

ancial accommodation within the limitations imposed on the Government, having regard to the financial needs of the very many services which the Government is called upon to undertake in the general interest and well-being of our community. I may add for the information of members that the total payments out of revenue for University purposes annually are as follows:—

	£
University Building Acts, 1930 and 1938 .. .. .	6,845
On £162,000 spent on Buildings and Crawley site, Interest and Sinking Fund, 4½ per cent. .. ..	7,290
	14,135
Plus Annual Grant .. .. .	40,000
	54,135

By way of comparison, I point out that in Queensland, with double our population, the sum of £59,000 was spent last year. This represented a grant of £40,000, plus a special grant of £19,000. If this Bill be agreed to, we shall, in the light of that comparison, show up very fairly. I desire also to make another comparison. The Education Vote for the State for this year is approximately £890,000. If one is to believe the statements made by members of this Chamber when discussing education matters, there is room for a considerable increase in our general vote for education, quite apart from the University. That is one of the main reasons why it is not possible for the Government at present to agree to increase the grant of £40,000 mentioned in the Bill to the larger sum asked for by the Senate. There are one or two other minor matters dealt with by the Bill that I have not touched upon, but I think I have covered the more important amendments. I do not propose to take the Bill into Committee tonight, and I would suggest that, if members have any amendments they desire to move, these be placed on the notice paper. I move—

That the Bill be now read a second time.

On motion by Hon. J. A. Dimmitt, debate adjourned.

*House adjourned at 10.50 p.m.*

## Legislative Assembly.

*Thursday, 7th December, 1944.*

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

### QUESTIONS (9).

#### WHEAT.

(a) *As to Transport to Coast.*

Mr. PERKINS asked the Minister for Railways:

(1) Is he aware that the railways are six weeks behind in the supply of trucks for wheat to stockfeeders?

(2) Is he aware that port reserves are continually being drawn upon and that shortly the position will be bare boards at the ports and all wheat stocks stored at country sidings?

(3) Is he aware that, unless the recent weekly tonnage hauled by the railways from country sidings to ports is considerably improved upon, there will still be a considerable tonnage of wheat left in country bins on the 1st November, 1945, notwithstanding that a very ready immediate market exists for all wheat available at Western Australian ports?

(4) What steps are being taken to remedy the very serious lag in weekly tonnages hauled by the railways?

The MINISTER replied:

(1) No.

(2) Every endeavour is being made to accelerate haulage from country bins.

(3) Yes, but it is expected that the haulage of wheat from country sidings to ports will be expedited so as to clear the wheat from bins by the 1st November, 1945.

(4) Answered by No. (3).

*(b) Alteration of Base Period for Growers' Licenses.*

Mr. WATTS asked the Minister for Lands:

(1) Has a decision been received from the Minister for Commerce with reference to wheat farms with a past history but which have not grown wheat during the base period?

(2) If so, what is the decision and will he illustrate its application?

(3) If no decision has been advised, will he press for an early settlement of the matter?

The MINISTER replied:

(1), (2) and (3) The Chairman, Stabilisation Committee, has received word that concessions granted to farms with a past wheat history do not apply to Western Australia. I am following the matter up.

**EGGS.**

*As to Delay in Payments.*

Mr. SEWARD asked the Minister for Agriculture:

(1) Is he aware that producers who have been sending eggs to the metropolitan markets have not received payment for such eggs for periods of 4 and 5 weeks after the eggs were delivered?

(2) What is the reason of such delay in payment?

(3) Will he take action to ensure that payments are made at fortnightly intervals at longest?

(4) If not, why not?

The MINISTER replied:

(1), (2), (3) and (4) Eggs are paid for at fortnightly periods, the intention being to forward cheques within 10 days after the end of the fortnightly period. Normally, therefore, eggs delivered on the first day of the fortnightly period would not be paid for until three weeks after delivery. Eggs delivered on the last day of the fortnightly period would be paid for within 10 days.

During the period of peak production, it was not possible to achieve this objective. The initial delay occurred in September since when producers have received cheques at approximately fortnightly intervals. When the floors at the Metropolitan Markets were taken over by the Controller of Egg Supplies, a system of accounts for the receipt, handling, recording and disposal of eggs was instituted, which is subject to Commonwealth audit inspection. Sufficient trained staff was not available, and it also was impossible to obtain mechanical office equipment for this season's operations. Steps have been taken already with a view to overcoming these difficulties.

**WAR HOMES.**

*As to Rental System.*

Mr. WATTS asked the Premier:

(1) If a house under the war housing plan is granted to an applicant on the rental basis, can it be converted, if the applicant desires, to the home purchase plan under the Workers' Homes Board?

(2) If not, can any applications now be received in respect of any, and if so, which country centres for purchase of homes under Workers' Homes Board system?

(3) What is the method of calculating rents payable in respect of war homes on the rental system?

The PREMIER replied:

(1) The houses being erected under the Commonwealth War Housing Scheme are for letting only at present though the Commonwealth Government has intimated that later they may be available for sale. When the houses are available for sale an intending purchaser will be able to obtain financial assistance from the Workers' Homes Board if his circumstances render him eligible under the Act.

(2) The Workers' Homes Board has respected the Prime Minister's request made over two years ago to cease house-building operations and is confining its activities to building under the Commonwealth War Housing Scheme. Though the Board is willing to receive applications from persons wishing to purchase houses in any of the country centres in this State, such applications will not receive consideration until the manpower and material position has improved to the extent of enabling the ordinary activities of the Board to be resumed.

(3) The economic rent is based on the capital cost of the house and will be made up of the following charges:—1, Interest at  $3\frac{1}{4}$  per cent.; 2, Amortisation charge over a period of 53 years (these will be combined and charged on an annuity basis); 3, Rates and taxes; 4, Allowances for maintenance; 5, Insurance; 6, Ground rent on the land; 7, Allowance for loss of rent through vacancy; 8, Administration costs.

### SUPERPHOSPHATE.

#### *As to Manpower and Supplies.*

Mr. WATTS asked the Minister for Lands:

(1) Are superphosphate works still short of the manpower required to cope with this season's requirements?

(2) If so, are any steps being taken to provide the necessary labour, and are they bearing fruit?

The MINISTER replied:

(1) and (2) There is a shortage of labour at two works at present. The matter is reviewed weekly and manpower authorities hope to supply the men required without further delay.

### WOOL TRANSPORT.

#### *As to Non-supply of Railway Trucks.*

Mr. WATTS asked the Minister for Railways:

(1) How many trucks for carriage of wool have been asked for at the following sidings and not supplied:—Pingrup, Nyabing, Badgebup, Ewlyamartup, Katanning, Broomehill, Pallinup, Gnowangerup, Borden, Toompup, Ongerup, Tambellup and Wansbrough?

(2) If not all supplied, when is it expected the balance will be available?

The MINISTER replied:

(1) Of the sidings mentioned, all orders for trucks for wool have been met, with the exceptions Pingrup 1, Badgebup 4, Katanning 2.

(2) Trucks for Pingrup and Badgebup will be supplied Thursday, 14th instant; Katanning today.

### HOTELS.

#### *As to Release by Military Authorities.*

Mr. SEWARD asked the Premier:

(1) In view of the altered military situation does he not consider that the require-

ments of the travelling public demand the release of certain city hotels which are at present being used exclusively by the military authorities?

(2) Will he make the representations necessary to secure the release of those hotels?

(3) If not, why not?

The PREMIER replied:

(1), (2) and (3) This matter will be taken up with the Commonwealth Authorities.

### SEWAGE.

#### *As to Restoration to Soil.*

Mr. NORTH asked the Minister for Water Supplies:

(1) To what extent, if any, is the metropolitan deep sewerage product restored to the soil?

(2) Is there any known process today by which practically the whole of the sewerage after treatment could be returned to the land to nourish it and restore the cycle of nature?

(3) If nothing of this is known here, will he get in touch with the Cambridge (Britain) experimental and research farm, with a view to remedial action here later?

The MINISTER replied:

(1) The whole of the digested sewerage sludge is disposed of for manurial purposes.

(2) Yes.

(3) See answer to No. (2).

### MINE WORKERS' RELIEF FUND.

#### *As to Alunite Workers at Chandler.*

Mr. LESLIE asked the Minister for Industrial Development:

(1) Are employees at the alunite works at Chandler compelled to contribute to the Mine Workers' Relief Fund merely in compliance with the provisions of the Mine Workers' Relief Act, or is it considered that employees are likely to contract silicosis or tuberculosis while employed there?

(2) Has any investigation been made to ascertain the extent to which such employees are subject to contract silicosis or tuberculosis in the course of their employment?

The MINISTER replied:

(1) Employees are compelled to contribute to the Mine Workers' Relief Fund be-

cause it is considered they may contract silicosis.

(2) No special investigations have been made.

### **BILLS (2)—THIRD READING.**

- 1, Criminal Code Amendment.
- 2, Optometrists Act Amendment.

Transmitted to the Council.

### **BILL—PARLIAMENTARY ALLOWANCES AMENDMENT.**

#### *Second Reading.*

Debate resumed from the previous day.

**MR. WATTS** (Katanning) [4.37]: So far as I and those associated with me are concerned, we feel justified in supporting this Bill. It merely recognises the increase in living costs which have occurred in recent years and particularly since 1936. It gives to members of this House the same consideration as, and no greater consideration as I understand it than, has been extended to members of the Civil Service. Indeed that consideration, to a greater or lesser extent, has been provided for all those subject to industrial awards or agreements and to others, too, who are not subject to such industrial awards or agreements. It has been suggested that the principle underlying the Bill is contrary to the Commonwealth wage-pegging regulations. I say that is not so.

**Mr. Marshall:** Definitely not!

**Mr. WATTS:** The Commonwealth regulations recognise to the fullest extent the increases which have been occasioned by the rise in living costs, which are quite outside the control of applicants as they are substantially outside the control of members of this House.

**Mr. North:** As they were in 1936.

**Mr. WATTS:** That is so. We must remember, as the Premier indicated when he introduced the Bill, that members of this House in 1931 had applied to them the same deductions as were applicable to all others under the Premiers' Plan. Indeed, they were subject to a reduction before the Premiers' Plan was formulated because they practically voluntarily agreed earlier than that time to a reduction of 10 per cent. in view of the circumstances that then existed. I think it can be truthfully said that actually the proposals of the Bill

should have been applied to Parliamentary allowances as from the time when a similar system was applied to the Public Service. If that had been done, the controversy which is now possible on this measure, whether it be justified or not, could not have been raised. The present position is that the average member of this House, on an allowance of £600 a year, is subject like everyone else to income tax deductions; and those income tax deductions average approximately £100 a year, and are therefore about five times as great now as they were in 1936. Further, it may be pointed out that with regard to the average member—and I am taking him to be a married man without dependent children—he will probably suffer in point of further tax deductions of approximately £40 a year; so that the net return, as far as such member is concerned, will undoubtedly be an insignificant sum by comparison with what the amount mentioned in the measure itself is.

Let me turn for a moment to the question of country electorates in particular, which have, as it were, seemed to find favour with some of those members who have seen fit to express some opposition to the Bill. Travelling expenses, especially in electorates covering many thousands of square miles, as a great number of them do, are much heavier in these days than they were four or five or six years ago. But there is no less travelling. In fact, in the experience of most of the members associated with me on these benches—and I believe that applies to other members similarly situated in other areas of the State—there has been more travelling required of recent years than there was before the war, because many questions requiring their attention have arisen, questions which, if the members are to do their duty reasonably by their constituents, entail a great deal of travelling. I would say, too, that in many of these electorates there is more work done by the member when Parliament is not in session than when it is in session.

**Mr. Marshall:** More travelling, anyhow!

**Mr. WATTS:** That has been my own experience, particularly before I occupied the seat I do at present. I have found that the work to be done by a member representing a country constituency, in session and out of session, from the aspect of ex-

pense has become more burdensome, and, from the point of view of the work itself, no less needing his constant attention and application. In the result a great amount of important work was produced which had to be done, and much of which had to be attended to in the metropolitan area, because, as we all know perfectly well, the seat of Government is here and the Government departments are here; and since the war began there has been a great increase in Government departments, the work of which is very closely related to the work of country people. Thus there has been a greater necessity for many country members to maintain for a substantial portion of the year two homes, as it were. As a result of the two reasons I have mentioned, their allowance has been substantially reduced, and at the same time the members concerned have been asked to pay the increased cost of living like everyone else.

The Bill provides that if this increased cost of living is substantially reduced as the months go by, then, in accordance with the practice applied to the Public Service, the allowance will be reduced accordingly. In those circumstances I fail to see how we can offer any opposition to the Bill. Had the Bill not adopted this principle but had undertaken to increase the allowance by some large and arbitrary amount, different considerations could have been applied to it and should have been applied to it. But the Bill is based on the principle which has been well established in practically all industrial and many commercial pursuits in this State and in Australia as a whole. I am not to be told that the service rendered in recent years, and particularly in recent years, by members of this Chamber and Parliament generally is not just as essential for the wellbeing and progress of the community as is the work rendered by any other section of the community. Therefore, if it is a good principle to have applied since 1936 to other sections of the community, in my view, and in the view of those associated with me, it is a good principle to apply to the circumstances of members of Parliament in 1944. In passing the Bill members will have established a principle which should have been established in 1936. As I have indicated, in all the circumstances of the case I can find no reason for opposition to the Bill that can be justified.

