was tried by a jury of his peers. Evidence was not always reliable in cases of this kind. It was not so much upon questions of fact as upon opinions that the judge would arrive at his conclusion, and to say that under those circumstances a man should have twelve months in prison was simply barbarous.

An Hon. MEMBER: A police magistrate can sentence a man to imprisonment for six months!

The Hon. F. FLOWERS said that was just half the sentence, and surely it was enough. He was not going to move any amendment of the clause. The Government could take it and all the odium attaching to it. He would content himself with voting against it.

The Hon. J. ASHTON, referring to an observation that fell from the Vice-President of the Executive Council, would like to inquire of that hon. gentleman whether his interpretation of this clause was that the term of imprisonment must be twelve months, no more and no less?

The Hon. J. HUGHES: Yes!

Question—That the clause, as read, stand part of the bill—put. The Committee divided:

Ayes, 24; noes, 4; majority, 20.

AYES.

Ashton, J.	Hurley, W. F.
Beeston Dr. J. L.	Kater, H. E.
Black, R. J.	Macintosh, J.
Creed, J. M.	MacLaurin, Sir H. N.
Dangar, H. C.	Moses, H.
Dick, W. T.	Patten, R.
Fosbery, E. W.	Pilcher, C. E.
Garland, J.	Robson, W.
Gunn, J. A.	Wetherspoon, J.
Hill, W. C.	
Holborow, Col. W. H.	<i>Tellers,</i>
Hughes, J.	Gullett, H.
Hughes, T.	Meeks, A. W.

NOES.

	<i>Tellers,</i>
Buzacott, N. J.	Flowers, F.
Hepher, J.	Travers, J.

Question so resolved in the affirmative.

Clause 4 (Entry on building used for purposes of lock-out or strike).

The Hon. F. FLOWERS said it appeared to him that this clause was going beyond anything that had ever been done except, perhaps, in the case of offenders under the Gaming and Betting Act. He strongly objected to respectable unionists being classed as people who had the same provisions applied to them as were applied in carrying out the law in relation to the Gaming and Betting Act.

The Hon. J. HUGHES: The Licensed Victuallers' Association is a union!

The Hon. F. FLOWERS: I object to unionists being classed with publicans.

The Hon. J. HUGHES: They are unionists!

The Hon. F. FLOWERS: There are unionists and unionists. The hon. member is a unionist; but I do not think a respectable body of unionists would care to recognise the hon. gentleman's union. If he invited a prominent member of a union to come to his house, it seemed to him that the police would have the right, if they suspected anything—and the police

were always suspecting—to come to his house and break open the door to see what they would find.

The Hon. J. GARLAND: You would not lock the door?

The Hon. F. FLOWERS: I would, if the hon. gentleman was about. It appeared to him that the power was altogether unnecessary. Was he to understand that a force of police would be sent to the Trades Hall to live on the premises so that they might be on the spot, so that they might hear a whisper. The united labourers, or the operative painters might be holding a meeting.

The Hon. W. T. DICK: Or the I.W.W.!

The Hon. F. FLOWERS said that in the case of trades unions which had conducted themselves properly for many years it seemed to him to be an extraordinary thing to give a police officer power to intrude into their meetings—with what object? Were they likely to say anything while he was present? The thing was preposterous, and went beyond the ordinary decencies of legislation. The only effect would be to incense to a great degree the large number of unionists who had been looked upon as, and were to-day, the very cream of the population. He was glad to see that hon. members were so united. He was glad to see that the hon. member, Mr. Gunn, was voting at last so harmoniously with the Government—that they had done something that was worthy of the hon. member's admiration and support.

The Hon. J. A. GUNN: Worthy of every citizen's approval!

The Hon. F. FLOWERS: It depends upon the citizen. He entered this emphatic protest against a coercion clause of this kind, which was unwarrantable and unnecessary.

The Hon. N. J. BUZACOTT wished to point out to the Vice-President of the Executive Council what he considered a great anomaly in the clause. Paragraph (b) of clause 3 imposed a penalty of imprisonment on a man who instigated to a strike, but that penalty did not apply to a man who instigated to a lock-out. Clearly, therefore, that provision would affect a working-man or his representative only, and the only alternative was twelve months' gaol. The penalty provided in the latter portion of this clause was quite different from the penalty which might be

imposed on what was termed an agitator. A man with high ideals might start out with great enthusiasm to better the conditions of mankind, and eventually find himself an agitator at the head of a large number of men, but he might still be a very conscientious man. The provisions numbered 42c and 42d were, he thought, intended to deal with Alexander Kethel & Co., Ltd. If Alexander Kethel & Co. were guilty of what rumour said they were guilty of, could anything be more diabolical? They had gone out of their way to instigate a strike and to restrict the trade in certain commodities. He assumed that the two latter sections were intended to deal with this sort of thing.

The Hon. H. C. DANGAR: They are not to be retrospective!

The Hon. N. J. BUZACOTT said he was aware of that, otherwise the hon. member would not be voting for them, because he was always opposed to retrospective legislation. Assuming that Mr. Peter Bowling was all that some of his worst enemies said he was, was his conduct on a par with that of Messrs. Kethel & Co.? If it was, it certainly was not worse.

