Hon. Sir JAMES MITCHELL: With that assurance from the Minister I will be content. I do not care how the Minister does it, so long as he makes provision for the right of appeal.

The Minister for Mines: I have no objection to that at all.

Hon. Sir JAMES MITCHELL: Then that is all right.

On motion by the Minister for Mines, debate adjourned.

House adjourned at 8.21 p.m.

Legislative Council,

Wednesday, 11th December, 1929.

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

QUESTION—MINER'S PHTHISIS ACT AND WAGES.

HON. E. SEDDON (for Hon. E. H. Harris) asked the Honorary Minister: With reference to employees withdrawn from the mining industry, and for whom employment was found in any Government department or activity, has the wage paid to any such employee, or any portion thereof, been debited to payments under the Miner's Phthisis Act, and credited to the department in which he was employed? If so, what is the amount so paid for the respective years 1925-26, 1927-28, 1928-29?

The HONORARY MINISTER replied: No.

MOTION—MINING REGULATIONS, AMENDMENTS.

To Disallow.

Order of the Day read for the resumption of the debate from the 5th December on the following motion moved by Hon. J. Nicholson:—

That the amendments to Regulations under the Mines Regulation Act, 1906, published in the "Government Gazette" on the 15th November, 1929, and laid on the Table of the House on the 26th November, 1929, be and are hereby disallowed.

The CHIEF SECRETARY: I regret that I have to ask for a further postponement of the consideration of the motion. This is due to misapprehension on the part of the officials of the Mines Department, who have not supplied me with any information regarding the matter. That misapprehension was due to a paragraph that appeared in the 'West Australian" this morning, to the effect that Mr. Nicholson's motion had been defeated.

Hon. J. Cornell: The statement appeared in the leading article.

Hon. J. Nicholson: And, of course, was a mistake.

The CHIEF SECRETARY: I ask the hon. member to be content to allow the matter to stand over until to-morrow.

Hon. J. Nicholson: Certainly.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th December.

HON. W. J. MANN (South-West) [4.37]: At the outset I desire to intimate that I intend to vote against the second reading of the Bill, not with the intention of embarrassing the Government, as the Premier suggested in another place recently when reference was made to the work of this House, but because, in my opinion, the time has arrived when the Forests Department should receive the whole of its revenue for its own purposes. That contention is borne out by the annual report of the Forests Department. The Conservator, when dealing with reforestation, embodied the following in his report:—

A beginning has been made with the establishment of an organisation for forest management on economical and systematic lines but

funds at present available are not sufficient to make up the leeway resulting from 60 years of uncontrolled exploitation. The time has arrived when the Government should give earnest consideration to the allocation of the whole of the revenue from timber and other forest produce to this necessary and remunerative work.

That clearly indicates that those in charge of the forest policy of Western Australia view with apprehension any move in the direction of taking away any revenue that should rightly belong to the department.

Hon. J. R. Brown: And that has been done before.

Hon. W. J. MANN: We have heard a good deal about the forest policy inaugurated in this State, and in the main I agree with that policy. I believe it is on sound and right lines. While admitting that, I must add that I do not agree wholly with all the ideas expressed by the forestry authorities. We cannot lose sight of the fact that for some time now the timber industry has been a diminishing factor, and with the consequent reduction of trade there has been a falling off in the returns to the State from the industry. When we remember that the total forest produce exported from Western Australia, in addition to that used locally and including sandalwood and the essential oils derived from that timber, has reached a total of nearly £33,000,000, it must be realised that if we are to maintain a trade in forest produce that will afford a fair remuneration to the State, we must carry out a definite policy and see that the waste and exploitation of the past are prevented. Those of us who have lived in the South-West for years realise that the time of boom cutting is passed. The State cannot expect in the future to get anything like the revenue from timber that was derived in times gone by. Had Governments of earlier days taken in hand the reforestation scheme that is in force now, the outlook would be much brighter, for the present slump in the timber trade is largely the result of the thoughtless cutting, exploitation and waste of the past. For many years timber has been the mainstay of some of the small towns and the ports of the South-West. Those centres have suffered because of the slump in the trade and have been penalised to a greater extent than the State. While decreased revenue has been received in and around those towns and ports, the Forests Department has received increased royalties that have made up largely for the lessened trade. Royalties in the early days were small, but to-day they are the reverse, and they have reached a point at which timber milling is indeed a precarious industry. In some instances it is practically impossible for the millers to pay the royalties that some concessionaires bid for at auction. They find that they cannot mill at a profit, pay those royalties, and at the same time pay the exorbitant insurance premiums for workers' compensation that our law demands. It has been regrettable to me that the existing unemployment trouble has not been considerably lessened by means of increased trade in the timber industry. I believe that had it been possible to have milled at a profit some of the timber that is graded as second class in the South-West, to pay small royalties and to secure release from the heavy charges under the Workers' Compensation Act, much work could have been found for the unemployed in our forest activities. That would have been beneficial to the State and to a number of men. I read the Conservator's report with much pleasure, since it gives hon. members a good idea of the progress of reforestation work. In 1919, the amount actually expended on the work was £7,241. In 1929 that amount had increased to £121,921. The total expenditure from all sources has risen from £20,203 in 1920 to £157,825 to the end of 1929. Hon. members will realise from the figures that the work of the Forests Department is assuming fairly large dimensions and is likely to grow. The same report shows that while the staff in 1920 numbered 38, in 1929 it was no fewer than 450. That is a fairly big staff, and naturally reforestation in future will demand all the revenue it is possible to get. Consequently, I contend that is another reason why we should vote against the Bill. The work of reforestation being spread over the whole of the country, we are not in a position actually to assess the value of the work done for the money, but it is noticeable that the expenditure has more than kept pace with the number of men employed. To put it another way, in 1920 the average expenditure per man employed was £302, while for the last financial year the average was £348 per man. I do not wish members to confuse those figures with wages or salaries; they represent the amount expended per man employed. While

we are glad that the work is being pushed on and that progress is being made, I think it only right to direct attention to the fact that the expenditure is increasing in a greater ratio than the number of men employed.

Hon. H. Stewart: You would expect it to be diminishing as the work progressed.

Hon. W. J. MANN: Yes; rather than diminishing, it is increasing at a substantial rate. There is another phase of the department's activities to which I wish to direct attention and with which I disagree. I refer to the policy of the Forests Department in locking up land that is primarily agricultural land. In the Conservator's report reference is made to small pockets of agricultural land that exist in gullies. That is very much understating the case. Within the areas placed under the Forests Department are thousands of acres of good agricultural land that I believe would return much greater wealth to the State than timber ever would. It is not good timber land; it is land essentially suitable for agriculture, not for the growing of first-class timber. On more than one occasion deputations have travelled to Perth and endeavoured to secure some amelioration of the Forests Department regulations that are pressing on them and preventing towns from expanding by reason of agriculture not being undertaken on the land in the vicinity, but so far the department have been able to ward off any suggestion that the land should be made available for agriculture. They have succeeded in inducing the Premier, who is the Ministerial head of the Forests Department, to disagree with the ideas of the local people, who know the conditions well. The Conservator, in his report, says that the rich gullies are to be utilised for homes for forest workers. Those who know the South-West will agree that if we are going to have all such rich country peopled by forest workers, we shall have more forest workers than agriculturists, with this difference, that while the agriculturists will be cultivating the land and making some use of it, the forest workers, if they do their job as foresters, will simply be residents holding the land. Consequently, I consider it far from sound policy not to throw such land open for selection. There are hundreds of people ready and willing to take up the land, and the best interests of the State would be served by making it available.

Hon. H. A. Stephenson: The greater proportion of it is close to railways.

Hon. W. J. MANN: Not only is it close to railways, but it is close to towns, is served by roads, and possesses all the facilities of civilisation. It is not in remote country where settlement would necessitate the building of roads and schools; it could be served well by existing towns. I mention this because I believe the department are wrong in the attitude they have adopted. They are quite right in conserving all the real timber country. We would be recreant to those who follow us if we did not ensure that the timber supplies were conserved as far as possible. But I do say the department are wholly wrong in their attitude when we are trying to people the State and build up primary production.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [4.53]: For several years I have supported Government Bills such as this because the Forests Department, during those years, had more than sufficient money with which to carry on their scheme of reforestation. According to the report of the Forests Department, that position no longer exists. It is now found that the department will experience difficulty in securing sufficient money to carry on their work this year. That alters the position entirely. For quite a number of years the department have had at their disposal money that they did not require. Consequently, I thought the Government might well take a portion of the royalty from sandalwood and use it for other purposes. Now that the position has changed and the Forests Department will need all the funds accruing to them under the Act, I can no longer support the Government's proposal. Therefore I shall vote against the second reading of the Bill.

HON. H. SEDDON (North-East) [4.55]: I do not wish to add to the remarks of the previous speakers with regard to the report of the Forests Department, because they have sufficiently traversed the ground covered by the report. What I wish to refer to particularly is the incidence of the Bill. It appears to me that the Government are departing from the sound principle of reserving for the Forests Department money most urgently needed to carry out the work. It has been said to be unsound practice to take revenue accruing to a department of this kind, pay it into Consolidated Revenue,

and borrow money for the work of the department. That is a type of finance that demands a certain amount of scrutiny. The Bill deals with the appropriation of money from sandalwood. I again wish to stress the remarks I made on previous occasions regarding the progress of the department's work in this direction. Until recently the department had very little success in their experiments in replanting sandalwood. It is recognised that sandalwood is a parasite plant. Unfortunately, the seasons on the goldfields have been such that very poor germination has resulted, and most of the experiments have proved to be more or less a failure. I understand from the forest officers that this year far more promising results have been obtained, and they feel it is now opportune to extend operations with a view to benefiting from the experience gained. The success of sandalwood regeneration is closely allied to the rainfall. Given a reasonable rainfall during the germinating period, fairly good germination is practically assured, but the continued life of the plant is entirely dependent on the number of host plants available, and any attempt to tackle the problem must be associated with a study of the host plants on which the sandalwood grows. Some little time ago I stressed the need for research work in this direction. I should like to draw the attention of members to a map which I recently placed on the Table of the House. It was prepared by the Government Botanist and shows the distribution of the vegetation of Western Australia, arrived at as a result of his investigations. Members should note the enormous area of country coloured yellow and brown, for they will then appreciate how much of Western Australia comprises the habitat of arid plant life. The greater part of the area, especially in the interior, has had no commercial exploitation outside its utilisation for the carrying of sheep. Unfortunately, the best type of feed available for sheep is that which is found on the shrub-life growing there. Botanists who have examined the country tell us that although the shrub-life appears to be very sparsely placed, it is yet as thickly distributed as it is possible for it to be, taking into consideration the climatic conditions. The plants have developed as a result of their adaptation to the environment and are distributed as closely as they can be consistent with the amount of moisture available. The plants have developed certain characteristics from their environment, and while in many instances the feeding value is very low, as compared with the feeding value of fodder plants in more favoured parts of the Commonwealth, they yet have a considerable feeding value provided the plants are conserved and are not ruthlessly destroyed, as has been done in many parts of Australia, by overstocking. Unfortunately we have very little knowledge of the important economic factors of this plant. Very little is known, in fact nothing whatever, in regard to the germination of the plant. Practically little is known of the life history of the plant, even of its length of life if permitted to grow undisturbed. The plants are liable to be attacked by parasites. I have seen them covered with parasites, with the result that the plants have perished. In these circumstances it is felt that there is urgent need for research work to determine what it is possible to find out with regard, first of all, to the growth and the germination of the plants, and the extent to which they can be browsed without inflicting any injury on them. The dry atmosphere is an adverse factor, and it has been found out that many of these plants have not only a very low transpiration ratio, that is, that the amount of evaporation is low, but some are possessed of the power of absorbing moisture from the air through the leaves, with the result that during the cool hours of the night they are able to take in a certain amount of moisture from the air, and thus live for months under conditions where there is no rainfall. I would refer hon. members to reports of the Royal Society in Adelaide, in which city, papers have been published by Dr. Osborne of the Sydney University, and by other investigators along very interesting lines. The position in Australia is that, so far as we know, there is only one place where any research work has been carried on, and that is at Koonamore Station in South Australia. Unfortunately, however, much of the work there has been negative. A good deal of work has been done at that station, as a result of the generosity of a local pastoralist, and although it has been carried on for about five years, the results ascertained have, as I have already indicated, been of a negative character. An area was reserved there and that area was kept free from stock, the

idea being to determine to what extent the shrub would live or would recover if protected from stock. Unfortunately the results showed that the recovery was very slow. Certain country that was pointed out was overstocked in 1870, and at the present time it has not recovered. Many plants have been wiped out and the necessity has been stressed that a comparatively new country like Western Australia should undertake this work on practically virgin country and carry on research which would be beneficial to the whole of Australia. I was interested to notice recently a paragraph dealing with the acclimatisation of other plants in our dry areas. Practically nothing has been done in Australia, and it is recognised that it is essential that this work should be carried out under scientific control. Such plants as agaves and opuntias are instanced as adapted to our arid country. Incidentally opuntias are of the family to which the prickly pear belongs, and are just one of the type of plants that live in our dry country. There are also other plants such as mesquite which are adapted to dry climates and which might be acclimatised and studied under the control of botanists.

Hon. Sir Edward Wittenoom: Don't forget the double-gees.

Hon. H. SEDDON: Yes, that is another pest. I am stressing the necessity for this work to be carried out and that the results could be profitably used on our enormous areas of country, a million square miles in extent, a great deal of which is practically undeveloped, and which it might be possible to exploit. There is another aspect of the problem which has arisen as the result of the introduction of dry farming in the more arid parts of the State. It might interest hon. members to know that we have advanced in our dry farming areas far beyond the limits recognised as safe farming in America, and that the work we have done has been carried out in country with a rainfall of from 12 to 18 inches. In Australia the limit of safe farming is carried out where the rainfall is 12 inches. I have obtained information from reports sent to me by the Department of Agriculture in the United States, and the reports refer more particularly to the States north and south of Dakota and to the south of Arizona where they experience dry conditions. The only success they have been able to obtain in those dry areas has been by establishing a system of crop rotation. Owing to the variability of the seasons they cannot rely on wheat production alone to carry them through and the farmers go in for raising corn and certain varieties of sorghum, and in each case they alternate the crops on fallowed land.

Hon. W. T. Glasheen: It is not always the quantity of the rain but the time at which it falls.

Hon. H. SEDDON: That is so. There is another aspect. In those dry areas they suffer very severely from what is known as soil-blowing due to the prevailing high winds, with the result that plants are blown out of the soil. Now there has been instituted a system of cultivation by which that trouble is overcome and they are able to counteract the evil. I mention this problem for botanical research as it will help us also to solve other problems that may arise in connection with the settlement of our dry areas. Unless we can provide feed for the carrying of sheep or cattle, we are going to court failure. We shall certainly do that if we rely entirely on wheat production. Research work will be entirely in the interests of the further extension of cultivation in the back blocks of Western Australia. All this is intimately connected with the Forests Department, because these shrubs are of the type that are indigenous to goldfields areas. Therefore I contend that the research can best be carried out under the auspices of the Forests Department. There is also the argument that the money derived from sandalwood comes from the goldfields, and so there is a moral right that that money should be devoted to goldfields research purposes instead of being taken into Consolidated Revenue as is proposed by the Bill. I urge the Government to embark upon this important scheme of research. The longer it is delayed, the greater will be the loss to the country, and they will also find themselves confronted with the failure of many of their own plans by reason of the fact that they have not undertaken the research work. In these circumstances I have no alternative to opposing the Bill. The wisest course for the Government to follow would be to introduce a Bill on the lines of the Bill of 1924 by means of which they could take a certain amount of this money and devote it to arid plant research and thus carry on a work of importance to the country.

