

are now. So the House might find itself in a position which I do not think anyone desires.

Hon. T. Walker: But we have adopted a new procedure. Do not forget that.

The Minister for Mines: Where our Standing Orders are silent, the practice of the House of Commons shall prevail. But what has been quoted deals principally with the question of general discussion, and as to how often a member can speak in general discussion. Members cannot get away from the fact that where our Standing Orders are silent, the practice of the House of Commons prevails. If that is so, there can be no question regarding the present position.

Mr. Speaker: There can be no doubt but that the rulings are correct. In addition to the Standing Orders, May and Ilbert and all Parliamentary practice support the attitude taken up by the Chairman of Committees and by myself. Members are somewhat led away by a custom which has grown up here and that custom cannot be borne out. The point apparently emphasises the desire of members who may feel strongly that there is a necessity for an alteration in the Standing Orders. There is no necessity for the establishment of a precedent. If the House is anxious to have the matter dealt with, there is a Standing Orders Committee in existence. If members desire to do what is contrary to the Standing Orders and to Parliamentary practice and debate matters in Committee of Supply as suggested, the position can be quite easily got over.

The Premier: Let us do that first.

Mr. Speaker: I am entirely in the hands of the House. I am here to interpret the rules and Standing Orders as I find them. Perhaps if the matter were left in my hands, I could make the position more clear so that members would not look upon it as without common sense.

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

Ayes	..	..	13
Noes	..	..	17

Majority against . 4

AYES.

Mr. Angwin	Mr. Robinson
Mr. Chesson	Mr. Thomson
Mr. Griffiths	Mr. Underwood
Mr. Jones	Mr. Walker
Mr. Money	Mr. Willcock
Mr. Mullany	Mr. Smith
Mr. Pilkington	(Teller.)

NOES.

Mr. Angelo	Mr. Maley
Mr. Broun	Mr. Mitchell
Mr. Brown	Mr. Pickering
Mr. Davies	Mr. Scaddan
Mr. Draper	Mr. Stubbs
Mr. Foley	Mr. Teesdale
Mr. George	Mr. Troy
Mr. Harrison	Mr. Hardwick
Mr. Hickmott	(Teller.)

Question thus negatived.

Progress reported.

BILLS (2)—COUNCIL'S AMENDMENTS.

1. Coroners.

2. Building Societies.

Returned from the Council with amendments.

House adjourned at 11.30 p.m.

Legislative Council.

Wednesday, 3rd November, 1920.

	PAGE
Leave of absence	1384
Return: Karri forests	1384
Bill: Public Service Appeal Board, 2nd, Com.	1385

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

LEAVE OF ABSENCE.

On motion by Hon. J. W. Hickey leave of absence for six consecutive sittings granted to Hon. T. Moore (Central) on the ground of urgent private business.

RETURN—KARRI FORESTS.

Hon. A. LOVEKIN (Metropolitan) [4.35]: I move—

That there be laid upon the Table of the House a return showing: 1, The area of karri forest within the State. 2, Locality of same. 3, acreage already cut over. 4, Acreage of cut-over land (a) set apart for agriculture, (b) being departmentally reforested, (c) being naturally reforested. 5, Estimated quantity in tons of saplings between the ages of six and ten years now procurable in cut-over land; estimated quantity under six years. 6, Value per ton (2,240lbs.) of sawn merchantable karri f.o.r. mill.

My object in asking for this information is that an attempt is being made to manufacture paper in this State, and karri saplings is a suitable material for the purpose. Whether or not we can embark on the industry in this State depends on the quantity of karri saplings available. Before the

scheme can proceed any further it is necessary that this information should be obtained, and therefore I ask the House to pass the motion.

Hon. Sir E. H. WITTENOOM (North) [4.36]: I do not know whether the hon. member who moved the motion has ascertained what the Conservator of Forests has to say in connection with it. Mr. Lane-Poole has some very conservative ideas as to what can be cut in the forests, and when I see this reference to young trees I feel that it would be well for the hon. member to find out how far young trees can be cut at all. Saplings are not necessarily likely to grow into good timber. I mention this for the information of the hon. member, because from other sources I know that the regulations are exceedingly stringent, and that the Conservator of Forests intends to carry out a very strict policy in connection with reforestation. That being so, before anybody embarks on anything to do with the cutting of young trees it would be just as well for him to familiarise himself with the views of the Conservator.

The PRESIDENT: I point out that it is scarcely in order to discuss the intention of the Conservator of Forests, because this is a motion for a return.

Hon. A. LOVEKIN (Metropolitan—in reply) [4.37]: I have communicated with the Conservator of Forests, and I do not think there will be any difficulty in getting this information.

Question put and passed.

BILL—PUBLIC SERVICE APPEAL BOARD.

Second Reading.

Debate resumed from the previous day.

Hon. J. MILLS (Central) [4.38]: I intend to support the second reading of the Bill, which in my opinion embodies all that the public servants and teachers have asked for, and in addition a little which they have not asked for. When, yesterday, I moved the adjournment it was my intention to discourse at some length on the Bill to-day but, for reasons of my own, I do not now wish to say anything further than that I will support the second reading.

Hon. J. J. HOLMES (North) [4.39]: The Bill being of such importance I have taken the trouble to trace its history from its introduction in another place to its present stage. When another Bill under the same title was introduced in another place the Attorney General in moving the second reading, practically beseeched the House not to make any amendments, because he said that would spoil a good measure. To my surprise when a few days later I picked up the Notice Paper of another place I found a

whole list of amendments proposed to be made by the Attorney General to this allegedly perfect Bill, which the Attorney General had declared ought not to be amended. Subsequently amendments were made to the Bill. When the Bill reached this House, I listened attentively to the leader of this House when he moved the second reading, and was forced to the conclusion that, whilst the title of the Bill is "A Bill for an Act to establish a public service appeal board and to prevent the unauthorised cessation of work on the part of public servants," the Bill is nothing more nor less than compensation to the public servants for their having gone on strike. That is the view I take of it. The Bill is compensation.

Hon. H. Stewart: They were offered the Bill before they went on strike.

Hon. J. J. HOLMES: This is compensation to the public servants for having gone on strike. It will be admitted that had they not gone on strike they would never have got the Bill.

Hon. A. H. Panton: That is certain.

Hon. J. J. HOLMES: We know that deductions are to be made from their salaries—rightly so, too—for the time they were on strike; but if the Bill is not compensation to the public servants for having gone on strike, then my reasoning must be a little wrong. At all events that is the view I take, and consequently the Bill does not conform to the title. I have watched the trend of the public service of this State for many years. I have also watched general elections come and general elections go. Every party aspiring to power have bid for the public service vote in the metropolitan area, and made promises that if they got into power they would do certain things. Very few of those promises were fulfilled. I am not blaming the present Government in particular, but the Governments of the last ten or 12 years have been angling for the public service vote, and have made promises which were never fulfilled. The leader of the House, when moving the second reading the other day told us that the public servants discovered that the last amendment of the Public Service Act 1912 dealt with classification only, not with the salaries of the service. If that Act of nine years ago was intended by the Government and the Parliament to deal with the salaries it should have been amended then. But, no! Nine years have been allowed to elapse. A strike eventuates, and now we get the Bill in fulfilment of the promise made nine years ago. Other matters have led up to the Civil Service strike. There have been refusals year after year to grant legitimate increases. I think paltry sums of £10 per annum were refused because of the war and because the finances were in a chaotic state.

Hon. H. Stewart: Legitimate increases or legal increases?

Hon. J. J. HOLMES: I think both.

Hon. H. Stewart: Legitimate, but not legal.

Hon. J. J. HOLMES: Legitimate increases that were never paid. I said at the time, and I now repeat it here, that the final act which drove the public service into striking was the attitude of the highest tribunal of the State, who although they could not pay the public servants a paltry £10 per year yet increased their own salaries by 33 1/3rd per cent. That was the commencement of the real trouble. Two wrongs do not make a right. If Parliament, to use a mild term, were highway robbers—

The Minister for Education: Is the hon. member in order?

Hon. J. J. HOLMES: I said, if the Parliament of the country was composed of highway robbers. I did not say it was.

The PRESIDENT: The hon. member must be careful not to reflect on any vote or act of Parliament.

Hon. J. J. HOLMES: If I have said anything wrong I withdraw it. When the civil servants reached that stage they adopted the principle of direct action. Perhaps I would be in order in saying that Parliament also adopted the principle of direct action. Neither party was right in doing this. When the leader of the House had finished moving the second reading of the Bill I wondered whether we lived under any form of responsible Government at all, and, if so, what that form was and has been for the past ten years, and what form we are going to live under if we delegate our powers, as we propose to do in the Bill, to outside bodies and tribunals. The Bill provides for a board that will supersede everyone, including Parliament and the Governor in Council. It will be presided over by a judge of the Supreme Court, and there will be sitting on it two or four assessors as the case may be.

Hon. A. H. Panton: The Arbitration Court does that.

Hon. J. J. HOLMES: The Bill provides that the decision of the majority of members of the board shall in each case be reported in writing by the board to the Governor, and shall be final, and effect shall be given to every such decision.

Hon. A. H. Panton: The Arbitration Court do not even have the courtesy to report.

Hon. J. J. HOLMES: The Court deals with wages men.

Hon. A. H. Panton: And railway men.

Hon. J. J. HOLMES: The hon. member will see the difference before I sit down. The board under this Bill is to take control of the public servants of the country and of the salaries that are to be paid to them, and be above the heads of Parliament and the Government. It is setting up a separate tribunal whose decision shall be final. What is puzzling me is how that board will deal with the individual public servants in anything under five years. To-day we have one judge engaged in the Arbitration Court. The work of that court is so congested that we have had to set up a

special tribunal to deal with the tramway employees who proposed to go on strike. If it is not congested then we have no right to set up this special tribunal. Another judge is to take the position of chairman of the board created by the Bill; not to deal with organised bodies of labourers, but with the individual public servant. I do not know when the board is likely to reach finality.

Hon. J. E. Dodd: It will take one judge all his time.

Hon. J. J. HOLMES: I think the Chief Justice fixes the duties of the judges under him. Judges as a rule are appointed to deal with the civil and criminal cases of our courts. I should say that these cases will take precedence, and, when judges are required, they will be put on to these cases. The procedure under which this board will settle disputes has not yet been made clear by the leader of the House. Clause 15 provides for a penalty. That appears to be on the lines of class legislation. Will the leader of the House tell me the effect of this clause? Will it mean, if the civil servants go on strike in the future, that the Ministry of the day will have no option but to keep them out and forfeit all their rights and privileges, and in addition make them pay a penalty of £10? I presume that will be the position, for, if not, why put it in the Bill? If that is the position, then we have reached a stage of class legislation, namely, a class of legislation for one section of the public servants, and another class for all the other public employees. If this is mandatory the Government of the day must enforce it, and rightly so. When an award of the Arbitration Court is set at defiance, the decisions of the court are never enforced. If we are going to enforce conditions like this against the civil servants, when the amendment to the Arbitration Act comes before us—as it will in a day or so—we must put in the same conditions there.

The Minister for Education: They are similar conditions.

Hon. J. J. HOLMES: They are not. Under what sort of responsible Government are we living when the decisions of the courts of the country are set at defiance, and no proceedings are taken against anyone? Mr. Panton says that the workers of this country would never give up their only effective weapon, that is, the right to strike.

Hon. A. H. Panton: Hear, hear!

