

Legislative Assembly,

Thursday, 12th December, 1929.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills:—

- 1, Agricultural Bank Act Amendment.
- 2, Companies Act Amendment.
- 3, Cremation.
- 4, Licensing Act Amendment.
- 5, Redistribution of Seats Act Amendment.
- 6, Reserves (No. 2).

QUESTION—WATER SUPPLY, NORTH COTTESLOE.

Mr. NORTH asked the Minister for Works: 1, Have complaints as to faulty pressure been received from North Cottesloe? 2, If so, can they be remedied? 3, What action, if any, is being taken? 4, Is the booster pump in Claremont giving good service?

The MINISTER FOR WORKS replied: 1, Complaints were received from Eric-street on 17th and 19th November, and from Dit-cham-street on 27th November. 2, Necessary improvements were completed on 5th December. 3, Answered by No. 2. 4, Yes.

QUESTION—MINING, DIAMOND DRILL.

Mr. MARSHALL asked the Minister for Mines: 1, Is it a fact that the diamond drill now boring at Boogardie had previously bored in Sandstone and Yalgoo, which centres are within the Mt. Magnet district? 2, If so, can he explain how the diamond drill left the Mt. Magnet district for the purpose of boring in Cue, being evidently returned to bore at Boogardie? 3, Upon what dates were the reserves made for boring at Sandstone, Yalgoo, and Boogardie respectively?

The MINISTER FOR MINES replied: 1, Yes. 2, A request was made by a lessee to do diamond drilling at Cue and he undertook to pay half the expenditure and put up the necessary money for the purpose. He stressed the urgency of the matter, and in consequence the drill was diverted to Cue for that purpose. 3, Sandstone 31/8/26, Yalgoo 25/5/26, Boogardie 26/1/26, cancelled 26/4/28; present reserve made 25/10/29.

QUESTION—PUBLIC SERVICE.

Reclassification, Increments, Magistracy.

Mr. MARSHALL asked the Premier: 1, What reclassifications have been granted to officers of the Public Service since the 1st July, 1928, and what are the names and positions, and increases in salary granted in each case? 2, Is it a fact that a number of applications for reclassification have been refused, particularly to officers only just above the range of automatic increments? 3, If so, what is the reason for refusing applications from officers on lower grades, while higher grades have in several instances been granted increases? 4, Will he have all rejected applications for reclassification reviewed? 5, To what extent will officers of the Public Service who have passed in full or in part the prescribed examination for magistrates be affected if the Public Service Act Amendment Bill is passed?

The PREMIER replied: As the question involves something in the nature of a return, I ask that it be postponed.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

Read a third time, and returned to the Council with amendments.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading—Negatived.

Debate resumed from the previous day.

MR. COVERLEY (Kimberley) [4.37]: I am unable to favour this Bill, and for various reasons. One is that the measure is applicable practically to the South-West only. To judge from figures quoted by the Minister for Police when moving the second reading, I should say that the southern portion of the State has relatively a great many half-castes. Probably some amendment of the principal Act is desirable for dealing with the half-caste question. There has been very little time to consider the Bill, which requires a good deal of thought. I had given a fair amount of consideration to the Bill prior to the introduction of various amendments to it. In my opinion, our aborigines are being dealt with in a manner that is entirely wrong. Some clauses of the Bill may be necessary, and others perhaps might prove helpful to the Chief Protector and to the aborigines themselves. Certain provisions, however, which are far-reaching, would operate detrimentally in the far North. While offering protection to the aborigines, the Bill in many respects will operate disadvantageously to the white people of the North. The Government should first of all consider whether they will be doing the right thing by the State in inflicting the hardships that are contemplated, and whether they cannot protect the aborigines by means of the existing Act without the unnecessary amendments that are proposed. I have said here previously that I considered the Government were affording protection to the aborigines. At the same time I instanced how the Government, through their activities on behalf of the natives, were depleting the population of the North, and of the Kimberleys in particular. The amendments now suggested will make the position even worse. It seems

worth while repeating that in the past the Aborigines Department have seen reason to object to certain persons employing natives and have cancelled the permits of those persons. In doing that, however, the department prevent white people from earning a livelihood in the far North. I have admitted that there must be a measure of protection for the aborigines, but it is also necessary to protect existing industries. Until such time as the Government have given the matter the fullest thought and propose to deal with the question exhaustively, I for one am not prepared to accord the Aborigines Department any additional power. Through my travels in and association with the Kimberleys, I am in a position to state that in that country there are just as many people prepared to help the natives, supply them with cattle for food and look after them in a decent and respectable way as there are in any other part of Western Australia. I have known many pastoralists to kill a couple of bullocks a week for blacks who were no use to them, and who did no work whatever. Those pastoralists gained no credit by supplying the natives with meat.

Hon. Sir James Mitchell: They will have recognition in Heaven.

MR. COVERLEY: That is a risk, and one I should not like to take. The Bill is essentially a Committee measure. Some of its clauses, if passed, would not prove detrimental; but there are others which I hope will never reach the statute-book. I take specially strong exception to two or three provisions, with which I shall deal fully in Committee.

Mr. Thomson: I hope the Bill will not get there.

MR. COVERLEY: I trust the Government will give more serious consideration to the operation of the principal Act and to the inevitable effect of some of the amendments now proposed. I also trust that hon. members will give this measure the consideration it merits.

MR. TEESDALE (Roebourne) [4.44]: I do not entirely agree with the Leader of the Opposition in his condemnation of the Bill. Some of its provisions, I consider, will prove highly advantageous to the natives, and the Chief Protector of Aborigines should be granted the necessary authority to administer those provisions. I have known the Chief Protector for many years, and

perhaps have come in contact with him more frequently than any other member. I may say that I had a unique experience with the Dr. Cook expedition, which I am bound to own Mr. Neville carried out most satisfactorily.

Mr. Thomson: Nobody has cast any reflection upon the Chief Protector.

Mr. TEESDALE: Charges have been made against that official in another place.

Mr. Panton: Take no notice of what is said there.

Mr. TEESDALE: I will take notice of what is said in another place just as I do of what is said here.

Mr. Panton: Then you will be wasting your time.

Mr. TEESDALE: If an unfair attack is made on any official, I shall always be prepared to raise my voice in protest. The experience in connection with the Dr. Cook party was unique inasmuch as we were looking for sickness amongst the natives. It may be news to some coastal members that the party visited 152 cattle stations, camps, missions, and police stations, and handled and examined 2,432 natives. It was a great and pleasant surprise to me to find how healthy those natives were. When I started on that trip I was a Nationalist member out to see what I could fault. I wanted to have a good cruise through the entire North and see how the Aborigines Act was being administered. I returned satisfied, except in respect of one or two things, about which we had some heated arguments. Still, I wish to give credit where it is due. I feel we would have great difficulty in finding anybody capable of taking up the position to-day; it would be very difficult to get a man more conversant with the aborigines question than is Mr. Neville. If I were in authority I would suggest a line of demarcation between the North and the South. There are so many things that have to be done for the southern natives, things that are totally unsuitable for the northern natives. Possibly that accounts for one or two people getting a set on the official who has to administer the Act as it stands. The native of the North is a totally different person from the emaciated native we find down south. Up there we have some very fine natives, well fed and well looked after. I was pleased to hear the member for Kimberley say that, taking them right through, the employers, the settlers up North who

have been given permits to employ natives, are very satisfactory. There have been cases—some of them are known to several members here—that required looking into, and it is quite possible the Chief Protector has entertained a rather exaggerated idea of the position. It may be that at times he is troubled by an excess of zeal. That is not often found in the average Government official. The Chief Protector, it may be, has carried out his duties so zealously as to run foul of people, who have made it rather uncomfortable for him. He has hundreds of squatters, and in addition members of Parliament and the public to placate. The worst that can be said of him is that he has carried out the Act. To my mind he has done very well indeed. There are several clauses which, in Committee, I may endeavour to amend. Some of them I am utterly opposed to, but others I regard as being rather useful. I am not going to be a party to scrapping the whole Bill, for it contains certain provisions that ought to be carried out. I think it is permissible for me to mention that that expedition—

The Premier: The success of which was mainly due to the excellence of the driver.