HON. A. LOVEKIN (Metropolitan) [5.7]: I had no intention of speaking to the Bill but for the remarks of Mr. Seddon. I should like to say for the information of members that it ought not to be taken for granted that sandalwood requires a host. That has not been proved up to the present time. When a similar Bill was previously before the House I took some little interest in it. Later I got a bag of sandalwood nuts and had them treated in different ways. Some were put into the ground as they were, in their natural state; some were cracked with a hammer and those that were so cracked germinated within two months. Those that were not cracked took 5½ months to make their appearance out of the soil. Some were planted where they could get a host and some were planted where there was no chance of their getting a host. I have two or three of the plants in my back yard, where they cannot get a host, and they are high and quite healthy. Of course I do not know whether in time they will require the host to ensure their continued existence. That will remain to be seen. The greater number of the nuts are in the Park nursery to-day and some are subjected to natural rainfall and others to artificial watering. In the course of time we shall see the result. The fact remains that all the plants look well and healthy, and as I have said, quite a number have not a host and have no chance of getting it. That all proves the need for investigation and for that reason I am in accord with what Mr. Seddon and others have said. Let us keep this money to re-establish an asset which is disappearing at the present time. I shall vote against the second reading of the Bill.

HON. J. EWING (South-West) [5.10]: I should like to pay a tribute to the Conservator of Forests for his excellent report and also to express the opinion that we have in him an able and efficient officer. On page 2 of his annual report the Conservator says—

> The reforestation fund at 30th June, 1929, showed a credit balance of £77,920. When compared with the expenditure of £121,921 from this fund last year, it is evident that this balance is inadequate to meet the current developmental programme.

The Conservator goes on to point out that the money available will be practically exhausted in six months. It seems to me that the policy of the present Government is to lock up all the timber lands. We are totally opposed to that policy and we know now how magnificently what were formerly forest areas are now producing. The pastures in those areas are equal to any to be seen in any part of the State, and it is a question now whether the land is more valuable for timber purposes than for agriculture. I take exception to the policy of the Government regarding jarrah forests and reforestation. Many forest areas that should have been made available for settlement have been closed to the people. All who know the South-West must doubt the wisdom of the Government's policy in respect of forest land. I hope the Premier will reconsider this matter and give the people of the South-West the reclassification they desire. The latest reclassification has been made by the timber people.

The PRESIDENT: Order! Under the Bill the hon. member cannot deal with the whole of the forest policy. I must ask him to confine himself to the Bill.

Hon. J. EWING: I thought I was in order in saying what I did.

The PRESIDENT: There may be incidental references to the forest policy, but no more than that.

Hon. J. EWING: I hope the forest policy of the Government will be reviewed. What strikes me in this report is that the Conservator of Forests says he wants this money to carry out reforestation, while on the other hand the Premier says he wants it for revenue. The Premier seems to be very hard up and in need of all the money he can get. We have to make up our minds whether or not we shall give him this money he seeks to obtain. Mr. Seddon spoke of the desirability of spending this £40,000 on the sandalwood industry.

Hon. H. Seddon: No, only £5,000 of it.

Hon. J. EWING: Only £5,000 was allotted to the sandalwood industry last year, and of that only £2,000 was spent. I cannot see in this report where the Conservator says he can spend that money on sandalwood.

Hon. H. Stewart: Which money?

Hon. J. EWING: The money he has in in hand for the sandalwood industry. The revenue of the department can be used in any reforestation whatever, and the policy has been to apply that money in any way required. On two occasions I have voted with the Government in this matter, but I am doubtful which way to vote this time.

Hon. G. W. Miles: There should be no doubt in your mind.

Hon. J. EWING: The Government are up against a very difficult proposition. They have all the land tax they ask for, so the question is why should they want this money as well? In my opinion the policy of the Premier in asking for this money is totally against his own policy in other directions. I want the Chief Secretary to tell us whether it is absolutely necessary that the Government should have this money.

Hon. J. Nicholson: Of course he will tell you that.

Hon. J. EWING: And what he says I will believe.

Hon. G. W. Miles: The Premier has budgeted for a surplus of £100,000.

Hon. J. EWING: But a lot of water will run under the bridge before he gets that surplus. If the Chief Secretary can convince me it is necessary that the Government should have this money, I will vote for the Bill.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [5.20]: It is quite true that this Bill is on the same lines as was proposed last year, namely, that the £5,000 hitherto taken into the sandalwood trust fund shall go into revenue instead. The reason is that there is already a balance of a little over £9,000 in the sandalwood trust fund, and that at the present rate of expenditure the fund should last nearly three years. It may be said the money should go into the revenue of the department, and be used for the reforestation of jarrah and karri.

Hon. G. W. Miles: And pine.

The CHIEF SECRETARY: No, I will not say pine. When we cut down jarrah and karri trees we remove an asset, and when we plant pine trees we produce an asset. The cost of planting the pine trees comes out of loan funds.

Hon. G. W. Miles: Frenzied finance.

The CHIEF SECRETARY: In 30 years' time the pine plantations will be highly remunerative. Why, then, should the people of to-day carry the whole of the burden for posterity?

Hon. H. Stewart: In Committee I will quote the Conservator's report against that.

The CHIEF SECRETARY: The planting of pine trees is done principally on the basis of loan. That can be justified, because those trees will become an enormous asset for future generations.

Hon. G. W. Miles: So it should be, also, with jarrah and karri.

The CHIEF SECRETARY: In planting jarrah and karri we are endeavouring to restore an asset that has been depreciated. Originally it was intended that the money since taken into the sandalwood trust fund should go into the revenue of the department and be used for the reforestation of jarrah and karri, but at that time the sandalwood revenue was not entitled to much consideration. In 1918, when the Forests Act was passed, the revenue from sandalwood was only 5s a ton. The total amount received for that year was only £2,368, three-fifths of which amount was paid into the reforestation fund in the ordinary way. Parliament did not think it worth while to take that small amount into revenue. It was too small, and not worth considering. In 1924, however, a different position arose when the royalty was immensely increased. The Government and Parliament recognised that all except £5,000 of the proceeds of the royalties on sandalwood should go into revenue. The total amount received then was about £50,000. Owing to various circumstances, the returns have decreased since then, but are still in the vicinity of £40,000. When the Forests Act passed it was never contemplated there would be so much revenue from sandalwood.

Hon. H. Seddon: How did you know what forest revenue would come in?

The CHIEF SECRETARY: If forest revenue were to come in from any other source, it would be taken into the fund. As I say, it was never contemplated there would be so much revenue from sandalwood. Otherwise it stands to reason that special provision would have been made for dealing with the revenue. Owing to falling off in orders, there has been a big drop in revenue derived from jarrah and such timbers. The gross revenue collected last year was £191,023, compared with £228,615 for the previous year. Reforestation has suffered in consequence, as members have pointed out. The object of the fund was to provide that a revenue proportionate to the timber removed from the land should be spent in reforestation. Hence three-fifths of the net revenue was set aside for the purpose.

Hon. H. Stewart: Where did you get that reason for Parliament basing it on that?

The CHIEF SECRETARY: I have come to that conclusion. It is a commonsense reason. If sales drop and the timber is not felled, the need for reforestation diminishes accordingly. If we are cutting down less timber, we need to plant less. That would appear to be a sound policy, despite the interjection of Mr. Stewart. There is no reason why any of the sandalwood revenue should be transferred to the fund. The fund should do what it is expected to do by drawing from the same sources as it has drawn before. Of course it would be a good thing to do if we had the money to spare, but we haven't it to spare. At present the money is more urgently required to meet the pressing needs of the State. There are the hospitals, for instance; it has helped us to do more for hospitals than we would otherwise have been able to do. It has been of some help. The same argument applies to schools. It applies to all our free services.

Hon. J. Ewing: You want a lot more money for the schools.

The CHIEF SECRETARY: That is so. It is with great difficulty that the Treasurer can find all the money I require. This Bill is not a taxing Bill. It hurts no one. On the other hand it helps to stave off taxation, for it stands to reason that if the Government cannot get money in this way, it must get it in another, and the only other is by taxation—a process we wish to avoid. Mr. Miles referred to the estimated surplus. I doubt very much whether, under present circumstances and future prospects, that surplus will eventuate. That, of course, is purely my own opinion, but I think many members will agree with me. I hope the Bill will pass the second reading and will not be amended in Committee.

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

Ayes	10
Noes	16
Majority against	6

AYES.

Hon. J. R. Brown	Hon. G. Fraser
Hon. J. Cornell	Hon. E. H. Gray
Hon. J. M. Drew	Hon. E. H. H. Hall
Hon. J. Ewing	Hon. W. H. Kitson
Hon. J. T. Franklin	Hon. C. F. [illegible]

(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. Sir E. Wittenoom
Hon. G. W. Miles	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. W. T. Glasheen

(*Teller.*)

Question thus negatived; Bill defeated.

BILL—FREMANTLE CITY COUNCIL LANDS.

Received from the Assembly and read a first time.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.33] in moving the second reading said: This Bill has been rendered necessary by reason of the fact that it was not possible to include its contents in another Bill which came before this Chamber a few days ago. In view of the urgency of the matter, and acting on the suggestion of one or two members of the House, the Government have prepared this Bill, which has already passed another place. I trust that members in this Chamber will also carry it through all stages.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—Short Title:

Hon. A. LOVEKIN: We have as yet had no chance to look thoroughly into this Bill.

The HONORARY MINISTER: I have no desire to rush the Bill through Committee, and will report progress until a later stage in the evening.

Progress reported, leave being given to sit again at a later stage of the sitting.

BILL—INSPECTION OF SCAFFOLDING ACT AMENTMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to Nos. 3 and 5 of the amendments made by the Council; had disagreed to Nos. 2 and 4 for the reasons set forth in the schedule annexed, and had agreed to No. 1 subject to an amendment, now considered.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

No. 2 Clause 4—Council's amendment: Delete.

Assembly's amendment on Council's amendment—Amendment agreed to, subject to the following amendment:—"Strike out the word 'delete' and insert 'amend' in lieu thereof, and add the words 'by adding to proposed Subsection (3) the words 'the term shall not include scaffolding of less than 8 feet from the horizontal base, unless used in connection with the erection, alteration, addition or demolition of a building.'"

Consequential on the above amendment, insert a new clause, to stand as Clause 5, as follows:—

Amendment of Section 25.

Section 25 of the principal Act is amended, as follows:—

1. By adding to Subsection (1) the words "with respect to all scaffolding exceeding 8 feet from the horizontal base."

2. By adding to paragraph (c) of Subsection (2) the words "and regulating the inspection and use of scaffolding of less than 8 feet from the horizontal base, if used in connection with erection, alteration, addition or demolition of a building."

The CHAIRMAN: The Assembly's reason for disagreeing is that it is essential to have inspection of scaffolding under eight feet in height.

The CHIEF SECRETARY: I move—

That the Assembly's amendment on the Council's amendment be agreed to.

In the Bill as introduced in the Council, all scaffolding under eight feet came under the Act, but under this modification it will not come under the Act until used in connection with the erection, addition or demolition of a building. The cleaning of electric light globes, the kalsomining of a kitchen, the building of an aviary, or any similar work, will not come within the scope of the Act if the amendment made by the Assembly is agreed to. The Bill will apply merely to work that may be considered dangerous if defective scaffolding is used. The regulations that are included in the Act, and which set out the standard of scaffolding to be erected, would not apply to scaffolding under eight feet. A simpler kind of scaffolding would have to be used, and regulations would have to be framed in the ordinary way to enable this to be done. These regulations would have to be laid upon the Table of the House, and any member could move for their disallowance, if necessary. Neither the Act nor this Bill applies to buildings in the country unless the height of scaffolding is more than eight feet. No single-storeyed building in the country will come under this Bill.

The CHAIRMAN: I have given some thought to the Assembly's amendment, and I think a further explanation from the Chief Secretary is required. Clause 2 of the Bill alters the definition of "gear," and the definition of "owner," and deals with the height of scaffolding. The amendment itself appears to be vague. Is it intended that the whole of the clause shall come out and that it should then read, "Subsection 3 of the principal Act is amended as follows.—By adding the words, 'The term shall not include scaffolding of less than eight feet' etc." Is that the intention of the amendment?

The CHIEF SECRETARY: I came to the conclusion that the whole of Clause 2 would be deleted, and that it was then amended to include only the words contained in the Assembly's amendment.

Hon. A. LOVEKIN: If the whole clause is deleted and the amendment is inserted in lieu, the clause itself becomes incomprehensible. You, Mr Chairman, having pointed out that the amendment is incomprehensible, I shall not deal with that aspect. The Bill has been before this Chamber many times, and we have always been emphatic that we would have 8 ft. clear from the horizontal base. That is absolutely necessary for the domestic arrangements in our own private houses, apart from the convenience of country people. The reason of another place is that it is essential to have inspection of scaffolding under 8 ft. in height. Another place gets at it in an insidious manner, telling us that 8 ft. is exempt. I will not lose any time in traversing the amendment, which one cannot follow. If we leave the clause as it is, we shall be doing what is best in the interests of the country. I hope this Chamber's amendment will be insisted on.

The CHIEF SECRETARY: I myself am not clear as to the effect of the amendment, and therefore I move—

That progress be reported.

Motion put and passed.

BILL—MINER'S PHTHISIS ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [5.50]: The remarks made on this Bill by various members were submitted by me to the department. In view of the complicated nature of the matter dealt with, and the construction which has been put upon the amendments by some hon. members, I propose to read the reply furnished to me by Mr. A. B. D'Arcy, the officer in charge of the administration of the Miner's Phthisis Act. I hope this course will clarify the position and satisfy hon. members that the proposed amendments will do what it is intended they should do. Mr. D'Arcy writes—

> With regard to the payment of the compensation at the Mines Department, Kalgoorlie, there is no need for any of the men to "struggle up a staircase."