Hon. J. J. HOLMES: They can have their right to strike or their arbitration, but they cannot have both. I would sooner they had the right to strike, for we would then know where we were. We cannot have arbitration if it suits the people concerned, and if it does not suit them allow them to rebel without anyone taking proceedings against them. It is because the laws of the country have been flouted that the civil servants have rebelled. We are all like children. If we allow children to defy us and do not check them, within 24 hours the whole family will defy us.

The Minister for Education: Are you speaking from experience?

Hon. J. J. HOLMES: In my case the family do not get a chance of defying me. I deal with the individual at the time. What I wanted to show was that there is a policy going on in the administration of this country that leads people to think that they can rebel because no one will not stand up to them. We have the courts of justice interfered with by the Government of the day. There was the Fremantle case, in which the police were instructed to carry out the order of the court. So far as we have read in the Press—and it has never been refuted—the police were instructed to send the papers to Perth, but the decision of the court has never been enforced, and cannot be enforced because the papers were held up; and we call it responsible Government! I understand the Public Service Appeal Board is to fix the salary for each individual.

The Minister for Education: No!

Hon. J. J. HOLMES: It is getting pretty close to it. The last Bill dealing with the service, passed in 1912, was for the purpose of fixing the classification and salaries, but it only dealt with the classification of civil servants. I understand this Bill is to deal with salaries, otherwise why is it brought forward? The board will fix the salary of the individual. The only man who can assess the value of the individual is the man who is in close touch with him every day. At an election campaign at East Fremantle, the opposing side came at me with a number of questions. One man asked this question: "What does the candidate think is a fair day's pay for a working man?" The rest of the crowd cheered him and thought I could not answer that question. My answer was, "It all depends on the man." That is the position this board will reach when the individual comes before them. But the board will not have an opportunity of judging his capabilities. The man may be a first class witness and make out a good case for himself, but whether he is a good man in the department or not, only his immediate head or his Minister can say. The board, however, will determine the point. The Minister is counted out, the head of the department is counted out, and Parliament is counted out, for the decision of the board shall be final and given effect to immediately. The leader of the House tells us that there are public servants on the temporary staff who have been there for 27 years and he explained how that occurred. He stated that twenty-seven years ago, when we embarked upon a loan policy and were about to expend a large sum of money, experts were brought into the service to carry out this special work. These experts were kept in the service for 27 years, on the temporary staff. This points to two things. Either the public service of the State is a good service to belong to, if a man will stay on the temporary staff for 27 years, or the civil servants were fed up with the promises which

for 27 years were never fulfilled. It also points to this, that men get into the temporary service as temporary men and, like Tennyson's "Brook," go on forever. I said two years ago that the only new building I could find on the Estimates as having been erected by the Public Works Department was an addition to the women's ward at the Fremantle hospital, costing £210, and yet we employ all these men, some of whom have been 27 years on the temporary staff to do special work. Public servants of the State have certain rights and privileges under the original Public Service Act. Their position, once they are placed on the permanent staff, is secure unless either the office is abolished, or they are retired at the age of 60, or they have committed an offence, or they can be retired if they produce a medical certificate that they are no longer fit to discharge their duties. The Bill provides that at the expiration of five years, if a man is in the service for that period, he can ask the Minister or his immediate head to put him on the permanent staff, and if he is not put on the permanent staff he can go to the board.

The Minister for Education: The Public Service Commissioner is the person he seeks.

Hon. J. J. HOLMES: He goes past him to the board. I am dealing with the clerical staff, not the arbitration men. I suppose that for the next five years we shall have, or ought to have, the State timber mills going full speed ahead. This will entail the employment of a large number of clerks. We have the State Implement Works at North Fremantle. It is reasonable to suppose that for the next five years those works will be pretty busy, and a lot of clerks will be required there. After a period of five years, if the Bill becomes an Act, these clerks—and some of them have been there for three years now, and some in all probability for four years—will be put on the permanent staff. Never mind about the Minister; never mind about responsible Government—neither counts in this matter at all. I do not wish to say anything that may be considered pessimistic, but in the course of time the pendulum will swing back. The timber mills will steady up and so will the State Implement Works. When that occurs, we will want to reduce the staff of public servants. How are we going to do it? They have their Public Service Act and if they are under 60 years of age or their officers are not abolished—

The Minister for Education: Their offices would have to be abolished if there was no work for them to do.

Hon. H. Stewart: They would be, if we had strong enough Ministers.

The Minister for Education: Their offices would be abolished.

Hon. H. Stewart: They ought to be, but will they be?

Hon. J. J. HOLMES: The experience of the past will not induce us to believe that their offices would be abolished.

Hon. H. Stewart: Quite right.

Hon. J. J. HOLMES: Let members think of the temporary men who have been on the staffs of the departments for the past 27 years. When such things can occur, we can hardly think that their offices will be abolished. Under the Bill, once they get in the service—and they will move heaven and earth to get there with their own advocates to urge their claims—they will never get out unless they are over 60 years of age, their offices are abolished, they commit an offence, or produce a medical certificate to show that they are not in the position to carry on their duties. We have a large number of men in the civil service of this State of whom we may well be proud, men who have given lifelong loyal service, but it will be conceded that there are a good many men in the service who should have been out a long time ago. The trouble with the public service is that it spoils a good man. The difference between the administration of a public department and of a commercial office is that in the commercial life the man who can organise and cut down the staff, who puts every man in his proper place, and sees that every man gives a fair pull at the right time, is the man who secures promotion. In the public service if a good man wants to make his position good, he must build up a staff around him. His worth is assessed on the basis of the number of men he employs. I am pretty certain that is the position. When a man takes charge of a Government department, he has to build up a staff of satellites around him to make his position important. In a commercial office he has to do the direct opposite. In the Federal Act—I am speaking from memory, as I have not looked up the Act—there is, I think, provision whereby a charge of incompetency can be laid against an officer.

Member: Yes, by the Commissioner.

Hon. J. J. HOLMES: If a man cannot live up to his position, the provisions of the Act do not apply, and the man can be put out of the service. If we are to pass this Bill, we should safeguard ourselves to that extent and provide that if a man is incompetent to carry out his duties, the Government should be in a position to remove him.

Hon. H. Stewart: Cannot we do that before the appeal board?

Hon. J. J. HOLMES: I do not think so. The board is to get them into the service not to get them out. If the Bill gets to the Committee stage, it will want drastic amendment, if for no other reason than for those disclosed by some of the statements of the leader of the House when introducing the Bill. The Minister said that the merits of the Bill depended entirely upon whether or not the tribunal set up was satisfactory. I do not think that the tribunal which is being set up is satisfactory. The Minister further said that we must "have regard on

the one hand for the rights and privileges of the public service and must also protect the interests of the public." I ask members not to forget the latter portion of that statement. As the Bill stands, I do not think that it does protect the interests of the public and if it gets into Committee I hope steps will be taken to see that it does.

Hon. J. CORNELL (South) [5.7]: I do not think that the Bill should cause any anxiety. The Bill will pass this House irrespective of what surplus vapour members, including myself, may let off. The hon. member who has preceded me has stated that all Governments have placated civil servants and that the present Government are no exception to the rule. I think that can be truthfully stated so far as hon. members are concerned in the metropolitan area where the civil servants have a fair sprinkling. Speaking of the South Province, however, the civil servants' vote in that portion of the State is infinitesimal and those civil servants with whom I have come into contact throughout that Province, do their work well. If the whole of the civil servants performed their work as well and as expeditiously as do those in the outback centres of this State, I consider that the present public service could be reduced by at least 30 per cent. There is no doubt that the Bill is the outcome of what I have never termed a strike. I have referred to it as an experiment which ended in a fiasco. If that fiasco did nothing else, it proved that the efforts of the civil servants who ventured on the experiment for the first time in their career did not achieve what had been predicted. It conclusively proved to the whole of the community of the State that, taken by and large, the real government of the State is not exemplified by Parliament but by the civil servants. They have the power and they have used it to paralyse all functions of government. During the experiment I referred to, all functions were paralysed, with the result that one of the most important reports that can possibly be placed before Parliament—I refer to the Auditor General's report—is not before us now, and it is problematical whether that report will be received before the session closes. This was the first occasion such a thing had happened since Responsible Government has been granted to the State. The question we have to answer is this: Having once tried the experiment and having obtained the Bill, which probably they would not have secured otherwise, are civil servants likely to repent it? It needs very little consideration by any person who has had experience in organisation and closer co-operation between individuals and groups, to conclude that, having once tried the experiment, if they are ever up against it again, they will try the experiment once more. I ask whether it is right that, in the final analysis, we should endeavour to take away by Statute the right of every man, either collectively or individually, to refuse to work under conditions which, though they

may not be abhorrent to him, may not be in accordance with his desires? I do not place any reliance upon the title of the Bill or upon the penal clauses included in the measure. My 30 years' experience of industrial matters shows me that whether the employee be a civil servant or not, he will have recourse to direct action to secure what he wants if the circumstances are such as he deems to warrant that step. The penal clauses have never been any good.

Hon. J. J. Holmes: How about responsible Government?

Hon. J. CORNELL: Take it as we will, we have to view the position as it is. During the last five years government not only in this State, but throughout the Commonwealth and throughout the world, has resolved itself into this factor, that it must be a case of compromise and give and take. So far as the interests of the community are concerned, even if the actual parties in a dispute do not represent more than 30 per cent. of the community at times, the other 70 per cent. are required to contribute to the cause of the smaller number. It might be argued that this system is wrong. I admit that it is wrong, but it prevails and will continue in an acute form for some time to come. I do not care whether the penal clauses are permitted to remain in the Bill; I shall judge them exactly as I judged the penal clauses in the arbitration measures of the last 15 or 20 years. They are practically identical and I venture to assert that, if necessary, the civil servants will take the same line of action as their fellow workers have done. The result will be another fiasco and the presentation of another Bill by some future Government to give statutory effect to the agreements arrived at between the parties.

Hon. J. J. Holmes: It would be better to wait until that position arises and not have this Bill at all.

Hon. J. CORNELL: We have built up a public service which is more powerful than our legislative institutions, and without the services of which responsible Ministers of the Crown would be powerless. Once a person becomes a member of the civil service, it is a frightfully hard task to remove him.

Hon. J. J. Holmes: Will this Bill make it easier?

Hon. J. CORNELL: No, it will make it harder. This Bill will grade the civil servants into four or five distinct categories and will give them statutory recognition. It is a sign of the times that each section, as it has grown in strength, has spoken and acted until it secured this recognition. Prior to the introduction of this measure, were the school teachers placed on the same footing as members of the public service? No; but this Bill will place them on an equal footing. The teachers will enjoy the same privileges of appeal. This is one thing which the teachers won by going on strike. In my opinion only the teachers won anything by the strike. What they won was equal

recognition with the public servants who for so many years have enjoyed the recognition of statute law. In future the teachers will be able to appeal against their classification, and in other respects they will enjoy the same rights as members of the public service. There is another innovation in that the Bill proposes to give temporary employees the right to apply for permanent appointment. A casual worker in either branch of the service is to have the right to claim the award rate of wages fixed by the Arbitration Court. That is right in theory, but it involves some anomalies. The Government stipulate that after five years employment a temporary hand may apply to be placed on the permanent staff. If we cannot run the service efficiently with permanent men plus casual labour limited to six months of the year, we should reverse the position and make all members of the service casual hands. The Bill proposes that the temporary man shall receive the award rates, but it does not impose upon the individual any obligation to stand his share of the cost to other unionists to secure the award. To be logical, we should stipulate that temporary employees should belong to the union covering the industry in which they are engaged, and that the rate of pay should be the rate specified in the award and gained for the industry by the union. I quite agree with Mr. Dodd's remarks. Of that gentleman I might say without flattery that he possesses as thorough and sympathetic a knowledge of industrialism and of the civil service as any man in the State. I agree with him that by accepting this Bill we are perpetuating an evil. We are entrenching the service with privileges and conditions which we are not prepared to extend to employees of the State generally. We recently had the fiasco of a timber mill, which employed 150 men, being on the point of being helped up because two men in the store, who handed out the files to the man who sharpened the saws, were members of the Civil Service Association and were out on strike.