Mr. TEESDALE: It was run very expeditiously and with great care, attention and economy. So much so that the Premier built a lazarette in my electorate and dumped the whole damned lot on top of me; every native afflicted with a certain disease was sent to that lazarette in my electorate. In consequence, I had to go up and endeavour to placate my electors. I definitely lost two votes over that, and very many of the local people were greatly afraid of what might happen as a result of the building of that lazarette. I certainly appreciate some of the clauses in the Bill, but others I will oppose when in Committee.

MR. LAMOND (Pilbara) [4.50]: I have studied the Bill and I have read the debate on it in another place. I am satisfied that the Bill is not as bad as it has been painted. Still, there are in it certain features I could not support. I am glad to see it proposes to bring to book the unscrupulous employer and insist upon his doing a fair thing by the natives. In my district there are very few complaints in that regard. During the last 10 years the condition of the natives has improved out of all knowledge. It seems to me the Bill is intended to apply to the districts

of the South rather than to those of the North. Particularly is that so when we come to the half-caste problem, which was dealt with so fully by the Honorary Minister in another place. In the Pilbara district we have fewer than a dozen half-castes; so it cannot be said the half-caste problem up there is very serious. That is indicated, too, by the fact that within the last two or three years the Chief Protector has introduced half-caste women into my electorate for the purpose of supplying some of the local people with domestic servants. The Bill is essentially a Committee measure. Many of the clauses I will not support, but there are others that would be of considerable use to the department, and give some relief to the natives. I will support the second reading.

HON. W. D. JOHNSON (Guildford) [4.53]: A good deal more consideration should be given to this measure before we tackle it in Committee. The Bill proposes to place under the control of the Aborigines Department all half-castes. I am inclined to think those half-castes are being brought under the Bill, not on evidence obtained from those localities where, the Honorary Minister declares, half-castes are found in great numbers, but on evidence from areas where but a few half-castes are located. In Guildford I have met half-castes and found pleasure in discussing with them matters of interest to the State. Half-castes have made representations to me and I have conveyed these representations to the Premier, who has been kind enough to extend consideration to those half-castes and protect them against the Aborigines Department. The half-castes working around Guildford are giving good service, obtaining the ruling rate of wage, and are particularly capable in the calling they are following. I object to giving anybody the right to interfere with that class of man without affording him an opportunity to tell me, for one, what he thinks of a proposal of this kind. We have no right to assume that the Chief Protector will always be just to the half-caste. For one thing, it is proposed in the Bill to give the Chief Protector power that I would hesitate to give to a Minister of the Crown. I will not agree to giving any such power to the Chief Protector, even though it is proposed that it should apply only to half-castes. I have just as much regard for a decent half-caste as I have for a decent white man. I will never be a party

to persecuting anybody. Why should Parliament give any administrator power to persecute in any way anybody who has intelligence and who tries to improve himself, and who will go to school and study and seek to get into contact with decent people in order that he might assimilate decent ideas. It is all very fine to talk of those remote parts of the State where the unfortunate aborigines and half-castes have no opportunity to improve their minds and generally to fit themselves to become citizens of the State. Members of the House have visited New Noreia. Did they not derive satisfaction from meeting those half-castes? Was it not gratifying to them to think that the British Constitution and the Western Australian Government had made it possible for those half-castes to acquire an education enabling them to converse intelligently on questions of importance to the State? For my part I am proud to think we have organisations doing so much to fit half-castes and aborigines to become useful citizens. We must recognise that there are educated and intelligent half-castes. That being so, why rush this Bill through without giving us an opportunity to discuss it with those half-castes? I could take this Bill to those half-castes I have met in Guildford and discuss it with them, and get from them just as much intelligent information on the subject as, possibly, I would get from the Chief Protector. Why should I not have an opportunity to tell those half-castes that legislation is proposed which will interfere with the liberties they have enjoyed in the past? I trust the House will not pass the second reading, but, that we shall be given the opportunity to think out this question and make further inquiries. We should be given an opportunity to do the same justice to half-castes as we do to white men, and to see to it that we do not by legislation interfere with their liberties without giving them an opportunity to show us exactly how the legislation will affect them from a human point of view. If the Bill should get into Committee, I will be pretty drastic in my proposals. But I trust it will not get that far. I am surprised at another place having passed it. There the Honorary Minister, in moving the second reading, gave a great deal of information, which was added to by the Minister in this House. I have read the second reading debate in another place, but it seemed to me there was in that debate a lot of selfish criticism. Some

of the members there were greatly concerned over the question of the half-castes having the right to make a claim under the Workers' Compensation Act. Much serious consideration was given to the employers' interests, but only scant consideration to the interests of the half-castes employed. There are half-castes giving faithful and loyal service to their employers, men who give a pound's worth of work for every pound they receive. If it is proposed to give special consideration to men of that type, I might agree to the passing of legislation of this kind for others who are less deserving, but this Bill does not discriminate between the two, and while that is so, I cannot agree to it.

THE MINISTER FOR AGRICULTURE

(Hon. H. Millington—Leederville—in reply) [5.1]: I am particularly anxious that the second reading of the Bill should be passed. A good many members who have criticised the measure, I am afraid, have not compared it with the original Act.

Hon. W. D. Johnson: I have.

THE MINISTER FOR AGRICULTURE:

One exception taken is to the provision casting the onus of proving innocence on the accused person. That is contained in the original Act.

Hon. Sir James Mitchell: That does not make any difference.

Mr. Sleeman: Two wrongs do not make a right.

THE MINISTER FOR AGRICULTURE:

But it is the law at present, and no new principle has been introduced.

Hon. W. D. Johnson: Yes; you are extending it to the half-caste.

THE MINISTER FOR AGRICULTURE:

But the principle is in force. If it is objectionable in the Bill, it is objectionable in the original Act.

Hon. W. D. Johnson: Not so, because you wish to extend it to the half-caste.

THE MINISTER FOR AGRICULTURE:

I shall be pleased to reply to the criticism if members will only listen.

Hon. W. D. Johnson: I am merely putting you right.

THE MINISTER FOR AGRICULTURE:

Undenially the time has arrived when the definition of half-caste is out-of-date and must be revised. The definition in the Act reads—

"Half-caste" means any person being the offspring of an aboriginal mother and other than an aboriginal father: Provided that the

term "half-caste" wherever it occurs in this Act, elsewhere than in section three, shall, unless the context otherwise requires, be construed to exclude every half-caste who, under the provisions of the said section, is deemed to be an aboriginal, but shall not apply to quadroons.

When that definition was agreed upon, it applied only to the half-castes of the period. The half-caste had to be the offspring of a white and an aboriginal. Since then, descendants have been born, several generations of them, and the definition does not now hold good.

Mr. Sleeman: You will take them all in under the new definition.

THE MINISTER FOR AGRICULTURE:

The new definition will not make a half-caste an aboriginal. The definition in the Bill reads—

"Half-caste" means any person being the offspring of an aboriginal parent on either side, and includes the lineal half-blood descendants of such person.

Years ago such a definition was not necessary, but it is necessary to-day. If members take the view that the whole object of the measure is to devise new machinery for persecuting aborigines and half-castes, they will scrap the Bill, but that is not the object. The aim is to protect them, and I do not know of any section that require more protection than the section this Bill seeks to protect. I do not think it will be suggested that, because the easiest way out is to shelve this question, we should adopt that course. Some responsibility still devolves upon us. It would be easier for me and probably for the department if the question were shelved, but I remind members, particularly those representing the South-West, that requests have been received from that part of the State for the very provisions contained in the Bill. The people who live in those districts and appreciate the difficulties of the problem—

Mr. Sleeman: Are you referring to Clause 18?

THE MINISTER FOR AGRICULTURE:

I should like the hon. member to listen to somebody other than himself for a few minutes.

Mr. Teesdale: He cannot do that.