That is in reply to Mr. Harris' suggestion that some other office should be utilised for paying the men, since they had to climb 30 or 40 steps under existing conditions. The reply proceeds—

> As far back as June, 1926, arrangements were made for payment of the men on the ground floor every second Friday, and this arrangement has been carried out ever since. If it is a hardship for a man to call and collect his compensation, he can authorise someone to collect it for him, or it will be posted to him, and this is done in many cases. Payment is also made at the Boulder courthouse for the convenience of the men in that district, so that it will be seen the convenience of the men is studied in every possible way. No complaints have been received from the men with regard to the arrangements for the payment of the compensation.
>
> In the event of a workmen's inspector or a district inspector of mines being prohibited under the Miner's Phthisis Act, he would receive the same treatment as any other person employed on, in, or about a mine, and whose employment is prohibited. That is to say, he would be paid compensation equal to the rate of pay he was receiving when prohibited until other suitable employment is found for him, and, if found to be totally incapacitated from work, would be entitled to compensation in accordance with the rates approved by the Government, namely, half his rate of pay, plus £1 per week for his wife and 8s. 6d. for each child under 16 years of age, the maximum not to exceed the basic wage in the district for the time being. Only one district inspector of mines is entitled to superannuation, and the Bill will not interfere with payments that can be legitimately claimed in that respect.
>
> With regard to the figures supplied to Mr. Harris in answer to his questions, the information furnished was precisely what he asked for. The 37 men referred to by Mr. Harris were not "ordered out of the mines," but left of their own accord, and applied for, and were granted, compensation on account of miner's phthisis under the Workers' Compensation Act.
>
> It is necessary to amend Sections 4c and 4d. because, as the Act stands at present, it only applies to persons suffering from tuberculosis only. All persons reported to be suffering from tuberculosis, however, are prohibited from employment in the mines, whether suffering from tuberculosis only, or miner's phthisis complicated by tuberculosis. A man suffering from miner's phthisis complicated by tuberculosis, however, and disabled from earning full wages at the work at which he was employed, would be debarred from receiving compensation under the Miner's Phthisis Act by virtue of Section 4c, because miner's phthisis is an industrial disease, and he is entitled to compensation under the Workers' Compensation Act; and whether he claims the same or not, he is debarred from receiving compensation under the Miner's Phthisis Act. Similarly, his dependants, in the event of his death, would be debarred from compensation under the Miner's Phthisis Act by virtue of Section 4d.
>
> This the Government considered unreasonable because a man suffering from tuberculosis, plus an industrial disease, would receive less in compensation than a person suffering from tuberculosis only. In this connection it may be explained that when the men are prohibited from employment in the mines, they are examined by Dr. Mitchell within three or four weeks as to their fitness for other suitable employment, and in the great majority of cases are immediately reported as totally incapacitated from further work. It may also be added that over 90 per cent. of the men prohibited from employment in the mines are suffering from miner's phthisis complicated by tuberculosis.
>
> Sections 4c and 4d. of the Bill are, therefore, intended to remedy this and give a man suffering from miner's phthisis, plus T.B., and his dependants, the right to compensation under the Miner's Phthisis Act. It is not intended, however, that he shall have the right to compensation under both Acts. It may here be pointed out that Sections 4c and 4d of the amending Bill were drafted by the Solicitor General after the whole facts of the case and the Government's wishes in the matter had been explained to him, both verbally and in writing; but in order to remove any

doubt as to the meaning of these sections, the matter has again been referred to the Crown Law Department, and, in the absence of the Solicitor General, Mr. Walker revised the sections, as follows:—

(4c) A person whose name is registered, and who is or becomes entitled to receive compensation under Section 7 of the Workers' Compensation Act, 1912-1924, and actually receives 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 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 such compensation, such dependants shall not thereafter have any right to compensation under this Act.

The sections as revised by Mr. Walker now make it quite clear that if a man receives compensation under the Workers' Compensation Act, he shall not thereafter have any right to compensation under the Miner's Phthisis Act. It would therefore appear to be advisable to substitute the sections as revised by Mr. Walker in place of those in the Bill when the Bill is in Committee.

That is the reply I have received to my request for information.

Hon. E. H. Harris: The second part of that statement contradicts the first.

The HONORARY MINISTER: Then I would like the hon. member to point out the conflict. He can do that in Committee.

Hon. E. H. Harris: You will find it very difficult to explain.

The PRESIDENT: Order! I think this can be discussed in Committee.

The HONORARY MINISTER: I am sick and tired of hearing the hon. member demand explanations all the time I am on my feet. The hon. member has already tried to explain the matter, and has left it more fogged.

Hon. E. H. Harris: Originally it was so fogged that you had to get another amendment drafted.

The PRESIDENT: Order!

The HONORARY MINISTER: The best course is to deal with the matter in Committee. I have done my utmost to meet the position so far.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation of Section 8:

Hon. G. W. MILES: Can the Honorary Minister give me some information? I have received a letter from a very old friend who asks me to find out if he can get a lump sum by way of compensation. He was taken out of the mines and has been put by the Government on to light work.

The HONORARY MINISTER: I would not like to commit myself; the hon. member should refer the matter to the department. Offhand, I should say that in the circumstances he would have no right to lump sum compensation.

Hon. C. B. WILLIAMS: The position is as the Minister has stated. If the man has been taken from the mines under the terms of the Miner's Phthisis Act, he receives half wages until he dies, which is a much better proposition than a lump sum payment. If he is a married man, his wife receives £1 a week, and £2 after he dies.

Hon. G. W. Miles: What about the pay the man receives for the light work the Government have provided him with?

Hon. C. B. WILLIAMS: If the Government have provided work of that description, he will receive the minimum rate of wages in the district until such time as he is unable to work, when he will receive half wages, his wife £1 a week, and 8s. 6d. per week will be paid for his children, up to a maximum amount of £4 6s. a week.

Clause put and passed.

Clause 3—Amendment of Section 9:

Hon. E. H. HARRIS: In view of the amendments standing in the name of the Honorary Minister, it would appear that the Government desire to eliminate paragraphs (4c) and (4d) in Subclause 2 with a view to substituting new paragraphs. The clause deals with the payment of compensation to registered persons, but it seems to me that under the provisions of paragraph (4c) such an individual could claim under both the Miner's Phthisis Act and the Workers' Compensation Act.

Hon. H. Stewart: On a point of order, Mr. Chairman, I would like to know if Mr. Harris's general discussion of the clause will prevent me from proceeding with an amendment I have on the Notice Paper.

The CHAIRMAN: No.

Hon. E. H. HARRIS: The Minister also has an amendment on the Notice Paper, and perhaps I had better wait until I see what

the Government intend doing before dealing further with the clause. By that means we may save some time.

Hon. H. STEWART: Some of the miners who have received lump sum compensation under the provisions of the Workers' Compensation Act were discharged from the mines suffering from tuberculosis and silicosis.

Hon. C. B. Williams: There are no cases of that description.

Hon. H. STEWART: None regarding men who could possibly come back and then have a claim under the Miner's Phthisis Act?

Hon. C. B. Williams: I did not say quite that.

Hon. H. STEWART: The object I had in placing the amendments on the Notice Paper was to see that men could not claim under both Acts. I presume that the Honorary Minister desires to proceed with his amendment to strike out paragraphs (4c) and (4d).

Hon. E. H. Harris: What would be the position if the man is not in receipt of payments but has been?

Hon. H. STEWART: That is what I want to make clear. There have been far too many imposts on the industry, and there has been too much risk regarding some of those who have suffered from either dust or tuberculosis being the victims of the complicated and unsatisfactory provisions of our legislation. If the Minister proposes to strike out the two paragraphs, it will be useless for me to proceed with my amendment. If he intends to adopt that course, I hope I will be given a little time to consider how the position can best be met.

The HONORARY MINISTER: I did propose to move for the deletion of paragraphs (4c) and (4d), and the insertion in lieu of the new paragraphs appearing on the Notice Paper.

The CHAIRMAN: Order! If Mr. Stewart considers that the subclause in the Bill, as altered by the addition of his amendments, would provide a better means of overcoming the difficulty, he can proceed accordingly. If he thinks the amendment of which the Honorary Minister has given notice is preferable, it is scarcely worth while proceeding with his own amendment.

Hon. H. STEWART: I prefer the subclause in the Bill, together with the amendments I have in mind. I move an amendment—

That after "is," in line 4 of Subclause 2, the words "or has been" be inserted.

Hon. C. B. WILLIAMS: To understand the position it is necessary to appreciate the application of the Act. If a man is suffering from silicosis plus tuberculosis, he is taken from the mine under the provisions of the Miner's Phthisis Act. He must be practically dead before the Workers' Compensation Act can apply to him. As soon as the officers at the laboratory report that a man has tuberculosis plus silicosis, the Act specifies that the miner must be withdrawn from the industry, but the Miner's Phthisis Act does not say that he shall be compensated. At the same time, it is not possible for such a man to receive compensation under the two Acts. He is kept waiting for six months before a lump-sum payment is made to him. Having once examined that man and got all particulars about him, it is hardly likely that the laboratory officials would allow him to enter the mine again so that he could qualify for compensation under the second Act. As a matter of fact, under the existing legislation, once the examination has determined the condition of the man who is withdrawn from the industry, he is not permitted to return to that industry.

The CHAIRMAN: Order! I will have to narrow down the discussion, because the only point involved in the amendment is that of registration, nothing else.

Sitting suspended from 6.15 to 7.30 p.m.

The HONORARY MINISTER: From information I have obtained during the tea hour, it appears that the better method of meeting the situation would be to adopt the amendment I have on the Notice Paper.

Hon. H. STEWART: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The HONORARY MINISTER: I move an amendment—

That paragraphs (4c) and (4d) be struck out, with the view of inserting the following: —(4c) A person whose name is registered, and who is or becomes entitled to receive compensation under Section 7 of the Workers' Compensation Act, 1912-1924, and actually receives 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 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 this Act, and actually receive such compensation, such dependants shall not thereafter have any right to compensation under this Act.

The Act as amended in 1925 reads—

(4c) A person whose name is registered shall not have any right to compensation under this section if such person is or becomes entitled to receive compensation under Section 7 of the Workers' Compensation Act, 1912-1924.

The words to which I desire to direct particular attention are "becomes entitled to." Periodically the miners are examined by the laboratory and the laboratory issues a certificate that a man is suffering from miner's phthisis plus tuberculosis. The miner is withdrawn from work. Pending examination by Dr. Mitchell, he is paid the ruling rate of wage under the Miner's Phthisis Act. Immediately Dr. Mitchell certifies him totally incapacitated, he becomes under the existing Act entitled to receive compensation under the Workers' Compensation Act. That has occurred in a large number of instances, but it was not intended that that should be so. Consequently the men have been receiving compensation under the Miner's Phthisis Act and, as was pointed out by the Auditor General and supported by the Crown Law Department, they have been paid illegally. To overcome that position and enable the men legally to receive the compensation it was intended they should have, it is proposed to amend the Act as I have indicated. If my amendment be carried, a man certified by the laboratory to be suffering from miner's phthisis plus tuberculosis would be withdrwan from the mine and paid the ruling rate of wage in the district until Dr. Mitchell certified him totally incapacitated for work. Under the amendment he would not be entitled to receive compensation under the Miner's Phthisis Act if he received compensation under the Workers' Compensation Act. Two things must happen. The man must not only become entitled to compensation under the Workers' Compensation Act, then he is entitled to compensation under the Miner's Phthisis Act. The desire is that the men should receive compensation under the Miner's Phthisis Act, which is more liberal than they could receive under the Workers' Compensation Act. The same argument applies to paragraph (4d) which deals with the dependants of such a man. If a man is certified by Dr. Mitchell to be totally incapacitated, under the existing Act he becomes entitled to compensation under the Workers' Compensation Act and so do his dependants if he should die. That is not desired. The same sets of circumstances are required in the case of (4d). The dependants would have to be entitled to and receive compensation under the Workers' Compensation Act if they are going to be debarred from compensation under the Miner's Phthisis Act. We do not want that position to arise. If a man is certified under the Miner's Phthisis Act as suffering from miner's phthisis plus tuberculosis, is certified totally incapacitated and dies, his dependants should be entitled to the compensation provided under the Miner's Phthisis Act rather than under the Workers' Compensation Act.

Hon. E. H. HARRIS: I suggest that members would more readily follow the line of argument if the two paragraphs were dealt with separately.

The Honorary Minister: I have no objection to that.

The CHAIRMAN: Then the question is that paragraph (4c) be struck out with a view to inserting in lieu the paragraph I have read.

Hon. E. H. HARRIS: On the second reading I pointed out that it would appear from the drafting of the two paragraphs that a man might be able to obtain compensation under both Acts. The amendment does not stipulate a person who has actually received compensation. It merely refers to a person who becomes entitled to compensation and is actually receiving it. Take a person who is in receipt of compensation at the moment under the phthisis Act but who should have been compensated under the Workers' Compensation Act.

Hon. H. Stewart: Why should he?

Hon. E. H. HARRIS: There may be some who have been receiving compensation under the phthisis Act.

Hon. H. Stewart: Without being tubercular?

Hon. E. H. HARRIS: I am basing my argument on the report of the Auditor General, who has taken exception to the payment of compensation under the Troy amendment of 1925 to men who should have come under the Workers' Compensation Act. Nothing is said of the man who comes under the phthisis Act. Such a man could ask for a lump sum under the Workers' Compensation Act. It appears to me possible that a man can get compensation both ways.

The HONORARY MINISTER: It must be remembered that the Workers' Compensation Act does not provide compensation

for tuberculosis: it does provide compensation for silicosis. Consequently if a man is certified as suffering from tuberculosis he is withdrawn from the mines, and being withdrawn, if he receives a certificate that he is totally incapacitated, he claims under the Miner's Phthisis Act and is entitled to compensation. The hon. member suggests that he might double-bank under the Workers' Compensation Act. He cannot do that for the reason that although the man may be certified totally incapacitated from work, a man may be examined this morning and the result will not be notified to him for a few days, and in the meantime he has been continuing his work. How can it be said that he is totally incapacitated if he is still working? That answers the objection raised by Mr. Harris. I submit the amendment in the full belief that it will cover the position and will meet the defects to which attention has been drawn by the Auditor General.

Hon. H. STEWART: One wonders whether it is worth while putting forward the amendment at all. I want it made definite and plain that no one gets compensation twice for one disability, and that no one shall be denied the compensation that should be paid for disabilities from which he is suffering. My idea was to move an amendment which would be carrying out what Mr. Harris advocated. It would read—

> A person whose name is registered, and who is or becomes entitled to receive or has received compensation . . . . .

If there is a danger in the present, it is conceivable that something has happened in the past, and therefore the amendment should be applicable to the past as well as to the present, and even the future. If it is causing any injustice we should modify the position so as to remove that injustice. It is only reasonable to anticipate that if an industry is responsible for causing ill-health or hardship to individuals and they are suffering in consequence, the question arises whether Consolidated Revenue shall bear the whole of the expenditure of the compensation to be paid or whether that part of the industry—the profitable section of it—should bear a portion of the burden. It is open to grave question to-day whether the steps taken to combat silicosis are not responsible for a considerable portion of the increase in tuberculosis amongst miners.

Hon. H. SEDDON: I should like to deal with the point raised by Mr. Harris about the lump-sum settlement. Perhaps the best way to deal with the matter is to trace a case as it comes from the laboratory. The examination of a man in the laboratory will result in the issue of one of four certificates. He may have a certificate advising him that he is in the early stages of dust—by which I characterise all dust diseases. He gets that certificate, and that is the end of it for his part. Alternatively, he may get a certificate which says he is in the advanced stage of dust and is advised to leave the industry. In that event, too, the man is left entirely to his own voluntary action. He may get a certificate advising him that he is suffering from tuberculosis, in which event action is taken by the department and he is prohibited from working in a mine. That prohibition carries with it an obligation on the Government to pay him the rate of wages ruling in the district. He receives that, pending examination by Dr. Mitchell. The reason for Dr. Mitchell's examination is to determine whether that man can do any work, or whether he is totally incapacitated. If he is capable of doing work, work is found for him, and so his case is disposed of. If he is found to be incapable of doing work, he is brought under the scale of compensation, which has been explained in answer to questions asked by Mr. Harris. That is the third case. Now we have the fourth, the case of a man suffering from dust and from tuberculosis. That man is dealt with in exactly the same way. He is prohibited from working in a mine and he receives the ruling rate of wage, and has to wait for an examination by Dr. Mitchell, which is for the purpose of determining whether he can engage in any work. If so, work is found for him. If he cannot engage in any work, he is brought under the Miner's Phthisis Act. The whole of that procedure deals with the man and handles him and switches him through on to the Miner's Phthisis Act. But under the reading of the Act as it originally stood, the fact of that man having been dusted and declared incapacitated through phthisis was taken by the Auditor General to mean that he must be dealt with under the Workers' Compensation Act, as laid down in the Troy amendment. That course, however, was not followed, because the man was dealt with under the Miner's

Phthisis Act, and compensated up to the time Dr. Mitchell dealt with him; and after Dr. Mitchell had dealt with him and he was declared totally incapacitated, he was still kept under the Miner's Phthisis Act. Under the Troy amendment he was considered to be entitled to come under the Workers' Compensation Act. That is where the Auditor General took exception to the action of the Government. The amendment moved by the Honorary Minister says that "a person whose name is registered and who is entitled, or who becomes entitled, to receive compensation under Section 7 of the Workers' Compensation Act, and actually receives such compensation, shall not thereafter have any right to compensation under this Act." The clause is to be read as one, down to the word "compensation." The procedure, however, is such that he never receives compensation under the Workers' Compensation Act.