Hon. J. W. Hickey: Why were they not members of the Timber Workers' Association?

Hon. J. CORNELL: Surely the man who drew the file was equally in the employ of the State with the man who was storekeeper and belonged to the Civil Service Association.

Hon. A. H. Panton: That is an argument in favour of the one big union.

Hon. J. CORNELL: Under this Bill we shall be perpetuating that evil. There are men who work under a standard by which their work can be measured. I refer to employees of the State Implement Works and State Sawmills. But there is no standard by which the work of the man who is eligible to join the Civil Service Association can be measured. Such men are out to get a higher rate of pay than the men on whom a check is kept, while at the same time they enjoy all

the service privileges and emoluments which are denied to other men. These privileges are laid down by law, whereas other men have to avail themselves of the arbitration laws and by logical argument get whatever they can.

Hon. J. E. DODD: They have to lay the whole of their cards on the table.

Hon. J. CORNELL. Quite so. I know of three young women, the eldest not 25 and the youngest not 22, employed in the civil service who are enjoying three months leave of absence on full pay. Where is there another industry in the State which grants this privilege plus all the other advantages to which civil servants are entitled? The reason why men and women hang on to a position is that they are satisfied with the rate of pay which they are receiving. Until we make the rates of pay of the civil service attractive in comparison with the rates which are being paid to men outside, particularly with regard to the heads of departments, so long will the service be unsatisfactory. Ever since I entered Parliament I have urged the views, voiced by Mr. Dodd, that it was anomalous for a section of Government employees to be so privileged and safeguarded as are the civil servants to-day, while the greater proportion of employees in the State have to wring whatever concessions they can get through the medium of the Arbitration Court. It is proposed under this Bill to place civil servants and teachers under a board, which will enable them to appeal against their classification, pay and conditions. Later on I believe we shall be asked to consider another measure to make practically similar provision for railway officers. The policy of the Government appears to be placate certain sections of workers who, to use a vulgarism, might be described as the silver-tails of the service. I want to know, where is it going to end? Is there to be a repetition of this, and is there to be a board classifying, say, firemen and cleaners and guards? That would be only logical. The tribunal before which we ask the average unsophisticated worker to carry his disputes should be the ordinary tribunal. The proposal of the Bill is one-sided and lop-sided. An appeal board is to be set up for that class of Government servants who are most capable of looking after themselves. In that case, how can we blame Bill Bowyangs for saying, "Away with the Arbitration Court. I will go back to the old weapon of the strike. You are looking after all the other fellows, who are perfectly capable of looking after themselves; but you will not look after me." I do not think the Bill as printed is likely to meet with the approval of the House.

Hon. F. A. BAGLIN (West) [5.32]: Personally, I do not think that from a public service point of view it will make much difference whether this Bill is passed or rejected. As a majority of the public ser-

vants, however, say that they want a board constituted, I am prepared to let it be constituted as an experiment. After the appointment of the board we shall be in a position to judge of the results. If the proposed board should prove satisfactory to the public servants, we can only conclude that similar boards will prove satisfactory to other Government departments, such as the Railways, and to any further undertakings upon which the Government may embark. Though prepared to support the second reading, I consider that the Bill contains many most objectionable clauses, some of which should be deleted and some considerably amended. One hon. member has said that he regards this Bill as in the nature of compensation to the public servants for having gone out on strike. I think the House is almost unanimous that had not the public servants ceased work, this Bill would never have been introduced. In spite of that, I have not heard one hon. member say that he will oppose the second reading. Indeed, approval of the Bill in one shape or another seems to be general. Whether the proposed board will prove of any advantage or not remains to be seen. As I say, it is generally agreed by hon. members that if the public servants had not ceased work they would never have had a board.

The Minister for Education: That is not so.

Hon. F. A. BAGLIN: True, the appointment of a board was previously offered to the public servants; but the public servants had no confidence in the board. The reason was that they had been disappointed so frequently in the past. They had no confidence in the people who promised them the board. It seems to be generally agreed by hon. members that the public servants were justified in taking the action which they did take.

Members: No.

Hon. F. A. BAGLIN: I have derived that impression from the speeches which have been made. One hon. member has said that this Bill is by way of compensation. There must be some reason, some ground, for the compensation. Compensation implies justification. If we are going to give compensation, the public servants should not be blamed for their action in ceasing work. I agree with what has been said by various members regarding Clause 4, which provides that a Supreme Court judge shall be chairman of the board. The leader of the House may be able to explain later how the difficulties involved in making the appointment are to be overcome. It is easy to say that the chairman of the board shall be a Supreme Court judge, but we know what is happening to-day. Notwithstanding all the strikes which have taken place, one judge of the Supreme Court is engaged in the Arbitration Court, and cannot cope with all the work brought before him. Do the Government propose to make another appointment to the Supreme Court bench? I think it is due to hon. members to be taken into the

confidence of the Government on that point. However, I am opposed to the appointment of a Supreme Court judge as chairman of the proposed board. With all respect, I do not think a judge's training fits him for such a position. Perhaps the leader of the House will be able to convince us of the desirableness of what is proposed. Subclause 3 of Clause 3 provides that 85 per cent. of the public servants must be members of the Civil Service Association before the association can make any nomination to the board, or before the association can elect a representative on the board. I see no reason for that restriction. If a majority of the public servants are members of the association, why specify 85 per cent.? If a member of the public service refuses to join the association, that is not the association's fault. There must be some association, some controlling union, of the public servants. Every member of the public service has the opportunity of joining the association, and therefore the proposed restriction is quite unnecessary. A bare majority of the public servants, or, say, 55 per cent., should be allowed to elect the public service representative on the board.

The Minister for Education: It is not a question of election there.

Hon. F. A. BAGLIN: No, but it will be a matter of the Government appointing instead of the public servants appointing. Clause 8 provides that the board shall sit at such times and places as the chairman may appoint. That provision seems to me to require explanation. In my opinion the matter should not be left entirely to the chairman. Possibly many months will elapse before the board sit. If the Government delay to appoint the chairman, that in itself may cause considerable lapse of time before the board begin their operations. The clause gives the chairman too much power altogether. All three persons constituting the board should have a voice in determining when and where the board shall sit.

Hon. J. J. Holmes: Would you give anybody power to tell a Supreme Court judge what to do?

Hon. F. A. BAGLIN: In this matter the other two members of the board should have the same powers as the chairman. The judge who is appointed chairman will have to be relieved of his other duties, as this job will keep him busy year in, year out. Again, Clause 8 provides that persons concerned in an appeal may be represented by counsel, or solicitor, or other agent. I hope that provision will be struck out, notwithstanding that some members present belong to the legal fraternity. The provision is not right. If the public Service Commissioner wants to be represented by counsel before the board, he will no doubt secure the best legal brains in the State. But the poor public servant will not be able to pay for the assistance of such counsel. He will have to be satisfied with the best he can afford, or else appear in his own behalf. The position would be mani-

festly unfair. I hope that this provision will be struck out of the Bill. Again, Clause 14 should be struck out. Fancy at this time of day the Government proposing a clause which states that no public servant shall be victimised because he ceased work some months ago! I would like to see the Government attempt such victimisation. When the strike was settled, it was settled; and when the cessation of work was over, the arrangement made was satisfactory to both parties. Therefore why insert in this Bill a clause which affords no protection to members of the public service, for I am satisfied that if the Government attempted victimisation they would speedily regret it?

Hon. Sir E. H. Wittenoom: Perhaps the public servants wanted this clause put in.

Hon. F. A. BAGLIN: The clause seems to me absurd. Even if the public servants want it, I see no use in it. If members of this House, in their collective wisdom, consider the clause unnecessary, let it be struck out. Clause 15 I think is the most important in the Bill.

Hon. J. J. Holmes: Do you not think that strikers should pay a penalty?

Hon. F. A. BAGLIN: It depends on who the strikers are. The employer strikes often; there is no doubt about that, but there is no legislative machinery to deal with him. He strikes whenever it suits him.

Hon. A. H. Panton: He strikes hard too.

Hon. F. A. BAGLIN: There is no doubt about that; he strikes people when they are hungry. This is certainly experimental legislation; it takes away from the civil servants the right to strike. If we could make the right to strike apply all round, it would be fair and just. Take some of the beef brigands who live in this country of ours. They strike when it suits them. If there is a glut in the market they regulate supplies and say, "We will only send down so many cattle this week or next week."

Hon. J. J. HOLMES: In other words, they go slow.

Hon. F. A. BAGLIN: They take good care that the public do not get cheap meat. My remarks do not apply solely to the beef brigands, they apply all round. If the employer or the manufacturer cannot get the price he requires, he so regulates the market until he does get it. There is a section in the community known as the worker, whose only asset is the labour that he has to sell, and because that is all he has to sell, we want to hedge it around with every restriction which we are not prepared to place against others. If that is not class legislation I do not know what is. I was told before I was elected to this Chamber that the Legislative Council was a non-party Chamber. I have not been here very long, but I am hoping that when I have been here a little longer, I will be convinced that the statement is true. I have heard it preached from the housetops that the Legislative Council is looked upon as a non-party House, but it remains to be proved that it

is not. This is a golden opportunity for hon. members to show their sincerity by saying that they are not going to rob the working classes of something they are not prepared to rob from the other man. In that way the House can show whether it is or it is not non-party. It is fair and equitable, if we are going to give a certain brand of medicine to the working class, that we should also give that same medicine to the other fellow.

Hon. J. W. Hickey: For the same complaint.

Hon. F. A. BAGLIN: Mr. Cornell told us that the civil service had caught the fever. I do not think it is fever, I regard it as an awakening. The working class—they all belong to the working class—are waking up, and that awakening is spreading and is causing gradual unrest. It must be remembered that men do not go out on strike for the fun of the business; they do not rebel until they are forced to do so.

Hon. H. Stewart: Until they are told to do so.

Hon. F. A. BAGLIN: They are not told. There are members in this Chamber who have taken a big part in preventing men going on strike.

Hon. A. H. Panton: And got abuse for it.

Hon. F. A. BAGLIN: We are trying to prevent strikes all the time.

Hon. H. Stewart: You prevent a secret ballot being taken.

Hon. F. A. BAGLIN: I can tell the hon. member what took place at Fremantle recently. A secret ballot was taken there. There were 73 members of the union present, and they all voted against returning to work. We are prepared to take a secret ballot at any time. Coming back to the clause, I am convinced it should be struck out. The civil service have only their labour to sell, and they should have the right at any time to refuse to sell it at the price offered.

Hon. J. J. Holmes: They can resign.

Hon. F. A. BAGLIN: Of course they can resign in a body, but the Bill declares "if you resign, look out for yourselves." The Bill goes further and says that if they go out on strike they forfeit all their privileges. That is downright robbery, because privileges are only given to people for services rendered. I heard the expression "blackmail" used here two or three weeks ago. I can only call the proposal in the Bill before us blackmail. At least we are holding a bludgeon over the service in order to keep all the members of it at work. Clause 17 is one that I do not understand at all. It provides that the Government may make regulations for the nomination of candidates, the conduct of elections of members of the board, and the preparation of rolls of public servants entitled to vote. I imagine that this clause means that the Government may nominate candidates.