THE MINISTER FOR AGRICULTURE:

Some of the provisions have been included in the Bill as a result of the experience of people faced with the problem. This problem of the half-castes largely affects the

South-West and not so much the North-West.

Hon. G. Taylor: Then confine the Bill to the South-West.

THE MINISTER FOR AGRICULTURE: I do not think it advisable to pass sectional legislation to deal with aborigines and half-castes. Those responsible would exercise sufficient discretion to ensure that the law was properly administered. Where there was need for it to be applied, it would be applied.

Hon. G. Taylor: That is the danger.

THE MINISTER FOR AGRICULTURE: I see no danger at all in that respect. It must be remembered that there is a young and growing half-caste population in the South-West, and because of the definition of "half-caste" contained in the Act, the department are not able to control those people. I had a long conversation with the Chief Protector. I said, "Can you assure me that you have been unable to administer the Act as is necessary because you have not sufficient power to control half-castes?" His reply was, "It is so. Whereas we can control the offspring of white and black parents, the half-castes themselves have apparently discovered that the Act does not give the department power to control them, unless they come within the scope of the existing definition." I have already given particulars of the number of half-castes in the South-West. Whether we like it or not, the numbers are there and the problem is there. If members suggest, that notwithstanding the extent to which the number has increased in the last ten years, we should simply refuse to accept the obligation, then they will shelve the question still further. Of all people, the half-castes are entitled to protection. When we take power to deal with them, we take power on lines similar to that contained in the Child Welfare Act. That Act confers drastic powers upon the court and the department to be exercised only where necessary. So it would be in connection with half-castes. There are many half-castes in the State who would not come within the provisions of the measure as regards interference or protection. They are well able to look after themselves.

Hon. W. D. Johnson: Who is going to decide that?

THE MINISTER FOR AGRICULTURE: They have the right to claim exemption. That right is specifically provided in the Act and is preserved in the Bill.

Mr. Coverley: How many get it when they apply? None of them.

THE MINISTER FOR AGRICULTURE: They would have no difficulty in getting exemption, and they would not be interfered with unless interference was absolutely necessary. A large section of the half-caste population is getting out of hand. There is a large number of children and, I am informed, a big percentage of female half-castes. Where power can be exercised, it is exercised and the girls are looked after.

Hon. G. Taylor: They would be the offspring of half-castes?

THE MINISTER FOR AGRICULTURE: Yes, half-castes who come within the old definition, but others who do not come within the definition have discovered that the department have no power to exercise control over them and have defied the department. That is a state of affairs which should not be ignored. We should not adopt the attitude that this question is one that can be dealt with next year, or one on which a Commission should be appointed to determine whether it is of sufficient importance to warrant our dealing with it. If the Bill becomes law, it will be administered as similar legislation always is. I do not think that any great exception is taken to the administration of the Child Welfare Act. There are other statutes that give wide powers, but have to be administered with discretion, and this measure would be similarly administered. I do not think the department look for work or trouble, but it is desirable that power should be given to enable the Act to be properly administered. This is essentially a Committee Bill. Exception has been taken to certain clauses, but I am not permitted to discuss them specifically.

Mr. Angelo: Are you going to press them?

THE MINISTER FOR AGRICULTURE: I assure members that in every instance I shall be able to give adequate reasons for their appearance in the Bill, and I think we shall be able to devise ways and means to overcome objections. I realise that certain principles appearing in the Bill will require careful consideration. The member for Guildford mentioned that it was proposed to give the Chief Protector power that would not be given to a Minister.

Hon. W. D. Johnson: I said power that I would not give to a Minister.

THE MINISTER FOR AGRICULTURE:

It may appear from the reading of the clause that the Chief Protector would be the determining factor as regards a legal marriage. The actual position is that the aboriginal or half-caste must be protected. It may be that a minister would propose to celebrate a marriage which from the point of view of the aboriginal would be undesirable and inadvisable. Such instances have occurred. Aboriginal women have been married to Asiatics. An Asiatic husband, after contracting a legal marriage with an aboriginal woman, may leave the State, and the offspring would be thrown on the mercy of the department.

Mr. Thomson: There is power to deal with that. A man cannot leave without his wife's consent.

THE MINISTER FOR AGRICULTURE:

Marriages have been celebrated that were objected to on tribal grounds. Proposals of such marriages should be brought under the notice of the department with a view to their avoidance. The whole object is to protect the aboriginal and not to dictate. The power sought is very necessary. If the House considers it is a matter that should not be included in the Bill but should receive further consideration, I do not know that I should regard it as vital, but there are good reasons for its inclusion. It is a question well worthy of consideration by those who have a knowledge of the subject. Similarly with the other clauses. Some of the provisions of the Bill are very debatable, particularly the one dealing with cohabitation.

Mr. Marshall: Particularly coming from a Labour Government.

THE MINISTER FOR AGRICULTURE:

I think any difficulty on that score could be overcome.

Mr. Marshall: It could not.

Mr. Angelo: It could by wiping out the clause.

THE MINISTER FOR AGRICULTURE:

I do not know that the clause is vital. There is one clause of which I think members on this side at any rate would approve, namely the clause to enable the State to secure reimbursement for any expense incurred for hospital or medical attention for an aboriginal or half-caste injured while at work.

Mr. Teesdale: It is quite right that the employer should pay.

THE MINISTER FOR AGRICULTURE:

It is necessary to have such a provision in the Act. Because we have not possessed this power, the department have had to go to a good deal of expense for medical and hospital services, and in some cases have not been able to claim the return of the money. By this Bill it will be possible for the department successfully to make a claim, and I do not think there will be any hardship upon the employer concerned. We think it is objectionable that the Workers' Compensation Act should apply fully to aborigines, and members generally will probably agree with that principle.

Mr. Thomson: In some cases it is very desirable if the individual is getting full wages.

THE MINISTER FOR AGRICULTURE:

If that were carried to its logical absurdity, the hon. member would be the first to object to the application of the Act to aboriginals.

Mr. Thomson: What about the half-caste?

THE MINISTER FOR AGRICULTURE:

That part of the Bill will provide the machinery for dealing with the problem. These things are mainly arranged by negotiation, even when action is taken under the Workers' Compensation Act. The department will have the legal right to claim out-of-pocket expenses in the course of looking after injured natives. If only for that reason the Bill should be passed. We should have the opportunity to consider the proposal on its merits.

Mr. Teesdale: It does not require much consideration. If natives work for white men, the latter should pay for them.

THE MINISTER FOR AGRICULTURE:

As to the urgency of the matter, I would point out that the Bill has been before another place for some time and fully debated. Any member who is interested in the matter has had ample opportunity to consider it, and acquaint himself with the provisions of the Bill.

Mr. Thomson: We object to it now we have had the opportunity to read it.

THE MINISTER FOR AGRICULTURE:

If members displayed only a passing interest in the matter, no doubt they would not have taken the trouble to acquaint themselves with the meaning of the various clauses. No case has been made out to justify the shelving of the Bill. For some time the department have been exercising their minds because they have not had sufficient

power to administer the Act as it should be administered. It is only fair that the second reading should be agreed to, in view of the enormous amount of work the Minister controlling the department has put into it. I have never seen any Minister take greater trouble to acquaint himself with the position than this particular Minister has in the case under review. He has satisfied himself that these provisions are essential, and I feel that they do deserve the consideration of the House.

Mr. Marshall: If Clause 25 is worthy of the consideration of the Minister, I am slipping a little.

The MINISTER FOR AGRICULTURE: No one can say that the definition of "half-caste" is sufficient for the year 1929-30. It may have sufficed in the past, but to-day it is obsolete. No one would say the department should not have these powers. Moreover, if a native is injured in the course of his employment, his interests should be protected, and the employer should be liable for the expense incurred in so doing. Any further provisions of the Bill can be explained in Committee. I feel sure that ways and means can be found to overcome any difficulty that presents itself to members. I trust the second reading will be carried.

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

Ayes	12
Noes	21

Majority against .. 9

AYES.