Hon. H. Stewart: Not if he is suffering from silicosis?

Hon. H. SEDDON: No, because he is dealt with all the time as a tubercular man. That is why it has been contended that this man could not make a claim under the Workers' Compensation Act, namely, because all the time he has been under the department, he has not been brought under the Workers' Compensation Act, but has been dealt with entirely as a tubercular man. I have tried to show exactly how a man is handled from his original examination until finally he is brought under compensation. If a man is suffering from tuberculosis, whether he has dust or not he is regarded as a tubercular man. The Auditor General took exception to the position, contending that under the Troy amendment the man should have been brought under the Workers' Compensation Act; whereas the Government have regarded the man as tubercular and dealt with him accordingly. Under this amendment, whether or not he has dust, if he is tubercular he is to be controlled as tubercular.

Hon. C. B. WILLIAMS: I do not know why there should be any lengthy argument about this, for it is only a question of inserting the word "receive" instead of "received." Despite all that has been said, no man has any chance of getting assistance under both Acts. The Troy provision meant the same thing, and the men had no chance of getting compensation under the Workers' Compensation Act. The Miner's Phthisis Act has taken precedence, and nobody could insist upon a man asking for compensation under the Third Schedule of the Workers' Compensation Act. If he were to make application under the Third Schedule, the laboratory people might say that he was 50 per cent. tubercular and 50 per cent. phthisical, and compensate him accordingly. Why should a man suffering from tuberculosis and dust get a lesser sum than another man suffering from dust alone? The Government, realising that the legislation is not perfect, have adopted the best means of perfecting it. There ought to be no room for argument about the matter. The Auditor General has said that things were a bit loose, and so it is only a question of tightening up the looseness. Surely there is no occasion to spend so much time upon it.

Hon. E. H. HARRIS: Mr. Seddon certainly has thrown a little light on the subject, in that he has explained that the legislation the Government put forward in 1925 was conflicting with what they intended to pay the man. Having realised that, in consequence of the Auditor General's report they now propose to amend the legislation to continue on that basis. Mr. Williams has said the Miner's Phthisis Act takes precedence. That has been emphasised over and over again. Only 36 or 39 men have been compensated under the Workers' Compensation Act. The Government knew the Miner's Phthisis Act would take precedence and, notwithstanding the knowledge that only a very small percentage of the men would come under the Third Schedule of the Workers' Compensation Act, companies and individuals employing men have had to pay compensation up to £4 10s. per cent. The amendment suggested by Mr. Stewart may not be necessary, but I think it will do no harm.

Hon. H. Stewart: Mr. Williams says not.

Hon. E. H. HARRIS: The amendment may clarify the position.

Hon. C. B. WILLIAMS: The Miner's Phthisis Act takes precedence, not because the Government wish it to, but because of the fact that when anyone develops tuberculosis it is compulsory for him to leave the mines. That is not so in the case of dust complaints. I do not know why Mr. Harris should try to camouflage the position and misinterpret my remarks. A man may have silicosis to the day of his death, but no Act of Parliament can force him out of the

mines. The Miner's Phthisis Act is the first that comes into operation. It is the one that first touches the patient if he develops tuberculosis. There is no provision to force a man out of a mine when he develops silicosis.

Hon. H. STEWART: Prior to 1922, when the Troy Bill came into operation, a person suffering from tuberculosis had to be removed from the mine, when he was to receive compension until the Mines Department found suitable work for him. Its responsibility then ceased. That did not work satisfactorily. The Act of 1925 altered the word "until" to "unless."

The CHAIRMAN: I ask the hon. member to confine his remarks to the amendment.

Hon. H. STEWART: Compensation is now being paid out of Consolidated Revenue or a special fund, upon a basis different from that which existed prior to 1925.

The CHAIRMAN: The payment out of Consolidated Revenue has nothing to do with the matter.

Hon. H. STEWART: It is difficult to make the Committee realise the full significance of the system of payment unless one is allowed a little latitude. A better means of payment should be sought than that existing. There is nothing to say whence the fund shall come.

The CHAIRMAN: The hon. member would better achieve his purpose if he moved a new clause to rectify that anomaly.

Hon. E. H. Harris: I understood Mr. Stewart had suggested an amendment.

The CHAIRMAN: He cannot move an amendment at present.

The Honorary Minister: I understood that he moved an amendment a little while ago.

Amendment (that the words proposed to be struck out be struck out) put and passed.

The HONORARY MINISTER: I move an amendment—

That the following words be inserted in lieu of those struck out:—(4c) A person whose name is registered, and who is or becomes entitled to receive compensation under Section 7 of the Workers' Compensation Act, 1912-1924, and actually receives such compensation shall not thereafter have any right to compensation under this Act.

Hon. H. STEWART: I move—

That the amendment be amended by inserting after the word "receive," in line 4, the words "or has received."

Amendment on amendment put and passed.

Amendment as amended agreed to.

The HONORARY MINISTER: I move an amendment—

That paragraph (4d) be struck out, and the following inserted in lieu:—"(4d) If a person whose name is registered dies, and his death is 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 this Act, and actually receive such compensation, such dependants shall not thereafter have any right to compensation under this Act."

Hon. H. STEWART: I move an amendment on the amendment—

That after the word "is," in line 4 of the amendment, there be inserted "or has been."

The amendment is to the same effect as the amendment on the preceding amendment. It deals with the past.

Amendment on the amendment put and passed.

Hon. H. STEWART: I move an amendment—

That after the words "actually receive," in line 8 of the amendment, there be inserted "or have received."

Further amendment on the amendment put and passed; the amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 4—Amendment of Section 10:

Hon. E. H. HARRIS: On the second reading I asked whether superannuation was provided for inspectors, and, if so, whether that circumstance would have any bearing on their compensation under the Workers' Compensation Act. I did not get the exact import of the Crown Solicitor's advice on the point.

The HONORARY MINISTER: I am advised that only one district inspector is entitled to superannuation, and that this Bill does not interfere with payments which can be legitimately claimed in that respect.

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

As to Report.

The HONORARY MINISTER: I move—

That the report be adopted.

Hon. E. H. HARRIS: Is the Honorary Minister willing to postpone the third reading of the Bill until to-morrow, in order that I may have the opportunity of placing an amendment in the form of a new clause on the Notice Paper? The clause has been drafted by Dr. Stow. I do not happen to have it with me.

The HONORARY MINISTER: I am quite prepared to postpone the third reading as desired; but as the Bill has been on the Notice Paper for several weeks, I think the hon. member might have submitted his amendment long ago.

Question put and passed; the report adopted.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

HON. H. STEWART (South-East) [8.43]: Having looked through this Bill with some care, I have come to the conclusion that it falls in the category of measures submitted with hardly sufficient preparation to enable them to accomplish what they are intended to do. I shall have to refer to the Public Service Act Amendment Bill to show that something additional to the Bill now under discussion is necessary. One of the main principles of the present Bill is to render it compulsory for any person who applies to the Appeal Board as a public servant or a State school teacher to make the application through his association or union, as the case may be—either the Civil Service Association or the State School Teachers' Union. That provision I regard as utterly unfair. With the Bill as it stands, the provision amounts to a modification of what we are accustomed to regard as the principles of justice. Being totally opposed to a compulsory provision of this nature, I shall, in Committee, move the amendment I have placed on the Notice Paper, making it merely optional for the applicant to appeal through the Civil Service Association or the State School Teachers' Union, according to whether he is a public servant or a teacher. I repeat, it is grossly unfair to compel the applicant to make his appeal through the association or the union, as the case may be. A similar amendment I have deals with Subclause 3 of Clause 4. Clause 3 provides for the amendment of Section 3 of the principal Act setting out that the third member of the appeal board shall be a representative appointed by each division of the service.

Hon. G. Fraser: What is wrong with that?

Hon. H. STEWART: Nothing at all, but I am afraid that unless we agree to a further amendment, we may find the Public Service Appeal Board constituted by six members, and not by three as contemplated by the Act. If I am wrong, I hope the Honorary Minister will prove it. I would point out that we have to take into consideration the provisions of the Public Service Act which, in a sense, affect the Bill now before the House. If hon. members will peruse Section 3 of the principal Act and add the amendments proposed to it, they will appreciate the point I raise. I realise that the position would probably be sufficiently clear if we agreed to a further amendment on the lines of the latter half of the third sub-paragraph of Section 1 of Section 51 of the Public Service Act, 1904, under the heading of "Appeals." That sub-paragraph reads:—One member to be elected in the prescribed manner from among their number by the officers of each division of the Public Service: but only the member elected by the officers of the division in which the appellant is employed shall sit on the board as the elective member on the hearing of the appeal To make the position perfectly clear, some similar provision to that appearing in the Public Service Act regarding the election of appeal boards, should be included in the Bill. I draw attention to this because I regard it as an oversight that should be rectified. Another portion of the Bill to which I can take exception is that which relates to the form in which decisions are to be given and the provision of authority to speak to the minutes. If that procedure is to apply to every application before the Appeal Board, it will lead to a lot of work and I question whether it is reasonable to include such a proposal, particularly in view of the fact that the chairman will be a judge of the Supreme Court and the members of the Appeal Board will include a representative of the Government and another representing the division of the service in which the appellant is employed.

Hon. J. Nicholson: It will amount to a re-hearing of the appeal.

Hon. H. STEWART: That is so, and I think that is going beyond what is reasonably required.

HON. G. FRASER (West) [8.53]: It is difficult to follow the logic of Mr. Stewart's remarks regarding the constitution of the Appeal Board. He told us that it would be constituted by six members, in view of the wording of the clause. I do not know if he had convinced himself, before he concluded his remarks, that there were to be three members only——

Hon. H. Stewart: I drew attention to the matter because I thought it was deserving of attention.

Hon. H. J. Yelland: At any rate the clause is ambiguous.

Hon. H. Stewart: It is possible that there will be six members.

Hon. G. FRASER: Mr. Stewart's last words were that the board would comprise a judge of the Supreme Court, a representative of the Government and a representative of the branch in which the appellant was employed.

Hon. J. Nicholson: In certain circumstances there could be five members.

Hon. G. FRASER: And in those circumstances the employees would have a majority of the representatives on the board. No such thing is suggested and Mr. Stewart is the only individual I have heard advancing such a contention.

Hon. J. Nicholson: If you read the applicable section you will see what Mr. Stewart meant.

Hon. H. Stewart: The hon. member will find out in time.

Hon. G. FRASER: I do not know that I will, because I have had a good deal of experience with regard to appeal boards.

Hon. H. Stewart: I know what the intention is.

Hon. G. FRASER: As far as my memory serves me, the Commonwealth Public Service Act contains a section somewhat similar to the clause Mr. Stewart has referred to. The Commonwealth Appeal Board has been in operation for many years, and I have not heard of any contention being raised that the board should comprise more than three members. The first portion of the Bill deals with the representation of divisions concerned on the Appeal Board. That is a wise suggestion. If the appellant is employed in the clerical division, a representative of that division will be the third member of the board. If the appellant is in the professional division, then a representative of that division will be the third member of the board. That will be the position regarding the general division and the administrative division as well. The only other phase of the Bill that was commented upon by Mr. Stewart in particular was that relating to appeals being taken by the Civil Service Association on behalf of appellant. Having had practical experience with the work of the Commonwealth Public Service Appeal Board, as the employees' representative, I know that it was found essential that public servants should put their appeals through their particular organisation. That board dealt with many matters relating to reclassification. Some two or three years ago there was a reclassification of the Federal Public Service and in my particular division there were over 600 appeals lodged against it. Although every member of the service was given the opportunity to look after his own case before the Appeal Board, speaking from memory, I think only four of them elected to present their own appeals rather than have them handled by the union representative. Mr. Stewart suggested that the word "may" should be inserted in the Bill. I have no strong objection to that, but I do not think it will be beneficial to the individuals concerned if that course is adopted. It has been suggested that the provision indicates compulsory unionism within the service. I do not know there is much in that argument. To my mind, the interests of the individual employee will be conserved if his appeal is handled by the union representative. Where the public servant takes his own case, it is quite possible that he will not handle it quite as satisfactorily as a union advocate could, seeing that the latter is accustomed to the work. It would be the same with me if I defended my own case in the law court. I could not do so as successfuly as a solicitor with his wider experience.

Hon. C. F. Baxter: You never know.

Hon. G. FRASER: Perhaps there is something in that.

Hon. E. H. Harris: Many private individuals have appeared successfully in the courts.

The PRESIDENT: Order!

Hon. G. FRASER: At any rate I am convinced that it will be in the interests of the individual if he allows his appeal to be handled by his union. It is quite on the cards that when an appeal against reclas-

sification is before the board, the first case to be called will be one which a public servant has elected to conduct himself. If, as is likely, he has not had the experience necessary to successfully fight his own case, it is quite possible that he will prejudice the cases of two or three hundred others who have the association's representative appearing for them. Members here may suggest that no board would allow such a thing to influence them, but I say that unconsciously they will be influenced. So in the interests of the officers themselves it is desirable that they should leave their cases to the more experienced representative appointed to act on their behalf. Apart from those two clauses, there is not very much in the Bill. I have pleasure in supporting the second reading.

HON. C. F. BAXTER (East) [9.1]: I regret I cannot agree with the hon. member who has just resumed his seat. Were it not that Clause 5 so well suits the party he represents, I should be inclined to conclude that he had not read that provision. However, the clause to which I take particular objection is Clause 7, amending Section 15 of the Act. That clause deals with strikes. If there has been any one thing more than another prejudicial to the State and to the Commonwealth, it is the curse of strikes. We have suffered from it for years past.

Hon. C. B. Williams: Have we suffered any more than have other countries?

Hon. C. F. BAXTER: Clause 7 seeks to abolish what I consider to be only just punishment for those taking part in a strike.

Hon. J. Nicholson: I think you will find it is widening the scope of the provision in the original Act. At present the only monetary penalty is £10 against an individual, whereas Clause 7 provides a penalty of £100 against the union.

Hon. C. F. BAXTER: I cannot admit that, although I have compared the clause with the section it seeks to amend. Clause 7 of the Bill reads as follows:—

> Section 15 of the principal Act is amended by omitting all the words after "Act," in the first line to the end of the section, and inserting in place thereof the following words:—"Any public servant, association or union, takes part in or does any act, matter, or thing in the nature of a strike it shall constitute an offence, the maximum penalty for which, upon conviction, shall be in the case of an association or union, £100, and in other cases, £10."