**MR. RODOREDA** (Roebourne): I certainly would not have intervened in this debate except for the speeches made by some members. It is very good indeed to have listened to the very fine speech just put up by the Leader of the Opposition. I am a very strong supporter of the Bill, and in my opinion its only faults are that it does not go nearly far enough in the amount of the increase it proposes, that there is no differentiation at all shown between the circumstances of town members on the one hand and on the other hand of country or outback members, and that the reasons it advances as justifying the increase are not the whole of the reasons. The Leader of the Opposition has advanced some reasons other than those stated in the measure, reasons which of course cannot be disputed and which, therefore, I will not take up the time of the House in reiterating. To say that I was astonished at the attitude taken up by the three speakers on the front bench of the National Party would be to put it mildly. Particularly I was astonished at the speech of the member for Murray-Wellington. I should have thought the hon. member would be the last man in this House to deliver a speech of that kind.

Mr. Marshall: You do not know him!

Mr. RODOREDA: Apparently I do not. His reference to old-age pensioners was, in my opinion, in terribly bad taste; and it was the quintessence of sickly sentimentality to introduce such a topic here. A few short hours earlier this House had passed a resolution stating what we considered ought to be done for the pensioners. It is, to say the least, inconsistent—and that is a very mild term to apply in the circumstances. What on earth the amount paid to old-age pensioners by a Parliament whose members receive £1,000 a year has to do with an increase in the salaries of members of this Parliament, is quite beyond me.

Mr. Berry: Was not their rate increased recently?

Mr. RODOREDA: The rates have been increased in accordance with the cost of living, but not very recently. I would like the three members to whom I have referred to try to live on the amount of their Parliamentary salary without having any other source of income, and then see whether their opinions would change.

Mr. Marshall: It would not keep them in cigarettes!

Mr. RODOREDA: I would estimate roughly that the aggregate assets of those three gentlemen would approach £150,000. That is only a rough guess.

Hon. N. Keenan: Of which £149,000 would belong to my two friends on my left!

Mr. RODOREDA: The member for Nedlands has a house that I know of worth from £30,000 to £40,000. It cannot be denied that those three members have other sources of income than the parliamentary allowance, as we term it; we are not allowed to call it a salary. For that reason I was astonished at their attitude. I do not think we should take a personal view of this. We must realise that the Bill was brought forward by the Government under severe and continuous pressure from the bulk of the members of this House. No Government likes to introduce a measure of this sort: it does not do so for the fun of it. The insistent clamour, particularly during the last 12 months, from members of all parties in this House and in the Legislative Council was so great that the Government realised that something had to be done, and all that disappoints me is that the amount of the increase is not large enough. I agree with the member for Nedlands in this respect: I think it does demean the dignity of Parliament to have members' salaries put on a basis of the rise and fall in the cost of living. I do not know that we should adopt that principle at all.

There is no tribunal to fix the amount of remuneration to be paid to members of Parliament. We are the only people who can do that, and I should say that we have enough sense of responsibility to do the right thing. We cannot get the Arbitration Court to fix our salaries, and even if some outside body did suggest some amount it would still be within the province of this House or the Legislative Council to alter or amend that amount. We are the final arbiters.

Mr. North: No other rate has even been suggested.

Mr. RODOREDA: There has been no alteration in our salaries since 1925 and everybody must admit that expenses have increased out of all knowledge since then. I am further astounded at the attitude of the three members to whom I have referred, because of the invidious position in which they have placed the members who sit behind them. It is a classic example of what we term "pooling" their mates.

Mr. McDonald: Those members are entirely free to vote as they choose.

Mr. RODOREDA: Of course they are!

Mr. Marshall: But you have deserted them.

Mr. RODOREDA: I suggest to those three members that they realise in their hearts this Bill will go through, and that they are quite safe in getting up and opposing it and deriving whatever kudos and public acclaim may come to them from this action of theirs. They can do that and still take the increased salary. I suggest to them that, to prove their bona fides, before the fate of this Bill is known they should hand a statement to the Treasurer that they will not take the increase if it is granted. There can surely be no objection to that.

Mr. Marshall: Let them give it to a patriotic fund.

Mr. RODOREDA: I suggest that they give the matter very serious consideration and we shall then know whether their speeches bordered on hypocrisy or whether they were genuine. In my view, the main reason we should vote for the Bill is not the rise in the cost of living but the huge increase that has taken place in the expenses of members of Parliament since 1936. My opinion is that even prior to 1936 the remuneration was not nearly sufficient, and members may recall that shortly after I came to this House I made reference to this subject; it is no new thing with me. I discovered, after having been only two or three years in this House, that I could not make out on the salary. I took action to try to have remedial measures adopted, but I was unlucky. I found that I was having to live on my capital and when that slender resource had vanished I had to go into debt.

I say quite candidly that no member of Parliament who has any family responsibility and no outside income can get by on his Parliamentary allowance, more particularly if he represents a country or outback electorate. As regards the £600, almost every business manager in this State, every commercial traveller, every insurance agent and even the lumpers would laugh at such a salary, but we who are supposed to be governing this State are trying to justify an increase in our remuneration on account of the rise in the cost of living! There are over 130 civil servants in this State who get more than that. Furthermore, if in the course of their duties they have to go out of the city for a day or two they are

paid travelling expenses. To suggest that this—what I would call “chicken-feed”—rise in our salary is worthy of opposition is laughable. There is also this other aspect: In no other profession—if I might dignify our job by using that expression—has a man got to spend a portion of his salary to do the job. But we have to spend a fairly substantial portion of our salary to do our job.

Mr. North: Wooing the electors.

Mr. RODOREDA: On that basis our £600 is a very small amount when our big expenses are taken into consideration. In 1935 I made reference to this aspect of the question and I would like to read from page 777 of “Hansard” of that year. My remarks on the matter were as follows:—

There is another matter on which I desire to touch, more with the idea of giving information to the public than in the hope of getting anything done to remedy the trouble. I refer to the big expense under which North-West members labour as compared with other members of Parliament. I suggest that the Government take into consideration the question of furnishing some sort of travelling allowance for members representing North-West constituencies. The fact that we do labour under a disadvantage is recognised in the Income Tax Assessment Act which allows us to deduct £100 from taxable income for travelling expenses.

The Premier: I get that allowance, too.

Mr. RODOREDA: Metropolitan members are allowed to deduct £50.

The Premier: I am on the same scale of deduction as you are.

Mr. RODOREDA: That is absolutely wrong. The relief which the deduction of £100 from taxable income represents to the North-West members is infinitesimal.

It was in those days, too.

However, there is a recognition that we do labour under a disadvantage as compared with metropolitan members and, I would even say, country members representing southern electorates. In the Assembly there are only four North-West members, and nearly all of us have to spend five or six days in getting to our constituencies. We have no railways to take us to them. We have to go either overland by car, or travel by steamer. In our own electorates we have to rely on our own resources to get about. We have to hire motor cars, or travel by the mail cars and pay for it or take our own motors up: and thus we are under continual expense when visiting our electorates. I have made it a practice to visit my electorate once every year. It takes me about three months to cover the area, and I have to travel 4,000 or 5,000 miles to visit even the principal centres in the electorate. Hon. members know what it costs to be away from home and travelling for about three months in every

year. The member for Kimberley (Mr. Coverley), I believe, has been away travelling for five months this year—travelling by motor car, pack-horse, camel, donkey, lighter, lugger and, in fact, anything that enables him to get about. The hon. member has to go through that process every year in order to visit his constituency adequately. Taking those things into consideration, some concession might be made in the way of a travelling allowance. The matter can be safeguarded. Undoubtedly, if it is left in the capable hands of the Treasurer it will be safeguarded.

The Premier: You have made out a very good case, and I will see what I can do.

Mr. Moloney: The hon. member had better let well alone now.

Mr. RODOREDA: ‘If I have an assurance from the Premier that he will look into the matter, I have no more to say.

That was in 1935 and I have had to wait ten years before any move has been made to rectify the position. Members may recall that I touched on this question in my Address-in-reply speech this year. Shortly after the commencing day a report appeared in the local Press that the Prime Minister of Canada, Mr. McKenzie King, had stated that in his opinion the members of Parliament of Canada should get £1,000 a year free of tax. Since then the members of the Queensland Parliament have raised their salaries by £200 a year. They did not need to justify that by any increase in the cost of living. In the opinion of the Chamber there members were worth that much money and they decided to get it. We are now told that Queensland is split in twain because of that. What ridiculous nonsense! In three months’ time the Queensland public will not know what salaries members of Parliament receive and will not care. I have brought this matter up and kept it alive for the betterment of members generally and for those who will come after us when we are defeated. I do not adopt the selfish attitude that, because I may have sufficient money, from an outside source, to keep going comfortably, I shall vote against other members, who are badly in need of extra remuneration, getting it. I make no apologies for my attitude. The difference that exists between town and country members is inequitable. I have sufficient faith in the commonsense of my electors to believe that they know that I have equity and justice on my side and will approve of my attitude.

MR. STUBBS (Wagin): It is not often that I trespass on the time of the House.

At the outset I desire to say that I am absolutely and wholeheartedly in support of the principles contained in this measure. I have vivid recollections of early parliamentary experiences in Victoria. At that time I was the intercolonial representative of a large Melbourne firm. That job took me from one end of Australia to the other and I often travelled with members of Parliament. Many of them were born with silver spoons in their mouths. They definitely said they did not want any parliamentary salary. I can truthfully say that many of those gentlemen got, under the lap, grants of land and other things simply because they had money in their pockets. That is why I am telling members that I still believe the labourer to be worthy of his hire. I have had 37 years parliamentary experience in this State, and I say that I have never met a more honourable set of politicians than those who compose the present Western Australian Parliament. Many members, like myself, have risen from the ranks and were not born with any silver spoons. They have done their job honourably and well.

Many of them, including myself, receive calls on their purses which, if they responded to them in full, would put them in the position that they would not be able to live at all. I do not desire to criticise members who are against the proposals contained in this measure. They are entitled to their opinions and I am entitled to mine. I have many years' experience behind me when I say that, in my judgment, the allowance made to members of Parliament is inadequate for the work they are called upon to do. Some people talk about a mandate from the people. I wonder how many people in my electorate know what money members of Parliament are called upon to hand out for charitable and other purposes. I wonder, too, if they consider whether members are able to respond to those calls. Each member has the same calls to meet although perhaps the city members have not as many as have the country members. Although some members may say that now is not an opportune time for this measure, I do not agree with them. I wholeheartedly support the Bill because there is nothing behind it other than a sense of justice. I have risen from the bottom rung of the ladder and if the House

agrees to this Bill I do not mind saying it will be a little God-send to me.

**MRS. CARDELL-OLIVER** (Subiaco): From listening to the speeches I can understand how, perhaps, an increase would be an embarrassment to some members in regard to income tax because even though the proposed amount is so small, it would probably lift them into a higher income group.

The Minister for Mines: I would love to be in that group.

**Mrs. CARDELL-OLIVER**: I have heard that country people are under a greater disadvantage than the town members. To be quite honest, I do not know how members manage at all if they have to live upon their parliamentary salaries. It is impossible. I keep notes of what I spend and possibly other members do too. I might enlighten the House by giving a resume of what it costs an ordinary city member. I do not know what it costs a country member. We get £600 a year. I believe £140 of that is deducted for income tax. There is hardly a member who is not called upon to help or give money away in his electorate, to the extent of £50.

**Mr. Cross**: Can you get away with £50 for that? I cannot.

**Mrs. CARDELL-OLIVER**: I am putting this as low as possible. I want the House to understand how impossible it is for members to live upon their Parliamentary income. The next item is, perhaps, peculiarly mine. I have put down £25 for typing, paper, stamps, etc. Members say that stamps and paper are allowed, but the Clerk of Records can bear me out when I say that I buy my paper because I use so much that I do not take any more from the House than is the usual amount allowed to members. The clerks also know the number of stamps that are not Government stamps that are used by me. In addition a certain amount of typing must be done through the year so that I have put down £25, which is a small amount, for these items. I have to keep a car and I daresay many members have to do the same. If they do not keep a car they cannot do their work. I can do four times more work with a small car than by using a tram.

My car, which is a small and cheap one, cost me £375. I have allowed £37 deprecia-



tion a year; upkeep in petrol and oil £33; tyres, repairs, cleaning and oiling, £50. Those are the car expenses I have allowed and I now come to election expenses, which I have worked out over three years. We are allowed £100 so that is approximately £33 a year. Then I have allowed five per cent. on the capital cost of elections which is £15 over three years—£5 per year. I have also allowed five per cent. on the £100 which, perhaps, will never be recovered because although a member who is elected may recover some of it, a candidate who is defeated never does, so that amount of capital is absolutely lost. My total annual cost, therefore, is £378 per annum, leaving a balance of £222 to live on. It is beyond my imagination how any member can live on that sum out of which rent, rates and taxes, water, light, medicine, hospitals, food, clothing and the cost of keeping up the position of a member of Parliament have to be met. It could not possibly be done. Therefore, unless a man has an outside income I say that he is a fool to endeavour to enter Parliament if he thinks he can live upon the Parliamentary salary. I wish to defend those members who say that they cannot live on the present allowance. I contend that to do so a member must have some outside income. If men who have given 20 to 30 years of their lives to serving their country in Parliament had to leave, it would be a disgraceful state of affairs and I do not think that in the circumstances an increase of a paltry £75 a year should be considered. My opinion is that every private member should receive £1,000 a year.