Mr. Angelo
Mr. Chesson
Mr. Collier
Mr. Kenneally
Mr. Lamond
Mr. Millington

Mr. Munster
Mr. Richardson
Mr. Teesdale
Mr. Troy
Mr. Willcock
Mr. Wilson

(Teller.)

NOES.

Mr. Corboy
Mr. Cokerley
Mr. Cowan
Mr. Davy
Mr. Ferguson
Mr. Griffiths
Mr. Johnson
Mr. Kennedy
Mr. Lambert
Mr. Mann
Mr. Marshall

Sir James Mitchell
Mr. Rowe
Mr. Sampson
Mr. Sleeman
Mr. Taylor
Mr. Thomson
Mr. A. Wansbrough
Mr. C. P. Wansbrough
Mr. Withers
Mr. North

(Teller.)

PAIR:

AYES.

Mr. Panton
Mr. Clydesdale

NOES.

Mr. Maley
Mr. J. H. Smith

Question thus negatived; Bill defeated.

Sitting suspended from 5.25 p.m. to 7.30 p.m.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Council's Amendments.

Bill returned from the Council with a schedule of six amendments, which were now considered.

In Committee.

Mr. Panton in the Chair; the Premier in charge of the Bill.

No. 1.—Clause 3. Strike out the word "each" in line 3, and insert "the."

The PREMIER: This is one of those amendments which frequently come from another place—an alteration of a word or two without any alteration in the purport of the clause. Clause 3 deals with the representation of the several divisions of the Public Service on the Appeal Board. At present there is one representative of the whole service. This clause provides that there shall be a clerical representative for clerical appeals, a professional representative for professional appeals, and so on. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2.—Clause 4. Delete Subclause 1.

The PREMIER: The subclause is really contingent upon Clause 5, which provides that appeals may be made only through the Civil Service Association or the Teachers' Union. This amendment is consequential upon the real amendment in Clause 5. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 3.—Clause 4. Delete Subclause 3.

The PREMIER: This also is consequential upon the Council's amendment in Clause 5. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 4. Clause 5—Delete.

The PREMIER: Clause 5 provides that appeals may be made only through the Civil

Service Association or the Teachers' Union. It is the clause which has been described by some members, who have taken a very wide view of it, as setting up preference to unionists. As a matter of fact, it does nothing of the kind. Under the clause an individual officer may not have access to the Public Service Appeal Board, but must appeal through the association or the union. The matter was fully discussed when the Bill was going through here. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: In my opinion the clause represents compulsory unionism. The organisation might refuse to take up a case, and thus leave the individual officer stranded, without any redress whatever. It was on that ground that we on this side appealed to the Premier not to press the clause. We take no exception to the fact of 95 per cent. of the public servants being members of the association or union, but we do take exception to the association or union having first to approve of an appeal.

Hon. G. TAYLOR: Members on this side of the Chamber are apparently of the same opinion as members of the Council. In my opinion it is not right to force any individual officer from going before the board without first having satisfied the association or the union that his case is good enough to go to the board. He himself should be the judge of that. Under the clause the appellant has to take two hurdles—that of the association or union, and then that of the Appeal Board.

Mr. Sleeman: But the appellant will have a lot of assistance in getting over the second hurdle.

Hon. G. TAYLOR: It is not likely that the Appeal Board would turn a more favourable ear to a complaint of the association than to a complaint by an individual. Any individual having an appeal to bring forward should be heard by the board.

Mr. KENNEALLY: What apparently is being lost sight of is that an individual appeal against classification might possibly affect the entire service. An appeal has to be dealt with from the aspect of its effect on the service as a whole. The principle involved in the decision on an individual appeal might affect very many persons besides the individual appellant. For one individual to secure a decision that would be detrimental

to the whole of the Public Service, would mean that there would not be that justice that is regarded as essential. When I suggested, during the second reading debate, that this clause involved collective bargaining, Opposition members asked me where it came in. Through the efforts of some people, there have been built up the two organisations referred to that can adequately deal with appeals against classifications, and the object is that such appeals shall go through the organisation that have been established for that purpose.

Mr. ANGELO: I am in favour of the Civil Service Association; if I were a civil servant, I would join it to-morrow. I would recommend any civil servant to join the organisation, but I would not compel him to do so.

Mr. Kenneally: You would allow one man to scuttle the rest!

Mr. ANGELO: No, because I believe the civil servants will learn to realise the benefits of the association. I am afraid the clause will have the effect of an act of coercion. When civil servants realise that they cannot go before the appeal board except through the association, they will be foolish if they do not join, but that amounts to compelling them to do so. Parliament should not agree to anything that would compel men to follow that line of action. The Civil Service Association itself should be able to bring public servants to realise the benefits derived from membership of the organisation, without Parliament agreeing to a clause that would practically compel them to join up. I shall oppose the clause.

Mr. THOMSON: I was amazed at the defence of the clause advanced by the member for East Perth. He said it was possible, as the result of one man getting justice at the hands of the Appeal Board, for the rest of the Civil Service to be adversely affected.

The Minister for Mines: The decision in that man's appeal might work an injustice to others.

Mr. THOMSON: Every civil servant should have the individual right of appeal, as he has to-day. If a member of the Association considered that he had not received justice at the hands of the organisation, he should still have the right to place his appeal personally before the board. Many men are better able to represent their own interests than any official of the association. Injustices have been done in the

past. Perhaps the association might consider that action in an individual's case might upset the classification arrived at, and the member for East Perth would debar such an individual from putting forward his own claim to secure justice. We have no right to take away the privileges of the minority. If five per cent. of the Civil Service—I presume they would comprise heads of departments for the most part—who are outside the ranks of the Civil Service Association, desire to act independently, we should not compel them to join the association. I hope the Legislative Council will maintain their attitude regarding this clause, and refuse to accept it.

Mr. SAMPSON: I hope the Premier will accept the suggestion of the Legislative Council.

The Premier: You can sit down; I will not!

The Minister for Mines: Yes, you are only wasting time.

The CHAIRMAN: Order!

Hon. Sir James Mitchell: The Minister should withdraw that remark. He is the one who wastes time.

Mr. SAMPSON: The clause will inflict a hardship upon men who do not happen to be members of the organisations mentioned. It is a tyrannical provision.

Question put and passed; the Council's amendment not agreed to.

No. 5. Delete Clause 6:

The PREMIER: Clause 6 provides that the decision of the appeal board shall be in the form of minutes that will be open to inspection, and may be spoken to. That is the procedure followed in the Arbitration Court, where it has been found most useful. There is greater need for such a provision in connection with the Arbitration Court, but with it embodied in the Bill anomalies could be drawn attention to. However, I shall not insist upon it, and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6. Delete Clause 7:

The PREMIER: The clause deals with penalties. The existing Act provides severe penalties to be imposed upon persons who go on strike, including the loss of privileges and heavy fines. The clause seeks to reduce

those penalties, and those suggested are severe enough. Everyone will agree that public servants ought not to go on strike, but experiences during recent years have shown that severe penalties in the industrial sphere have been utterly futile. They have created discord and illwill, and have not proved deterrents. Even though people strike when they should not strike, savage penalties do not result in any good. Heavy penalties will not deter men from going on strike if they feel they are labouring under a sense of grievous injustice. That has been proved all down the ages. Men have taken every risk when they have considered their rights have been denied them. A good deal of the liberty we enjoy to-day is due to the fact that in ages past, men have been prepared to take risks and face dangers in the cause of their own freedom or in fights against injustices. They will continue to do that irrespective of what penalties we may provide. I can understand that, following upon a strike such as that which took place in our own Public Service some years ago, severe penalties could be advocated at the time, but nowadays that incident is practically forgotten, and I think it will create better feeling if the penalties are reduced. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and a committee consisting of Mr. Mann, Mr. Withers and the Premier drew up reasons for not agreeing to Nos. 2, 3, 4 and 6 of the Council's amendments.

Reasons adopted and a message accordingly transmitted to the Council.

BILL—CRIMINAL CODE AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendment No. 3, disagreed to by the Assembly.

In Committee.

Mr. Panton in the Chair; Mr. Mann in charge of the Bill.