Section 15 of the Act reads as follows:—

> If, after the commencement of this Act, any public servant take any part in or does any act, matter, or thing in the nature of a strike he shall be guilty of an offence, and on conviction shall forfeit the privileges which otherwise he might have enjoyed under any Act or regulation relating to his service, including the Superannuation Act, and be liable to a penalty not exceeding £10.

The PRESIDENT: The proper time to discuss the details of clauses is in Committee. Second reading speeches ought to deal with the general principles of the Bill.

Hon. C. F. BAXTER: When we have a strike, the union is to be fined £100 for taking part in the strike, whilst individuals taking part will be fined £10. In my view there is no punishment too great for those who create strikes and go out on strike. Many years ago we were told that if we passed the Industrial Arbitration Act, it would mean the end of strikes. Actually it has been the foster-mother of strikes.

Hon. C. B. Williams: How many strikes have we had in this country?

Hon. C. F. BAXTER: The hon. member is very quick to shut his eyes when it suits him. We cannot get away from the fact that the Commonwealth would not be facing the present financial stringency were it not for the strikes we have had in Australia.

Hon. C. B. Williams: Nonsense!

Hon. C. F. BAXTER: I do not suppose there is any member of Parliament of Western Australia who is not rejoicing at the news that the coal strike has ended.

Hon. C. B. Williams: Do you call that a strike?

The PRESIDENT: Order! The hon. member will have an opportunity to reply.

Hon. C. F. BAXTER: I do not think he will reply, for certainly he will not have any argument to put before the House. It is provided in the Act that any public servant who takes part in a strike shall forfeit all his privileges and pay a fine of £10. That is only right. Why should any Government come forward with a measure to abolish that and let officers go on strike under no greater penalty than a fine of £10? It is ridiculous.

Hon. C. B. Williams: I would shoot them.

Hon. C. F. BAXTER: Let us be reasonable and avoid talking of shooting. I am just as democratic, if not more so, than the hon. member who is so pleased with his own interjections. I have done more to

bring about peace in industry than he is ever likely to do.

Hon. C. B. Williams: You think that.

Hon. C. F. BAXTER: Only last night I advised the Honorary Minister to drop his sarcasm. Now he is smiling sarcastically. Let me tell him that if he wishes to be successful in getting his measures through this House, he will have to drop his sarcasm.

The PRESIDENT: Order! Order!

Hon. C. F. BAXTER: Members will be well advised to see that no alteration whatever is made in Section 15 of the principal Act. The amendments proposed in Clause 7 ought to be struck out. Clause 5 is a dangerous clause, but I repeat that there is extreme danger in Clause 7. It means that we are to turn round and say to the public servants, "You can go out on strike, for after all it means only a £10 fine." What can be done when we have a strike amongst the public servants? It seems to me there are still a few members of Parliament who think that Australia is going to flourish on strikes. The sooner they recognise where we are drifting, the better.

Hon. C. B. Williams: There are no strikes in this State.

Hon. C. F. BAXTER: The hon. member will never recognise a strike. Our own State has had a very bad time indeed through strikes. I appeal to members to see to it that Clause 7 is struck out and that Section 15 of the principal Act is left unamended.

HON. H. J. YELLAND (East) [9.10]: One cannot but recognise the close association between this Bill and the Public Service Act Amendment Bill. As a matter of fact, this Bill could well have been embodied in the other Bill. The two have to be read together, because they are inextricably interwoven. I do not wish to digress from the Bill before us, but it will be necessary to refer to some anomalies between the two Bills. Since this Bill governs the Public Service Act Amendment Bill there should be reasonable unity between the two, but in the Bill before us there are to be found certain words that have been struck out of the Public Service Act Amendment Bill. That anomaly ought to have been removed before the two measures came down. We find in the Public Service Act Amendment Bill the words "in any class or grade" have been cut out, whereas in the Bill before us the words "or any class or group" are left in. The two Bills ought to be made to coincide. Mr. Stewart has dealt with several points which I had marked out for consideration. In spite of the remarks Mr. Fraser—

Hon. G. Fraser: Who has had actual experience, as against theory.

Hon. H. J. YELLAND: Mr. Fraser pointed out that each division of the Public Service was to be represented on the appeal board when appeals were being heard from that particular division. That is a commonsense interpretation to put upon the clause. At the same time the ambiguity of the clause demands that it should be made clearer, and I suggest that the Minister take steps in that direction. I see no objection to bringing the Agricultural Bank and the Forests Department under the appeal board, but I certainly think we are going a little too far in bringing preference to unionists into the very heart of the Public Service. For that reason when in Committee I will raise an objection to Clause 5. Mr. Stewart has dealt with Clause 6, while Clause 7 has been referred to by Mr. Baxter. So I feel there is no necessity for me to enlarge any farther upon either of those provisions. It appears to me we shall simply be duplicating the work of the Arbitration Court, and if we wish to act in accordance with that idea, Clauses 5, 6 and 7 might readily be transmitted to the Arbitration Act so that the whole of the Civil Service will be brought under the control of that Act. I do not think they desire that, but any public servant should have a perfect right to appear before the appeal board and present his case without having to move through the Civil Service Association or the Teachers' Union. The provision for the board to alter their decision in respect of their work is quite unnecessary. Clause 7, which seeks to amend Section 15 of the Act, will, as Mr. Baxter pointed out, make it easier for public servants to engage in strikes. Wherever there is a violation of any Act of Parliament, there should be no reduction of the consequences below what is considered to be a fair thing. If a person deliberately refuses to carry on his work, he should sacrifice any advantages accruing to him. If I were employed in the city and refused to do my work, my employer would be quite justified in depriving me of any privileges due to me and telling me to clear out. That is the way in which the existing Act applies to members of the Public Service, and I do not think we should be justified in providing an escape as suggested by Clause 7. Certain

sections of the Act need to be altered and I intend to support the second reading of the Bill in order that we might deal with those matters in Committee.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 3:

Hon. H. STEWART: Unless the Act provides a limitation of the strength of the board, the amendment proposed by this clause will make the provision ambiguous. There is nothing to show that the board shall consist of three members. The limitation in the Public Service Act, which will be removed by the passing of the Public Service Act Amendment Bill, should be included in this measure in order to continue the practice that has been observed.

The HONORARY MINISTER: There appears to be some point in Mr. Stewart's contention, and to meet it I suggest that instead of inserting the words "to represent each division of the Public Service" we should insert "to represent the division of the Public Service concerned." The object is that a member of the particular division should sit on the board.

Hon. H. STEWART: I would have suggested making it read "but only the member elected by the officers of the division in which the appellant is employed shall sit on the board."

Hon. G. FRASER: For the sake of brevity the words suggested by the Honorary Minister are preferable, and if he moves for their insertion, I shall support him.

Hon. H. J. YELLAND: I suggest inserting the words "and one member to represent each division of the Public Service to be elected in the prescribed manner by the members of the Civil Service Association, and such representative shall act on the board only when appeals within such division are being heard." That would make it quite clear.

The HONORARY MINISTER: I like my suggestion because of its brevity. I move an amendment—

That the word "the" be substituted for "each," and the word "concerned" inserted after "Service."

Amendment put and passed.

Hon. H. STEWART: I should like the Honorary Minister to look at paragraph (c), which says that in the case of appeals relative to disputes common to the Public Service, including the staff of the Education Department, the board shall consist of a judge of the Supreme Court and four members, appointed and elected as aforesaid. The amendment we have just passed recognises four divisions of the Public Service.

The CHAIRMAN: Is the hon. member foreshadowing another amendment?

Hon. H. STEWART: Because of the amendment we have just passed, it may be necessary to add some words to effect an alteration to paragraph (c).

Clause, as amended, put and passed.

Clause 4—Amendment of Section 6:

Hon. H. STEWART: I want it to be possible for an appeal to be lodged in accordance with Section 7 of the Act. With that object in view, I move an amendment—

That at the commencement of Subclause 1 the word "after" be inserted before the word "by."

The CHAIRMAN: I am going to insist upon amendments being written out in three copies and delivered to the Chair. I have spent 10 minutes drafting into the Bill the amendments that Mr. Stewart has placed upon the Notice Paper. He has now changed his mind regarding the first one and wishes to alter it. I must request him to write out his amendment in three copies and send it up to me.

The HONORARY MINISTER: I do not think there is any need for the amendment. Were it agreed to, there would be no alteration of the present position. The hon. member's desire could be achieved by voting out the clause. A member of the service may think he has not had a fair deal. My experience of the association leads me to say that, if it does not agree with such an officer, he must have a very poor case. As a rule, when individuals go against the advice of their organisation their action results in prejudicing the case of hundreds of other people.

Hon. W. J. Mann: They may not belong to any organisation.

The HONORARY MINISTER: They should become members.

Hon. W. J. Mann: You would cut them out?

The HONORARY MINISTER: No. Very few members of the service are not members of the association. I have frequently handled cases on behalf of those who have not been members of the organisation in which I am interested.

Hon. G. FRASER: I hope the clause will not be amended. I, too, have taken before the Appeal Board dozens of cases of persons who have not been members of the organisation I have represented. Officers who are not members of the Civil Service Association may be referred to as fanatics. They are people who always have a grievance. If such people were allowed to go before the board, it would lead to an endless number of frivolous cases being dealt with. If the applicant cannot convince his comrades that he has a good case, then he has a very poor chance of convincing the Appeal Board.

Hon. J. Nicholson: The principal Act contains a section dealing with frivolous appeals, and imposing a penalty not exceeding £5.

Hon. H. J. YELLAND: While agreeing largely with what has been said by the Honorary Minister and Mr. Fraser, I cannot see that we have the right to deprive any individual of access to the Appeal Board. The subclause proposes to penalise the minority if unwilling to proceed in accordance with the dictates of the Bill. A man possessed of the necessary ability to present his own case should be permitted to do so. This subclause is closely associated with Subclause 1 of Clause 5.

The HONORARY MINISTER: If the Committee decide that the individual public servant shall be allowed to appeal, it will be necessary to make another amendment.

Hon. H. Stewart: I noticed that, and have just handed in the necessary amendment.

The HONORARY MINISTER: I hope the present amendment will not be carried. There is grave danger in allowing the individual to step in simply because he has an idea that he can present his case better than an advocate can. An organisation concerned in a matter of this kind cannot allow an outside individual to prejudice the appeals of all the members of the organisation.

Hon. J. J. HOLMES: The subclause should be struck out. Why should not any civil servant have the right to put up his own case to the Appeal Board? I think there is a nigger in the woodpile. The intention of the subclause may be to force all members of the Public Service into one organisation. That is an interference with the liberty of the subject.

Hon. G. Fraser: In the interests of the subject himself.

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

Ayes	15
Noes	6
Majority for	9

AYES.

Hon. J. Ewing	Hon. E. Rose
Hon. J. T. Franklin	Hon. H. Seddon
Hon. E. H. H. Hall	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. G. A. Kempton	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. G. W. Miles
Hon. W. J. Mann	*(Teller.)*

NOES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. J. Nicholson
	(Teller.)

PAIR.

AYE.	NO.
Hon. Sir E. Wittenoom	Hon. C. D. Williams

Amendment thus passed.

Hon. H. STEWART: I move an amendment—

That Subclause 3 be struck out.

This subclause is entirely comparable to Subclause 1, which has just been deleted.

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

Clause 5—Amendment of Section 7:

Hon. H. J. YELLAND: This clause again proposes to exclude non-members of the association or the union from the Appeal Board. In the course of discussion with a number of public servants, including men high up in the service, I have been asked to move the deletion of this subclause. Public servants are entitled to hold their personal views on the matter.

Hon. G. FRASER: I was surprised to hear Mr. Yelland's statement. I guarantee that if he will accompany me and we pick a hundred civil servants, he will be for-

tunate if he gets one of them to express the views he has indicated.

Hon. E. H. Harris: But if one of them dares to be a Daniel, why should he not have the right to state his own case?

Hon. G. FRASER: If there is one who is prepared to spoil the case of 99, those 99 are more entitled to consideration.

Hon. J. J. Holmes: But there is more joy over one that remained than over the 99 who went on strike.

Hon. G. FRASER: If we get the 99, we may get the lost lamb and include him in the hundred as well. In view of my knowledge of public servants, both State and Federal, I am surprised at Mr. Yelland's statement. I have mentioned the instance in which only four out of 600 Federal public servants elected to present their own appeals. I do not doubt Mr. Yelland's word, but his experience was exactly the opposite of my own.

Hon. J. J. HOLMES: The same principle is involved as in Subclause 1 of Clause 4, upon which we have reached a decision. As that is so, and in view of the business that has to be transacted, why not take a vote without any further discussion?

Clause put and negatived.

Clause 6—Amendment of Section 10, report of decisions:

Hon. J. J. HOLMES: If we appoint an appeal board and they take great trouble in arriving at their decisions, that should be sufficient. If we go further and allow minutes to be issued and general discussions to be indulged in, I do not know that finality will ever be reached.

Member: It may be a sort of Kathleen Mavourneen business.

The HONORARY MINISTER: If it is good enough for the Arbitration Court to adopt this procedure, surely there cannot be any objection to its being applied to civil servants. The practice of issuing minutes that can be discussed, has been responsible for rectifying what would have been injustices had certain proposed provisions been included in the decisions of the Arbitration Court.

Hon. J. NICHOLSON: Even if the clause be agreed to, it will not go very far. It would be preferable to retain the section in the Act. The minutes of the decisions of the Appeal Board would be restricted and would probably be limited to such expressions as "appeal allowed" or "appeal not allowed." There would be nothing to speak on.

Hon. H. STEWART: The section in the Act, which the clause will amend by substituting the cumbersome provision embodied in it, is infinitely preferable. The Honorary Minister likened the Appeal Board to the Arbitration Court, but the two are not comparable. The work of the Arbitration Court is much more intricate. On this appeal board not only is there to be a direct representative of the union, but the union are empowered to put up the cases. If they cannot get justice under that, then this additional expedient of speaking to the minutes cannot help them. I will vote against the clause.

Hon. J. J. HOLMES: If we do not delete the clause, certainly we shall have to amend it, for there is in it no provision for the individual who takes his own case speaking to the minutes. That is only for the representative of the organisation.

Hon. G. FRASER: I hope the clause will be agreed to. Even after the board have arrived at a decision they may agree to vary it.

Hon. J. Nicholson: How are you going to reach finality?

Hon. G. FRASER: Once they vary their decision the amended decision is absolutely final.

Hon. J. Nicholson: It does not say anything of the sort. They could go on ad infinitem.

Hon. G. FRASER: I have had experience on the Commonwealth Public Service Appeal Board, where I was representing the employees. In one case the majority decision of that board was in a certain direction, and I disagreed and submitted a minority report. I quote that to show that although the board have come to a decision it is possible the decision may be wrong, and after hearing argument on the minutes the board may alter their decision before submitting it to the Governor. It is quite a common thing in the Arbitration Court.

Hon. C. B. Williams: There might not be anything in the minutes to discuss.

Hon. G. FRASER: It is quite clear that some members do not understand the cases that will come before the appeal board. A second opportunity should be given for the board to rectify any mistakes they may make in their first decision.

Hon. J. NICHOLSON: I want to call Mr. Fraser's attention to the fact that there is in the clause no provision as to the time at which those who wish to re-open a decision should make their application.

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

Ayes	..	..	7
Noes	..	..	14
Majority against	..	..	7

AYES.