The Minister for Education: It means nothing of the kind.

Hon. F. A. BAGLIN: Then what is the preparation of the roll for?

The Minister for Education: In the event of their being an election.

Hon. F. A. BAGLIN: Then why cannot the service prepare their own roll? We can only hope that the clauses will be so amended in Committee so as to provide that measure of justice to which the civil service are entitled.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.55]: Although most of the points that have been raised by hon. members during the course of the debate can be conveniently replied to when the Bill is in Committee, there are a few matters that I would like to touch upon briefly. With regard to the Bill generally, Sir Edward Wittenoom is quite right in assuming that it is the result of an agreement made between the Government and the Civil Service Association. This agreement was made prior to the resumption of work by the members of the service, but the details of the Bills were not fixed up until afterwards. The Bill represents a complete fulfilment of the agreement entered into, but there are details that the public service would like to see altered, and they have made representations to members, I believe, by way of circular, in regard to certain points, that they desire to see altered. The Bill carries out the agreement as arrived at between the Government and the public service before work was resumed, but details were left over for discussion afterwards. There are certain things that the public service would like to get from Parliament, and which the Government do not think they should have, but those are matters of detail which can be discussed when the Bill is in Committee. It is not correct to say that had there been no strike there would have been no Bill, because so far as the Bill is concerned the whole of the principles embodied in it had been definitely agreed upon between the Government and the public service before the strike commenced. Nor was it a question of the public service not being willing, as Mr. Baglin suggested, to trust the Government in the matter. They expressed their satisfaction so far as this feature was concerned. The strike took place because the Government would not agree to an all round increase of 33 1/3 per cent. pending the decision of the board. And had there been no strike there would still have been this Bill. Of course there are certain things in the Bill which would not have been in it had there been no strike, particularly those matters referring to the strike itself. Mr. Holmes has made reference to another Bill. I find some difficulty in following the hon. member's meaning. He said that a Bill was introduced in another place, and that it was not this Bill.

Hon. J. J. Holmes: This Bill as amended.

The MINISTER FOR EDUCATION: There has been only one Bill introduced.

The hon. member speaks as though an amendment to a Bill made that another Bill altogether. It is customary for Bills to be amended by Parliament; that is one of the objects for which they are submitted to Parliament, and there are few Bills of importance, particularly highly controversial Bills, that have been amended so slightly as this one by another place. If we omit the one principle that when 85 per cent. of the members of the service are members of the association, the association appoints the representative instead of the election being conducted over the whole of the service—if we omit that, the Bill is almost as it was presented originally to the Assembly. There are one of two other amendments, but they are trivial. Therefore, I am quite unable to follow the meaning of Mr. Holmes when he speaks of some other Bill, and not this Bill, having been introduced in another place by the Attorney General.

Hon. J. J. Holmes: May I make an explanation. What I said was that the Attorney General practically beseeched the House not to make any amendment to the Bill when it was introduced, and two days later I saw a Notice Paper containing several amendments which the Attorney General was going to ask the House to make.

THE MINISTER FOR EDUCATION: I do not know that there is any particular harm in that. As I have told the House, only one amendment of importance has been made. There has been a good deal of discussion in regard to the latter part of the title of the Bill and in regard to Clause 15—because those two are associated with each other. A communication has been forwarded to several members of the House—one copy was sent to me—by the public service in regard to this matter. From this I take the following—

We recognise, however, that such an amendment of the title can only be made by also striking out the penalty Clause 15 which, in the interests of harmony and goodwill, we think desirable, especially as we understand there is another Act in existence under which public servants can be punished for striking.

That is the reason given by the public service why the title should be amended and Clause 15 struck out. Singularly enough, during the process of the strike the members of the public service were careful to point out day by day to the public that in striking they offended against no law.

Hon. J. Cornell: Why did not the Government test the law?

THE MINISTER FOR EDUCATION: Because the Government did not consider that the public servants were offending against any law. There are only two laws on the statute-book relating to striking. One is the Criminal Code, which prohibits conspiracies and things of that sort. Hon. members will agree that that measure would not apply in such a case. At all events, that was the

advice which the Government received from the Crown Law Department. The only other Act which applies to striking is the Arbitration Act. This makes it an offence to strike, but only on the part of those persons governed by the Arbitration Act. The Arbitration Act specifically excludes the public servants from the benefits conferred by that Act and, consequently, it also gives them immunity from the penalties imposed under that Act. At the present time, so far as I am aware, there is nothing to make it illegal for public servants to go on strike. The attitude the Government take up is the same as is taken up under the Arbitration Act, namely, that if you afford people a tribunal for the settlement of their grievances, the awards of such a tribunal being final and binding on the parties, then they have no right to resort to direct action. In respect to the public service, I think it may also be borne in mind that they enjoy certain special privileges, in return for which they ought to be prepared to submit themselves to certain special disabilities, if you like to put it that way. For those reasons I hope the House will not agree to an amendment of that clause, and will not agree to the striking out of the latter portion of the title. The next point raised is in regard to the constitution of the board, and particularly as to who shall be the chairman of the board. There is a good deal of force in the arguments used by certain hon. members concerning the amount of work that seems to be laid on the shoulders of the judges in regard to industrial matters; but in respect of the Bill, it is agreed between the Government and the public service that a Supreme Court judge is the right man to be chairman. Already a Supreme Court judge is chairman of the appeal board constituted under the Act of 1912. Both parties are agreed that a Supreme Court judge is the right man, and I think it may fairly be contended that the chairman of this board should be in a secure and independent position. The Supreme Court judges enjoy the security that they can be removed from office only by a vote of both Houses of Parliament. As to whether or not a judge will be able to do the work, all I can say is that, before this provision was made in the Bill, the Attorney General consulted the Chief Justice and it was agreed that a judge could be made available for the work. As a matter of fact, a judge has been appointed already. The contention has been made by Mr. Baglin that the chairman should not have the right to convene meetings of the board. I do not attach much importance to that, for it seems to me that the chairman is the proper person to convene the meetings and fix the time and place for such meetings. It is the usual procedure. There has been a good deal of controversy regarding that portion of Clause 3 which was added in the Assembly, and which makes provision that in the event of the Public Service Association or the teachers' union

having 85 per cent. of the public service or the teachers in their association or union, the election of a representative to the board may be dispensed with and he may be appointed by the association. The regulations which Mr. Baglin referred to merely mean that in cases where the Public Service Association or the teachers' union have not that percentage of members, and it is necessary to elect a representative to the board, then the Government may make regulations as to the manner in which the public servants or the teachers shall nominate their candidates and conduct the election. This is a perfectly proper procedure, because if elections are to be held they must be conducted in proper and orderly fashion. The whole point at issue is this: Is it desirable that the Public Service Association or the teachers' union should be allowed to nominate a member of the board, even though they may have only a bare majority of members enrolled in their association? I do not think it is right, because whilst both the Bill and the regulations under the Public Service Act recognise the association and recognise the teachers' union—it might well be contended that all members of the public service should belong to the association—the fact remains that the Bill gives certain privileges to the public service, and every public servant is entitled to the exercise of those privileges. For that reason it is held that unless those organisations contain practically a dominating majority of members of the public service, the members to represent the public service or the teachers' union on the board shall be elected respectively by the public service and the teachers.

Hon. A. H. Panton: Was there not a conference between the organisations and the Government to bring in the Bill?

The MINISTER FOR EDUCATION: Yes, and the attitude held was that the representatives on the board should be elected by the teachers or the public service as the case might be. If hon. members like to read the whole of the correspondence which took place at that time they will see that that was the view taken, although subsequently both the teachers' union and the Public Service Association took up the view that in any event they should appoint their representative, which of course it is for the House to decide. But I submit that in justice to all members of the public service and of the teaching staff there should be an election of this member of the board unless the organisation has a dominating majority which, of course, would make it of little consequence whether an election was held or whether the representative was appointed to the board. I trust the clause will not be amended in that regard. It has also been suggested that all appeals should go through the organisation. I hope that will not be decided upon. It is to me conceivable that a public servant might have a grievance with which the executive of the Public Service Association did not sympathise. Why should he be debarred from bringing his grievance to the board? The

difference between this board and the Arbitration Court in that respect is that the Arbitration Court does not deal with individuals.

Hon. J. E. Dodd: Why should this?

The MINISTER FOR EDUCATION: Because you cannot avoid dealing with individuals in this case.

Hon. J. J. Holmes: You contradicted me when I said that.

The MINISTER FOR EDUCATION: No, I contradicted you when you said that the board would fix the salaries of each individual officer. The board will do nothing of the kind. The salaries of individual officers will be fixed by the Public Service Commissioner or by the Minister for Education, as the case may be, and then it will be competent for any individual officer to appeal to the board, and the board on his appeal may fix his salary.

Hon. J. J. Holmes: The board is the final arbiter.

The MINISTER FOR EDUCATION: The salary will be fixed by those most competent to assess the value of the officer. Then the officer has his appeal. He presents his case to the board, and on the evidence the board will decide the question, but I submit it is essential that there should be the right of individual appeal. Because there are offices which are peculiar to one person; nobody else has any corresponding position. Why should not that individual officer have the right of individual appeal?

Hon. J. E. Dodd: There are not too many cases of that character.

The MINISTER FOR EDUCATION: There may not be. The Act contemplates that in the general course the procedure will be for cases to be heard in bulk and to be brought by the association; but it might inflict grave injustice in some cases to deny the right of individual appeal. Then there is the question of representation before the board by counsel or by a solicitor. I have always taken the attitude in regard to the Arbitration Act that it is a distinct flaw in that measure that counsel and solicitors are prevented from appearing before the court. It does seem to me most ridiculous to exclude from any job the man best qualified for that job. That is simply what we are doing. The arguments of Mr. Baglin proved that that is his view. He said that in these cases the Crown Solicitor engaged the most competent lawyer.

Hon. A. H. Panton: To the detriment of the other man.

The MINISTER FOR EDUCATION: That is so. Your contention is that you must not have for this job the most competent man.

Hon. A. H. Panton: Why not provide for the supplying of counsel for both sides?

The MINISTER FOR EDUCATION: There are plenty of lawyers to go round. Both sides can secure competent lawyers. As a matter of fact, the Public Service Association do not wish this provision to be struck out. Indeed, I believe they have al-

ready engaged a solicitor, and that the preliminary hearing before the board was conducted on their behalf by that solicitor. The service realises the advantage of getting for the job the man best qualified to carry it out. To carry the hon. member's argument to its logical conclusion one would have to say that neither party should be represented at all, because one party might not be able to afford to pay anybody, even a layman. In regard to the Arbitration Act, I never have been able to see the slightest logic or reason in the contention that we should not have for the job the man best qualified. To my mind it would be just as reasonable to insert in the Coroners Bill a provision that no doctor should be allowed to take part in any post mortem examination. Surely if we have a job to be done, the man trained for the job ought to be the man to do it. To specifically exclude him by Act of Parliament seems to me to be an absolute absurdity. I have a great deal of sympathy with the remarks that fell from Mr. Dodd in regard to the necessity for providing up-to-date Government offices if we are to have an efficient and competent public service. No doubt that is one of the things at the root of the whole problem. Of course, the hon. member will recognise that for the last few years—and I am afraid it will continue for another 18 months—any movement in that direction has been suspended because of the Federal post office. When the new building is completed one of two things will happen, and the Government will thereupon know where they are in the matter of accommodation. Either the Federal Government will say, "We propose to retain the old post office for other Federal departments," or else they will say, "We have finished with the old building and we hand it to you. When that takes place it will be the duty of whatever Government may be in power to endeavour to adjust this matter and provide for the service up-to-date Government offices."