Members: Hear, hear!

Mrs. CARDELL-OLIVER: If that were the allowance, then we would get the type of person necessary to govern the country.

MR. NORTH (Claremont): Hundreds of years ago, when the House of Commons was first instituted, payment of members was the order of the day. In those times, however, the payment was not made by the State; it was made by the district which the member represented. Each district paid its own member. Therefore the principle of payment of members is not in any way new and, consequently, any insinuation that there is something wrong in the principle of payment to members does not hold water. If this proposal is considered to be an attack

on the Treasury and if the increase is thought to be a burden on the people, then we should consider the question of providing differential rates—rates to those members who have no other means and who give the whole of their time to their Parliamentary duties, and those members who have other means and give more of their time to other duties. If this were done, it would be quite possible to adjust the allowances in such a way that the total of the present fund for Parliamentary allowances would not have to be increased by the £6,000 involved in this Bill. That would be quite a simple way of meeting the position. If some members desired to oppose the Bill and felt strong enough to do without the increase, the measure could be altered to meet their wishes.

I appreciate that some of the members who do not give the whole of their time to their Parliamentary duties may be the most able and the most useful of all, capable of offering the most valuable suggestions. If this House were run on those lines, however, I am afraid it would collapse, because the Standing Orders could not be maintained. It is because so many members give the whole of their time to their Parliamentary duties that the House is able to function. If every member could ring up at 4 p.m. and say he would not be reaching the House until six o'clock, or would be out of town till next week, or would be absent on urgent business or through sickness, the business of the country could not be carried on. These are facts that are not made known to the people. The members who do not devote part of their time to outside work really carry those who neglect their duty to the House. Only on occasions like this when there is an implication that there is something not quite decent about members receiving Parliamentary allowances is one impelled to voice these points.

Unfortunately we are passing through a period of economic change that must have an effect on our whole outlook. I can see quite clearly that members view this question from two angles. Some view it from the old angle of scarcity, in which belief we were brought up as children, that the world is short of everything; others view it from the capital modern brake-horse-power outlook, which is the true outlook of today. The paltry question of pounds, shillings and pence should not be brought forward as

the guide and rule of our lives. The people have never been told, as they are told over the radio year after year what sort of soap they should use or what sort of car they should buy until they understand what soap or car they should favour; I repeat that they are not told by repetitive publicity that the cost of these Parliamentary institutions in Australia is much less than that of a dictatorship. The whole cost of the institutions constituting the democracy of this country is equal to only one farthing in the pound of the national income. We are all aware of that, but the people do not know of it. When that fact is appreciated, we realise how unfair it is to stir up the emotions of the people and make them feel aggrieved at the payment of this increase.

Ordinary persons do not deal in figures involving hundreds of thousands of pounds, but we deal with them continually over the years and our minds become gradually accommodated to accept the impression without being conscious of the smallness of outlook of the individual in private affairs. We are not really able to explain the position to the people, and it is quite paltry to pretend that any such proposal as that in the Bill would have the slightest effect on the burden on the people. Once the war is over the great trouble will be to find excuses and economic justification to enable us to get the big modern economic machine working again. I am very glad that the Government has taken this step but I regret that the Premier in moving the second reading of the Bill, did not say more along the lines traversed by the member for Subiaco, namely, that members of Parliament in view of their obligations are more or less on the basic wage. I do not urge that members should obtain any great benefit from public life, but the time has come when the people should be told that a great deal of time has to be devoted to politics if members are to equip themselves for and discharge their duties thoroughly.

I have been a member for some years. Previously I was practising the law. The allowance was then £8 a week. Very early in my Parliamentary career, I was appointed a member of a Select Committee on the municipal markets, and I think we did a very satisfactory job. It involved several months of hard work, including attendance at the market in the early hours of the morning.

While I was engaged on that work, a £100 brief came to my law office and I had to hand it over to my late friend, Mr. Lavan. I had to choose between profit to myself and doing my duty to this House, and I am more pleased at the result of the Select Committee's work than I would have been at finding £100 in my pocket and increased income tax to pay. We cannot expect to learn the duties required of a member and give full time to the work unless we make a real sacrifice in pounds, shillings and pence. When Sir James Mitchell was Leader of the Opposition he said to me "You will have to give your whole time to this work and spend many years acquiring knowledge before you are really fit to be considered a satisfactory member." I think that point should be remembered while we are considering a Bill of this sort.

A great deal of work has to be undertaken by members and the knowledge required to do that work cannot be assessed in pounds, shillings and pence. Some members have been worth millions of pounds to this State by reason of the development that has followed their work. For these reasons and others, I feel that this Bill while it might meet present needs, will not meet the position after the war. If we are to retain State Parliaments, which seem to be the policy now favoured by a large number of people who a few years ago affected to despise them, I hope that when the war is over, further action will be taken to make the position even more secure and attractive. This would enable the original idea of the payment of members to be given effect to, namely, that the representation of the people in Parliament should not be confined to the rich, but that Parliament should be an institution where the humblest in the land is able, by reason of the allowance, to hold the position of member and serve the people.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Basic wage adjustments applicable to Parliamentary salaries:

Hon. N. KEENAN: I wish to say a few words because of certain observations that

have been made. To support the increase may be popular and may excite admiration for its moderation. The point I make is this: Not that the allowance is sufficient, not that there should be no differentiation in the amount allowed, as was suggested by the member for Roebourne, between those who have far greater expenses to pay than have other members. But it is by no means justifiable for trustees to help themselves to trust funds without the consent and approval of the beneficiaries. We did not make the least effort to obtain that consent. We did not ask the electors to approve of our taking this extra money. I do not object to the increase, provided it is obtained in a proper manner. I strongly assert that we are the custodians of the public purse, and it ill behoves us, as such custodians, to help ourselves out of that purse when the money in it belongs to the people at large. It is also obvious that if outside income is to be taken into consideration, and we divide the members of this House into the rich, the middle rich and the poor, very probably those on the Treasury bench would be the cream from that point of view. So that disposes of that idea.

Mr. Rodoreda: That is a funny one!

Hon. N. KEENAN: I do not know how Ministers get rid of the money which they receive but, if they do not, there must be some among them well off. The member for Subiaco spoke of her expenses, but her bill would be a trifle compared with the bills of those sitting on the Treasury bench, while on the Treasury bench. I am not suggesting for a moment that the members of the Treasury bench do not deserve all they receive. It is absurd to say that because a member has an outside income of more than £600 a year, he should use that as a reason for objecting to the Bill. There is one other matter I wish to deal with. It is astonishing to me, if the salary or allowance is so unattractive, why it is that so many people want to get into Parliament. The Minister for Lands has often commented on the fact that a milk-round is the road to the Bankruptcy Court, but when it is put up for sale, it commands up to £400 or £500.

The Premier: Bookmakers are always losing at the races, according to them.

Hon. N. KEENAN: That argument does not fit. Why is it, if the salary is so un-

attractive, that so many people are willing and anxious to get into Parliament? I am sure that if any member were to stand down from his seat tomorrow, half-a-dozen candidates would be offering to take his place. To my mind, it is clear that the time has arrived for a revision of the allowance, but this should not be done without authority.

Mr. North: Would you need a referendum to get what you want?

Hon. N. KEENAN: I suggest to the member for Claremont that there is no necessity for a referendum, but it is necessary that the electors should know what we are intending to do. The member for Roebourne suggested that those who objected to the Bill on principle should not take the increase. If it will make him any happier I am quite willing not to take it; but if it will not make him any happier and if he thinks he has said something foolish, let us forget it. I am quite willing, if it is required as a test of sincerity, to give up my £75.

Mr. RODORED A: After having listened to the second-reading speech of the member for Nedlands, I hope I may be allowed to proceed on the same lines. I have no desire to cross swords in debate with the hon. member, because I know I would not have a chance. He can put up an argument which would sway a jury, but would not have much influence in this House. I merely spoke of testing the bona fides of the three members I mentioned because one of them, the member for Murray-Wellington, spoke last night about some idealistic members of the Queensland Parliament who were going to refrain from taking the increase. He said they were apparently bona fide in their objection and that was the way in which they showed it. There is no other way in which the opponents of this Bill can justify their opposition and prove their bona fides except by voluntarily forgoing the increase; and by not doing what some members of Parliament have done, namely, allow the increase to accumulate for four or five years and then take the lot.

Mr. Kelly: In the hope that taxation will be reduced in the meantime!

Mr. RODORED A: To suggest that would be ungenerous. There was nothing personal in my remarks about the three opponents to the Bill. I was particularly aston-

ished at the speech of the member for Murray-Wellington. The member for Nedlands opposes this Bill on some principle which I have not been quite able to grasp. Our electors will have a chance in due course to express their opinion on this Bill. Each member is responsible to his own electors; the member for Nedlands need not worry on that score. I can justify the increase to my electors. In fact, before the last elections I told them that I was working hard for an increase in salary. I made no bones about it. I was encouraged to do so because frequently I had been asked by many of my electors how in the world I got on with the salary I received. It has been suggested that we should put the matter before the electors. How would we be judged if all three parties were standing for election and all said that they were in favour of the increase? How could we get a mandate? The whole suggestion is ridiculous and I am surprised at the member for Nedlands adopting that line of argument. I know he does not believe in it himself; his brain is too keen to try to put that paltry stuff over this House.

The MINISTER FOR LANDS: I have no desire, like the member for Nedlands, to make a second-reading contribution to this discussion.

The CHAIRMAN: I point out to the Minister for Lands that the clause under discussion is the Bill, and there can be little limitation as to what can or cannot be discussed in regard to the subject-matter of the Bill.

The MINISTER FOR LANDS: I wish to point out just how foolish was at least one statement of the member for Nedlands. He suggested a mandate. We have had much criticism and abuse from the hon. member on the point because the Premier dared to say that the Government had been given a mandate by the people. He has repeatedly adopted that attitude, and now he suggests that the Government should go to the country and ask the people for a mandate on this subject! What a ridiculous argument, to suggest that a mandate should be sought from the people on this subject! If a referendum were taken it would cost perhaps £100,000. Is that the suggestion of the member for Nedlands? His whole statement from that angle is ridiculous, as is his suggestion of a compari-

son of the income of members on the Treasury bench with that of other members.

I make this suggestion to the hon. member: That he appoint the leader of his party as an arbiter, and I will lay before him my income, my outgoings and responsibilities for examination, and make that a basis of income of those on the Treasury bench, as a representative member, in these days of taxation; and then let the arbiter compare such information with similar information which might be obtained from a member I could name seated not very far from the member for Nedlands. We would then see how such personal comparisons stand examination. There is no apology from this side of the House or from most members on the other side of the House because of an attempt in these days to do something which has long been neglected. With regard to ministerial salaries, I think the hon. member is aware that when taxation was negligible the salaries were the same as they are today, and were the same when the responsibilities of Ministers were perhaps very much less than they are today.

The Premier: And the basic wage was about 7s. a day.

The MINISTER FOR LANDS: If we are to touch the high flights of the moral attitude on this subject let us be honest from that angle.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

### *Third Reading.*

Bill read a third time and transmitted to the Council.

### **BILLS (2)—RETURNED.**

- 1, Coal Mine Workers' (Pensions) Act. Amendment.  
Without amendment.
- 2, Motor Vehicle (Third Party Insurance) Act Amendment.  
With amendments.

### **BILL—REDEMPTION OF ANNUITIES ACT AMENDMENT.**

#### *First Reading.*

Received from the Council and, on motion of Hon. N. Keenan, read a first time.

*Second Reading.*

**HON. N. KEENAN** (Nedlands) [5.48]: This is in moving the second reading said: This is a Bill to amend the Redemption of Annuities Act passed in 1909. In one section of that Act there is provision for orders to be made by a judge of the Supreme Court for the purpose of redeeming an annuity which was charged on land either by the machinery of an agreed price or by some other means if the price could not be agreed upon. Section 3 provides for a judge being empowered to order the redemption of annuities on the surrender value being ascertained and paid in respect of the land on which the annuities were charged. There are many provisions in that section for arriving at the amount in the case of the absence of an agreement, but no provision is made for altering or amending whatever is determined on in the first instance, and where circumstances arise which make it necessary to apply for such alteration or amendment.

Almost every Bill of this character should have embodied in it a clause which would enable the proceedings from time to time to be reviewed as the necessity for review arises. Strange to say, this particular statute does not make such provision. It means, therefore, that a considerable amount of trouble arises because the only means whereby the matter can be reviewed now is by agreement of all parties. It is not always possible to get an agreement of all parties where liberty to apply is not reserved. They cannot, as the Act stands, now apply to the court and allow the court to determine the matter, because that tribunal has no power unless such liberty to apply is reserved. That, shortly, is the full intent of the Bill before the House. It merely provides that a judge in chambers may from time to time vary, alter or annul any order heretofore or hereafter made. I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

**BILL—LICENSING ACT AMENDMENT.***Second Reading.*

Debate resumed from the 5th December.