Hon. J. R. Brown	Hon. E. H. H. Hall
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. J. T. Franklin
Hon. E. H. Gray	(*Teller.*)

NOES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. Seddon
Hon. G. A. Kempton	Hon. H. Stewart
Hon. A. Lovekin	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. H. A. Stephenson
	(*Teller.*)

PAIR:

AYE.	NO.
Hon. C. B. Williams	Hon. Sir E. Wittenoom

Clause thus negatived.

Clause 7—Amendment of Section 15:

Hon. H. J. YELLAND: I would be satisfied to see the clause deleted, but Mr. Baxter, who has given notice of an amendment and has been called out of the Chamber, has asked me to move it for him. A person need not feel the penalties of any Act until he breaks it. A person who stands loyally to his work need not fear the consequences of a strike. This clause is proposed as the result of a strike that occurred a few years ago. On behalf of Mr. Baxter, I move an amendment—

That all the words after "by," in line 1, be struck out, and the following inserted in lieu:—"adding at the end of the said section the following words:—'If any association or union takes part in, or does any act, matter or thing in the nature of a strike, it shall constitute an offence, the penalty for which, upon conviction, shall be one hundred pounds.'"

That would increase the penalty on a union or association from £10 to £100. While the clause intends to increase the penalty on a union or association to £100, and provide a penalty of £10 for the individual, it proposes to remove the forfeiture of privileges. Mr. Baxter desires to retain the forfeiture of privileges and the £10 fine for an individual.

The CHAIRMAN: I should like the hon. member to look up Standing Order 192, which distinctly says that a decision of the Committee may not be reversed in the same Committee. What the hon. member proposes to do is to delete certain words and then re-insert them.

Hon. E. H. HARRIS: We have already done that to-night on the Miner's Phthisis Bill. We struck out half a clause and re-inserted it with the addition of certain words.

Hon. H. J. Yelland: Have not the Standing Orders been suspended sufficiently to cover that?

The CHAIRMAN: Hardly.

Hon. A. LOVEKIN: I suggest that the hon. member withdraw the amendment, vote against the clause and allow the provision in the existing Act to stand. What would £100 matter to the association in such circumstances?

Hon. H. J. Yelland: The sponsors of the Bill have suggested the £100 penalty.

Hon. E. H. H. HALL: After 2[illegible] years' experience in the Public Service, I should like to see all the words after "union" deleted, and others inserted providing that any public servant who was guilty of taking part in anything of the nature of a strike should render himself liable to instant dismissal and the forfeiture of all rights and privileges.

The HONORARY MINISTER: The remarks of Mr. Hall are typical of the attitude adopted in quite a number of places towards strikes. I am surprised that members do not profit by experience. Mr. Baxter has made statements and then run away, unprepared to face the criticism.

Hon. H. Stewart: That is ungenerous when he has been called away.

The HONORARY MINISTER: I know all about it. Mr. Baxter said that since we have had an Arbitration Act there have been more strikes than ever before. The hon. member does not know what he is talking about. No country in the world has been more free from strikes than has Western Australia during the last few years.

Hon. E. H. Harris: We have the best Arbitration Act in the world.

The HONORARY MINISTER: Yes. Why should a member make a statement of that kind?

Hon. J. J. Holmes: What about the Transport Workers Act?

The HONORARY MINISTER: It has proved that it does not pay to inflict penalties such as were inflicted under that Act.

Hon. J. J. Holmes: The work is going on well.

The HONORARY MINISTER: I am surprised that members have not taken notice of happenings in recent years.

The CHAIRMAN: I must narrow down the discussion. The clause refers to the Public Service, not to transport workers.

The HONORARY MINISTER: When members are prepared to make statements like this and leave it to another to move an amendment for them, it is time I had something to say. The trend of opinion amongst people who have been connected with industrial disputes is that the penalty clauses do not act as a deterrent, and that it is advisable to do away with them as far as possible. Now we have Mr. Yelland's proposal to increase the penalties provided in the Act. The Bill on the other hand is designed to reduce them.

Hon. G. W. Miles: If a civil servant cannot be loyal to the State, he deserves to lose all his privileges.

The HONORARY MINISTER: He can be loyal to the State and yet find it necessary to cease work.

Hon. G. W. Miles: That is a nice statement for a Minister to make. That is the sort of thing that is causing all the trouble.

The HONORARY MINISTER: I am sure the hon. member would do the same thing in cases that I could mention.

Hon G. W. Miles: The Honorary Minister can stand up in his place and advocate strikes.

The HONORARY MINISTER: I am not doing so.

Hon. W. J. Mann: You are justifying them.

The HONORARY MINISTER: When strikes do occur, there is usually strong justification for them. The penalties provided in the Bill are severe enough.

Hon. E. H. HARRIS: I have before me a Bill relating to arbitration.

The CHAIRMAN: I hope the hon. member will not try to deal with it now.

Hon. E. H. HARRIS: I should like to contrast it with this Bill. In the Arbitration Bill a penalty of £50 is provided in the case of a man who works outside the fixed hours, even if he is working for himself. Under this Bill an officer will be fined £10 if he ceases work. The two things do not compare. Either one penalty should go up or the other should come down.

Hon. C. B. Williams: The difference is that one of those men is scabbing on his fellows

Hon. H. J. YELLAND: I have moved this amendment on behalf of Mr. Baxter, who has been called away. I am sorry he is not here.

Hon. E. H. Harris: To collect the abuse.

Hon. H. J. YELLAND: I feel that the original section of the Act would really meet the case.

Hon. G. FRASER: Do members realise what they will be doing if they substitute the old section for the new proposal? The old section amounts to confiscation. Apart from fining a man, he is to be denied all privileges, even his superannuation. Are members prepared to return to an officer the money he has paid into the superannuation fund?

Hon. J. J. Holmes: He has broken his contract.

Hon. G. FRASER: A strike does not enter into the question of superannuation. Some officers may have paid into their fund for 30 years. Members have no right to confiscate that money.

Hon. A. Lovekin: He would be a fool to strike with that at the back of him.

Hon. G. FRASER: There are times when strikes are justifiable.

Hon. E. H. H. Hall: Not amongst civil servants.

Hon. G. FRASER: In addition to fining an officer £10, it is now proposed to confiscate his money. I know when I was paying into a superannuation fund, it was costing me 4s. a week.

Hon. A. Lovekin: What about the damage you cause to others by striking? Ought not that to be paid for?

Hon. G. FRASER: That is already provided for by the penalties.

Hon. A. Lovekin: A penalty of a ten-pound note.

Hon. G. FRASER: It is generally agreed that penalties do not prevent people from striking. If the clause is amended, all question of confiscation should be deleted from it.

Hon. C. F. BAXTER: I ask leave to withdraw the amendment which was moved in my behalf by Mr. Yelland.

Amendment by leave withdrawn.

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

Ayes	5
Noes	18
Majority against	13

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. E. H. Gray
Hon. G. Fraser	(*Teller.*)

NOES.

Hon. J. Ewing	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. C. H. Wittenoom
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. C. F. Baxter
	(*Teller.*)

Clause thus negatived.

Title—agreed to.

Bill reported with amendments, and the report adopted.

Third Reading.

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

BILL—STATE SAVINGS BANK ACT AMENDMENT.

Second Reading—Amendment Six Months.

Debeate resumed from the previous day.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [10.46]: I am not at all surprised at the opposition shown to this Bill. It has been one of the experiences of my life that a certain section of public men show hostility to innovations in any shape or form. We saw that in connection with the establishment of the Commonwealth Bank. When the Fisher Government introduced the Bill for the creation of the bank, opposition was shown in every part of Australia. It was stated that the new institution would cripple the private banks and spread ruin throughout the Commonwealth. But the Commonwealth Bank was established, and none of the ill effects experienced. On the contrary, during the war and subsequently the Commonwealth Bank proved Australia's financial salvation. However, we need not go to Melbourne for an illustration; we can come back to Western Australia and trace the history of our own Agricultural Bank. The birth of that bank was attended with considerable difficulties. Lord Forrest, who introduced the Bill, had a strong following, but despite that fact he met with considerable opposition in the Legislative Assembly, and with a certain amount in the Legislative Council. Some of the speeches made on that Bill remind me of certain speeches I heard yesterday, though I should add that the speeches against this Bill were not as strong as those directed against the establishment of an Agricultural Bank. Perhaps 35 years hence the Leader of the House will quote the addresses delivered yesterday in opposition to this Bill. I will read a few extracts from the speeches against the establishment of the Agricultural Bank, both in the Assembly and in the Council. Here are the words of a gentleman who posed, and was regarded as, a great statesman—

> I must support the amendment for the rejection of the Bill, because it is going on dangerous lines. It does not possess the elements of success, and must end in failure and disappointment and vexation of spirit. It is a mere utopian scheme. It possesses no vitality in its body; it cannot live, and it will not give any vitality to those whom it is intended to benefit; and I hope members will do as I intend to do, and that is vote against the second reading.

Here are the remarks of a man of great intellect, regarded also as a statesman and as broad-minded and progressive—

> I do not know that I ever attacked any measure or system with greater pleasure than I do this Bill before the House, and I do sincerely hope that hon. members will reject the measure. If an amendment be proposed that the Bill be read a second time this day six months—I do not myself propose it, but possibly such an amendment may come from the other side of the House—I shall support it. One thing I am pleased to see is that the Bill has already begun to frighten some of the Government supporters.

Hon. J. J. Holmes: Tell us what you said.

The CHIEF SECRETARY: I was not in Parliament in those days. Another member who was regarded as a great orator, a man of wide experience and a student, said—

> This Bill is a sort of wraith of the bantling that was deliberately murdered by this House two years ago. The House then decided it would have nothing to do with loan money to farmers.

It appears that a previous Bill for the establishment of the Agricultural Bank had been introduced but, as this gentleman indicated, it had been murdered. He continued—

When we start a man by putting him on the land free, and lend him £300 on his future improvements, I can only say that such an attempt to aid in establishing any industry, unless we can do so soundly, is a stepping into danger. To do so dangerous a thing is to start what, in its present form, is practically an unproved experiment in any part of the earth. I shall oppose the Bill.

Another member who was a very old gentleman, regarded as a wise man by all and sundry, said—

For my part, I think the principle is a bad and dangerous one, and if we launch upon it we do not know where it will end . . . . . I object to the Bill because, after all, it is in the direction of giving an undue stimulus for people to undertake a certain line of industry.

Hon. G. W. Miles: There was some sense in that.

The CHIEF SECRETARY: I think Mr. Miles re-echoed those sentiments.

Hon. G. W. Miles: I do now; such people look to the State now!

The CHIEF SECRETARY: Evidently this gentleman was a man after Mr. Miles's own heart.

Hon. G. W. Miles: There is too much spoonfeeding.

The CHIEF SECRETARY: The hon. member I am quoting continued—

It is apt to give people the impression that they must look to the State for everything, and I think the time has come when this colony, and the whole of Australia, will have to live as people do in other parts of the world. The sooner the people learn that they must depend upon their own industry, skill and sinew, the better.

Hon. G. W. Miles: That is so to-day.

The CHIEF SECRETARY: The hon. member agrees with that gentleman absolutely! He said—

I think there is no alternative for me but to propose that the Bill be read this day six months.

Hon. G. W. Miles: I will not propose that!

The CHIEF SECRETARY: Now we come to references that were made in the Legislative Council in those days. Here we see the true spirit! Here are sentiments that I like! Speaking 35 years ago one hon. member said—

I should have liked to see a State bank pure and simple, and that is what I think this Bill must come to later on——

He was a good prophet!

——I do not intend to oppose this Bill, but I adhere to the opinion I have expressed that a State bank of issue would be much better for the colony than a bank established only for the purposes set forth in this Bill.

I am proud to stay that the member was a representative of the Central Province. Another member said—

I think that the farmers who have grown up on the land, and have not been able to borrow money so easily, are the men who have got on, and are a credit to the colony. To borrow money too easily is the greatest curse to the small farmer settled upon the soil.

Hon. G. W. Miles: So it is.

Hon. J. J. Holmes: And that applies to the State, too.

The CHIEF SECRETARY: I am afraid I am not making converts. Another hon. member said—

I give second place to no one in desiring to see a prosperous agricultural community settled on our soil, but I feel strongly that this is a move in the wrong direction, and one which will turn out a curse rather than a blessing. Farmers who make money are not those who are pampered up and spoon fed. A large number of men go on the land with little or no money, and know practically nothing about farming, and with this Bill we shall have more of this class of people settled on the land. It is impossible for them to succeed, and the Government will lose the money they may have advanced.

Hon. A. Lovekin: That man had the Poel Estate in mind.

The CHIEF SECRETARY: Have the words of these early members of Parliament proved true? Have their predictions proved true or otherwise? The Agricultural Bank has lent upwards of £7,000,000 and lost very little. It has secured development in this State that could not possibly have been achieved but for those loans. If the Agricultural Bank could do that, the rural bank, by virtue of the provisions of this measure, will be able to further assist pastoral and agricultural developments, which will be considerably augmented. In the course of the discussion on the Bill, objection has been raised even to the liberalisation of our little Savings Bank in order to enable it to compete with the great Com-

monwealth Savings Bank. One hon. member asked why the State Savings Bank should make advances or grant overdrafts. That is being done by the Commonwealth Savings Bank, and it should be done by our bank in order to prevent any loss of business. As a matter of fact we are doing it, but without authority, and we ask the House to grant that authority. I do not know for how long a period that practice has been followed; it was probably done during the time the previous Government were in power. We make advances and grant overdrafts, but on what security? It is done on the security of deposits at the bank or on the security of Government stock. Is there any objection to that?

Hon. J. Nicholson: You have power under the Savings Bank Act to advance on first mortgages.

The CHIEF SECRETARY: In the event of advances being made or overdrafts granted, it is on the security of a fixed deposit or on Government stock.

Hon. G. W. Miles: But that is merely a contra account, not an overdraft.

The CHIEF SECRETARY: Objection was taken to the amount of advances being increased from £5,000 to £10,000. There is a good reason for that proposal. If that provision were to be availed of in a majority of instances, there would be some reason for introducing opposition to the proposal. But it is required in connection with certain friendly societies that are good clients of the State Savings Bank. One instance in which that power would be exercised might occur once in five years only. We have no authority to do that, and we should have it. With regard to the rural bank, as I anticipated, all sorts of objections have been raised, but mostly on unsound grounds. One objection that was repeated by several hon. members was as to where we would get the money necessary to finance the rural bank. Where do we get money to finance the Agricultural Bank? Where did we find £750,000 last year for that particular purpose? Where did we get the money necessary to spend on the construction of agricultural railways? We have spent some £2,000,000 in that direction during the last five years. I realise that the money market is tight now, but will it always be tight? If that condition were to continue it would be most unfortunate for Western Australia and for Australia as a whole. It is not proposed to utilise the State Savings Bank money to any extent at all, but it is intended to borrow abroad. The object of the rural bank will appeal to investors. The object is to encourage pastoral and agricultural production. There is no other object in view. No one will be able to secure assistance or to secure overdrafts or advances from the rural bank except for that purpose.

Hon. J. Nicholson: But it should be established as a separate bank.

The CHIEF SECRETARY: It has been said that the funds of the two banking departments will be interchangeable and that the rural bank will operate on State Savings Bank money. Nothing of the kind! The Bill says specifically that they shall be separate and distinct departments. Clause 6 sets out that if money is used for either department there shall be an adjustment and settling up at the end of each month. It was suggested that there might be a run on the State Savings Bank, owing to business depression. If there were such a run on the Savings Bank to-day, we would be in no better position. We would be in just as good a position with the rural bank, as if there were none in existence. Not only this Government, but every other Government, have been fortified against any possibility of a successful run upon the State Savings Bank. There is an amount of £100,000 of floating cash in the State Savings Bank to meet immediate demands and, in addition, there is half a million of money lodged with the Commonwealth Bank on fixed deposit, the arrangement being that it is available at call to meet an emergency of that kind. So, what if there were even a concerted run on the rural bank or the State Savings Bank?