Sitting suspended from 6.15 to 7.30 p.m.

THE MINISTER FOR EDUCATION: Amongst the amendments asked for by the Public Service Association were one or two minor amendments to which I am prepared to give every consideration in Committee. I see no particular objection to them, for instance, to the request that the board should have power to deal with the matter of allowances, as well as that of salaries. A request was also made in regard to Subclause (4) of Clause 6 relating to persons claiming to be brought under the Superannuation Act. It is contended that there are four or five hard cases which have arisen during quite recent years, in regard to which a satisfactory conclusion has not been arrived at, and that these cases might also be remitted to the board. I see no particular objection to that. Some reference has been made to what is called the victimisation clause, that is

Clause 14. I should like to point out that this clause is necessary in order that the privileges of the public servants may be preserved. There is no doubt that their unauthorised cessation of work broke the continuity of their service; consequently such a break would take away from them legally—I do not know what interpretation any future Government might give to it—their continuity of service. This would therefore affect their rights in regard to leave, and in cases where they were entitled to pensions, would affect their pension rights. In other cases it would affect their retiring or compassionate allowances. The clause reads—

No public servant shall be prejudiced in respect of privileges, promotion or continuity of service by reason only of the recent simultaneous cessation of work on the part of certain public servants.

The words "continuity of service" apply to the whole of the public service. Without this they would have broken their continuity of service, and have forfeited their privileges. The clause is inserted as portion of the agreement arrived at with the service, and at the desire of the association, as is also paragraph (c) of Subclause (1) of Clause 6 giving the board power, as follows:—

To hear and determine the complaint of any public servant of alleged victimisation by reason of the recent simultaneous cessation of work on the part of certain public servants.

That was inserted at the special wish of the public servants, and it is quite reasonable that this wish should be met. There has been some discussion over Clause 10 and the fact that it makes the decision of the board, or the majority of the members of the board, final, and, that effect shall be given to every such decision. It was suggested by Sir Edward Wittenoom that this being the case an award of this board might land the Treasurer, in the middle of a financial year, after all his arrangements had been made, in an additional expenditure of £100,000 or £150,000. That is true. I do not see how it can be avoided any more than a similar effect from a decision of the Arbitration Court, which is binding on the Government so far as the employees of the Government having the right to go to the court are concerned. Within a few weeks of the delivery of the Budget speech recently, an award of the Arbitration Court was given which does cast upon the Treasurer an additional burden far greater than that suggested by Sir Edward Wittenoom. The amount suggested by the hon. member will not cover the extra responsibility thrust upon the Treasurer by reason of the recent decision of the Arbitration Court in regard to the railway employees. Whilst that statement is true, I do not see how the position can be avoided. If an award is a just one—and we must assume that this board will give just awards—the Government must face it in exactly the same way as any other employer has to face an

award given by the Arbitration Court. It is a matter of adopting the principle. If the principle is adopted, then, as employers, the Government are bound by the decision that is given. I see nothing vicious or inconsistent in a case where, a dispute having arisen between the Government as an employer and the civil servants as employees, the dispute is referred to the board for decision, and the finding is binding on both parties. Mr. Stewart raised a question in regard to increments in the automatic grade and those outside it.

Hon. H. Stewart: Not the automatic increments.

The MINISTER FOR EDUCATION: He made a statement that, whereas it had been asserted by a public servant outside the automatic grade that he had been robbed or deprived of a certain large sum of money through not receiving these increments, the Government had not clearly set before the public the position so far as these servants were concerned. That is not the case. The Government did fully and clearly set out the position before the public during the period of the strike. Section 20 of the Public Service Act provides—

In the professional division, and the general division (except in the case of officers paid at a specified rate by virtue of any Act) the officers shall be paid salaries and wages in accordance with such fixed amounts or scales as may be prescribed.

Section 22 reads—

Notwithstanding anything contained in this Act, the Governor may, on the recommendation of the Commissioner, fix by order the rate of salary to be paid to an officer occupying any particular office at any sum within the limits of his class or grade, and such sum shall be the salary attached to such officer while he holds such office, until the Commissioner otherwise recommends.

These are the two sections of the Act under which the regulations are framed. On the 20th July last, during the progress of the strike, the Government clearly set before the public—

Hon. J. J. Holmes: Which member of the Government?

The MINISTER FOR EDUCATION: It was a statement made by the Premier as head of the Government. After quoting the particular statement referred to by Mr. Stewart, the Premier went on in these words—

So far as the higher grades of the service are concerned, it is quite a mistake to suppose that they have any claim, as a matter of right, to annual increments.

Hon. H. Stewart: What are you quoting from?

The MINISTER FOR EDUCATION: From the statement, published on the 20th July, made by the Premier in contradiction of the statement quoted by the hon. member

as having been made by one of the representatives of the service.

Hon. H. Stewart: I think that was six weeks before the statement I quoted.

The MINISTER FOR EDUCATION: This was published on the 20th July and was a direct reply to the statement quoted by the hon. member. It goes on to say—

Specific provision is made in the regulations for the annual increments in the lower grades, but in regard to the higher grades the position is quite different—and for obvious reasons. The increments are not automatic; they have to be won by service. Regulation 115, following closely the wording of Section 22 of the Act reads:

On the recommendation of the Commissioner, the rate of salary to be paid to an officer occupying any particular office may be fixed at any sum within the limits of his class, and such sum shall be the salary attached to such officer while he holds such office, or until the Commissioner otherwise recommends.

Regulation 128 provides.

No officer shall be granted an increase of salary or promoted to another division carrying a higher classification until he has served one year at the lower rate of salary, provided that the Governor on the recommendation of the Commissioner may, under very special circumstances, promote or advance an officer as he may think fit.

Regulation 133 provides:

All increases to officers other than those mentioned in Regulations 98 and 99—(these are the automatic increases already referred to)—shall be subject to a report from the permanent head and the approval of the Governor on the recommendation of the Commissioner.

The above regulations show very clearly the difference between the lower and the upper grades as regards increases. The former are entitled as a matter of right to annual increments of a fixed sum as specified in the regulations; the latter to such increments within their classification as the Governor may determine on the recommendation of the Commissioner and subject to the report of the permanent head. In other words, the one set of increases are automatic with increasing age; the other set are the proper reward of good service.

I fail to see that there is anything more to be said on that particular point.

Hon. J. J. Holmes: Did the civil servants get all their automatic increases?

The MINISTER FOR EDUCATION: They did in this way. These automatic increases are provided by regulation. This regulation provided that automatic increases might be given up to £204 in the case of a male employee, and up to a lower sum in the case of a female em

ployed. In 1913 or 1914 the Government amended the regulation, and made these automatic increases apply only in the cases of married men up to £204. They made an alteration in the regulation, and the alteration was approved by Parliament. It was laid on the Table of the House and no objection was raised, and the regulation, as amended, was carried into effect. The succeeding Government reverted to the old regulation. I think there were two steps taken in reverting to the old regulation. In the course of a year or so the old regulation was reverted to, but the regulation was observed. It is a fact that the first regulation made it £204 a year all round, but in times of stress it was made to apply only to married men, and the regulation was amended again. The regulation as it stood and as it was placed on the Table was at all times observed. So far as the last two or three years are concerned, the regulation as originally framed was adhered to and carried out in every particular.

Hon. H. Stewart: I should like to—

The PRESIDENT: Is the hon. member rising on a point of order?

Hon. H. Stewart: I should like to make a personal explanation. The Minister for Education has misinterpreted my remarks as they will appear in "Hansard." I did not say the Government had never made that statement because I knew and said that on the very day on which a letter should have appeared in the "West Australian" under my hand, that paper covered exactly the same ground in a statement made on behalf of the Government. I contend that over a period of time the Government have not given a definite and clear exposition on the question of increments. I am being misrepresented in the manner in which my remarks on that particular instance are being dealt with.

The MINISTER FOR EDUCATION: I should be sorry to misrepresent any hon. member. I understood Mr. Stewart to say that the Government had at no time clearly controverted the statement made by the service that they were entitled to these annual increments right through all the grades of the service. I have quoted now from the statement by the Premier as published in all the papers.

Hon. H. Stewart: I knew of that.

The MINISTER FOR EDUCATION: It was also contended by the same hon. member that the Government could not dispense with inefficient civil servants. I do not think that is the case. The Government can dispense with inefficient civil servants. Mr. Holmes referred to the clause which gives employees, after five years' service, the right to apply for permanent positions. He asked what was going to happen in the case of the State going back, and of the position arising of our not wanting so many employees? I see no difficulty about the matter. The simple thing that

would happen would be that the office would be abolished and the official would be retired. That has been done by the present Government in many cases. Quite a number of offices have been abolished during the last 12 months, and more during the last two or three years.

Hon. J. E. Dodd: Suppose it is an inefficient officer in an office you do not wish to abolish, what would be the procedure?

The MINISTER FOR EDUCATION: He could be transferred somewhere else to an office we were prepared to abolish, and we could abolish that office. Personally, I do not know if the public servants have protection that is undesirable. I do believe it is desirable that they should be protected. Some members made reference to the American system. As I understand that system, when a new party comes into power the whole box and dice of tricks go out and a new set come in.

Hon. A. Lovekin: Only the political officers go out.

The MINISTER FOR EDUCATION: Our system is a good one, and I do not know that there is any practical difficulty in getting rid of a public servant who is obviously unsatisfactory.

Hon. A. J. H. Saw: Have you read about tight barnacles?

The MINISTER FOR EDUCATION: The hon. Mr. Cornell is not right in assuming that the privilege given to civil servants of requesting the Public Service Commissioner, after they have had five years' service, to place them on the permanent staff, is extended to teachers. The teachers have not such a right, for the appointments to the permanent teaching staff are governed by the Education Act and its regulations. They do not come under this Bill in that respect.

Hon. H. Stewart: Can you say whether the appeal board will deal with increments?

The MINISTER FOR EDUCATION: No. The board will deal with salaries that are fixed, and appeals made against the amounts so fixed. The board will say whether the salary is right or not. There is no appeal to the board to say whether or not there should be, say, £10 a year added to salaries.

Hon. H. Stewart. It is to be hoped that the civil servants understand that.

The MINISTER FOR EDUCATION: I do not think there is any misunderstanding as far as the service is concerned. I think I have covered all the points of importance dealt with in the course of debate, and other matters can be considered in Committee.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—The Board:

Hon. A. LOVEKIN: I understood that Dr. Saw intended to move an amendment to this clause, and, therefore, I did not put an amendment I desired to make on the Notice Paper. In these circumstances, I move—

That progress be reported.

The MINISTER FOR EDUCATION: I do not think that is advisable.

Member: Why not postpone the clause?

Motion by leave withdrawn.

Hon. Sir E. H. WITTENOOM: I suggest to the leader of the House that he should report progress because there have been very interesting explanations made and objections taken to the Bill. If we reported progress, it would give us time to go through the objections and consult with some of those who are specially interested in the Bill. If we had that opportunity instead of going into Committee now, we might be in a position to assist the Minister in passing the measure more expeditiously.

The MINISTER FOR EDUCATION: I do not desire to rush the matter through, but I wish to dispose of the non-contentious matters so that we may see where we are. I move—

That consideration of Clause 3 be postponed until after Clause 19.

Motion put and passed.

Clause 4—Tenure of office of members:

The MINISTER FOR EDUCATION: As I intimated in moving the second reading, I intend to move an amendment to insert the words "to Subclause 2," after the word "proviso" in the first line. When the Bill was before another place, three more provisos were inserted, with the result that, without the amendment I suggest, some doubt might arise as to which proviso was referred to. I move—

That after "proviso" in line 1, the words "to Subclause 2" be inserted.