**MR. WILLMOTT** (Sussex) [5.52]: This is a Bill to amend Section 98 of the principal Act, and its purpose is to postpone the holding of a poll from 1945 to 1950. I think

our Licensing Laws and the administration of the licensing authority are such that there should be no objection to the proposal. It will generally be agreed that our licensing laws are quite strict enough to ensure that all licensed premises are kept in decent and respectable order. As a matter of fact, one frequently hears that these laws are too strict, but with that I do not agree. The Minister for Justice has pointed out that many of the hotels are under-staffed, and that therefore they have difficulty in arranging accommodation for visitors. That is often the case in my electorate, and I presume it occurs in many others. I cannot altogether blame the hotel proprietors. I know of instances where the husband and wife are doing all the work of the hotel because of their inability to obtain a staff. The staffing of hotels is very unfavourably situated on the priority list, because there are so many other calls upon available manpower for dairy farms and other essential industries. That is one of the reasons why hotel staffs are not procurable.

Instances of that kind should be looked into, especially in an electorate such as mine which is so favourably regarded as a holiday resort. People have come to me and complained that they were unable to secure hotel accommodation at, say, Busselton, or some other town, or at Cave House. I am sure that hotelkeepers are willing to do all they can in this respect, but they are greatly hampered through lack of manpower. I hope the Bill will become law because I feel it would be very wrong for the Government to spend money on the taking of a poll on this question, particularly as so many men and women are in the Fighting Services and would be unable to record their votes. If the Government thought fit to take a poll at some future date it could probably be arranged in conjunction with some Legislative Assembly election.

**Mr. Watts:** A very dangerous proposition, that is.

**MR. WILLMOTT:** In view of the work that has been done by the Licensing authorities I do not think a poll is necessary. Furthermore, hotelkeepers seem to be doing a very good job under the existing provisions of the law. At the same time, I feel that some consideration should be given to hotelkeepers who are specially catering for holiday-makers, say, at seaside resorts such as Busselton, Bunbury, Albany, Cave House,

Margaret River, and Augusta. They should be allowed an increase in their liquor rations.

Mr. SPEAKER: That has nothing to do with the Bill, which deals only with the taking of a referendum.

Mr. WILLMOTT: The matter is one that could well be looked into. I support the second reading.

Mr. GRAHAM (East Perth): I find myself in disagreement with the Bill. There is in existence an Act, the provisions of which have been set aside by successive amendments deferring the taking of a poll. As I see the position, if it be the intention of the Government of the day not to carry out the provisions of the Act, the proper course to pursue would be either to repeal it altogether or repeal those provisions which set out that a poll must be taken every five years. Whilst the Act is in operation I am of opinion that the poll should be proceeded with. I say that impartially, without expressing my attitude in connection with such a poll. That is quite beside the point. What I am referring to is the principle contained in the Bill. I do not know on what ground the holding of a poll was deferred on previous occasions. We have been told that on the present occasion the matter is being deferred because the nation is at war. I remind the House that during the past 12 months or so a Federal election and a State election have been held, a referendum has been taken, and quite a number of by-elections have been held. I am of the opinion that the war effort of this country was in no way impaired on that account.

The plea that we are at present engaged in a war and that our energies and attentions must not be distracted from that effort, and so on, is not sufficient for me in this matter. I do not think personally there would be any disturbance of the war effort of this State if the poll were to be held. It is useless to retain on the statute-book various enactments if the intention is not to proceed in accordance with their terms—unless it can be shown that matters of extreme urgency have arisen making it advisable not to give effect to the legislation. As there has been this delay for such a protracted period, it will be expected that a poll shall be held in accordance with the terms of the Act. If it is the general view of Parliament, that such polls are unnecessary, then the

relative section of the Act should be repealed. While it continues in the Act, it should be observed. I oppose the second reading of the Bill.

Mr. MARSHALL (Murchison): I am rather inclined to agree with some of the remarks of the member for East Perth. Certainly I do not think we should constantly postpone the holding of the prohibition polls. I was a member of this House in 1922 when, if my memory serves me aright, this legislation was passed, and I think we have had one or two polls only on the question of prohibition since then.

Mr. Doney: There has been only one, has there not?

Mr. MARSHALL: I am not sure.

Mr. McDonald: There has been only one.

Mr. MARSHALL: Since then we have constantly postponed the holding of the prohibition poll. That course has been adopted in a constitutional and legal manner, but I agree that there are good grounds for arguing that there is quite apparently a desire to side-step Section 98 of the Act, as the member for East Perth suggested. Whatever may have been the reasons for postponing the polls in past years, I am of the opinion that it would be unfair to take such a vote on this all-important question at the present moment. There is one point respecting which the member for East Perth will agree with me, and it is that a basic principle on which democracy rests is the right to exercise the franchise. Many of our soldiers possibly could vote, but have not done so under the stress of war.

Mr. Willmott: But many could not.

Mr. MARSHALL: Many thousands in these days would find it utterly impossible to cast a vote. Although the number may be few compared with the aggregate number who could exercise the franchise, nevertheless it would be unjust and unfair to deny those people the right to say whether or not Western Australia should remain wet or go dry. It must be remembered that a simple majority is sufficient to carry the vote. If there were a majority of one only, that would mean prohibition would become the law of the land. That could easily happen because there are thousands of men and women in the Navy, Army and Air Force who could not exercise the vote. It would be impracticable for them, although

the law provides for their doing so. Whatever influences may be at work to effect a postponement of the prohibition vote on this occasion, I must differ from the member for East Perth to the extent that I consider that it would be quite unfair to many who would not have an opportunity to exercise the franchise on this occasion and I therefore support the second reading of the Bill.

I warn the Government that beyond all doubt there is a large section of the community that desires the enforcement of prohibition throughout Australia. In 1922 this particular provision was inserted in the Licensing Act ostensibly to give the people an opportunity to decide the issue at a poll. Now, as a Parliament, we take it upon ourselves to postpone the poll for a period of five years, which is a long time. Of course, I understand that the postponement must be for periods of five years at a time. I agree with the member for East Perth, however, that having regard to the fact that, we hope, the war will soon end, a Bill of this description should not be introduced again to take from the people the right to vote on this all-important question.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## **BILL—ROAD CLOSURE.**

*Second Reading.*

Debate resumed from the 5th December.

**MR. WATTS** (Katanning) [6.12]: There is no need to dwell on the Bill because its provisions were carefully explained by the Minister for Lands when he introduced it. There is one aspect only to which I shall make reference, namely, the proposed closure of portion of Lancelot-street, North Fremantle. Some months ago I noticed in the Press references to objections raised by residents in the vicinity to the closure of this part of Lancelot-street, which seemed to have been the subject of an application by the Shell Oil Company to the local municipal authorities. A petition from ratepayers in question was received objecting to the

proposed closure. Knowing that I was interested in the matter the Minister was good enough to provide me with the file dealing with this question. The records show that the matter had been considered by the Surveyor General and the Town Planning Commissioner who took the view that the closure should be agreed to. Arrangements were then made between the municipal council and the company in question which necessitated the expenditure of some hundreds of pounds by the latter on the construction of a road and in carrying out other arrangements made between them.

The net result appears to me to be that the objections raised by the ratepayers, as so often is the position when petitions are signed, boil down to the fact that three or four people raised the protest because they thought it would affect their domestic affairs. At any rate that is what the file discloses and when one realises that the matter has received the closest attention and consideration of the Town Planning Commissioner and the Surveyor General, neither of whom is easily influenced to a decision against what he conceives to be for the public good, one concludes that there is no need for fear regarding this particular closure. I know of no objection to any of the other matters dealt with in the Bill and therefore I support the second reading.

**MR. McDONALD** (West Perth): Having heard the explanation of the Minister when he introduced the Bill, I can see no objection to the passing of the measure, which appears to be amply justified.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## **BILL—RESERVES.**

*Second Reading.*

Debate resumed from the 5th December.

**MR. WATTS** (Katanning) [6.14]: My views on this measure are exactly the same as those applicable to the Road Closure Bill. I have carefully examined the proposals in the light of the explanation given by the

Minister for Lands. One of the reserves affected has relation to a road closure at Merredin to which we have just agreed, but, so far as I have been able to ascertain, everything is in order, and has received the direct attention of the officers of the Lands Department. I can see no objection to the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

*Sitting suspended from 6.17 to 7.30 p.m.*

**BILL—GOVERNMENT EMPLOYEES  
(PROMOTIONS APPEAL BOARD).**

*Second Reading.*

Debate resumed from the 30th November.

**MR. DONEY** (Williams-Narrogin) [7.33]: The Bill needs a few substantial amendments, and quite a number of small ones; but so far as the basic principle is concerned, it is entirely acceptable to me. Where A and B feel aggrieved because a promotion representing improved status and higher salary has, on appearances, been given wrongly to C, it is surely due to A and B, and any others similarly placed, that they have an opportunity of a rehearing. This Bill gives them that rehearing. Now, such a means as stated in the Bill of adjusting these differences should have been provided long ago. As matters stand today, aggrieved persons sometimes put in days in nursing grievances or, for that matter, discussing them with their colleagues, instead of attending to their departmental duties, which naturally suffer. I seem to remember that an opportunity was given to a Government to correct this vital fault. That was a few years ago, when this side of the House, if I remember rightly, submitted an amendment to the Public Service Appeal Board Act providing for appeals against disputed promotions; but the Bill failed of its purpose because of opposition from the Government front bench.

Two omissions from the Bill that I think might beneficially be included are,

firstly the right of appeal against retention of an employee in the Government employ for an unduly long period without an opportunity of promotion to a higher grade, and secondly, the rights of certain railway traffic employees in particular, guards, shunters, and conductors who are correctly known as ticket collectors, to appeal against the absence of any set line of their advancement from their present grade to some better paid grade. Those men—the Minister will correct me if I am mistaken—might properly be termed “dead-end men.” They get to the top of the ladder, so far as guards and so forth are concerned; and they can get no further. Now, whether those types of injustice qualify for inclusion in a Bill of this type I am not at the moment too clear; but at least they do deal with promotions, and certain it is, too, that the absence of any machinery to correct faults of this kind is to be deplored.

Those who like myself travel frequently by trains know quite a large number of railway men of a high degree of competency who are easily able to bear responsibility far greater than they now have. It is a pity not to employ those men at work in keeping with their abilities, and thus avoid creating economic wastage which for State reasons would be greatly regretted. I have previously, but without success, asked the Minister for Railways to investigate this fault with the object of correcting it. I ask the Minister the same question now, whether he will make an investigation with a view, as I have said, to correction. I suppose that railway men would be perhaps the greatest sufferers so far as promotion is concerned. At present I understand the position is that a rejected applicant has no right of appeal. It has to be admitted, of course, that he may submit a protest; but that is of no real avail, so far as I can see, because in effect the protest is dealt with by the head of the department, which means by the same officer who has already decided against the appellant.

If a junior has been appointed, the routine answer, I understand, is that the best available man has been appointed, whereas if a senior but otherwise, we will say, quite possibly an unsuitable man has been preferred, then seniority is given as the reason, and naturally the matter rests



at that. Conceivably there may have been, over the years, some cases where these protests have succeeded; but if there have been such cases, I do not think there have been any for several years, and so they must be pretty few and far between. In saying this I am alleging nothing against the present railway administration, whose method of dealing with promotions has no doubt been the practice for the last 20 or 25 or even more years; but, manifestly, there should be, and I am sure the Minister agrees with me, a disinterested body to whom disputed promotions, whether on the railways or elsewhere, could be referred. Otherwise all the railway promotions, anyhow, go practically unchallenged.

It may, therefore, be taken for granted that so far as railway men in particular are concerned, they will be among others who will welcome this measure. I recall that the Minister in submitting the Bill and in submitting also that the present methods of dealing with promotions are unsatisfactory, ran his eye over the several reasons why that should be so. Again if my memory be right, the Minister named favouritism, influence, and propinquity, each of which factors in due turn received its due measure of condemnation. I consider that these three sources of injustice have a great deal to answer for; they have without doubt kept many a good man under and for that matter have elevated many a dud. By favouritism no doubt the Minister meant favouritism of some employee on the part of his superior officer; and by influence he doubtless had in mind the persuasion of someone in power outside the department. That, I entertain no doubt whatever, would include a great many and possibly all of the members of this Chamber and of another place, whilst I presume that propinquity referred to the preference which certainly is sometimes given to that employee the nature of whose work brings him constantly into close contact with his chief. That employee is, I have no doubt, generally anyhow, quite a good man; but the point is that he is not necessarily the best man for the job when those who are in some way qualified for it have their capacities taken into account.

To a large degree, but of course not wholly, if this Bill is enacted it will cure all these ills and should have the effect of giving a good man his due. Nevertheless

it is necessary to watch very closely the operation of this new purge to see that we are sure that in all things we follow the straight and narrow path. If in actual operation, as the years pass, weaknesses are disclosed, we should be ready to amend them so as to secure the greatest possible measure of contentment in the public service. Members will agree that contentment in the Public Service is an important factor in the progress of this State. The Minister mentioned political influence, but he did not pass upon that the harsh strictures that the House might have expected. I recall the Minister saying "It might be thought that political influence operated in Western Australia." Might be thought! It is thought! It is known! There can be no two opinions on that point. Surely we all remember the noise in the streets and elsewhere that followed the appointment, two or three years ago, to high positions of men whose main qualifications were that they were political supporters of the party in power. I may say that this stupidity which cost the State a great deal is not the prerogative of any one party. As a matter of fact, I am not in a position to apportion blame.