Hon. C. B. Williams: And the private banks would be in the same trouble at the same time.

The CHIEF SECRETARY: That is so. Another complaint is that the rural bank will discount bills, drafts and securities. Of course it will. It wants all the power of a private bank, except the power to make advances to anybody not engaged in the rural industry. And if it grants farmers overdrafts, and makes advances to them, surely it should not stop at discounting farmers' bills. The farmers would not take their accounts to the rural bank if it did.

Hon. A. Lovekin: Would it discount bills for private individuals outside of the agricultural industry?

The CHIEF SECRETARY: No, only for those engaged in the rural industry. And the bill would require to be a sound one in the eyes of the directors of the bank, otherwise it would not be discounted. Another paltry objection is that the bank will have difficulty in finding an efficient staff. We have an efficient staff in the State Savings Bank, but of course that would not be sufficient to carry on the operations of the rural bank. Still, money would buy an efficient staff. The Commonwealth Bank had no trouble of that kind in starting. And our Agricultural Bank, in the early days of its lending money to farmers, was most successfully managed by a man who had no previous experience as a financial expert. Another member said that if the money for the rural bank was raised in London, we could get it only in the shape of goods and, owing to the high tariff, a loan of £2,000,000 would produce only £1,000,000 for the bank. Did anybody ever hear anything so absurd? It is true the bank may have to pay exchange on money raised in London, but at the present time the exchange is in favour of Australia. To suggest that a financial institution raising money in London would have to import into Australia some £2,000,000 worth of goods is ridiculous. Owing to a high tariff, the purchasing power of the sovereign might be diminished and it might be possible a loan of £2,000,000 would produce only a million and a half pounds' worth of goods. But it is money, not goods, that the rural bank would be getting.

Hon. G. W. Miles: If you raised a loan in London, what would you expect to get?

The CHIEF SECRETARY: We would get the cash.

Hon. G. W. Miles: No fear!

The CHIEF SECRETARY: Probably we should have to pay exchange, but, as I say, at present exchange is in our favour. Another complaint was that owing to the competition of the rural bank, the trading banks would not be able to make the advances they have made in the past. We are told there are 11 big banks in Western Australia, and that the birth of this new financial institution is going to shatter the whole crowd of them. It is a big compliment to those who will be managing this little new bank, whose operations are to be confined to farmers. Then it was complained that an institution run by the Government cannot be run on scientific lines. Already we have disproved that in the running of other financial institutions.

Hon. G. W. Miles: You have lost a couple of millions over the State trading concerns.

The CHIEF SECRETARY: There is only one failure amongst the State trading concerns; as a whole they are showing a profit.

Hon. G. W. Miles: Up to date you have lost two millions on them.

The CHIEF SECRETARY: Another member declared that this was to be a new trading concern. Well, what is the objection to that, provided it is serving a useful purpose and serving it efficiently? The Nationalist Government of the Commonwealth extended trading concerns during the last four years. They extended the operations of the Commonwealth Bank by providing rural credits.

Hon. G. W. Miles: And where are that Government to-day?

Hon. A. Lovekin: You cannot start another trading concern without an Act of Parliament.

The CHIEF SECRETARY: This is an Act of Parliament.

Hon. G. W. Miles: It will be, if it goes through.

The CHIEF SECRETARY: The amendment to the Commonwealth Bank Act by the provision of a rural credits department was an extension of the activities of that trading concern. I will admit it has not been operated upon to any extent.

Hon. G. W. Miles: What happened to the Government that brought it in?

The CHIEF SECRETARY: Here are some of the provisions of the Commonwealth Bank Act amendment—

> For the purposes of this part there shall be a rural credits department of the bank which shall be kept distinct from all other departments of the bank. The Treasurer may from time to time out of moneys legally available, lend to the rural credits department such sums for such periods and at such rates of interest as are agreed upon by the Treasurer and the bank. Twenty-five per centum of the net annual profits of the note issue department shall be paid into the rural credits department until the amount so paid reaches a total of £2,000,000. Subject to this Act, debentures issued for the purposes of this part shall be in such form and subject to such conditions as are prescribed. The bank may make advances to the rural credits department of such amounts, and subject to such terms and conditions, as the board determine. No advance under this part shall be made for a period of

more than one year. The funds of the bank shall not be used in the business of the rural credits department except insofar as advances may be made to the rural credits department.

That rural credits department was established, not by a Labour Government, but by a Nationalist Government aided by the Country Party.

Hon. A. Lovekin: They are said to be a very bad lot.

Hon. G. W. Miles: Yes, what was the result of the elections?

The CHIEF SECRETARY: It has been urged that the rural bank should be associated with the Agricultural Bank instead of with the State Savings Bank. That is a very common form of objection when it is desired to kill a Bill. Some excuse must be found, and it is always said that the Bill is not what it ought to be, that it ought to to be an amendment of this Act or of that Act. The Agricultural Bank Act, they say, should be amended to provide for the establishment of the rural bank. But the Agricultural Bank is not a bank of deposit. It lends money to farmers, but only in instalments as the work of clearing or cultivation proceeds. This rural bank will be a bank of deposits and will carry on the ordinary business of banking. The Savings Bank is also a bank of deposit. It receives not only deposits that may be withdrawn from time to time, but also fixed deposits, and it also lends money on freehold land and for various objects. Consequently, the right way to establish a rural bank is by an amendment of the State Savings Bank Act and not the Agricultural Bank Act.

Hon J. Nicholson: Or have an independent bank altogether.

The CHIEF SECRETARY: Amongst the agricultural community there is a demand for a rural bank. For many years I have travelled amongst the farmers, perhaps less in recent years than formerly, and they have represented to me that an additional institution to the Agricultural Bank should be established. After the Agricultural Bank has nursed them and they are prepared to make a forward move, they have to open a bank account, and the State should still protect them and not hand them over to a private institution. I have nothing to say against the private banks. The Western Australian Bank did much to promote and encourage the development of industry in this State, and the other banks are doing likewise. It is not necessary to condemn the private banks in attempting to convince members of the necessity for this measure. The rural bank could be a competitor of the trading banks only to a very limited extent. If the Bill be passed, I am satisfied that after the Act has been in operation for some years it will be proved to have been of invaluable assistance in developing the two important industries of the State.

Question put and division taken with the following result:—

Ayes	.. .. ..	9
Noes	.. .. ..	13
Majority against	..	4

AYES.

Hon. J. R. Brown	Hon. G. Fraser
Hon. J. Cornell	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. Ewing	Hon. E. H. H. Hall
Hon. J. T. Franklin	(*Teller.*)

NOES.

Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. H. Stewart
Hon. A. Lovekin	Hon. C. H. Wittenoom
Hon. G. W. Miles	Hon. W. J. Mann
Hon. J. Nicholson	(*Teller.*)

PAIR:

AYE.	NO.
Hon. C. B. Williams	Hon. Sir E. Wittenoom

Question thus negatived; Bill defeated.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading—amendment, six months.

Debate resumed from the previous day.

HON. A. LOVEKIN (Metropolitan) [11.15]: I shall occupy the time of the House for only a few minutes in discussing this Bill. I suppose it is the most important Bill that has been introduced this session. It contains many far-reaching and several novel provisions and, if it were passed, it would have very serious effects on the industrial community. It took the Honorary Minister 2¼ hours to explain the Bill to the House, and if we attempted to traverse his speech in the detail with which he dealt with the subject, we should require not two hours, but four hours each. Then when the Bill reached the Committee stage, we should require probably another four hours each to discuss the clauses, all of which are controversial from start

to finish. I have knowledge of some 16 amendments that might be proposed to the Bill, apart from the many clauses that would be objected to. The Honorary Minister, as he dealt with the clauses, stressed their importance. We all recognise that, but this is almost the eleventh hour of the session, and this House does not want to have any charge of rushing legislation levelled against it. I am satisfied that we cannot do justice to the Bill if we attempt to proceed with it now. The Bill was thought of many months ago; it was mentioned in the Governor's Speech. Yet it reaches us in the closing week of the session, and we are expected to deal with it as a chamber of review. I have gone through the Bill as well as I could in the time and have satisfied myself that I for one cannot do justice to the measure at this juncture. I am prepared to give my reasons. The first point the Honorary Minister stressed was the inclusion of insurance canvassers in the definition of "worker." On a previous occasion it took about five hours to get some equitable daylight into that proposal. The Minister emphasised its importance again, and I am desirous of helping him, because I can see that some difficulties are being experienced under the existing Act not in connection with insurance canvassers, but in connection with the agreements they sign and the method of working. I have been trying to evolve some means of helping the Honorary Minister. To do this I must make more inquiries and investigate the matter more fully. We cannot let go that which we have until we can get something better. I am not going to traverse the Bill as the Honorary Minister did.

The Honorary Minister: If I had not traversed the Bill it would have been said I did not explain it.

Hon. A. LOVEKIN: This Bill is too important for us to do justice to it at this stage of the session. To test the feeling of the House, therefore, and to assist the Chief Secretary in clearing his Notice Paper. I move an amendment—

That all words after "now" be struck out, and "this day six months" added.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [11.22]: I second the amendment.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—on amendment) [11.22]: The moving of this amendment bears out some of the remarks I made last night. The argument advanced by Mr. Lovekin is that the Bill has been brought down too late in the session. He says it took me so much time in which to explain its provisions, and that it would take members so long to discuss it. In consequence, and in view of the lateness of the session, if anything were done now the complaint would be made that the legislation had been rushed through instead of the Bill being dealt with on its merits. We have heard all that before. We heard it last session, and we have heard it this session on other Bills. All I desire to say is that the remarks I made last night as to information that had been conveyed to me have been borne out, namely that members are apparently ready to record their votes against the measure, a most important one too, without even being prepared to give it consideration.

Hon. J. Nicholson: That is hardly fair.

HON. H. STEWART (South-East) [11.23]: As soon as this Bill was available I went carefully through it, and compared it with the principal Act. I have also made my comments upon every clause in it. There are many to which I have no objection. Those are not vital nor do they deal with very important matters. I could, however, cite a number, such as Clauses 2, 3, 6 and 7, which are very important. Those particular clauses have been brought forward purely for review purposes, and were exhaustively considered by the House in 1925. Upon those vital clauses I have not changed my views, though I have since studied them in detail. Because of this I would certainly vote against the second reading. I cannot see that the Council as a whole can have changed its views, which were so solidly expressed when these self-same matters were brought up for consideration in 1925, after a most exhaustive investigation concerning them all. I support the amendment.

HON. J. EWING (South-West) [11.25]: I am sorry the Honorary Minister has taken this amendment so badly. He thinks we have plenty of time in which to consider the Bill. To-morrow will be Thursday, and I do not know whether it is proposed to sit on Friday, or on certain days of next week.

In any event no member could study this Bill thoroughly and understand it in the time that is available to him. This is a far reaching measure, and one which seriously affects the industrial life of the country. The Honorary Minister should have considered the House before he brought it down at this late hour. There are four or five clauses to which I would be strongly opposed. I remember the long debate in the House upon the question of canvassers being brought within the definition of "worker." The Honorary Minister himself spoke for a matter of four hours in an endeavour to induce the House to accept his view of the matter. He is now seeking by this Bill to achieve something that he failed to secure on that occasion. Members cannot possibly understand the whole question unless they know the exact terms of the agreement covering insurance canvassers. On the occasion to which I have referred the Honorary Minister took up many hours of the time of the House, and told members in what manner canvassers were being forced to sign their agreements. He now wants these people brought within the definition of worker. He has no right to ask us to give consideration to such important matters at this late hour of the session. It is also proposed to give members of the Court a great deal of compensation upon retirement from office. I am not in favour of that. I have never been in favour of the ordinary members of the Court at any time, and if I had my way I would eliminate them from the Act altogether. I am not going to attempt to give consideration to these questions at such short notice.

The Honorary Minister: You have not been asked to do so.

Hon. J. EWING: Neither has the Honorary Minister been able to include canvassers within the definition of "worker." I have no desire to oppose industrial legislation, for I wish to be fair to all, but the Government have not behaved honestly by this House in bringing down the Bill so late in the session. I may be criticised and told that I am not doing my duty. My own view is that I should not be doing my duty if I recorded my vote in favour of this Bill at the present juncture. I accept no responsibility myself in the matter, and none is cast upon any other member of this House. The whole weight must fall upon the shoulders of the Honorary Minister, and he must bear it. I do not think he will persuade the people of the country that he has done right in asking the House to deal with such an important matter at this late stage in the session. I shall support the amendment.

HON. J. J. HOLMES (North) [11.30]: This is one of the few measures which were mentioned in the Governor's Speech. When I first entered politics, the session's legislative programme was embraced in that Speech, and to introduce any Bill into either House without its having been mentioned in the Speech was a most unusual procedure. The practice indicated was a wise one. Nowadays the order of things appears to have been almost reversed. The recent practice has been to mention a few important Bills in the Governor's Speech, and to leave their introduction to the eleventh hour. Everyone who has studied the Arbitration Act or given attention to this measure must realise that we cannot do justice to the Bill at the present juncture.

The Honorary Minister: There is nothing to prevent you from doing justice to it; there is plenty of time.

Hon. V. Hamersley: What chance have I?

Hon. J. J. HOLMES: The question arises in my mind whether there is any necessity to amend an Act which the Minister for Works has declared to be the finest Arbitration Act in the world.

Hon. G. Fraser: That does not say it cannot be improved.

Hon. J. J. HOLMES: Mr. McCallum knows as much about legislation of this kind as any man in the world, and he has made that declaration. For my part, I think we cannot do better than leave the Act alone, especially in view of what such an authority as Mr. McCallum has stated. I have no desire to enter into the technicalities of the measure, but I do wish to refer to three of its clauses. The first is that which proposes to make the president of the Arbitration Court a judge of the Supreme Court. I was one of the unfortunate members who sat on the conference of 19 hours to deal with a previous Arbitration Act Amendment Bill—the Bill that has since been declared to be the best measure of its kind in the world. The whole tenor of the discussion at the conference was that the president of the Arbitration Court should be kept away from the Supreme Court.

The Honorary Minister: This Bill does that.

Hon. J. J. HOLMES: On the Honorary Minister's own statement, this amending Bill will allow the president of the Arbitration

Court, when there is an appeal from a decision of the Arbitration Court, to follow the appeal to the Supreme Court and influence the judges who are to consider it. The Honorary Minister has said that. Later on last night he denied it. However, I have looked up "Hansard," which reports the hon. gentleman as saying—

> I firmly believe that had the president of the Arbitration Court been sitting with the Full Court when the Spurge case was being heard the decision would have been entirely different.

We do not want to have the president of the Arbitration Court going to the Full Court to influence, or try to influence, the judges as to what they shall do. Those judges have not to consider what the president of the Arbitration Court might read into the Arbitration Act: they have to consider the Act as printed. They must take the Act as it has been framed. We do not want any president or judge to follow a decision of his from court to court. That is all I have to say on that aspect, except that the Minister's own introductory speech, and his statement as to the necessity for the president of the Arbitration Court to follow his decisions from court to court—

The Honorary Minister: I have never said anything of the sort.