Mr. MANN: I shall endeavour to follow the only procedure that I think is open to me with a view to getting a conference with

another place, and I understand that that procedure is to move—

That the Council's amendment be no longer disagreed to.

The CHAIRMAN: As I have already ruled the Council's amendment out of order, I shall have to rule the hon. member's motion out of order.

The Speaker resumed the Chair.

The Chairman reported that he had ruled out of order the motion by the member for Perth that the Council's amendment be no longer disagreed to.

Report adopted.

Request for Conference.

Mr. MANN: I move—

That a conference be requested with the Council on amendment No. 3.

Point of Order.

Mr. Thomson: On a point of order, I should like to draw your attention, Mr. Speaker, to the fact that the Chairman of Committees ruled the Council's amendment out of order.

Mr. Speaker: It is too late now to raise that question.

Mr. Sleeman: Is it possible to have a conference on something that has been ruled out of order? Clearly, the Chairman of Committees ruled the amendment out of order, and now it is proposed to ask for a conference on something that is not before this House.

Mr. Speaker: There can be no question that another place considers it has made an amendment and it has insisted on its amendment, which has been disagreed to by the Assembly.

The Minister for Lands: No, ruled out.

Mr. Speaker: Another place holds that it has made an amendment and there is a possibility of the facts, when they are placed before the managers of another place, inducing the managers to withdraw their insistence.

Mr. Panton: I should like your ruling, Mr. Speaker, on a point of order. The member for Perth moved that the amendment made by the Council be no longer disagreed to. As Chairman of Committees, I ruled that out of order. The hon. member then moved that the report be adopted; he made no attempt to disagree with the ruling

I gave. Now I should like to know whether the member for Perth is within his rights—the report of the Committee having been adopted—to ask for a conference on something that has been ruled out of order, something that no longer exists.

Mr. Speaker: There can be no doubt that the report of the Committee was adopted, and correctly adopted. But that does not affect the position of another place, which made an amendment.

Mr. Panton: But what about our position?

Mr. Speaker: The position is that this House desires to carry the Bill, and a conference is sought to place the real facts before managers from another place, so that they may reconsider their position.

The Minister for Lands: No.

Mr. Kenneally: I hope the motion requesting a conference will not be carried. The question is whether this House is going to assert its rights in connection with its functions or whether it will permit another place to amend Bills sent up from this House and to insist upon those amendments, in the hope that ultimately we will ask for a conference. On the question of the relationship between the Houses, I hope members here will not give away any of their rights. The system of conferences should not be encouraged and we should not have government by conference.

The Minister for Lands: I submit that the whole procedure is irregular. I have no wish to embarrass the House, but I must confess that we are now discussing something that is not before the House. You, Mr. Speaker, probably misunderstood the position. The Chairman of Committees was in the Chair and the member for Perth moved that the Council's amendment be no longer disagreed to. That was ruled out of order. The Chairman reported that fact and the report was adopted. Now we are proceeding with the business all over again and discussing something that is not before the House. You will see the position.

Mr. Mann: The message is before the House.

The Minister for Lands: There is no message before the House.

Hon. W. D. Johnson: Did the House accept the report of the Committee?

The Minister for Lands: Yes.

Mr. Speaker: I want the position thoroughly understood. This is a disagreement between the two Houses. It is perfectly within our Standing Orders and the rights of both Chambers that a conference

should be asked for when a dead-lock is reached. I am under the impression that another place does not understand the position, that it does not understand the nature of the Chairman's ruling and that it is in accordance with the law and with the best precedents of the British House of Commons and of our own Chamber. If that were explained to the managers of another place, they might withdraw their insistence of their amendment. It is customary in the procedure of this House to give an opportunity for the two disagreeing Chambers to come to an understanding. I hold, therefore, that it is perfectly legitimate for the member for Perth to request a conference.

Mr. Sleeman: I hope the motion will not be carried.

The Premier: There is no hope of its being carried.

Question put and negatived.

Sitting suspended from 8.19 to 8.35 p.m.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

Council's Message.

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

Sitting suspended from 8.39 to 9.30 p.m.

BILL—MINER'S PHTHISIS ACT AMENDMENT.

Council's Amendments.

Bill returned from the Council with a schedule of two amendments now considered.

In Committee.

Mr. Pantou in the Chair; the Minister for Mines in charge of the Bill.

No. 1.—(Clause 3. Subclause 2. Delete paragraphs (4c) and 4d) and insert the following in lieu:—

(4c.) A person whose name is registered, and who is or becomes entitled to receive or has received compensation under Section 7 of the Workers' Compensation Act, 1912-1924, and actually receives or has received

such compensation shall not thereafter have any right to compensation under this Act.

(4d.) If a person whose name is registered dies, and his death is or has been caused by an accident within the meaning of Section 7 of the Workers' Compensation Act, 1912-1924, by reason whereof his dependants are entitled to receive compensation under that Act, and actually receive or have received such compensation, such dependants shall not thereafter have any right to compensation under this Act.

The MINISTER FOR MINES: Two amendments to Subclause 2 of Clause 3 are dealt with as one. The question arose in another place as to whether a person who had received a lump sum by way of compensation, would become entitled to payments under the Miner's Phthisis Act, because he would not then be in receipt of compensation under Section 7 of the Workers' Compensation Act. We submitted the matter to the Crown Law Department with the result that the two paragraphs were re-drafted in the form set out in the Council's amendment. The position is absolutely clear now. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 3—Add a new subclause to stand as Subclause 3, as follows:—

(3) By the excision of the words "not less than as prescribed" from Subsections (4a) and (4b) of Section 9 of the principal Act, and by the insertion in lieu thereof the words "in accordance with a scale prescribed by regulations made under this Act, but so that such compensation shall not be less than that provided."

The MINISTER FOR MINES: The Council's amendment is an addition to the Bill. The effect of it is that at present the Government have compiled a schedule of compensation payments under the Miner's Phthisis Act. It has not been gazetted as a regulation and laid upon the Table of the House. The amendment will make that course compulsory.

Hon. G Taylor: Then it will have to run the gauntlet like every other regulation.

The MINISTER FOR MINES: Yes. The schedule will have to be put in the form of a regulation and tabled. To-day it is effective as a matter of administration. The Coun-

Bill's proposal will provide a safeguard and I move—

That the amendment be agreed to.

Question put and passed; The Council's amendment agreed to

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Council's Message—Bill laid aside.

Message from the Council received and read, notifying that it insisted upon amendments 2 and 4 disagreed to by the Assembly, and had disagreed to the amendments made by the Assembly on Amendment No. 1 made by the Council.

The MINISTER FOR WORKS: I move—

That the Bill be laid aside.

Question put and passed; the Bill laid aside.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it insisted upon its amendments Nos. 2, 3, 4 and 6, disagreed to by the Assembly.

In Committee.

Mr. Angelo in the Chair; the Premier in charge of the Bill.

No. 2. Clause 4, Subclause 1—Delete:

The PREMIER: The Council has insisted upon its amendments to the Bill, and there are some provisions in the measure that I desire to retain. I move—

That the amendment be no longer disagreed to.

Question put and passed; the Council's amendment no longer disagreed to.

No. 3. Clause 4, Subclause 3—Delete.

No. 4. Clause 5—Delete.

No. 6. Clause 7—Delete.

On motions by the Premier, the foregoing amendments no longer disagreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

Sitting suspended from 9.42 to 11.45 p.m.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Council's Amendments.

Bill returned from the Council with a schedule of four amendments, now considered.

In Committee.

Mr. Angelo in the Chair; the Premier in charge of the Bill.

No. 1. Clause 4, line 7—Strike out "five" and insert "ten."