My wish, per contra, is that the House should without reservation unite to remove this particular blot from this Parliament, and not only from this Parliament, of course, but from all Australian Parliaments. I suppose I may with justification add, including particularly the Commonwealth Parliament. The Minister's comment in respect of this matter was that perhaps, consciously or unconsciously, political patronage did exist in this State to some extent. I may pass this comment: That the Minister's summing up was mild and trustful to a most amazing degree. But whilst the Minister was tolerant in respect of political patronage, he was hard indeed on what he termed social influence. He intimated that social influence was stronger than all those other undercurrents of injustice to which I referred a few moments ago. Actually I have not given this matter of social influence the tiniest thought; I have never suspected its existence. I must have been blind and deaf for the past 20 years for I do not think that ever before—and certainly not during my connection with this House—have I heard social influence mentioned as having anything at all to do with

appointments to Governmental departments in this State.

Mr. Withers: You are young in politics!

Mr. DONEY: I am reflecting that I am a little younger than the member who interjected. It is astonishing to me to think that after 12 years—I think it is 12—of continuous Labour government in this State, the strongest influence for ill in the Public Service of Western Australia is social influence, an influence supposed to be as much anathema to members on the other side of the House as it is to those of us on these democratic benches. I hope the Minister will take some notice of this. I would be pleased if he could tell me how and where this social influence has been functioning in respect of appointments, and exactly what appointments in recent years have resulted from it. I hope the Minister listened to that invitation and that in due course he will afford me a reply. I believe in the Minister's Bill, and I believe in the soundness of its purpose. Very certain it is that, as I mentioned at the outset, it needs some amendment. One clause in particular that requires amendment is the one referring to the bar at £750. As I see it, that can serve no good cause at all, and should, without question, be eliminated at the Committee stage. I ask the Minister and the House why the sum of £750 should be fixed? Why stop at that figure? Why stop anywhere? I could understand the Minister exempting such positions as those of the Public Service Commissioner or the Commissioner of Railways, or one of the half-dozen others that appear in an amendment on this matter that I have on the notice paper.

The Premier: Or an Under Secretary.

Mr. DONEY: That could be discussed in Committee, but I would say that in general the positions mentioned in my amendment are appointments made from outside the services. I have, therefore, included the Director of Education and a few of the more highly placed technical officers in the different departments. I would say, too, that those positions to which I am referring should be made subject to determination by Parliament. Why departmental heads should be able to nominate their £750-a-year men and those receiving more than that should nominate them and be free from interference is what I cannot understand. It is the jobs of £750 a year and upwards that

are the most sought after, and they are the ones that create the greatest upsets in the minds of the unsuccessful applicants and lead quite naturally to the biggest sense of grievance which is, of course, the particular ill this Bill seeks to cure. I tell the Minister, having regard to the matters I have mentioned, that unless he agrees to remove this bar, he will spoil his Bill. I reckon that the £750 bar is absolutely wrong and will breed endless trouble.

I have, as I have told the House and now repeat, an amendment on this question. Incidentally, so far as I can recall, the Minister gave no reason at all why he drew the line just under £750. I recall his explaining to the House that in Queensland, where they have a measure more or less comparable to this, there is a schedule covering some several dozen positions exempted from the operations of the measure. Again, I recall his saying that here we do not propose to follow Queensland's lead in that regard, but have decided to draw the line under £750. Once more the Minister forbore to give the information why he had drawn the line at that figure. I disagree, too, with the right of the board to hold its meetings in camera. I believe that all appeals heard under the Public Service Appeal Board Act are held openly. Is that not so?

The Premier: All the appellants can be present.

Mr. DONEY: Are not the members of the general public permitted to be present?

The Premier: They do not go.

Mr. DONEY: No, but they have an opportunity to go; they are not barred. The board does not sit in camera, as is proposed in this instance. I suggest there can be no sound reason why in this case there should be a departure from that very sound practice. I regret very much the absence from the Bill of any provision dealing with preference for returned men. There again, I have on the notice paper an amendment seeking the inclusion of some reference to that matter under the definition of "efficiency." I do not want to have the Minister misunderstood regarding this matter. It is not that he has declined to put this in the Bill, but that, if I understand the position aright, he has been waiting for this stage before deciding in what way to insert it. One other matter to which I raise objection

is that appellants may be represented by an agent who must, however, not be a counsel or a solicitor. I cannot for the life of me see any sound reason why a legal practitioner should be kept out of a dispute of this kind. There may be a reason but it was not mentioned by the Minister and I cannot imagine what it can be.

The Premier: Legal men are not allowed in the Arbitration Court, either.

Hon. N. Keenan: That is the only court where they are not allowed.

Mr. DONEY: There may be some reason for prohibiting them from entering that court. That same reason, however, need not apply in a case such as we are dealing with now. I would refer to the case of Dr. Bentley, which is pretty well known to everybody here. Members will recall that some four years ago—I am not quite sure how long ago it was—Dr. Bentley, a man highly esteemed in his profession, was under a charge of inefficiency in respect of his professional conduct, the charge having been levelled by a certain Under Secretary in Government employ. Obviously, it was a serious charge against the doctor, and he decided to seek the best legal advice obtainable. He secured it, one might admit, in the person of my learned friend, the Leader of the National Party, the result being, of course, that the doctor was acquitted of the charge. Had he on that occasion not been permitted that assistance, the odds are that he would have gone from that court a broken man with no professional standing whatever. In the Bill, there is quite a number of points that might properly be dealt with at the second reading but, for reasons which the Premier will appreciate, and so will all members, I will content myself with what I have said, except to intimate that I support very gladly the second reading of this Bill.

HON. N. KEENAN (Nedlands): It is to be regretted that a Bill of this importance came down at this very late stage of the session. It is a Bill of considerable importance to a large number of public servants of this State. The Bill having been brought down at this stage, it will be impossible for it to receive the attention it should receive. Nevertheless, it must be considered to the best of our ability in the short time at our disposal. The intent of the Bill as explained

by the Minister, is very worthy and laudable. It is to endeavour to remove from influences of an improper character appointments and promotions in the Public Service. I do not propose to investigate the different matters to which the member for Williams-Narrogin referred to some extent but, in my opinion, the principal offender was undoubtedly political pull and the Minister himself has dealt with that. To a considerable extent, this Bill will undoubtedly be a very potent means of overcoming that improper influence.

It may be proper to remind the House that the first attempt in this State to protect the Public Service was made 40 years ago, when the Public Service Act was passed which created a Public Service Commissioner and gave him very considerable powers both for the proper discipline and government of the Public Service and for its protection. Unfortunately, I do not think his powers are anything like sufficient. For instance, he has no power whatever to select an applicant for a new office or for an existing office by way of promotion. All he can do is to recommend. His recommendation might or might not be accepted by the Minister of the department. When members examine this Bill they will find the position completely changed, because now the board will have real power and will be able to order the appointing authority to carry out the instructions it gives in reference to who shall fill any particular appointment that comes before it. The 1904 Act has also this drawback that it relates to only a limited number of public servants, whereas this measure relates to all public servants. Every employee in the service of the State from those of the humblest to those receiving a salary of £750 per annum is covered by the Bill.

I point out what has already been stated by the member for Williams-Narrogin that there is no need for stopping at the figure of £750. On a careful reading of this Bill I have come to the conclusion that though it is a big improvement and therefore deserving of support, it could be made more efficient if a panel were adopted for the purpose of this organisation. The Bill proposes to create a board that will have as its chairman a police or resident magistrate. He will always be the chairman of the board and will be appointed by the Government on the recommendation of the Minister. Two other persons with the resident magistrate,

will constitute the board. These two persons are easily identifiable because their choice is restricted by the provisions of the measure. Instead of that board, which might be described as a fixed board, we could have a panel of magistrates from which we would draw the one to act as chairman, and a panel of other persons qualified to act in the capacities required by this measure. From that panel the board would be drawn as soon as conveniently possible before it was required to sit.

That would remove entirely the possibility of any approach being made, as suggested by the Minister when he talked of social influence. It would be in the same position as a jury. We seldom hear of any attempt to "get at" a jury because no one knows who will be the members of a jury until the required members are selected from the panel. Under this scheme it would also be impossible to tell the exact personnel of the board until immediately before it sat. That would remove almost entirely the possibility of the exercise of any undue influence on any member of the board. That is the ideal to achieve, and when I say that I am far from condemning the proposal in the present Bill which I admit goes a considerable part of the way. I mentioned that the Bill is confined to public servants receiving a salary of up to £750 a year with the provision that the Governor—which means the Governor in Council—can extend it for any special reasons to any figure. That power of extension is open to two serious objections which have already been indicated by the member for Williams-Narrogin. One is that if it is proper and just and on the whole likely to be successful in dealing with all promotions up to £750, why stop at that figure?

The second reason is that it is undesirable to give to a Government the power to say that certain officers, and only certain officers which it happens to select, will be subject to the Act. It puts the Government in a most invidious position because if an appointment carrying a salary of £1,500 or £1,200 a year becomes vacant the Government, if it does not adduce special reasons for submitting its appointment to a board, immediately lays itself open to criticism. On the other hand, if it did it might be said by some that it was afraid of taking responsibility and was "passing the buck." In either

event it would mean the fixing of this figure at £750 and leaving any exceptions to the Governor in Council, which would not bring about the desired result. There is also a third point as mentioned by the member for Williams-Narrogin, namely, the necessity for excluding entirely from this Act certain appointments which the Government of the day must take full responsibility for, for instance, the Chief Justice, the puisne judges, the Engineer-in-chief, the Commissioner of Railways, the Public Service Commissioner, and various other officers all of whom are of such importance that whatever Government is in power should accept the responsibility of making a selection. If it makes a bad selection it must answer for it.

I want to economise time as much as possible because I know that our hours are numbered. In order to achieve the purpose I have explained, that is to make the Bill cover officers receiving more than £750, I intend to ask the House to instruct the Committee to amend the Public Service Appeal Board Act of 1920 so as to give that board power to deal with appointments and promotions to new offices. Under the Public Service Appeal Board Act no such provision is made. So on many occasions, certainly on two or three—the board has had to decline applications made to it to review promotions and to review appointments to new offices, because it found it had not the jurisdiction to do so. That board consists of a Supreme Court judge and two members, one appointed by the Public Service Commissioner and one by the particular class of public servant whose interests are at stake. Undoubtedly within the limits of the Act it has been very successful. I am well aware that to give that board the power to make promotions in respect of all officers coming within this Bill and in receipt of over £750 would meet with the approval of the public servants of this State. Those are the few remarks I intend to make as a number of amendments stand on the notice paper in my name. They are nearly all formal, but I shall ask members to allow me to move them.

Question put and passed.

Bill read a second time.

*Instruction to Committee.*

**HON. N. KEENAN** (Nedlands) [8.10]: I move—

That it be an instruction to the Committee on the Government Employees (Promotions

Appeal Board) Bill that provision be made for an appeal by an employee to lie in respect of any office or class of office which entitles the employee holding the same to salary or wages at a rate higher than seven hundred and fifty pounds per annum by appropriate amendments of the Public Service Appeal Board Act, 1920-1943, or otherwise as the Committee may think fit.

I have already given my reasons for moving this instruction. The amendment I wish to move is to Section 6 of the Public Service Appeal Board Act. For the moment I am not in possession of the amendment, but I do not think it necessary for me to submit its terms at this stage.

Mr. SPEAKER: No.

**THE MINISTER FOR WORKS:** There is no necessity for this motion. I have given some further consideration to the matter of this proposed bar to the salary rate of £750 per annum, and I intend when in Committee to amend that particular part of the Bill to enable the rate of £750 per annum to be calculated in such a way as not to include any basic wage, living or other allowance. The result will be that appeals will be allowed to Government employees whose rate of wage or salary is £750 per annum or less, irrespective of the fact that they might receive in addition to their wage or salary a basic wage allowance of £60 or £80 a year, or a district allowance of £50 or £80 a year, or some other allowance of a similar kind. Members will see that the effect of the proposed amendment is to allow appeals to Government employees receiving, in all, well above £750 per annum. That proposed amendment will widen the field of appeals very substantially and will cover almost every position in respect of appeals that should reasonably be permitted. I think that to widen the field further than that would be going too far. In consequence I indicate to the House how far the Government proposes to go in trying to meet what might be regarded as valid objections to the rate of £750 per annum. I hope that the view of the Government will be accepted. Consequently, I trust that the member for Nedlands may find what I have said is acceptable to him, and if he can see his way clear to do so, it would be helpful if he withdrew his motion.

**MR. RODOREDA (Roebourne):** I understand that an instruction to the Committee is necessary when it is desired to

move an amendment outside the scope of the Bill. If the amendment is within the scope of the Bill, it is not necessary for the House to instruct the Committee. Apparently the amendment proposed to be moved by the member for Nedlands is outside the scope of the Bill.

Hon. N. Keenan: It may be.

Mr. RODOREDA: In that event, if the Minister is desirous of moving something of the same nature, it also might be outside the scope of the Bill and the Minister would not be able to move it. Therefore the Minister is running a risk. If the Bill is taken into Committee, he may find that he is unable to move his amendment, for the reason that it may be ruled to be outside the scope of the Bill. I suggest that further consideration be given to this point before the member for Nedlands is asked to withdraw his motion.