Hon. J. J. HOLMES:—are sufficient to justify the House in negativing the clause in question. The next provision I would refer to is Clause 9, dealing with the position of the advocates on the Arbitration Court bench, the lay advocates on that bench, the employers' advocate and the employees' advocate.

Hon. H. Stewart: "Assessors" they are called.

Hon. J. J. HOLMES: Anyone who has studied the question must know that the proper place for each of those gentlemen is on the floor of the court, advocating the cause of labour there and the cause of capital there. They have no right at all to sit on the bench: they should be on the floor of the court. However, they are on the bench as advocates for the unions and for the employers respectively. Then, if they are to be further compensated, let the unions and the employers, and not the State, compensate them. There is no reason whatever why those two gentlemen, whoever they may be, should be singled out for compensation when hundreds of other persons in the State, who have done better service, are not likely ever to receive any compensation whatever. The only other clause I shall touch on is the last, Clause 25. That provision in itself almost justifies the House in rejecting the Bill without discussion. It reads—

> Where an award has fixed a starting time and a ceasing time for workers engaged in any calling or in connection with any workshop, factory, or warehouse, it shall not be lawful for any person to work at such calling outside of such fixed hours, or to engage or be engaged outside such hours . . . . .

I repeat, that clause in itself almost justifies the Chamber in putting the Bill out without further discussion. It is a monstrous thing in a country such as this, with its economic outlook, when the first essential is to produce wealth, and produce it not with a printing machine but by work, to set down in a Bill of this nature that if there is an arbitration award fixing a starting time and a finishing time, no person shall be allowed to work outside those hours. The employer, whoever he may be, and no matter how many men he employs, must cease work at the same time as the employees.

The Honorary Minister: Has not the hon. member said that years ago he was associated with a movement which had that object in view?

Hon. J. J. HOLMES: Yes: but some people profit by age and experience. I have done so. Some people have not. So far as I am concerned, it is not a question of less pay, because I hold that no country is worth living in unless it pays decent wages. But what we want is work, and production. Bearing in mind the scarcity of money and the difficult financial outlook, and knowing that the only remedy is work, I absolutely refuse to be a party to the enactment of a clause of this kind, which sets forth that one shall not work outside prescribed hours, whether one is a member of the union, or not a member of the union, or the employer, or the owner. I cannot help saying once again that this last clause all but justifies the House in rejecting the measure without discussion. I shall vote for Mr. Lovekin's amendment.

HON. G. FRASER (West) [11.38]: I hope the amendment will not be carried. We have heard a good deal of talk earlier this evening about strikes of public servants. The present proceedings appear to me something like a strike of Parliamentarians.

Hon. J. Ewing: No chance!

Hon. G. FRASER: There is work here for us to do. As far as I am aware, there is no compelling need to close the session by Christmas. If we have not completed our labours by the end of next week, what is to prevent us from adjourning, to resume after the New Year? In such circumstances, if we cannot find during this week and next week the time required for considering the Bill, why should we not come back here later? If there is work to be done, let us resume our sittings after the New Year.

Hon. J. Ewing: In any case, you will not come back.

Hon. J. Nicholson: Are you prepared to come back?

Hon. G. FRASER: We are elected by the people to consider the legislation brought forward by the Government.

Hon. V. Hamersley: We understood you were proposing to close to-morrow.

Hon. G. FRASER: I do not know when the session is to close.

Hon. V. Hamersley: Why not come back in six months' time?

Hon. G. FRASER: Why put the Bill off for six months? If there is work available for us to do, we should sit on and attend to it.

Hon. A. Lovekin: Your party can call us together when they like.

Hon. G. FRASER: That is so, but when Parliament rises, members get away to the four corners of the State and it will be difficult to get them together again. I cannot help reminding hon. members of the strike talk earlier in the day.

The PRESIDENT: Order! The hon. member must not reflect upon the Chamber.

Hon. G. FRASER: I am sorry if I reflected upon members of the Chamber, but it appears to me that their attitude is much like that of certain individuals who were referred to earlier in the sitting.

HON. V. HAMERSLEY (East) [11.41]: I do not care to cast a vote regarding the Bill without justifying my action. The moment I saw the Bill I gave close attention to it. I have made inquiries in certain quarters in order to get information regarding the effect of the legislation, but I have not had more than two days within which to gain that information. In the few hours I could snatch for that purpose, I was unable to get all the advice I desired. I have not had time to refer the Bill to various organisations in my province. Those bodies will be seriously affected by the legislation. To get the views of all those who will be concerned with the operations of the Bill, will require more time than is at our disposal. The intention of the Government to introduce such legislation was mentioned in the Governor's Speech, which was read to members on the 25th July last, but the Bill reached us only a day or two ago.

Hon. H. Stewart: But we have had 56 other Bills!

Hon. V. HAMERSLEY: The Minister moved the second reading of the Bill on Tuesday evening, and it is expected that the session will end to-morrow. It is impossible and ridiculous to expect us to deal with clauses having such far-reaching effect as those embodied in the Bill, particularly as we know we thoroughly discussed and rejected similar proposals on a previous occasion. I hail with delight the suggestion made by Mr. Lovekin that the Bill be read this day six months. We will have an opportunity to consider the whole matter in the meantime, and will be able to meet again with our minds clearly made up as to the effect of the various proposals embodied in the Bill. In the interim, an election will take place and doubtless this question will be elaborated.

HON. J. NICHOLSON (Metropolitan) [11.44]: I regret that the Honorary Minister should have alluded to the suggestion that hon. members had been neglectful of their duties.

The PRESIDENT: I did not hear the Honorary Minister say that, otherwise I would have asked him to withdraw the statement.

Hon. J. NICHOLSON: I thought the statement must have escaped your notice, Mr. President. During the course of the Honorary Minister's remarks, the suggestions he made went to show that, in his opinion, members had been neglectful of their duty to the people and to the House. I feel sure that the Honorary Minister did not altogether intend what he said on that occasion. If he were not convinced previously, he must now be convinced after hearing the remarks of various members who have spoken, that they have taken a keen interest in the Bill. The introduction of the measure has evoked great interest. It has

caused every hon. member some concern and each of us has looked into it with the greatest possible care. I have gone into the measure thoroughly, and have devoted a lot of time to it.

Hon. J. R. Brown: But your mind was made up before you looked into it at all.

Hon. J. NICHOLSON: The hon. member's statement is quite untrue! I have perused the Bill thoroughly and have been endeavouring to decide for myself which provisions should be permitted to remain in it, which should be deleted, and what amendments were desirable in the interests of the advancement of trade here. In giving that consideration to the measure, I sought to ameliorate the conditions as between employer and employee. Various clauses have been referred to, but I shall not take up any time in pursuing that course. The Honorary Minister referred to what is known as the Spurge case. I can assure him that, in common with another Minister in the Legislative Assembly, he has a wrong impression of the judgment in that case. The consideration of matters affected by the Bill have taken up far more time than in all probability the Honorary Minister can conjecture. I hope he will bear in mind that when he next indulges in animadversions such as he uttered this evening.

The Honoray Minister: I was referring to certain hon. members, and my remarks were based on what they had said to me.

Hon. J. NICHOLSON: I want the Honorary Minister to realise that we are not unmindful of our duties in connection with our parliamentary work. The amendment moved by Mr. Lovekin is deserving of support. I shall not add to the reasons already advanced in support of it, but I think it will be an indication to the Government that it is desirable that a special session be summoned to deal with the measure. If that course were adopted, it would receive a hearty response from members of this Chamber. Notwithstanding that there is an election looming in the distance, it will be their first duty to come here and attend to the work that will be placed before them.

The Honorary Minister: Why convene a special session, when there is ample time now to deal with the Bill?

Hon. J. NICHOLSON: Does the Honorary Minister suggest that we should sit on and discuss the Bill, and deal with it as we would wish to, only to conclude, as Mr. Holmes pointed out, as it did in 1925? In that year, the consideration of the Bill concluded at a conference with managers from another place and the proceedings of that conference lasted for 19 hours of continuous sitting. I say unhesitatingly that if we go on with the Bill that experience will be repeated. What happened in 1925, will again happen in 1929, and we will have to face another 19-hours' conference. Surely hon. members can see that looming up plainly. A conference will be the only way out of the difficulty. I doubt if it would lead to anything. There are clauses in the Bill that are calculated to provoke the greatest possible discussion, and it would not be a matter of hours or days, but rather of weeks, before we could conclude our labours. The only way to deal with the measure properly will be to have a special session and I ask the Honorary Minister to discuss that suggestion with his colleague.

HON. H. J. YELLAND (East) [11.50]: I do not wish to give a silent vote on the Bill.

The PRESIDENT: It is the amendment, not the Bill, that is before the Chair.

Hon. H. J. YELLAND: I enter my protest against the lateness of the hour at which the Bill has been brought before the House. In my opinion it is for every member to record his protest before voting. However, I do not wish to repeat what others have said. I will support the amendment.

HON. H. SEDDON (North-East) [11.51]: I do not know that the amendment is necessary, any more than I consider the Bill to be necessary. Certainly the Bill is not necessary, because we have been told on high ministerial authority that we have the finest Arbitration Act in the world. Why, then, should there be any attempt to improve on it? In my view the Industrial Arbitration Act requires only two additional provisions to make it perfect. We should have in the Act a section fixing the amount of work for a given position and the wage to be paid; and there should be a section providing that when a dispute exists a secret ballot in the union should be taken by Government officers and the result of the ballot immediately put into operation, while any attempt at

interference with persons operating under such decision should be very severely dealt with. Those suggested provisions might well be seriously considered by the Government. I will support the amendment.

HON. E. H. HARRIS (North-East) [11.53]: When, in this Chamber in July, the Governor delivered his opening speech, he forecast half a dozen Bills, including this one. And he concluded his speech by trusting that Divine Providence might bless our labours in the interests of the State. I am sure it would not be in the interests of the State for us to discuss a Bill such as this, with 26 clauses, many of them of a controversial nature, and endeavour to complete it within the next 48 hours—not even if we were to dump all the other measures now on the Notice Paper.

Hon. H. Seddon: Including the Appropriation Bill.

Hon. E. H. HARRIS: Yes. We have to search our conscience and ask ourselves if we are justified in defeating the second reading of this measure and putting it aside by voting that it be dealt with this day six months. If we were able to give the fullest and fairest consideration to the Bill, it would take us at least three sittings, to be followed by a prolonged conference. As one who sat on that 19-hour conference, I have regard for the stubborn attitude adopted by some of the managers in discussing the measures that were before us; and I can see in this Bill some provisions that are of equal importance with those we then discussed. Certainly, a very lengthy consideration would be necessary in conference. It could not be satisfactorily done unless we were prepared to devote another week to it. For one I should be ready to do that. But the Government have taken up the attitude that we are loafing on the job. I resent that, just as I resent the bringing down of this Bill at so late a stage in the session. The Government say they could not bring it down earlier. There is the question of the insurance agents. That matter was discussed here for two or three days before any decision was reached. Then there is the question of a common rule. The court gave a decision on that four months ago, and everybody knew four months ago that if the Labour Party wanted to introduce legislation along the lines suggested in the Bill, they did not have to wait until to-day to bring it down. Then there is the important question of pensions for members of the Arbitration Court. We made provision that that president of the court should be a judge confining himself exclusively to arbitration matters. Of course if it is only a question of giving him the same status as that of a Supreme Court judge—

Hon. A. Lovekin: They might knight him.

Hon. E. H. HARRIS: Yes, they might.

Hon. C. B. Williams: Or they might knight you.

Hon. E. H. HARRIS: It would be very appropriate if we had a Sir Charles Williams. If we were to take a referendum of the workers as to whether their representative on the Arbitration Court bench should be given a pension—

Hon. C. B. Williams interjected.

Hon. E. H. HARRIS: That is the point I was coming to. The court in their wisdom fixed a basic wage of £4 7s. to cover all portions of the State, except the goldfields. They said the miners would have to wait. As a matter of fact the miners have been waiting ever since last June. So to-day the basic wage at Southern Cross is £4 5s., while in all the coastal ports it is £4 7s. The A.W.U., in the affairs of which Mr. Williams plays a prominent part, carried a resolution rather disparaging to the court, in which they expressed their opinion of their representative on the court. At the last Labour Congress held at the Trades Hall, the workers' representative on the Arbitration Court was called to book by the union, who said he was not giving them a fair spin. If the men on the goldfields had a chance to vote on the question of whether a pension should be provided for their representative on the court, I am afraid he would not get a majority vote. It might be possible to get endorsement from employees in secondary industries, which are able to pay increased rates of wages and pass the increase on, but the goldfields would be dumb. If I were a Labour man representing the workers of that district, I should hesitate before voting for such a clause, and I doubt very much whether Mr. Williams would vote for it. Yet we are asked at this stage of the session to deal with a controversial subject of that kind. If we passed the clause the workers' representative on the Arbitration Court bench would receive something like

£8 a week as long as he lived. The salary at present is £780 or £800 a year. If he retired, another member of the court would have to be elected in his stead, and he would endeavour to submit some other system of fixing the basic wage, because the people he represented had not received from the court a recognition of the basis they considered desirable and necessary. Another controversial clause, the last one in the Bill, provides that a man may be fined £50 if he works beyond certain hours. There may be some justification for the provision from a union point of view if a man persisted in working in his factory after the hands had left. Since the 44-hour week was introduced, however, many unionists—painters, plumbers, carpenters, bricklayers, electricians, etc.—particularly in the metropolitan area, finish their week's work on Friday through working extra hours on the other days of the week, and quite a number of those good unionists enjoying the Saturday free are prepared to work on that day for other people at double rates. If we discussed the Bill and provided that a man should not work in his factory after the specified hours, it would be only logical to add that any worker bound by an award and working a prescribed number of hours in a week should be precluded under a like penalty of £50 from working at his vocation for anyone else on Saturday or Sunday. The Bill, however, makes no provision for that. What I have said is sufficient to indicate how lengthily the Bill would have to be discussed. As a protest against the deliberate withholding of the measure until this late stage of the session, I shall vote for the amendment.

HON. C. B. WILLIAMS (South) [12.3 a.m.]: Having been caught in a good humour, I consented to pair with Sir Edward Wittenoom. It is necessary to make that explanation, as otherwise it might appear that I was not present to vote on this important question. I regret that members consider it too late in the session to proceed with this business The Bill contains several matters of vital importance to people who work under the Arbitration Act and obey the awards of the court. I do not agree with the clause that proposes to provide pensions for lay members of the court. They are elected to fill those positions, just as Parliamentarians are elected to occupy seats here, and if it is logical to pension the lay members of the court, it would be equally logical to grant pensions to members of Parliament. The members of the court are chosen at an election that is not quite as democratic as that at which politicians are returned, and if one is entitled to a pension, the other is. I would have opposed that provision had the Bill been considered. As I have remarked, the Bill contains matters of vital importance to trade unionists and I must enter my protest against the amendment.

Amendment ("six months") put, and a division taken with the following result:—

Ayes	17
Noes	6
Majority for	11

AYES.

Hon. J. Ewing	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. C. H. Wittenoom
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. W. J. Mann	*(Teller.)*

NOES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. G. Fraser
	(Teller.)

PAIR.

AYE.	No.
Hon. Sir E. Wittenoom	Hon. C. B. Williams

Amendment thus passed; Bill rejected.

House adjourned at 12.8 a.m. (*Thursday*).