The PREMIER: This clause provides for the reclassification of the service at least once in every five years, and the period has been altered by another place from five to ten. This means that a reclassification would take place every ten years. That is an extremely long time, more especially when we remember that the awards of the Arbitration Court are usually made for a period of 12 months, and never for any longer than three years. Under the Bill, if the Commissioner desires, the reclassification can take place every year, but there is no protection for the service if the Commissioner does not so desire. I think the proposal of another place is ridiculous. Really the stupidity of some men is unfathomable. A reclassification need not necessarily mean the granting of increases; there may be reductions. If there should be a downward tendency of wages and salaries the Public Service would have to come into line. Surely we are going too far in saying that no matter what may be the view of the Commissioner or the Government there shall be a reclassification once in every ten years. It is mere obstinacy on the part of members of another place. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 2. Clause 7—Delete.

The PREMIER: This is the most remarkable amendment that has ever emanated from another place. It is unbelievable that

such stupidity could obtain anywhere amongst any class of men. It is the most ridiculously stupid proposal I have ever heard of. The clause provides that the Commissioner may fix the rate of salary to be paid to an officer occupying any particular office, and that shall be the salary payable to the officer while he holds such office until the Commissioner otherwise directs. That has been struck out because another place, or a majority of members there, believe that the salary should be fixed by the Governor. That was the position until 1920. The reason why the clause has been struck out is that in the Public Service Act of 1920 the position was there changed, and the power to classify the Public Service was conferred upon the Public Service Commissioner. If we turn to Section 12 of the Public Service Appeal Board Act, 1920, we find the power there set out. It says:

Notwithstanding any provision of the Public Service Act, 1904, to the contrary, the classification of offices and officers under the Public Service Act, 1904, and the fixing of the salaries of officers, inclusive of officers in the administration division, shall be vested, and as from the 30th June, 1920, shall be deemed to have been vested in the Public Service Commissioner acting alone or in conjunction with assistant commissioners, subject to an appeal to the Board under this Act.

We are striking out Section 20 simply because of the section I have just read, where the authority is conferred upon the Commissioner to classify the service and fix the rates. As we are amending the Act we want to do the thing properly by repealing sections that have been inoperative. The amendment would have been brought in earlier if there had been an amendment to the Appeal Board Act. We are merely repealing a section that has been set aside by another Act. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: It should be borne in mind that the employer has some say, at all events to the extent of not going on with the job, of refusing to find the money. On these questions the State itself is never heard. I doubt whether the matter was properly explained to another place.

The Premier: I am given to understand that it was explained seven times.

Hon. Sir JAMES MITCHELL: Perhaps the fault lay with the man who made the explanation.

Question put and passed; the Council's amendment not agreed to.

No. 3.—Clause 13. Delete.

The PREMIER: This amendment is similar in character to the last. Under Section 37 the Governor may, after obtaining a report from the permanent head, create a new office in any division, or abolish any office in any department, and also raise or lower the grade of any officer. The Bill repeals the latter provision, because since 1920 the Governor does none of these things. In fact, paragraph (c) has been a dead letter ever since 1920. Hon. members of another place say, "No; the Governor should have the right to raise or lower the grade of any officer." The amendment is too utterly stupid. Perhaps the explanation of it is what we have read in the Press concerning rush legislation. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: The Government ought not to shirk responsibility. However, the function in question having been transferred to the Commissioner and the Appeal Board, this provision had better go.

Question put and passed; the Council's amendment not agreed to.

Amendment 4.—Clause 15. Delete.

The PREMIER: This is a similar thing. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted, and a committee consisting of the Premier, Mr. Mann and Mr. Marshall drew up reasons for disagreeing.

Reasons adopted and a message accordingly returned to the Council.

BILLS (2)—RETURNED FROM COUNCIL.

- 1, Appropriation.
 - 2, Fremantle City Council Lands.
- Without amendment.

Sitting suspended from 12.16 to 1.30 a.m.

BILL—ROADS CLOSURE (No. 2).

Council's Amendment.

Bill returned from the Council with an amendment, now considered.

In Committee.

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

No. 1. Clause 6.—Delete:

The MINISTER FOR LANDS: The amendment strikes out the clause which provides for the closing of portion of Dyer Street, also Marquis Street, and the whole of Prince, Elm, Oak and Dudley Streets. All this area was resumed under the Public Works Act, 1902, and a doubt is now raised as to whether there is power to close streets in any municipality except for railway purposes, and that doubt having been raised it has been deemed advisable to provide for the closing of streets of this character. Except that it may be a desire for mischief, I cannot see any reason for the amendment. Therefore, I move—

That the amendment be not agreed to.

Mr. DAVY: I know something of the area in question; I frequently drive along the streets it is proposed to close. One of these streets runs on the western side of the markets, and it is an important one from the point of view of access to the subway which links up with Charles Street. If that street is closed the only access to the subway will be by deviations alongside Delhi Square, and taking sharp turns to the left. The subway is a very important thoroughfare.

The Premier: Was that the road that was generally used in pre-market days?

Mr. DAVY: No, the road that was mostly used was Marquis Street and that has been closed for some time. For a while chains were put across the road leading to the subway, but latterly they have been removed as a result of a conference between the City Council and the Market Trust. Possibly an agreement will be arrived at whereby the road will be rededicated to the public, and the trust will be responsible for the construction and maintenance of one half and the council for the construction and maintenance of the other half. I think the difficulty can be overcome by the insertion of a clause to the effect that the Bill shall not come into operation until proclaimed by the Governor. The Government can undertake not to proclaim the Bill until such time as an arrangement has been definitely arrived at between the City Council and the Markets Trust; then the whole difficulty will have disappeared. It would be a pity of

the clause were struck out. I do not know what I ought to do.

The Minister for Lands: You cannot do anything here.

Mr. DAVY: We can disagree with the amendment and send back the Bill.

The MINISTER FOR LANDS: The thoroughfare that leads to the subway is not straight, and never was straight, and therefore is not affected by the Bill. It is the private property of the Market Trust.

Mr. Davy: It should cease to be private property before we pass the Bill.

The MINISTER FOR LANDS: It is not affected by this measure.

Mr. Davy: If we carry this measure there will not be reasonable access to the subway.

The MINISTER FOR LANDS: The thoroughfare now used is the property of the Metropolitan Markets. The Market Trust maintain the street; they have provided a fine street from private property. Whether or not it is retained, it will make no improvement. I think we ought to send this back to another place. I move—

That the amendment be not agreed to.

Mr. DAVY: I think the Minister has made out a case in favour of the attitude of the Council. I had imagined that this broad thoroughfare, this private road leading down to the subway—

The CHAIRMAN: Order! I cannot allow a discussion on a private road owned by the Market Trust.

Mr. DAVY: But it is highly relevant to the clause, indeed it is the whole of the argument, which is whether or not the access to the subway shall be cut off. It is suggested that if the clause is allowed to remain, proper access to the subway will be gone, and there will be no legal means of approaching it. This splendid broadway, which the Minister for Lands has told us is private property, is the natural access to the subway.

Mr. Withers: What is the volume of traffic to the subway.

Mr. DAVY: It is already far greater than is safe. The proposal in the Bill is that all the roads to the subway shall be closed by Act of Parliament. The only objection raised is that, before they are closed, we ought to be satisfied that there is an adequate alternative approach to the subway. I understand the objection raised in another place was that until an agreement

is reached between the City Council and the Market Trust to make available this broad private road as an approach to that sub-way, the clause should not be put into law. Apparently all this House can do is to reject the amendment and perhaps go to a conference over it. I hope that until a definite agreement between the City Council and the Market Trust is arrived at, we shall not close these roads.

Question put and passed, the Council's amendment not agreed to.

Resolution reported, the report adopted, and a committee consisting of the Minister for Lands, Mr. Davy and Mr. Panton appointed to draw up reasons for disagreeing to the amendment.

Reasons adopted and a message accordingly returned to the Council.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendments Nos. 1, 3 and 4, disagreed to by the Assembly but insisted on amendment No. 2.

In Committee.

Mr. Panton in the Chair; the Premier in charge of the Bill.

No. 2. Clause 7.—Strike out the clause:

The PREMIER: The amendment deals with the Commissioner fixing the salaries, etc., of the Public Service. This is covered by the power given to the Public Service Commissioner under Section 12 of the Public Service Appeal Board Act. It is entirely and absolutely unnecessary, but the joke is that the Council have waived the other three amendments, which are precisely similar to the one they have insisted on.