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

Clause 5—agreed to.

Clause 6—Jurisdiction of boards:

The MINISTER FOR EDUCATION: As the amendments on the Notice Paper containing a good deal of controversial matter, I move—

That consideration of Clause 6 be postponed until after consideration of postponed Clause 3.

Motion put and passed.

Clause 7—Right of appeal:

Hon. A. LOVEKIN. In Subclause 2 it is provided that appeals may be made by the Minister from any decision of the Public Service Commissioner relating to the classi-

fication, re-classification, or salaries. I move an amendment—

That in line 5, "or" be struck out, and after "salary" the words "or allowance" be inserted.

The Minister for Education: I have no objection to the amendment.

Amendment put and passed.

Hon. J. E. DODD: The clause gives a right of appeal to any public servant. I pointed out when speaking on the second reading that I think the Government are making a grave mistake in giving the right of individual appeals. The leader of the House might have got the information regarding the last appeal board in 1913, when Mr. Justice Burnside sat to hear the cases brought by the civil servants. I am not going to stress this matter very much. I do not wish to move an amendment that will place the Government in a false position, but I think they are making a grave mistake. The country will realise that a mistake has been made when we proceed with the appeals. I believe that the Board will develop into a continuous one and that it will be most expensive. Provision is made in the clause for the Civil Service Association to take up cases on behalf of different groups. I cannot see why that provision should not be extended to compel all cases to go through the Civil Service Association. I do not wish to compel civil servants to belong to the Civil Service Association, but in all Arbitration Court matters, it is not necessary for workers to belong to a union. They are bound by the award given by the court. I do not suggest that there should be anything in the way of compulsory unionism, because I have never advocated that method.

The MINISTER FOR EDUCATION: There is a difference between this Bill and the board set up in 1912. Formerly individual appeals were contemplated, and I admit there was a tremendous loss of time, which was not profitable. This Bill contemplates that cases shall be largely taken in bulk and be taken by the association. The Government are not prepared to go further and say that no officer shall have the right of individual appeal.

Hon. A. J. H. SAW: Mr. Dodd's suggestion includes a grave danger. It is quite likely that a certain percentage of civil servants may not care to link up with the Civil Service Association. What chance would they have of having their appeals championed by the association?

Hon. J. CORNELL: What chance has a non-unionist got now?

Clause as amended, put and passed.

Clause 8—Sittings of the board and procedure:

Hon. A. H. PANTON: I move an amendment—

That in line 2 of Subclause 1 the words "chairman may appoint" be deleted, and

"majority of the board may decide" inserted in lieu.

THE MINISTER FOR EDUCATION : There is a slight practical difficulty involved in the amendment. The subclause provides that the board shall sit at such time and place as the chairman may appoint. How can a majority decide to sit unless a meeting be held and who is to convene the meeting but the chairman? If the amendment were carried it would practically mean that there must be a meeting before arrangements can be made to have a meeting.

Hon. J. CORNELL: If the chairman voted for one day and the other two members for another day there would be difficulty, because I take it that the board could not sit unless the chairman were present. Therefore, the convenience of the chairman must be consulted.

Amendment put and negatived.

Hon. J. CUNNINGHAM: I had intended to move to delete subclause 5, but after the remarks of the leader of the House in his reply to the second reading debate, I am satisfied that the provision stands with the consent of the civil service.

Hon. J. CORNELL: During the debate it was argued that the Crown would engage the best of counsel. The other side of course might do the same. I am satisfied that the subclause should stand.

THE MINISTER FOR EDUCATION : When the first application came before the board a few weeks ago, the service were represented by a solicitor and the Government were not.

Hon. J. Cornell: It is understood that the service have to pay for their own solicitor.

THE MINISTER FOR EDUCATION: Of course.

Clause put and passed.

Clause 9—Retrospective effect of decisions:

Hon. H. STEWART: Although the leader of the House has made a certain explanation, I am still of opinion that the civil servants consider they are entitled to annual increments under a classification. I am afraid that this Bill will not bring satisfaction to the civil servants, because I feel that they do not realise that increments will only be available after being decided upon by the Governor-in-Council.

Clause put and passed.

Clause 10—Report of decisions:

Hon. A. LOVEKIN: This is a vital clause which, if passed in its present form, will have a material effect on constitutional government. This clause must be read in conjunction with Clause 6, which provides that the board shall have jurisdiction to hear and determine matters relating to salaries or allowances. It is a board which can decide by a majority, and the board cannot be said to be a disinterested one, because two

of its members are public servants, namely the judge and the representative of the Civil Service Association.

Hon. H. Stewart: The judge is not a public servant.

Hon. A. LOVEKIN: He is paid from public funds, and is as much interested in the payment of salaries as are other civil servants. A majority of the board may determine the salary of any public servant, and the determination shall be reported to the Governor and shall be final, and effect shall be given to every such decision. This means that we are deputing to this small board the prerogative which Parliaments since the days of Magna Charta have struggled to retain. The money has to come from taxation.

Hon. Sir E. H. Wittenoom: It will be paid before it is voted.

Hon. A. LOVEKIN: But it has to come from taxation and the board, while determining increases of salary, will be indirectly imposing a tax upon the people, which is the sole prerogative of Parliament under constitutional government. No other body is competent constitutionally to appropriate the revenues of the country or to impose taxation on the people. The final fixing of these salaries is an appropriation of public moneys. The act of the board will force the Government to appropriate, and the enforced appropriation will impose taxation which is outside the province of any body except Parliament. Works on constitutional government lay down that although fixed charges such as judges' salaries, university endowments, etc., may be paid, the salaries of civil servants not permanently charged to the revenue cannot be paid. Todd lays it down that the King may create new offices, but not offices with fees attached, which would impose a tax on the people. This cannot be done except by Parliament. Todd says—

From a very early period the principle has been established that the right of taxation and the granting of supplies for the public service belong exclusively to Parliament.

That early period I take it was the Magna Charta, when the right of the King to impose taxation without the sanction of Parliament was taken away. Even this House cannot do what this clause proposes to allow the board to do. We cannot initiate any expenditure; yet we are part of the Parliament of the country. If we pass this clause we shall place ourselves in the position of having to admit to our constituents—"We parted with our right to exercise any economy over the finances; we have given over the matter of salaries to this board, and similar powers to another board, and our sole remaining duty on your behalf is to go to Harvest-terrace and to vote measures of taxation for you to pay." Parliament should not put itself in that position. It is said by the Minister that the same thing prevails with regard to the

Arbitration Court. If the Government go to the Arbitration Court and a wage is fixed say for railway servants, the Government thereupon pay. That is a very different position from what is set out under this clause. Every year Parliament votes a sum of money for the wages of railway servants, but does not specify the amount to be paid to each employee. Parliament has had control of the money and has passed the money. When the employees go to the Arbitration Court and get an increase in wages, the Government in practice pay, but they had the right to say that they had only a certain vote granted by Parliament for this particular service and must have fewer men and retain the balance at the higher rate of pay, or to get an excess Bill through Parliament to authorize the payment of the additional amount. That is quite right; but under this Bill Parliament would vote no money at all. The board would fix the amount to be paid; Parliament would merely be left to vote the money ordered by the board, and to tax the people accordingly. From time immemorial Parliament has struggled to control the public expenditure, and to pass this clause in its present form would be to establish a very dangerous precedent. To argue that the amendment involves delay carries no weight. I move an amendment—

That after the word "and," in line 3, there be inserted "subject to ratification by Parliament."

THE MINISTER FOR EDUCATION: Does the hon. member mean that when the board have given an award increasing the salary of an individual public servant, that increase shall not be paid until the matter has come before Parliament?

Hon. A. Lovekin: The Minister would take the responsibility.

THE MINISTER FOR EDUCATION: Or does the hon. member mean that the amount of the increase shall be paid, but that if Parliament does not ratify the increase the public servant shall refund it? I think the amendment altogether unnecessary, because the Bill does not purport—and, if it did so purport, could not do so—to take away any right of Parliament. The position in the case of an increased salary awarded by the board would be exactly the same as if the Government of their own initiative increased the salary of a public servant and started to pay it from, say, the 1st July. Such an increase would come before Parliament when the Estimates were presented. The decision of the board is final and binding on the Government, the only people who can be bound. Parliament cannot be bound. The board having given their decision, the Government would necessarily have to carry it into effect. But it would still be competent for Parliament to strike out any item.

Hon. Sir E. H. WITTENOOM: To my mind this is the most serious clause of the Bill. All the rest of the measure is practi-

cally a matter between the public service and the Government as to how salaries which will be satisfactory to the public servants shall be arrived at, and as to details of the working of the public service. But this clause is where the general public come in, since the general public will have to pay. I think Mr. Lovekin, with whom I largely agree, was a little misleading in stating that the awards made by the board would grant money that had not been provided by Parliament. Each section of the public service has money granted to it during the discussion of the Annual Estimates. It is only increases granted by the board that would have to be provided for afterwards. Whatever increases are granted by the board beyond the salaries granted by the preceding Parliament, would have to be paid immediately. Suppose Parliament prorogued in January and awards were made by the board in April, then the increases would start from the 1st April, say, and the money would have to be found as from that date. I fail to see how Parliament could in any way have control over the money represented by such increases. The position is a very difficult one. The awards of the Arbitration Court are carried out at once, and Parliament has nothing more to say to them; and if the awards of the board under this Bill are not carried out, the whole of the arrangements connected with the public service will be upset and we shall find ourselves "in statu quo ante bellum." Mr. Lovekin said we would not be acting fairly by our electors in allowing this money to be spent without reference to Parliament. However, the clause has already been approved by the money-spending portion of Parliament, which portion has sent it on for our endorsement. If we disapprove of this clause, we upset the Bill and upset the arrangements made between the public service and the Government for the peaceful pursuit of the work of the country in future. I am with Mr. Lovekin in trying to have this additional expenditure subject, if possible, to the control of Parliament. His suggestion, however, is impracticable. I myself cannot suggest any way that would be practicable. In the circumstances I do not know what course to adopt except to agree to the clause. We now have the Arbitration Court giving awards which must be carried out irrespective of Parliament, and the same position arises with regard to this board. Shortly we shall have a railway board with similar powers. Where are we going to stop? How are we going to control expenditure? Until I hear something to cause me to change my opinion, however, I perceive no alternative but to carry the clause as printed and see how it works.

Hon. J. J. HOLMES: Like the previous speaker, I want to know where are we going to stop? Those who pay the piper should have some say in calling the tune. When one departs from that principle, one gets on dangerous ground. Under this Bill, the Par-

liament of the country has to pay the piper, but the board are to call the tune. I do not care if half of Parliament has agreed to the clause. We here are part of the Parliament of the country and are the custodians of the public. This clause is loaded. After listening to the leader of the House, I think the public servants are being led into a fool's paradise. The hon. gentleman has stated that this clause is not worth the paper it is written on.

The Minister for Education: I have said nothing of the kind.

Hon. J. J. HOLMES: In effect, the leader of the House said that the salaries have to come back to Parliament, and that Parliament will have the final say.

The Minister for Education: Of course.

Hon. J. J. HOLMES: Then what, in the name of common sense, is the use of this clause? Arbitration awards deal with wages matters. Parliament finds a lump sum for the Railway Department and, say, the State Implement Works. If the managers of those departments find themselves in the position of having to excess their votes, they increase their charges or prices, or else cut down their staffs. That is what the Government ought to do, but do not do; and Parliament should insist on its being done. Here is an opportunity to do it, and if we let the opportunity slip, we let go of the purse strings so far as the public servants are concerned. And to whom do we delegate the power of the purse? To three persons; or rather to two, since two are a majority. If two persons can decide such important matters as these, why should we have 80 members of Parliament to control the affairs of Western Australia.