#### *As to Procedure.*

**THE MINISTER FOR WORKS:** Could you, Mr. Speaker, give us some guidance on that point?

Mr. SPEAKER: The Chairman of Committees will rule when the amendment is moved in Committee. The motion before the House is quite in order.

**THE MINISTER FOR WORKS:** If there is any doubt about it, I am quite prepared to allow the motion to be passed.

Hon. N. Keenan: The motion does not bind.

**THE MINISTER FOR WORKS:** I am aware of that. If there is any difficulty about my moving any amendment, I would prefer the motion to be carried.

Mr. Watts: You have spoken already. What are you speaking on now?

Mr. SPEAKER: The Minister is making an explanation.

**THE MINISTER FOR WORKS:** On a point of explanation, I think we should make doubly sure and pass the motion.

Question put and passed.

#### *In Committee.*

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

Mr. DONEY: An employee is defined as a person employed under the State in a permanent capacity. Is there any legal distinction between that and the term "es-

established capacity"? I would like an assurance that the use of this term will not lead to trouble similar to that created by the other term.

The MINISTER FOR WORKS: "Established capacity" had relationship to the position itself, not to the person occupying the position. This definition has to do with a person employed in a permanent capacity. In the matter referred to by the member for Williams-Narrogin, a person could be employed in the one capacity all the time, but if it was not regarded as an established capacity, he was ruled out. The definition does not hold any danger in that direction.

Mr. DONEY: Of course a person could enter employment at 15 and continue till he was 65 in an established capacity, and it would be a permanent capacity or he would not be there that length of time.

Hon. N. KEENAN: I move an amendment—

That in the definition of "employee" the words "but does not include the Chief Justice or any judge of the Supreme Court or the President or any member of the Court of Arbitration" be struck out and the words "and who does not receive salary or wages in respect of such employment at a rate higher than seven hundred and fifty pounds per annum" inserted in lieu.

My objection is that members of the Court of Arbitration are not full-time employees and do not come within the scope of the Bill. I suggest that a clause be added to include the judges, the President of the Arbitration Court, the Surveyor General, the manager of the proposed rural bank, the Commissioner of Railways and so on, which positions are of such importance that only the Government of the day should be allowed to make appointments to them.

Mr. DONEY: I oppose the amendment. As a later stage I propose to deal with portion of this situation in an entirely different way. Further, the explanation of the member for Nedlands would seem to point to the need, not for excluding the persons mentioned, but rather for including others.

The MINISTER FOR WORKS: I have no objection to the amendment.

Amendment put and passed.

On motions by Hon. N. Keenan paragraph (a) of the definition of "employee" amended by inserting after the word "circumstances" in line five the word "un-

der," and by striking out of lines five and six the words "justify an expectation that."

Clause, as amended, agreed to.

Clause 4—Provisions relating to recommendations for promotions:

Hon. N. KEENAN: I move an amendment—

That in lines 6 and 7 of paragraph (d) the words "other than the applicant recommended" be struck out.

My reason for the amendment is that the words are in the wrong place.

The MINISTER FOR WORKS: I have no objection to the amendment.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in line 9 of paragraph (d) after the word "notice" the words "other than the applicant recommended" be inserted.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That subparagraph (i) of paragraph (a) of the proviso to Subclause (1) be struck out with a view to inserting the following paragraph in lieu:—" (i) against the promotion of another employee to any of the following offices, namely, Commissioner of Railways, Commissioner of Police, Public Service Commissioner, Commissioner of Public Health, Town Planning Commissioner, Director of Education, Director of Works, or Chief Electoral Officer but the appointment of any employee to any of the above-mentioned offices shall be subject to the approval of Parliament; or."

It is necessary to have a statutory interpretation as to what officers should be exempt from appeal. I think it desirable that disputed decisions should be handled by an independent body, otherwise how are we to escape the charges of favouritism, political patronage and so on, that have been mentioned so freely during the debate?

The MINISTER FOR WORKS: Before I speak against the amendment, I would like your direction, Mr. Chairman. I propose to move an amendment to insert further words after the word "annum" in line 4 of the subparagraph under discussion. Should the amendment moved by the member for Williams-Narrogin be defeated, would I be in order in moving my proposed amendment?

The CHAIRMAN: No. If the amendment is carried subparagraph (i) disappears from the Bill.

The MINISTER FOR WORKS: If that be the case, I ask the member for Williams-Narrogin to withdraw his amendment for the time being to give me an opportunity of moving mine.

Mr. DONEY: If the Minister succeeds with his amendment, would I be permitted to move an amendment which would affect the provision four lines back from the Minister's amendment?

The CHAI MAN: No. If the Minister succeeds with his amendment, the only alternative would be for the Committee to delete the subparagraph as amended. The member for Williams-Narrogin cannot go back.

Mr. DONEY: Since the Minister has given no indication of what he intends to insert, I feel I cannot agree to withdraw my amendment.

The Minister for Works: I did.

Mr. DONEY: I am asked to give way on a matter I wish to succeed upon. I am allowing the Minister free rein to insert something with which I do not agree, and I am afraid I cannot do that.

The Minister for Works: You are acting against the interests of the employees.

The CHAIRMAN: Will the Minister explain the position he wishes to take up?

The MINISTER FOR WORKS: As I mentioned before we went into Committee, I proposed to add after the word "annum" words which will read as follows:—"exclusive of the amounts of basic wage adjustments and of any living or other allowances." That would mean that an employee earning £750 per annum, who might be receiving a basic wage adjustment or district allowances which would bring his total remuneration above £750, would be given the right to appeal. My amendment would considerably increase the field in which appeals could be lodged.

Mr. DONEY: The Minister will appreciate that the quandary he finds himself in is the one I am already in. I have expressed myself as being wholly opposed to the limitation of £750. I do not want any bar at all. A person receiving £2,000 or £2,500 per annum should, as far as I am concerned, have the right of appeal. I have no chance whatever of giving effect to my wish if I am preceded by the Minister, which is rather unfortunate for him.

The CHAIRMAN: I suggest that there is a way of testing the two propositions,

if the Committee will agree. I suggest to the member for Williams-Narrogin that he withdraw his amendment, and then move an amendment to strike out all the words down to the word "per" in line 4 of the subparagraph. If the Committee agrees to that amendment, then the member for Williams-Narrogin can move to strike out the rest of the paragraph. If the Committee rejects the amendment, that will be an indication that it does not favour the amendment of the member for Williams-Narrogin.

Mr. DONEY: I compliment you, Sir, upon an unusually shrewd way out of the difficulty. It is one to which I have no objection whatever. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. DONEY: I move an amendment—

That in subparagraph (i) of paragraph (a) of the proviso to Subclause (1) the words "in respect of any office or class of office which entitles the employee holding the same to salary or wages at a rate higher than seven hundred and fifty pounds per" be struck out.

The MINISTER FOR WORKS: I oppose the amendment. The claim of the Government is that there ought to be a limit, and that limit is set out in the Bill. I have indicated my intention of raising the limit considerably, but if the Government accepted what the member for Williams-Narrogin desires, that limit would have to be raised a hundredfold. What the hon. member desires is against the policy of the Government. If the amendment is rejected, I shall move the further amendment I have already foreshadowed.

Mr. DONEY: I must press the Minister to give the Committee his reason why he draws the line at £750. He has not done so, and there must be some reason.

The MINISTER FOR WORKS: The reason is fairly obvious.

Mr. Doney: It might just as well be stated.

The MINISTER FOR WORKS: Once we get beyond salaries of £800 in the Government service, we reach positions that are extremely important in the administration of the affairs of the State, such as Under Secretaries and other highly placed officers. It is desirable and necessary that those high and important administrative positions should not be subject to appeals under the system set out in the Bill. Ministers realise

that finally the Government is responsible to the people for the administration of the affairs of State; and if the Government is to be held responsible for that, it must be prepared to shoulder the duty and responsibility of deciding which officer shall fill a high administrative post. If that duty were to be handed over to the appeal board, in effect the Government would be under an obligation to hand over to that board the government of the country, which is a position no one would desire to see established.

Mr. DONEY: The Minister's explanation is entirely insufficient. Because the matter is important, it is to be regarded as beyond the effective scope of the appeal board. We know how that board will be constituted, and the competency of the chairman who will preside. I do not think the Minister would question the competency of the chairman.

The Minister for Works: That is not the point.

Mr. DONEY: The Minister plainly questions the competency of the board to deal with administrative positions held by officers in the highest grades. The Minister knows that the result of what I suggest would not be as he indicated when he talked about the Government being, in effect, required to hand over the affairs of State to the board. I do not make any allegations against the present or any Government when I say that if there is a plum to be handed out, political patronage is likely to have some effect on the appointment if it were to be made other than subject to an appeal to the board. I thought the object of this legislation was to escape from the possibility of any such suggestion, and certainly, if such appointments were left to the review of the appeal board, the Government would not be likely to get a less efficient or suitable officer than the one originally appointed.

Mr. WATTS: I fail to understand the reason why the Minister must limit the amount to £750, or that amount plus the basic wage allowance and the district allowance. The Bill further on directs the board to consider the matter of efficiency. Surely that is a phase that ought to be considered. The matter should be given very careful thought before we accept the proposal of the Minister, which would confine this to a limit of £800. If the board is authorised to work on the basis of efficiency, we will have all that the Minister seeks. He says that the Government is responsible for the

type of man to hold a high administrative position in a Government department, and the board is directed to deal with the efficiency aspect before any appeal can be successful. It seems to me that the arguments advanced by the member for Williams-Narrogin are tenable, and should receive greater consideration. Who wishes to limit the appeals? I do not desire to do so except, perhaps, in those cases where appointments have to be made outside the civil service.

If an appointment is made from within the service, it seems to me that the appeal board should have control over such appointments. In addition, there is the point that the Minister's proposal is to limit the matter to £750, plus basic wage allowance, plus district allowance. It seems to me that that will lead to some degree of confusion, because district allowances vary, and that could mean that if a man were in one district he would be able to lodge an appeal, whereas if he were in another district, owing to the conditions regarding allowances not being the same, he would be debarred from that privilege. It would be far better to submit to the board all appointments that can properly be made from within the service, irrespective of the salaries paid. In a later part of the Bill, it seems to me that the board will not be allowed to hear one party that should be heard, but that matter can receive attention later on.

The PREMIER: I think one of the most responsible acts which Governments have to perform is the filling of high executive offices in the Civil Service. It is in the hands of the administrators it appoints. It requires to have confidence in them, their personality, their efficiency, their capabilities and judgment, as well as in many other factors which go to make a successful public servant. On occasions, Ministers delegate important powers to Government officers holding very high positions. It would be quite wrong for someone in whom the Minister has no confidence to be in a position to exercise delegated powers, which could not be done otherwise if there is to be reasonable celerity in the conduct of State business, unless that confidence exists between the Minister and his chief executive officer.

I certainly do not believe in the American system whereby, with a change of President and Government, all Government officers



change from top to bottom. That is a very bad system. I do not want the security of tenure of members of the Public Service to be impaired in any way; but as regards high positions in the service, for which the Government has to take responsibility in Parliament, not the Public Service Commissioner but the Government should have the final decision. I am always in accord with the view that any office which the Government fills represents part of the Government's highest and most important duties. While we do not want any favouritism or political patronage or anything of that sort to creep in, yet, after all, the selection of an applicant represents only one man's judgment. I do not want to cast a slur on whoever may be appointed to the chairmanship of the appeal board, but Ministers have personal knowledge of the capabilities of many men in the Public Service while the chairman of the board may not possess that knowledge. Therefore the Government ought to have some say with regard to the filling of high positions. In fact, that principle is observed in the Public Service Act. If an appointment that is recommended by the Public Service Commissioner does not appeal to the Government, the Government can make further representations to the Commissioner.

Hon. N. Keenan: That has caused a lot of discontent.

The PREMIER: No.

Hon. N. Keenan: I am told so.

The PREMIER: No, because the power has not been used to any extent. There may have been two or three such cases in 20 years.

Hon. N. Keenan: What I have stated is not my view, but what I am told by public servants.

The PREMIER: I remember very few occasions when that power in the Public Service Act, which has been a law of Western Australia for 22 or 23 years, has been used. Therefore it could not have caused grave discontent or much discontent. Again, there may be incompatibility of temperament between two persons, and when that is the case those two persons should not work together. Furthermore, an officer may be a highly active and efficient man and yet might not be suitable to fill a position carrying very important duties. As regards the highest administrative positions, the Government could

not carry on if some individual were to decide that certain men should fill those positions. The Government has to take responsibility for the administrative acts of those officers. I want to emphasise again that very, very seldom has it been necessary to vary a recommendation made by the Public Service Commissioner. The variations that have been made were made with wisdom, and without detriment to the Public Service. This Bill represents experimental legislation, and after some years' experience of it we may consider that it could rightly be applied to the highest positions in the Public Service. Naturally, this measure, if passed, may have to be amended in the years to come, as the result of experience. Ministers, however, are responsible to Parliament for proper exercise of their judgment. I regard this clause as of very great importance, and I think the principle it lays down is one which the Committee could very well accept.

#### *Point of Order.*

Mr. Graham: On a point of order! Clause 3 defines "employee" as one who does not receive salary or wages at a rate higher than £750 per annum. The present clause, therefore, is redundant, and cannot be amended, because it is in conflict with the definition already given.