The Minister for Mines: That shows their mentality all right.

Mr. Teesdale: They have been kept working too late to-night.

The PREMIER: The President explained the reason for it the other day. It is so utterly silly that it is not worth arguing about. Even stupid men must have their way. I move—

That the amendment be no longer disagreed to.

Question put and passed; the Council's amendment agreed to.

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

BILL—EDUCATION ACT AMENDMENT.

All Stages.

Received from the Council and read a first time.

Second Reading.

THE MINISTER FOR AGRICULTURE
(Hon. H. Millington—Leederville) [1.59] in moving the second reading said: Section 28 of the Education Act empowers the Minister to make regulations for the reclassification of teachers, their salaries and allowances, but there is nothing to indicate the greatest interval that may elapse between one classification and another. The first systematic classification of teachers was made in 1907. There was another in 1913, another in 1920, and the last one was in 1926. The periods were really 6 years apart, but the one during the war lasted for seven years. It is now proposed to make it mandatory for the classification to take place at least once in 5 years. This will bring the system into conformity with the measure we have just passed to amend the Public Service Act. It is a fair period to allow. There is nothing in the Act to compel the Minister to grant a classification for any given period. This amendment will, therefore, reduce the matter to some order, and bring it into line with the classification period in the Public Service Act. Section 2 of the Act of 1926 says that regulations for classification of the teaching staff of the department and the fixing of the salaries and other remuneration to be paid to teachers shall be made subject to the provisions of the Public Service Act, 1920. To this will be added the words of the clause of the Bill, saying that there shall be a classification of teachers, their salaries and allowances as provided for under paragraph (e), Sub-clause 1, of this clause, once at least in five years. Paragraph (e) takes power for the classification of teachers, their salaries and allowances. The provision is a simple one. It clearly enacts that there shall be a period of five years between each classification. Considerable economic changes may occur

in five years, so that this is a fair period. In Arbitration awards, some are for 12 months, and the maximum period is three years. The period asked for in the case of the teachers is, therefore, reasonable, and will establish some order in their classification. I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [2.3 a.m.]: I can offer no objection to the Bill. Indeed, I agree that the period allowed is reasonable. With an ever increasing tariff, and the prices of essential commodities going up all the while, we find a variation in the cost of living almost from day to day. We have to meet the altered circumstances. I hope the cost of living will be on the down grade before long, for the present tariff does render it difficult for the people on small salaries to make ends meet. I hope the classification in the case of the teachers will mean something for them, and that they will not lose by it. In the past the classifications have been favourable to them, although they may not have gained very much advantage from them. Wages and salaries must increase when by artificial means the cost of living goes higher and ever higher. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time, and passed.

BILL—LAND AGENTS.

Council's Message—Request for Conference

Message from the Council notifying that it did not insist on its amendments Nos. 7, 8 and 10 disagreed to by the Assembly, had agreed to the amendment made by the Assembly to amendment No. 12 of the Council, and had insisted on its amendments Nos. 5 and 11, to which the Assembly had disagreed, and had disagreed to the amendment made by the Assembly to the Council's amendment No. 3, now considered.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [2.10 a.m.]: I move—

That a conference be requested with the Legislative Council and that at such conference the managers to represent the Assembly be Mr. Mann, Hon. S. W. Munsie and the mover.

Question put and passed; and a Message accordingly returned to the Council.

Council's further Message.

Message from the Council received and read, notifying that it had agreed to the Assembly's request for a conference and had appointed the Hon. A. Lovekin, Hon. E. H. Gray, and Hon. W. H. Kitson as managers; the President's room as the place, and the time forthwith.

Sitting suspended from 2.15 to 4.5 a.m.

Conference Managers' Report.

THE MINISTER FOR JUSTICE: I have to report that the conference met and failed to agree.

BILL—ROADS CLOSURE (No. 2).

Council's Request for Conference.

Message from the Council received and read, requesting a conference on the amendment disagreed to by the Assembly, and notifying that should a conference be agreed to, the Council would be represented by the Hon. W. H. Kitson, Hon. E. H. Gray, and Hon. A. Lovekin.

THE MINISTER FOR LANDS: I move—

That a conference be agreed to, that Mr. Davy, Mr. Kenneally and the mover be the managers, and that the conference be held in the Speaker's room forthwith.

Sitting suspended from 4.12 to 5.27 a.m.

Conference Managers' Report.

THE MINISTER FOR LANDS: I have to report that the managers recommend that Clause 6 stand with the addition of the following proviso: "Provided the section shall not come into operation until proclaimed." The managers came to this conclusion on the assurance of the Minister for Lands that the section would not be proclaimed until an agreement between the Perth City Council

and the Metropolitan Market Trust for proper access to the sub-way had been completed.

The Premier: That is legislation!

Report adopted, and a message accordingly returned to the Council.

Council's Further Message.

Message from the Council received and read, notifying that it had adopted the report of the conference managers.

CLOSE OF SESSION.

Complimentary Remarks.

THE PREMIER (Hon. P. Collier—Boulder) [5.34 a.m.]: The lights have just gone out, and the time is opportune, seeing that the light of the session has almost gone out and the light of the thirteenth Parliament has almost gone out, that we should conclude our proceedings. I hope no member will have any misgivings as to the future because of the fact that the thirteenth Parliament of the State has come to a conclusion on the thirteenth day of the month.

Mr. Panton: Why remind us of it?

Mr. Davy: And a Friday too!

The PREMIER: If anything else were wanted—on a Friday! The fact is something to be pondered by people whose thoughts run on those lines. However, Mr. Speaker, I desire, before we part, to express to yourself our thanks for the kindly manner in which you have presided over our deliberations during the past three years—indeed, the past six years. Every member of the House is indebted to you for guidance, and for the manner in which the proceedings have been conducted. To yourself, Sir, I wish a very happy and enjoyable festive season. For the Chairman of Committees, who unfortunately has been ill for some time, we all entertain the same feelings; and every one of us hopes that Mr. Lutey's health will be restored in the near future, so that he may resume his place amongst us. To the Deputy Chairmen of Committees I also wish to convey thanks for the manner in which they have assisted in the conduct of business. Further, I am sure I express the feeling of every member of this Chamber when I say that we are greatly indebted to the Clerk and the Clerk Assistant for important help they have rendered to us during the past session. The Clerk, Mr. Grant,

has been consistently fortunate in having a seat on the Government side of the House for a great number of years. Only once has he changed seats during his long association with the Chamber—over 25 years. Unlike most members, he has never changed back again. One wonders whether any transfer will take place in the future; but, whatever may happen, I am absolutely convinced that the Clerk has made up his mind to continue to support the Government. We wish the clerks also a very happy and enjoyable Christmas. I would like to say how much I feel that every member of the Opposition, of the Country Party, and on the Government side has contributed, not only during the present session but during the whole life of this Parliament, to the amicable manner in which business has been carried on. Whatever fates may be in store for us all—we have to embark upon the uncertain sea of a general election—I am sure each of us feels that friendly relations are established between all members of this Chamber. On many previous occasions similar to this I have felt that one of the sides of public life which are least to be appreciated is that sometimes general elections sever political relations which have been formed here. At the last general election, undoubtedly, we were most fortunate in that respect. Still, one never knows, and we may experience the good fortune of all members coming back to this Chamber, so that no political friendship established during this and preceding Parliaments may be broken. It is, of course, possible that none of us may come back; and in that event, I imagine, the Clerk will have burnt those Standing Orders and prepared a new set of his own to break in new members to his liking. I do desire to express to all members of the House my gratitude for the assistance given to the Government during the session. I wish also to mention the members of the "Hansard" staff, who during many weary hours have recorded speeches which, I fear, have not always been interesting to take down. Finally, I desire to convey my best respects and warmest regards to the Leader of the Opposition for his unvarying co-operation in the conduct of business; and to members I wish a very happy Christmas and a most enjoyable New Year.