Hon. Sir E. H. Wittenoom: What is the alternative?

Hon. J. J. HOLMES: It is to add the words as suggested by Mr Lovekin.

Hon. A. H. PANTON: I oppose the amendment. Whilst I agree that the clause is one of the most important in the Bill, I also know that the principal reasons for the strike of civil servants was the fact that various Governments for eight or ten years have been playing ducks and drakes with the salaries of the service. If the amendment is carried, it will mean that we shall hand over to the Government again the right to say whether the findings of the board are going to be carried out or not. If the amendment is agreed to it will mean the end of the Bill. If members are out to do that, they should have done it in an honest way and thrown the Bill out on the second reading. If the board is to be constituted their decisions should be final. If it was good enough to send the whole of the railway service and other wages branches of the Government service to the Arbitration Court, whose decision is final, it should be good enough also for the members of the service.

Hon. J. E. DODD: If the amendment is made we shall have a recurrence every time an award is given of what has taken place during the present Parliament, we shall have

political parties fighting for the civil service vote. There will be one party or another out to get that vote, and they will support everything that the civil service want if it comes up for ratification. That will be very undesirable. I remember an award given against the Labour Government—I am not quite sure of my facts—in which 2s. 6d. more was given to the civil servants than was given to a similar class of service outside.

Hon. A. H. PANTON: The temporary clerks.

Hon. J. E. DODD: I believe that in the course of a few years the Public Service Act will have to be remodelled, but for the present time I see nothing for it but to pass the clause as it stands.

Hon. A. J. H. SAW: I suggest an English quotation to Mr. Lovekin and it is, "Lo! I bring not peace but a sword." If there is anything calculated to throw discord into the civil service it is the amendment moved by Mr. Lovekin. I believe the hon. member is going to introduce a good number of amendments which the civil service wish. Has he asked their opinion about this one? Personally I cannot see the slightest difference between a decision of the Arbitration Court and a decision of the Public Service Appeal Board. The grievances the civil service had were: firstly, that the former appeal board only had power to put them into a certain classification, and did not have power to recommend increases on the minimum; and, secondly, that when it came to superannuation rights, those were settled by a committee appointed by the Government and they had the right to appeal to the Governor-in-Council and that was all. I am perfectly certain that the service will not be content, and harmony will not be promoted if the amendment is carried.

Hon. H. STEWART: In view of the way in which the finances have been handled during the last 10 years, are we justified in anticipating that if we do follow the hon. member who moved the amendment, more beneficial results will follow if the power suggested is given to the board? I would like to see the board a little larger, and representatives of the general public on it. When classifications have been carried out by one man, I do not see any reason why we should doubt the ability of the board to be able to deal with the matter satisfactorily. It seems to me somewhat of a quibble to move the amendment. To go further. The clause seems to me to have a more serious and deeper meaning, and after it has been carried it may cause members to want to amend a part of Clause 6. Paragraph (a) of that clause sets out that the board shall have jurisdiction to hear and determine any appeal by any public servant from the Public Service Commissioner, or the Minister for Education, in respect of the classification, reclassification or salary of such public servant. Then it goes on to say that the board shall have jurisdiction in respect of any decision involving

the interpretation or application of the provisions of any Act or regulation governing the service of such public servant or class of public servants. If that is carried, it will give the board not only power to deal with finance and salaries, but to investigate even cases of dismissal. I shall suspend judgment as to whether I shall also vote for the inclusion of that portion of Clause 6 which I have read and which deals with the jurisdiction of the board.

Hon. A. SANDERSON: I regret that the mover of the amendment did not support me in the rejection of the Bill on the second reading. We would have got over all the trouble if we had thrown the Bill out at that stage.

Hon. A. Lovekin: You said it was a Committee Bill and I agreed with you.

Hon. A. SANDERSON: Having passed the second reading without a division, we are now asked to make a vital amendment. I ask the Minister is there in any of the Australian statute-books a provision anything like this?

The Minister for Education: There is the Arbitration Act.

Hon. A. SANDERSON: This has nothing to do with the Arbitration Act. This is for the establishment of a public service appeal board, and the prevention of unauthorised cessations of work by public servants. There is a public service in every State, and there is a Federal public service. Each has its own Act. Can any hon. member find in any of those Acts a provision such as we are asked to pass now?

Hon. Sir E. H. Wittenoom: It is a new departure under peculiar circumstances.

Hon. A. SANDERSON: Yes, but I am not prepared to support an amendment of this kind, which is an emasculation of the principal clause of the Bill. We had the right to throw out the Bill on the second reading, but we did not exercise it. Now, when we come to this clause, it is proposed to emasculate the whole Bill. Neither the Bill nor the clause is worth the paper it is printed on. The amendment would embarrass us and would inflict a most serious stroke on the feelings of the public servants.

Hon. J. J. HOLMES: It has been said that there is no difference between dealing with public servants under the Bill and the issuing to other employees of awards from the Arbitration Court. To begin with, the Bill will be read in conjunction with the Public Service Act, under which public servants are protected. The board is to fix the salaries of men under the Public Service Act, and this clause says those salaries shall be fixed. That is the difference between the Bill and an award of the Arbitration Court. It might come to a question of abolishing a lot of juniors in a department. That wholesale abolition might mean the consequent abolition of the office occupied by the head of the department. Then, probably, we should

have the head of the department justifying before the board the retention of the juniors; and if he succeeded before the board the Government would have to keep the juniors on and pay their salaries. Mr. Stewart says: "Look at the state of the finances." In all seriousness, I say that what we have to give later I am prepared to give now. If the public servants have not the right to remain in the service until they reach 60 years of age, the sooner they are told it the better; because if some day they suddenly learn that the Public Service Act is not worth the paper it is printed on, there will be another strike.

The Minister for Education: There is nothing wrong with the public Service Act in that respect.

Hon. J. J. HOLMES: Then they can stop in the service until they are 60 years of age, and Parliament has no control over the salaries paid. I will support the amendment.

Hon. J. NICHOLSON: I should have felt disposed to support the hon. member in some less drastic amendment, but I find that one of the difficulties of the past has arisen through the existing board having power merely to make recommendations, there being no provision in the Act that effect should be given to the board's decisions. In view of this, I think it necessary to review the position carefully, always bearing in mind that the Bill is designed to bring about a more contented service. Are we going to achieve that by carrying the amendment?

Hon. A. H. Panton: You would have a strike in a fortnight.

Hon. J. NICHOLSON: I agree that it would bring about a most serious state of affairs. I admit the serious aspect in regard to the revenue, but if we agree on the principle of the appointment of a board there is no use in delegating the necessary powers to the board unless the board is clothed with authority to make effective findings. The decisions of the board must be respected. Whilst I should have liked to see some modification of the clause, still since we do not wish to do anything which would cause dissatisfaction in the service we ought to pass the clause as it stands.

Hon. J. CORNELL: The whole purport of the amendment is that those who expect something shall get nothing. This would have to be the case if the amendment were to be effective. I cannot see the use of Parliament reviewing things afterwards. The Commonwealth Public Service Commissioner grades and classifies the service, and our Commissioner does the same with the State civil service. When Parliament handed over that function to the Public Service Commissioner, virtually if not actually it handed over the power of the purse so far as salaries to the officers of the service are concerned. The Federal Commissioner fixes the rates of wages. The Commonwealth Public Service cannot go piecemeal against the

decisions of the Commissioner, but must go collectively to the Arbitration Court and a collective decision is given by the court. Under this Bill there is going to be a series of verdicts and we shall have no idea of the actual cost involved. In the case of the Federal service the decision of the court is laid on the Table of the House for so long a period before it becomes effective. All this clause does is to give to another body the right to review what the present party already does. We shall not know until 12 months after what the actual increase of expenditure incurred by the board has been. This will have to be made up by supplementary estimates or Treasury bonds, or in some other way. If it could be laid down that the Estimates as presented to Parliament for the various sections of the Public Service could not be exceeded except by an increase in the revenue as the result of departmental acts, we should probably have the necessary machinery for providing the extra revenue to meet the increased expenditure as a result of the deliberations of the board. The railways, as a business concern, have done this on two occasions, for they have increased the charges to meet the increased expenditure. It is unfortunate that many of our public departments are not revenue producing at all. Members of Parliament are legislating themselves out of existence. If we go on as we are, handing over our authority to this board and that board, people will begin to think that there is something in the principles of Bolshevism, and that Parliament should be abolished.

Hon. A. LOVEKIN: If the Bill does not take away any of the rights of Parliament, there cannot be any harm in saying that these decisions shall be subject to ratification by Parliament.

Hon. A. SANDERSON: Do you think the other Chamber will accept the amendment?

Hon. A. LOVEKIN: That is immaterial to me. If the civil service will not vote for me because I will not vote for this clause, which I think is wrong, they must give their vote to someone else, who, they think, will serve them better. Another place has shirked its responsibility for they have placed it upon our shoulders. It would be wrong, however, for us to shirk ours. Parliament should have charge of the revenue of the State, but it is now proposed to hand a portion of our revenue to the care of this appeal board. As the Minister admits, it is serious to contemplate the Bill taking away any right of Parliament and, in these circumstances, I do not see why he cannot agree to the amendment.

Hon. A. SANDERSON: Is this clause to be found in any other Act?

The Minister for Education: Not that I know of.

Hon. A. SANDERSON: We have pinned down the Government to the position that they occupy in this matter and I do not think we can go beyond that. The clause

itself is bad and the whole Bill is worse and will not have the slightest effect. The debate has turned the full light on to this particular point and the Government are standing by the clause. There can be no argument but that the Government are entirely responsible for this clause, and the people in the Legislative Assembly who control the purse strings have passed it.

Hon. Sir E. H. WITTENOOM: So much importance do I attach to this clause as it stands, that I appeal to members not to treat it in any light manner but to give it the fullest and gravest consideration. It is one of the most important features of the measure. Apparently owing to a want of confidence on the part of the public service concerning the statements of the Government, the strike occurred. It caused untold inconvenience throughout the State. Negotiations between the Government and the representatives of the service took place and this Bill is the outcome. The most important part of the Bill is this clause because it provides for finality regarding matters in dispute and the decision of the board. That is what the service asked for. If anyone should be fully seized of the importance of this clause, it should be the Government of the country. The Government agreed to the provision and recommended it to the Legislative Assembly in the form in which it appears. The Legislative Assembly has endorsed it and this House will be taking a very grave responsibility in rejecting this portion of the measure. I am afraid of what the result may be if we interfere with this clause. It is the pith of the whole agreement and if we disturb it there may be further trouble. I ask members to recognise the very grave responsibility that rests upon them in this matter.

Hon. V. HAMERSLEY: I deprecate the manner in which some members are apparently inclined to shirk their responsibilities because the present Government accepted the Bill in the form in which it is. Mr. Lovekin needs all the support we can give him. We would be shirking our duty if we did not put this further safeguard into the clause. The Government may be quite satisfied to accept it, but the present Government may not always be in power. I think there should be the right of appeal from a decision of the board. It must not be forgotten that those sitting in conference with the judge are practically interested persons, seeing that they are interested in the raising of the salaries of some of their friends with whom they are directly in touch in their departments. It would be a great mistake on our part not to leave some loophole by means of which an appeal may be made. The amendment provides an opportunity for further review by the Parliament of the country.