The Hon. J. HUGHES: They have done it together, I believe!

The Hon. N. J. BUZACOTT said that the penalty under the section was a fine of £500—a mere flea-bite. How many hundreds of pounds had been made out of this arrangement?

An Hon. MEMBER: Goodness only knows!

The Hon. N. J. BUZACOTT said that the Government, to be consistent, should eliminate the fine and substitute imprisonment for twelve months. The section did not deal with any corporation, but with an individual, and if those words were eliminated, the man who broke the law and who represented the wealthy and commercial side of life would be put on the same footing as the man who possibly sprang from a more humble origin and whose conduct was not one bit worse. The crime of one was quite as bad as the crime of the other. But whilst in one case the stigma of gaol attached, in the other a fine of £500 was imposed, whilst the offender might probably make £25,000 out of the deal.

The Hon. F. FLOWERS said he would like to know if the Government really understood how far section 42d would affect a number of industries, in connection with which arrangements had been made between the maker and the seller which had not to the present to any great extent been hurtful to the consumer. For example, in connection with the butter industry he understood there was an arrangement that butter should not be sold for less than so much per lb., whilst in connection with the South Coast dairying industry an arrangement had been made that milk should not be sold for less than so much per gallon. This section would apply to both those industries in connection with which there was a definite understanding agreeable to all the parties concerned, and no crime had so far been committed. He did not know whether the Government were aware of this, or how far-reaching the section was.

The Hon. J. ASHTON wished to draw attention to the words, "the transport services of the state." If his interpretation of that phrase was correct it seemed to him to very seriously imperil the effectiveness of the bill in operation. He wished to know whether the words "transport services of the state" applied to transport services controlled by and belonging to the state, or whether they applied to all transport services conducted within the boundaries of the state. If they applied only to services controlled by and belonging to the state the clause fell short of present necessities, because it could not be made to apply to a very vital feature of the present industrial dispute—that was, in regard to a strike or lock-out, or the management, direction, control, or aiding in the continuance of a strike or lock-out on the part of any section of the waterside workers.

The Hon. J. HUGHES said the hon. member had raised a point which it was difficult to answer on the spur of the moment, but it was intended that the phrase should refer to all transport services within the state in relation to the commodities specified in clause 2.

Question—That the clause, as read, stand part of the bill—put. The Committee divided:

Ayes, 21; noes, 7; majority, 14.

AYES.

Creed, J. M.	Kater, H. E.
Dangar, H. C.	Macintosh, J.
Dick, W. T.	MacLaurin, Sir H. N.
Fosbery, E. W.	Meeks, A. W.
Garland, J.	Moses, H.
Gullett, H.	Pilcher, C. E.
Gunn, J. A.	Robson, W.
Hill, W. C.	Wetherspoon, J.
Holborow, Col. W. H.	<i>Tellers,</i>
Hughes, J.	Black, R. J.
Hurley, W. F.	Hughes, T.

NOES.

Ashton, J.	Travers, J.
Buzacott, N. J.	<i>Tellers,</i>
Flowers, F.	Hepher, J.
Mackellar, Dr. C. K.	Patten, R.

Question so resolved in the affirmative.

Clause 5 (Amendment of section 45).

Question—That the clause, as read, stand part of the bill—put. The Committee divided :

Ayes, 23 ; noes, 4 ; majority, 19.

AYES.

Ashton, J.	Hurley, W. F.
Black, R. J.	Kater, H. E.
Creed, J. M.	Macintosh, J.
Dangar, H. C.	MacLaurin, Sir H. N.
Dick, W. T.	Meeks, A. W.
Fosbery, E. W.	Moses, H.
Garland, J.	Patten, R.
Gullett, H.	Robson, W.
Hill, W. C.	Wetherspoon, J.
Holborow, Col. W. H.	<i>Tellers,</i>
Hughes, J.	Gunn, J. A.
Hughes, T.	Pilcher, C. E.

NOES.

Buzacott, N. J.	<i>Tellers,</i>
Hepher, J.	Flowers, F.
	Travers, J.

Question so resolved in the affirmative.

Bill reported without amendment ; report adopted.

Motion (by Hon. J. HUGHES) proposed :

That this bill be now read the third time.

The Hon. F. FLOWERS : I do not desire to take up much of the time of the House. The bill has been discussed in a tone that, I think, can be admired, and the debate has been characterised by fairness on both sides. Still, I think it is one of the most remarkable bills, passed in a most remarkable manner, that has ever been before any Legislative Assembly. In its drastic nature I think it is greater by far in the effects intended than the notorious bill passed by the Irvine Government under somewhat similar cir-