The Chairman: I do not think the point raised requires any ruling. The Act is to be read in conjunction with several other Acts that appear in the schedule. Whether this particular definition would have any bearing on the right of appeal, having regard to all the points mentioned in the schedule, is something I could not determine at the moment. But I suggest that any inconsistency in the Bill, as a result of the Committee's deliberations, could be rectified by recommitting the Bill.

Mr. Watts: The member for Williams-Narrogin realised that this position was likely to arise, and if the records were consulted it would be found that he opposed the amendment of the member for Nedlands because it would prevent his moving the amendment he now seeks to move, or one resembling it. An employee is a person whose salary does not exceed £750. That is the definition now in the Bill as a result of the member for Nedlands' amendment. Consequently, an employee for the purpose of Clause 5 of this Bill cannot be a person

whose income exceeds £750. However that sum is arrived at, if a man has over £750 he is not an employee because the Bill has defined an employee as being a man receiving not more than that amount.

The Minister for Works: It has not.

Mr. Watts: Yes, as amended by the member for Nedlands.

The Minister for Works: The words "rate of wage" and "rate of salary" are used.

Mr. Watts: Might I ask what is the difference for the purpose of Clause 5 between those two things and the total remuneration in Clause 5?

The Chairman: I would be presumptuous if I attempted to dictate to the Committee on something to which it had agreed. The Committee agreed to that amendment and passed it. That particular clause is Clause 5, the one now the subject-matter before the Chair. If anything needs to be corrected the Bill will have to be recommitted for that purpose. I cannot rule out something which the Committee has already agreed to.

#### *Committee Resumed.*

Mr. SEWARD: I regard this as the most important clause in the Bill. It might be a slight cause of regret or disappointment to some juniors to find that one particular junior has been chosen for promotion and they might like to exercise the right of appeal. That however does not cause half the dissatisfaction caused by an appointment made to the highest positions. That is where grave dissatisfaction exists throughout the service and it is in that connection that the State is likely to lose some of its best officers. Keen men see appointments made to the highest rungs which, in their opinion, are not justified and there is no appeal. Consequently they make up their minds to get out of the department and seek private employment. That is why I am strongly of the opinion that appeals should be allowed right up to the highest rung.

The Premier: Does any bank, insurance company or big commercial firm adopt this principle?

Mr. SEWARD: I would throw the Bill as far as I could throw it if I had my way! We have a Public Service Commissioner, an Appeal Board and an Arbitration Court and now something else is proposed. However, there seems to be a desire for the Bill

to be passed and I therefore want to make it as good a measure as possible. The Premier stated that the Government should have the right to choose Under Secretaries and other high officers. I do not see why. We have a Public Service Commissioner who would have studied the applicants throughout their careers, particularly when they reached the higher grades, and he would be in a far better position to pick out the right man than would any Government. After all, these Under Secretaries and higher grade officers are not chosen to serve one Government only. A Government might be in power for only a week or two when a position fell vacant, and there is no reason to say that in those circumstances the Government would be in a position to make the appointment. If an appeal is justified for any grade, it is justified for all grades. I support the amendment.

Mr. McDONALD: The Premier is right in saying that this is an important clause, but I think the Minister is unduly apprehensive of the results that may follow from the acceptance of the amendment. Let us look for one moment at the validity of the idea that the appointment should be made by the Government. As the member for Pingelly suggested, a Government may have been in office for only a week or a month when the appointment was to be made, and the Minister and the Cabinet might know nothing about the particular branch of the service concerned or the qualifications of the applicants.

The Premier: Then the Government would not interfere.

Mr. McDONALD: It might not interfere, but I am pointing out that it might know nothing at all about the matter. Whether the appointment were made on the recommendation of the Public Service Commissioner or by the Promotions Appeal Board, it would be all one to the Government because it would not be qualified to judge. The Public Service Commissioner today makes a recommendation concerning an appointment and the Government accepts or rejects that recommendation. In the event of a rejection the procedure laid down in the Act must be followed and a minute submitted containing reasons for the rejection. The Public Service Commissioner then submits another recommendation which the Government may or may not accept.

The Premier: It is not a question of giving reasons for rejection, but of asking for another recommendation.

Mr. McDONALD: I have the idea that if a recommendation is declined, the Act requires the Government to state why, in a minute.

The Premier: No.

Mr. McDONALD: I must verify my information. Be that as it may, at present the Public Service Commissioner makes a recommendation which the Government accepts or rejects. In the event of a rejection, the Public Service Commissioner submits another recommendation. If the senior officers are included that will still remain the law. The Government will still appoint the officers concerned. It is true that after an appointment has been made another applicant who is aggrieved may have the matter examined by the Promotions Appeal Board and, beyond any doubt, the board would take into full consideration the circumstance that the man appointed had the approval of the Government. If the amendment is carried and these senior officers are brought in the Government will still appoint the Under Secretaries and the higher paid officials in exactly the same way as it has done for the last 40 years.

The Minister for Mines: Surely the appeal would take place before it got to Executive Council.

Mr. McDONALD: The appeal can be lodged on the recommendation being made. But as I read the measure the appeal takes place when the office has been filled.

The Premier: No. The promotions are provisional.

Mr. McDONALD: Clause 5 provides, "if a vacancy is filled by the promotion of an employee."

The Minister for Works: The promotion would be provisional.

Mr. McDONALD: The Bill says that any appointment shall be provisional so long as it is the subject of an appeal, but before it can be the subject of an appeal the office must be filled.

The Minister for Works: Provisionally.

Mr. McDONALD: Yes. The Under Secretaries and others receiving over £750 per annum will under this amendment be appointed by the Government as before with this exception only, that any applicant who is aggrieved by any such appointment will have the chance of having the matter re-

examined by the Promotions Appeal Board. That is something which the Premier assures us takes place so seldom with the senior officers that it is not really of great moment from the point of view of the Government. But the disappointed applicant could be given the opportunity to have his case examined, bearing in mind that applications for these high positions are the culmination of 'possibly 30 or 40 years' service.

Hon. N. KEENAN: I moved my amendment in connection with the definition of the word—

The CHAIRMAN: Order! We are not dealing with the definition of the term "employee." Unless it has some reference to the hon. member's contribution to the question before the Chair he cannot proceed.

Hon. N. KEENAN: If the definition of the term "employee" stands as it is now then Clause 5 could not by any verbiage put into it alter it.

The CHAIRMAN: The Committee has dealt with Clause 3 and passed it with amendments. If as we proceed with the Bill any inaccuracies are found in that clause it will be subject to recommittal. I will allow no further discussion on Clause 3.

Hon. N. KEENAN: My intention was to substitute, in the case of an officer receiving more than £750 a year, the tribunal known as the Public Service Appeal Board which is an existing body. If this Bill passes in its present form that is perfectly workable because it will mean that the holders of offices up to £750 will have this particular appeal board to deal with their appeals, and those receiving more than £750 will have another appeal board known as the Public Service Appeal Board. I remind the Premier that I personally agree that there are some offices in respect of which neither the provisions of this Bill nor those of the Public Service Act should apply, because those offices are too important and vital to the Government. My position is difficult to explain because my whole scheme was to have two appeal boards, as I have mentioned, but if the appeal board created under this Bill is to deal with positions carrying over £750 that scheme is at once upset and I do not know that I am in accord with what is proposed.

Mr. DONEY: We have recognised, right through, that certain senior officers should be excluded from the provisions dealing

with appeals. I point out to the Premier that his proposals will affect not just a few privileged officers, but probably 50 or 60 of them.

The Minister for Works: How many?

Mr. DONEY: The following officers will not be affected:—The Under Treasurer, the Assistant Under Treasurer, the Government Printer, the Secretary, Premier's Department, the Conservator of Forests, the Senior Assistant Conservator of Forests, the Assistant Conservator of Forests, the Under Secretary for Lands, the Chief Inspector of Mines, the Assistant Mining Engineer, the Under Secretary for Health, the Government Pathologist, the Under Secretary for Works, the Plant Engineer, the Engineer of Harbours and Rivers, the Engineer for the North-West, the Principal Architect, the Manager of the State Insurance Office, the Under Secretary, Metropolitan Water Supply, the Principal, Teachers' College, the Chief Inspector of Education, the Superintendent of Technical Education, the Under Secretary for Agriculture, the Controller of Abattoirs, the Assistant Manager of the State Saw Mills, the Manager, State Hotels, the Manager, State Shipping Service,—

The Premier: Etc., etc.

Mr. DONEY: Yes. There are probably as many more as I have mentioned. I do not know that the Premier suggests that all those should be direct appointees and have no right of appeal, but those who apply must be top-grade men.

The MINISTER FOR WORKS: Under this Bill 100 per cent. of the wages employees and 97 per cent. of the salaried staff will have the right of appeal. This is new legislation and is going a great distance. If after a period of practical experience it is found that a slight step forward can be taken it will be taken. The Government is not asking very much when it asks that three per cent. of the total permanent employees of the State shall be excluded.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

That in line 4 of subparagraph (i) of paragraph (a) of the proviso to Subclause (1) after the word "annum" the words "(exclusive of the amounts of basic wage adjustments or of any living or other allowances)" be inserted.

Mr. GRAHAM: The salary basis of the Railway Department is different from that of the Public Service. The officers of the Railway Department receive the basic wage plus an additional amount, whereas the officers of the Public Service receive their classified salaries plus an amount covering the variations in the basic wage. We may be creating anomalies by this amendment.

The MINISTER FOR WORKS: I shall have the point investigated and if any addition is subsequently required to overcome an anomaly, should one exist, that action will be taken.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

That paragraph (b) of the proviso to Subclause (1) be struck out.

This is a matter of principle. This paragraph provides that in the case of any office or employment where the salary or wages are fixed by an award of the Court of Arbitration, no employee shall be allowed to appeal to the promotions appeal board unless he is at the time a member of the union. It is within the knowledge of every member that many industrial unions are affiliated with and are branches of a political party. When that occurs, a part of the union dues is paid to the political structure. So every member, in effect, contributes not only to industrial purposes, but also to the political activities of the party. I am not concerned with the nature of the party; it is a matter of principle.

When an industrial union affiliates with a political party and becomes a branch of it, that would be done on a majority decision or a poll of the members. When a man or woman joins an industrial union, it is done for the preservation of wages and conditions of work in accordance with the machinery provided by the Industrial Arbitration Act. The industrial union of a man in Government employment may decide to become a branch of a political party involving a contribution from his subscriptions to the funds of that party, and yet he may not favour that party. If we want to preserve freedom of thought and expression, which is considered vital to democratic ways of life, we should not compel a person, as a condition of his earning a living, to support political views in which he may not believe. This is something with which every member should be in entire agreement.

Mr. Needham: You are a cheerful optimist.

Mr. McDONALD: If I were a member of the Public Service and my union decided to affiliate with the Communist Internationale, I would object, and would feel aggrieved if I found that, by Act of Parliament, unless I accepted the politics that the union by a majority had adopted, I would be deprived of any right of appeal under this measure. Every member who wished to preserve his right of appeal, to which we admit employees are entitled would be compelled to join the union. If we provided that the union should not be affiliated with or a branch of any political party, my objection would be removed to some extent, though not entirely. Many unions, in fact, are branches of political movements. Independently of the political colour of the Government, which might change at any time, this paragraph should be deleted. Then we would preserve a very vital principle, namely, that while a Government employee might have his own political opinions and express them at the ballot box, he should regard himself as working for all the people and should not become directly involved in party political propaganda.

The MINISTER FOR WORKS: The paragraph proposes that when the terms and conditions of employment relating to any vacancy or new office are regulated by an industrial award or agreement under the Arbitration Court, the persons eligible to appeal shall be those who belong to the organisation concerned. There might be a few people who are not members of any industrial organisation, but they are enjoying all the benefits of organisation. They take everything that is won for them by the organisation in the way of increased wages and improved conditions, although they play no part, financially or otherwise, in assisting the organisation to obtain advancement. The Bill is a step forward for the employees generally because of the action of the organisation, and the member for West Perth suggests that the odd few employees who are not members of any organisation should receive the benefit of this proposal, despite the fact that they have played no part in having the proposal brought before Parliament.

If all Government employees were like those few, I shudder to think how low wages and salaries and how bad working

conditions in this State might be. We need not waste time shedding tears over the few people who fail to shoulder any responsibility in regard to the maintenance of industrial organisations, who refuse to lift a finger to ensure that salaries and wages might be raised and working conditions improved, but who on every occasion are amongst the first to grab what is won by the efforts of their fellow-workers when banded together in organisation. So far as these people who, from motives best known to themselves—mostly motives of financial lousiness, I think—are concerned, we should prevent them from grabbing the benefits of this legislation when they have in no way assisted to develop and have it brought before Parliament.

Mr. DONEY: I compliment the Minister upon his picturesque term. I admit it is expressive, but whether it accurately explains the situation I am not at the moment prepared to argue. I take it the Minister agrees that under the proviso we are discussing, non-unionists may apply for a position and be appointed to it, but I am clear on the point that they are not entitled to appeal. Yesterday I asked the Minister the following questions:—

(1) In what Government departments are the terms and conditions of employment not regulated by an award or industrial agreement?