Hon. J. J. HOLMES: I cannot follow the logic of some of the speakers. I am at a loss to understand what they are driving

at. Sir Edward Wittenoom favours the retention of the clause and objects to the amendment because if we assert the rights of Parliament here, we may have another strike. If the civil service are going to run this country instead of Parliament, the sooner we understand that the better.

Hon. J. E. DODD: I do not support it for that reason.

Hon. J. J. HOLMES: Sir Edward Wittenoom said that if it does not suit, Parliament has got to climb down. Mr. Sanderson is satisfied that he has gained one point in pinning the Government down to something. If I have any judgment in the matter, the effect is exactly the opposite. We shall be relieving the Government of any responsibility to Parliament so far as the civil service are concerned. The Government will say: "We regret the deficit. We regret this or we regret that, but Parliament has taken the control out of our hands under Clause 10." If members are satisfied with that position I will certainly vote for the amendment.

Hon. J. CORNELL: I desire to suggest a way out of the difficulty. I suggest that the clause should be re-drafted so as to provide that the award or decisions of the court shall be binding on both parties—it is not binding on one fellow to accept it, as it stands at the present time—and shall be given immediate effect. A proviso should be added as well, setting out that an award or decision shall be laid on the Table of the House for a certain period and shall take effect unless Parliament annuls it. That will be to follow the principle adopted in the Federal Parliament. I do not know of any case where the decision of a Federal court has been overridden by the Federal Parliament. We preserve and restore to the Public Service Act some semblance of control over its own service through Parliament.

Hon. Sir E. H. Wittenoom: Suppose the Government act on the award and Parliament afterwards objects.

Hon. J. CORNELL: There can be no objection so far as the public service is concerned, for the decision would be binding on both, and would be given effect to unless Parliament annulled it.

Hon. A. Sanderson: Would either House have that power?

Hon. J. CORNELL: No, both Houses must disallow an award before effect can be given to such disallowance. That point may be worthy of consideration.

Hon. A. SANDERSON: The proposal just made by Mr. Cornell shows the value of this discussion. I do not know how the proposal is regarded by the Minister for Education or by the mover of the amendment, but if the matter were put into form I should be disposed to consider it. I cannot vote for the amendment.

Hon. J. E. DODD: Reference has been made to the Federal Public Service Act. That Act has been repealed during the last few days, and a Bill has been introduced

taking away from the Federal public service the right to go to the Federal Arbitration Court. A special court has been established to deal with Federal public servants. I would not support the Government in this measure purely because they have arrived at an agreement with the civil service; I place the interests of the country first. This matter, however, would come up for review in another place every year when the Estimates were considered, and to that extent it would have to come before Parliament. This amendment would achieve no good, but would probably do an immense amount of harm.

Hon. A. LOVEKIN: After the remarks of Mr. Cornell, supplemented by Mr. Dodd, I suggest that progress be reported until Tuesday next. Meanwhile I will undertake to get the public service conditions to which Mr. Dodd referred telegraphed from Melbourne and set up in type for the consideration of members.

The Minister for Education: That Bill is only in course of consideration.

Hon. J. CUNNINGHAM: I oppose the amendment. We have agreed to the second reading of the Bill, and to the creation of the board. The board is created to take evidence, and to arrive at a decision, and now methods are being sought to lay aside its decisions. Surely members desire to do something to prevent a repetition of the recent simultaneous cessation of work. If the decisions of the board are to be held up, where will the civil servants come in and what will be the position of the Government?

Hon. J. J. Holmes: Who provides the money?

Hon. J. CUNNINGHAM: Who finds the money for increases awarded by the Arbitration Court to the railway servants? The public find the money, and the public will find the money in the event of any increases being granted by this appeal board.

Hon. A. Sanderson: The people are not finding the money; they are borrowing it.

Hon. J. CUNNINGHAM: The general public have to pay all increases, irrespective of how they are granted.

Hon. R. J. LYNN: The money lenders are finding it to-day.

Hon. J. CUNNINGHAM: Something might be done on the lines suggested by Mr. Cornell, but no good purpose would be served by the delay suggested by Mr. Lovekin.

The MINISTER FOR EDUCATION: I cannot see the slightest necessity for the amendment, or that any good purpose is likely to be served by inquiry by telegraph as to the contents of a Bill now under consideration in the Federal Parliament. The purpose of this Bill is to allow a board to hear and determine appeals. I do not know that members wish to alter that. Suppose the latter words were excluded from Clause 10, the board would still have power to hear and determine appeals. Anyone would think we contemplated something that had never been attempted before. Ever since the Act was passed in 1904, the position has been just

what the Bill seeks to set up. The words "and shall be final and effect shall be given to every such decision" is only an extra assurance to the civil servants that the decisions of the board shall be carried out. The Act of 1904 provides that the board shall inquire into every appeal, examine witnesses, call for papers and documents, and shall allow or disallow appeals, and the decision of the board thereon shall be reported to the Governor, and shall be final.

Hon. A. Sanderson: Not "that effect shall be given to every such decision."

The MINISTER FOR EDUCATION: Those words do not carry us any further.

Hon. J. J. Holmes: The 1904 Act means final so far as the board is concerned.

The MINISTER FOR EDUCATION: It means final so far as the parties are concerned.

Hon. H. Stewart: It means a moral obligation on the part of the Government.

The MINISTER FOR EDUCATION: And a legal obligation also. Effect must be given to a decision which is final.

Hon. J. Nicholson: Except that the Governor did not always carry out the decisions. That is where the trouble came in.

The MINISTER FOR EDUCATION: I believe there was some trouble, but this is no new departure. Ever since the 1904 Act the board have had power to deal with the matter of payments, because it could deal with classification, and the decision of the board was final. That is all this clause means.

Hon. F. A. BAGLIN: The amendment only proves the insincerity of some members who voted for the second reading. I supported the second reading because I believed that a majority of the civil servants wanted the Bill, and I am prepared to give it a trial. If the Bill is amended as proposed, we shall be back in the position we occupied when the cessation of work took place. The board must have this authority; otherwise the board will be useless. For a long time there has been much dissatisfaction among the employees of the Hospital for Insane, which is a Government institution.

Hon. A. Sanderson: Do they come under this proposed board?

Hon. F. A. BAGLIN: No. They are not public servants; they are controlled by the Colonial Secretary. They threatened to cease work, and an independent board was appointed to investigate their conditions of work and to determine their salaries. That board is clothed with the necessary authority, and so should be the board under this Bill; otherwise let us tell the public servants straight out that they are not to have a board at all. The amendment shows want of sincerity.

The CHAIRMAN. The hon. member must not say "want of sincerity."

Hon. F. A. BAGLIN: I will say, then, that it shows a want of something.

Hon. A. SANDERSON: I do not understand why the last speaker dragged in the staff of the Hospital for Insane.

Hon. F. A. BAGLIN: A board is to decide their case.

Hon. A. SANDERSON: I regard them as public servants, being employed by the Government.

Hon. F. A. BAGLIN: They are not under the Public Service Act.

Hon. A. SANDERSON: Then I fail to see that their case has anything to do with this clause. The leader of the House, when last speaking on the clause, said that there was nothing very novel in it. Somebody then interjected, and the hon. gentleman got a little closer, saying that under the Public Service Act there was a provision very like this clause, making the board's decision final. But this clause says in addition, "and effect shall be given to such decision." The leader of the House is a past master in convincing hon. members that any position he takes up is quite sound, but in this instance he has surpassed even himself, by saying that the words "and effect shall be given to such decision" make no difference.

The Minister for Education: I say that the clause does not mean much more than that the decision shall be final.

Hon. A. SANDERSON: Very well. I can quite believe that in other Acts of Parliament dealing with public services there is a provision very similar to this one, stating that the decision shall be final; that is to say, that the question is finished so far as the board and the public servant are concerned, and that the question cannot be reopened in a court of law, and that there is no appeal. But to say that the words, "and effect shall be given to such decision" do not make any difference is extraordinary. We ought to consider whether Mr. Cornell's proposal should not receive the fullest discussion. If we had the full information on the subject that we ought to have, it would not be very difficult to arrive at a decision. One of the Minister's officials would no doubt be able to inform us, through the Minister, whether there is anything like this provision in any of the Acts of the other States or of the Commonwealth. However, it is reasonable that progress should be reported now, in order that we may come to a proper decision.

Hon. A. J. H. SAW: My objection to Mr. Cornell's proposal is similar to my objection to Mr. Lovekin's proposal. What the public servants are crying for is finality. We are proposing to set up what we consider a fair tribunal, representing the public service and the Government, with an impartial chairman. The decision of that board should be final. Under no other conditions can the public service know peace and content. The leader of the House made a remark which might be interpreted in a sense different from that which he meant. The remark was that under the Public Service Act the deci-

sions of the appeal board are final. I believe they are final, but final in a sense entirely different from what the hon. gentleman meant. The true sense is that the appeal board give their decision, and there is an end of the matter, and very frequently no further notice is taken of the decision. I shall oppose Mr. Cornell's suggestion.

Hon. A. H. PANTON: I am rather surprised at Mr. Sanderson's line of argument. He is plainly anxious to learn whether such a provision as this is to be found in any other Australian Public Service Act. But there was never a public service strike in any other Australian State. From what I know of the whole business relating to the strike, an honourable understanding was arrived at between the Government of the day and the Civil Service Association that this board would be constituted. It was only for that reason that the public servants went back to work. Had the Civil Service Association at that time had the slightest idea that the board's decisions were not to be final, the public servants would not be back at work yet.

Hon. A. Sanderson: Final and given effect to.

Hon. A. H. PANTON: If a decision is to be final, it must be given effect to; else it will not be final. I believe a draft of this clause was before the Civil Service Association before the public servants returned to work. If the Government gave an undertaking to introduce such a clause as this, we should support the Government in the action which they took for the purpose of settling the strike. If this clause is part of the settlement, we should validate it. In another place a Bill has already been introduced referring to railway officers, and that Bill contains a clause on the lines of Mr. Cornell's suggestion for this measure.

The CHAIRMAN: The hon. member must not refer to what is occurring in another place.

Hon. A. H. PANTON: If we, being part and parcel of the Government, fail to honour the Government's undertaking with regard to this clause, there is going to be grave trouble in the public service.

[Hon. W. Kingsmill took the Chair.]

Hon. A. SANDERSON: How does Mr. Panton suggest that effect is to be given to any such decision? These people will go to the board and get a decision in writing which is to be final. Let us assume that they get a decision. How are we going to give effect to it? Can they go to the Supreme Court and get a mandamus to compel the Government to pay the money? Can they go to the Treasury and say, "We want the money"?

The CHAIRMAN: The question before the Committee is the insertion of certain words, the ratification or non-ratification by

Parliament of the decision arrived at by the Appeal Board. I ask hon. members to confine their remarks to the amendment.

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

Ayes	..	..	..	3
Noes	..	..	..	14

Majority against .. 11

AYES.

Hon. V. Hamersley	Hon. J. J. Holmes
Hon. A. Lovekin	(Teller.)

NOES.

Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cunningham	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. H. Stewart
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. F. A. Baglin
Hon. J. Mills	(Teller.)
Hon. J. Nicholson	

Amendment thus negatived.

Clause put and passed.

Clause 11—Record of proceedings:

Hon. A. SANDERSON: What is the meaning of "open to inspection"? Would it be in the way that the Land Titles department is open to public inspection?

The MINISTER FOR EDUCATION: There will be nothing confidential about the proceedings. They will be held in open court.

Clause put and passed.

Clauses 12 and 13—agreed to.

Progress reported.

House adjourned at 10.10 p.m.