HON. SIR JAMES MITCHELL (Northam) [5.42 a.m.]: I desire, Mr. Speaker, to support everything the Premier has said.

You, Sir, have been most considerate to us all ever since you have occupied the Chair, and we have to thank you for a great deal of the comfort we have experienced in the transaction of business in this Chamber. I entirely agree with all that the Premier has said about the clerks. I trust that Mr. Grant will not have to make a change after the coming election, and that he will not have 50 new members to deal with. If they happen to be all ladies, I do not know what will occur; but I am sure Mr. Grant would be a very happy man. To the "Hansard" staff also I have to express my appreciation of their work. Like the Premier, I hope that members have done their duty by the House. Sometimes there was a feeling on this side that the Government might have allowed us to assist even a little more in the work of legislation; but perhaps that is too much to expect. There will be some changes in the personnel of the Chamber. I regret to say that Mr. George will never come back here. Two other members have gone. In that respect this Parliament has been disastrous. It is strange that this should be the 13th Parliament and the 13th day of the month, and moreover, as Mr. Davy has pointed out, a Friday. Thirteen is my lucky number, and Friday my lucky day. I shall be very sorry indeed to see any one of us lose his seat in this Chamber. I notice that men who do lose their seats seem, after a bit, rather superior when one meets them outside. I notice also that ex-members never come here and take a seat in the gallery. Some of us may fall—I hope not too many, just a few. Some of us have been here for a very long time, and, as the Premier said, we have made friendships that will remain even after we cease to be members of Parliament. You, Mr. Speaker, the Minister for Lands and the Hon. G. Taylor, and a perhaps a few others, were old members when I entered the House first, and you and they are still here. I hope, by the way, that the Chairman of Committees will come back to us renewed in health and vigour.

Members: Hear, hear!

Mr. Davy: Not as Chairman of Committees!

Hon. Sir JAMES MITCHELL: We might even make him Chairman of Committees.

Mr. Davy: That would be a good scheme.

Hon. Sir JAMES MITCHELL: The relationship between members of Parliament

during the last 10 years, and certainly during the life of this Parliament, has been pleasant and I hope we have endeavoured to do our duty by the country. I trust that the conduct of the House has been all that our electors would desire it to be. We have not had any real scene in this House during the last decade. In fact, I am afraid some people think we are rather dull. At one time they were accustomed to look in the newspapers each day to read about the brushes and angry passages between members. Those days are gone, thank God, and we approach the business of the country as seriously-minded men ought to. I think the people of this State have something to be grateful for. That change has been most apparent during the last 10 years, and may it continue always in the Parliament of Western Australia. I wish you, Mr. Speaker, the several Chairmen of Committees, the officers of the House and the "Hansard" staff, a merry Christmas and a happy New Year. I trust that the members of the Government will have a happy and comfortable time. I must not forget that we have one lady member, Miss Holman, and I wish her, too, an especially good time.

MR. GRIFFITHS (Avon) [5.47 a.m.]: On behalf of the Country Party, I would like to add a few words to the sentiments expressed by the Premier and the Leader of the Opposition. The officers of the House, from the Clerks down to the general staff, consider no trouble too great to assist both new and old members, but particularly the new members. They spare no pains in their endeavours to enable them to secure a grip of the affairs of the House. Many of us are deeply indebted to the "Hansard" staff who, I am afraid, often have some difficulty in putting our words into acceptable phraseology. I wish to thank you, Sir, for the courtesy you have at all times displayed towards the members of our party. We are glad to note that you are now something like your old self, and that your health has been completely restored to you. I hope you will have a merry Christmas and I extend the same good wishes to the Premier and the Leader of the Opposition, as well as to all the others who have been mentioned during the speeches. I will say one or two words with regard to the session. It has been a quiet one, and I do not know of anything outstanding that has been dealt with. I think we must have created a record

regarding the number of Bills that have been presented but dropped. I understand that 15 Bills have been dealt with in that way. I had hoped that amongst the Bills introduced would have been one that was half promised in order that we might deal with hire purchase agreements. I know of one instance in which a car has been repossessed seven times in Perth. I mention that fact in the hope that when Sir James Mitchell returns to this House after the elections, and takes charge as Premier next session, something will be done to deal with this matter.

Members: And what about the Yarramony railway?

Mr. GRIFFITHS: Perhaps I shall be able to get him to do something in that direction as well. I hope that not too many members will fall by the way at the elections because, as the Leader of the Opposition has stated, there is a certain feeling of friendship that exists between us quite irrespective of party considerations. We will regret keenly the absence of many should they not be returned, and, in the meantime, I wish all a merry Christmas and a happy New Year.

THE SPEAKER [5.50 a.m.]: I sincerely thank the Premier, the Leader of the Opposition and Mr. Griffiths for what they have said, and for their expressions of good wishes to me, the officers of the House, the staff, "Hansard," and to all those who in any way have been contributory to the success of, shall I say, to the harmonious working of the session now concluded, and, indeed, throughout the life of this thirteenth Parliament. I appreciate what has been said regarding our relations in our parliamentary life, and while we like to know from our opponents, when they sit on the opposite side of the House, just what they think of us, I have always been under the impression that there is a more true ring of genuine sentiment in what is said spontaneously when, as it were, shaking hands at parting, perhaps not to meet again in the same sphere, than there is in the expression of political party utterances during the year. Personally, I could almost imagine occasionally there were no parties in the House, but simply personal critics of each other, so harmoniously has the work of the session been carried out. It is the strongest incentive to the natural pride one feels in my position

as Speaker, to be able to say I think, conscientiously and without exaggeration, that this Parliament has been an example of, or at least true to, the best traditions of British government, and that members have exhibited a most kindly and respectful attitude toward the rules of the House and the duties they have to perform. It has been a pleasure in a sense, although at times it may have been somewhat tedious, to preside in this Chamber, knowing that every member on either side of the House was as anxious to secure the orderly and smooth working of law-making in this Chamber, as either the officers or the Speaker could possibly be. I do not know about the combination of the 13th day of the month, the 13th Parliament and the fact that we are concluding our labours on a Friday, but appreciate that this may be the last speech I shall make from this dais. But whether or not, I have filled my memory and the emotional chambers of my being with kindly sentiment of deep-rooted friendship for members I have met almost daily in this Chamber. I hope we shall all meet again, though I know, in saying that, I express a wish for what is impossible. By the ordinary law of events, there are sure to be some chairs filled by new entrants. Even if the chairs are all filled, I myself may not be either in my present position or amongst you on the floor of the House, which to me, at times, with my temperament and disposition, seems almost more desirable, but this I do know that so long as I live, I shall not forget the faces, the smiles, the handshakes, the kindly wishes and cordial expressions of goodwill of all I have met during the long years of my connection with the Parliament of Western Australia. We can all hope the best for each of us. I do that, and I sincerely wish that everyone of you may be surrounded, as it were, with the atmosphere of Christmas festivity and that from your hearts may shine kindliness and good spirits towards your brethren, for that helps the world to advance, and to become more and more brotherly in our vocations and, in every sense of the word, helpful to each other as time goes on. May you all enjoy the festivities that are approaching, you and your families. I desire at this stage, and before you, to express my thanks to the Clerk, to the Chairmen of Committees, each one of whom has tried to make my lot as easy and as pleasant as he could. To the Press, and particularly to "Hau-

sard," I wish to add my tribute of gratitude for their services and also to the officers connected with this institution. They have all endeavoured to make this law-making machine of ours function without friction. I wish them also an exceedingly happy Christmas. I will resume my seat saying a temporary good-bye, and with the hope that we shall all meet again at no distant date.

ADJOURNMENT.

THE PREMIER (Hon. P. Collier—Boulder) [5.59]: I move—

That the House at its rising adjourn till the 14th January, 1930.

Question put and passed.

House adjourned at 6 a.m. (Friday).

By Proclamation published in the *Government Gazette* on the 10th January, 1930, Parliament was prorogued to the 20th February, 1930. By further Proclamation published in the *Government Gazette* on the 31st January, the Legislative Assembly was dissolved as from and after the 31st January, 1930.