cumstances. The measure has been forced through the Assembly. No one had any idea of the nature of the bill until about 9 or 10 o'clock last evening. The intention in all legislation is to give sufficient notice by means of the press to the great body of the public outside so that an opportunity is afforded of expressing by public meetings whether or not they approve of a measure of this kind. No necessity has been shown for the bill. The Vice-President of the Executive Council and the speakers who supported the bill have not said one word to show the necessity. The necessity has gone by. If it is for fear of any future action, then a bill of this kind should have stood the scrutiny of public opinion. Members should have been permitted to analyse it. I venture to assert that the Government will find that the measure will act in quite a contrary direction to what they anticipate. The hon. member, Mr. Garland, said that some effects were felt already. That was a grossly unfair remark to make and it is calculated to do a great deal of harm. Men should weigh their words. They should be very careful about what they say, and for a member who, after all, is in this House a special pleader for the Government, to say that the western men are going back already as an effect of the passage of this bill, is uncalled for. Such a remark is likely to do a great deal of damage. I sincerely desire to see peace, and I sincerely desire that, without a resort to the law, these men should go back to work again. I would rather cut out my tongue than say one word calculated to cause a rift within the lute to prevent what seems to be the spirit of conciliation that is growing daily by making remarks of a character that are calculated to undo all the good that has been attempted during the last few weeks. This country will justly ring from one end to the other with the righteous indignation of the people for placing on thousands of respectable and decent unionists the brand that this bill places upon them. The day of reckoning will be the day when the Government will face the electors, who will have to say whether they have done right or wrong.

Question—That the bill be now read the third time—put. The House divided :

Ayes, 22 ; noes, 4 ; majority, 18.

AYES.

Ashton, J.	Macintosh, J.
Creed, J. M.	MacLaurin, Sir H. N.
Dangar, H. C.	Meeks, A. W.
Fosbery, E. W.	Patten, R.
Gullett, H.	Pilcher, C. E.
Gunn, J. A.	Robson, W.
Hill, W. C.	Trickett, W. J.
Holborow, Col. W. H.	Wetherspoon, J.
Hughes, J.	
Hughes, T.	<i>Tellers,</i>
Hurley, W. F.	Black, R. J.
Kater, H. E.	Garland, J.

NOES.

	<i>Tellers,</i>
Buzacott, N. J.	Flowers, F.
Travers, J.	Hepher, J.

Question so resolved in the affirmative.

Bill read the third time.

PREVENTION OF RAILWAY
COLLISIONS.

The Hon. J. M. CREED: By the courtesy of the House I desire to bring a matter before hon. members. Recently certain papers were laid upon the table relating to an invention designed to prevent railway collisions, and those papers were sent to the Printing Committee, but there was not sufficient evidence of the importance of the papers to justify the committee in agreeing that they should be printed. I have consulted with the Chairman of the Printing Committee and with the Representative of the Government, and they see no objection, as the papers relate to a matter which concerns every one in the community and the safety of the railway travelling public. The adoption of the suggestions contained in the papers would increase the safety of railway travelling and in every way would

be to the advantage of the public. I beg to move, as the standing order provides:

That the documents be printed.

Question proposed.

The Hon. W. J. TRICKETT: It is necessary for me to state that these documents came in the usual course before the Printing Committee. They comprise a set of applications by a gentleman named Angus to the Railway Commissioners, asking that a method of signalling on the railways might be adopted, and suggesting that their fitness should be tested at the Hornsby station. The Railway Commissioners replied to several applications by Messrs. Angus & Son, refusing to entertain the proposal altogether. The documents, as stated by the hon. member, Mr. Creed, came before the Printing Committee, and the committee agreed to the following recommendation to this House: "As the Railway Commissioners are averse to Mr. Angus's proposals, the committee have nothing before them to justify a recommendation for printing the correspondence." That was exactly the position of affairs. The hon. member now is within his rights under the decision of a former President in appealing to the House to deal with the matter. I think I may say, on behalf of the Printing Committee, that they have no feeling one way or the other, and if what the hon. member states is considered by the House sufficient to justify the printing of the documents, we have not the slightest objection. We are willing to take a decision on the voices as to whether the documents shall be printed or not.

Question resolved in the affirmative.

House adjourned at 9.25 p.m.

PROROGATION OF PARLIAMENT.—(*Gazette No. 159.*)

NEW SOUTH WALES, } Proclamation by his Excellency the Right Honourable FREDERIC
 to wit. } JOHN NAPIER BARON CHELMSFORD, Knight Commander of the
 (L.S.) } Most Distinguished Order of Saint Michael and Saint George,
 CHELMSFORD, } Governor of the State of New South Wales and its Dependencies,
 Governor. in the Commonwealth of Australia.

WHEREAS by an act passed in the second year of the reign of his Majesty King Edward the Seventh, being "An Act to Consolidate the Acts relating to the Constitution," it is amongst other things enacted that the Governor of New South Wales may prorogue the Legislative Council and Assembly thereof from time to time: And whereas it is expedient to prorogue the said Council and Assembly: Now, therefore, I, FREDERIC JOHN NAPIER BARON CHELMSFORD, the Governor aforesaid, in pursuance of the power and authority so vested in me, do hereby prorogue the said Legislative Council and Assembly until Tuesday, the first day of February next, and the same stand so prorogued accordingly.

Given under my hand and seal, at Sydney, this seventeenth day of December, in the year of our Lord one thousand nine hundred and nine, and in the ninth year of his Majesty's Reign.

By his Excellency's Command,

W. H. WOOD.

GOD SAVE THE KING!