(2) Are the employees of (a) the Agricultural Bank; (b) State trading concerns; (c) the Fremantle Harbour Trust; (d) other harbour boards; (e) other Crown instrumentalities subject to Industrial Awards or Agreements?

to which he replied as follows:—

(1) Employees of all Government departments are regulated by Awards or Industrial Agreements.

(2) Yes.

Clause 7 provides that a non-unionist may appeal, despite what the Minister has just said. What would be the vacancies which non-unionists would be entitled to fill and in respect of which they would be permitted to appeal?

Mr. McDONALD: I am concerned with minorities and am prepared to battle for them. I see no reason why they should be coerced or compelled to do something against their wishes or against their convictions. Nothing will be gained by calling them lousy. That does not impress the Committee at all. It did not impress me, nor would it impress any fair-minded per-

son to call anybody lousy in a legislative body such as this.

Mr. J. Hegney: The Minister said they were financially lousy.

Mr. McDONALD: It is a matter of principle. I believe in industrial trade unionism, but let it stand on its own feet. If it is good, people will join. I am glad to know that the great majority of workers do join unions, but I would not compel persons to do so. If the minority is so small, the reason is not lousiness; it is because of convictions held by the minority, who perhaps do not want to join a union, especially if it is political. Let them have their convictions. I hope the amendment will be carried.

The MINISTER FOR MINES: The story told to us by the member for West Perth is very old. In this State there is no division of the industrial movement from the political union. For the past 30 odd years industrial organisations and political unions have been amalgamated. The reason must be obvious to the hon. member. Many years ago our fathers went on strike; they sat on the master's doorstep and starved to death in the hope of getting better conditions. We appreciated what our fathers did; but the game was not worth the candle.

Mr. McDonald: I agree with you.

The MINISTER FOR MINES: I can remember the big maritime strike. Men in those days were opposed to industrial organisation. They said, "Send your representative to Parliament and get what you want by political action." The workers accepted that good advice. They formed themselves into organisations and amalgamated for the purpose of taking political action. They appreciated that if they paid into the union 3d., 6d. or 1s. a week, they would have the funds to get their representatives into Parliament and obtain what they could not get by weeks of striking. That has been proved. Most of the industrial legislation of this State emanated in Trades Hall congresses, such as the congress which is sitting today. It was sent from the congress to the political Labour Party, and by that party sent to Parliament. It would have been better, perhaps, if it could have gone straight to Parliament.

Every person who joins a union in Western Australia must of necessity know that

he is joining a political organisation. There are some large industrial organisations that are not affiliated with the Labour Party. I have always argued that the Civil Service Association, which has secured all its conditions through the trade union movement, should have affiliated with the Labour movement, but it has not done so. I could never understand—and I have been associated with the Labour movement for 45 or 50 years—why some people refused to join an industrial union, especially when, after the union had secured a rise in wages, they were the first to go to the secretary of the union to ensure that they got the increase. I remember the time when I was connected with the Shop Assistants' Union many years ago. The very first award the union obtained provided for a substantial rise in wages, and some of the assistants who had not joined the union were the first to complain because they did not receive their rise quickly.

The Premier: Or get their holidays.

The MINISTER FOR MINES: Yes. I contend that any industrial organisation is wrapped up with political action, and that the people who derive benefits from unionism should contribute towards the funds of the union. There is no reason why we should cavil at this provision in the Bill.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 6—Establishment and constitution of Promotions Appeals Board:

On motions by Hon. N. Keenan, clause amended by striking out in line 2 of paragraph (a) of Subclause (2) the words "nominated by the Minister" and inserting in lieu thereof the words "to be appointed by the Governor on the nomination of the Minister."

Hon. N. KEENAN: I move an amendment—

That in line 2 of paragraph (b) of Subclause (2) the word "Minister" be struck out with a view to inserting the words "recommending authority" in lieu.

The MINISTER FOR WORKS: I am sorry I cannot agree to the amendment. It is provided in the previous paragraph that the Governor shall appoint the chairman on the nomination of the Minister. We are now dealing with a person who is to represent the recommending authority on the board; and in matters of this kind I think that the

proper channel of communication to the Governor is through the Minister.

Amendment put and negatived.

On motions by Hon. N. Keenan, clause further amended by striking out in line 5 of subparagraph (1) of paragraph (c) of Subclause (2) the word "Minister" and by inserting in lieu the words "secretary to the board."

Clause, as amended, put and passed.

Clause 7—Constitution of Board in cases of two or more appeals against the same promotion:

On motion by Hon. N. Keenan, clause amended by striking out in line 11 of subparagraph (ii) of paragraph (d) the word "Minister" and inserting in lieu thereof the words "secretary to the board."

Hon. N. KEENAN: I move an amendment—

That in line 4 of paragraph (c) the words "and two or more of such appeals are allowed" be struck out.

There will be only one office in respect of which appeals will lie, and it will be necessary for only one appeal to be successful. If the paragraph is passed in its present form and there were three appellants and all three were successful, the board would have to appoint one as No. 1, the second as No. 2 and the third as No. 3, leaving the person originally recommended to the position in the invidious position of being No. 4—for no reason in the world. My amendment would avoid setting up such an invidious position and would allow the board to say which one of the appellants was its choice.

The MINISTER FOR WORKS: I propose to support this and the next three amendments suggested by the member for Nedlands.

Amendment put and passed.

On motions by Hon. N. Keenan, paragraph (c) further amended in lines 7 and 8 by striking out the words "as between the successful employee appellants" and inserting the words "if the appeal is upheld" in lieu; in line 9 by striking out the word "them" and inserting the words "the appellants" in lieu; and in line 10 by striking out the word "successful" and inserting the word "heard" in lieu.

Clause, as amended, put and passed.

Clause 8—Meetings of board:

Hon. N. KEENAN: I move an amendment—

That in line 3 the word "made" be struck out and the word "lodged" inserted in lieu.

An appeal is made right up until the very day that all argument ceases in court. The reference here should be to lodging the appeal.

The MINISTER FOR WORKS: I agree to the amendment.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That the following words be added to the clause:—"The board shall keep a record of its proceedings and decisions thereon which shall be available for future reference by any party associated with an appeal."

The object of the amendment is to provide that the board shall keep official records of appeals and that such records shall be available to any person who may be a party to an appeal. This provision does not go so far as the proviso in the Public Service Appeal Board Act which sets out that the records of that board shall be open to public inspection.

The MINISTER FOR WORKS: I have no objection to the amendment.

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

Clause 9—Secretary to the Board:

Mr. NEEDHAM: I move an amendment—

That in lines 3 to 5 the words "and shall keep a record of all the proceedings thereof and of the decisions of the board thereon" be struck out.

This is consequential on the amendment previously accepted by the Committee.

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

Clauses 10 and 11—agreed to.

Clause 12—Venue:

Hon. N. KEENAN: I move an amendment—

That in line 2 of paragraph (b) of Subclause (2) the words "if he agrees therewith" be struck out.

The paragraph provides that recommendations from the board shall be transmitted to the Minister who, if he agrees with it, shall refer it to the Governor who, in paragraph (c), has to approve of any such re-

commendation. It is the Governor's approval that has to be obtained.

The MINISTER FOR WORKS: I do not think the Minister should be placed in the position of having to forward something with which he may not be in agreement. I would not mind if the recommendation were sent direct to the Governor.

Hon. N. KEENAN: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. N. KEENAN: I move an amendment—

That in lines 1 to 3 the words "to the Minister who, if he agrees therewith, shall refer the same" be struck out.

This will meet the point raised by the Minister and the paragraph will mean that the board's recommendation will be transmitted direct to the Governor.

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

Clause 13—Lodging and hearing of appeal:

Hon. N. KEENAN: I move an amendment—

That in line 4 of Subclause (1) the word "of" be struck out and the word "to" inserted in lieu.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in line 9 of Subclause (1) the word "aforesaid" be struck out.

There is no prescribed time aforesaid with regard to the recommending authority. There is a prescribed time mentioned but that applies to the lodging of an appeal with the secretary to the board.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That after the word "section" in line 1 of Subclause (3) the following words be inserted:—"The term 'efficiency' means special qualifications and aptitude for the discharge of the duties of the office to be filled together with merit, diligence and good conduct, and in the case of an officer who is a returned soldier, includes such efficiency as in the opinion of the permanent head or the Board, as the case may be, he would have attained but for his absence on active service, and for the purposes of this definition 'returned soldier' means a person who enlisted or was appointed for service abroad and who has been on active service during the war in which His Majesty was engaged

between the 4th day of August, 1914, and the 11th day of November, 1918, or in the war in which His Majesty is at present engaged and"

It will be plain to everyone that it is highly desirable this question should be dealt with and a decision arrived at. The matter is of great importance to a large body of people in Western Australia, and the measure will be incomplete unless we include a reference to that subject, which is a matter of practical politics today. Now is the time to deal with it. There can be no misunderstanding as to the meaning of the amendment, which is drawn in very clear terms. I have stated the case for the returned soldier many times.

The MINISTER FOR WORKS: I shall not object to the amendment, which in effect means that the permanent head of the board should give consideration to the additional efficiency and so forth which a person might have established for himself had he not been serving in the Forces. That is quite reasonable. I wish, however, to have the word "employee" substituted for "officer." Accordingly I move—

That the amendment be amended by striking out in line 6 the word "officer" and inserting the word "employee" in lieu.

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

Mr. NEEDHAM: I move an amendment—

That Subclause (4) be struck out.

The subclause reads—

The board may decline to hear or entertain any appeal which in its opinion is frivolous, unreasonable or vexatious.

It is admitted that before the board could actually determine whether an appeal is frivolous, vexatious and unreasonable, it should hear the appeal; otherwise an injustice may be done. Moreover there is provision for penalty for frivolous, vexatious or unreasonable appeals.

The MINISTER FOR WORKS: I support the amendment.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That Subclause (4) be struck out and a new subclause inserted as follows:—" (4). The board may at any stage of the hearing of an appeal decline to hear it further, and may summarily dismiss same on the ground that in the opinion of the board it is frivolous or untenable."



I quite agree with the argument of the member for Perth. The subclause appearing in the Bill is an impossible provision, because under it an appeal could be dismissed without the board having heard anything about it.

The MINISTER FOR WORKS: I am prepared to accept the amendment provided the Committee will agree to delete the two words appearing after the word "frivolous," for the purpose of inserting the words "unreasonable or vexatious." This would bring the wording into line with that of the next subclause. I move—

That the amendment be amended by striking out the words "frivolous or untenable" and inserting the words "unreasonable or vexatious" in lieu.

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

Hon. N. KEENAN: I move an amendment—

That Subclause (5) be struck out and a new subclause inserted as follows:—

"(5) Together with delivery to the secretary to the board of any appeal under Subsection (1) of this section the appellant shall cause to be paid to the said secretary a sum of money to be calculated as follows, namely, the total of two shillings in respect of each sum of fifty pounds constituting the annual salary of the position or office the subject of the appeal.

"The said sum shall be repaid to the appellant, if his appeal is successful and may be so repaid or forfeited to the Crown if his appeal is not successful by order of the board at its absolute discretion. Any appeal in respect of which the provisions of this subsection are not complied with shall be struck out."

The Minister for Works: I hope the member for Nedlands will not proceed with this amendment.

Hon. N. KEENAN: The subclause appearing in the Bill gives a highly objectionable power to the proposed board. No matter how small the position is, the board is empowered to fine an appellant as much as £5. The Bill goes down to the very bottom rung of the Public Service ladder, £200 a year, and covers every man in the Public Service. Under my amendment an applicant might lose 8s., as against 30s. under Subclause (5) appearing in the Bill.

The MINISTER FOR WORKS: Subclause (5) appearing in the Bill is quite proper. It gives power to fine up to £5,

which is the maximum. The subclause which the member for Nedlands seeks to substitute proposes a system of deposits. I submit we are not entitled to require persons who have a legitimate right of appeal to put in initially so much money, which they might have to forfeit to the Crown. The better plan would be to leave the board to decide whether an appeal is frivolous, unreasonable or vexatious.

Hon. N. Keenan: Will the Minister agree to retain the present subclause as in the Bill but on a scale?

The MINISTER FOR WORKS: No.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 14—Notice of hearing of appeal:

Hon. N. KEENAN: I move an amendment—

That in line 2, after the word "appellant," the words "or appellants the applicant recommended" be inserted.

That ensures that the applicant recommended will receive notice of appeal and will be entitled to appear in his own interests.

The MINISTER FOR WORKS: I have no objection, but the advice I have is that the singular also covers the plural.

Hon. N. KEENAN: That is so, but the inclusion of the words "applicant recommended" is important.

Amendment put and negatived.

Hon. N. KEENAN: Did I understand you to say, Mr. Chairman, that the amendment had been negatived?

The CHAIRMAN: Yes.

Hon. N. KEENAN: But the Minister said he had no objection.

The Minister for Works: But you agreed with my remarks concerning the singular covering the plural.

Hon. N. KEENAN: Yes, but there is the matter of the inclusion of the words "the applicant recommended." That is the important part.

The Minister for Works: We will adjust the matter later.

Clause put and passed.

Clause 15—Representation of parties and procedure:

Hon. N. KEENAN: I move an amendment—

That in line 2 of Subclause (1), after the word "appellant," the words "the applicant recommended" be inserted.

This is the most interested person of all, and he should be given consideration.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That in line 5 of Subclause (1) the words “(not being counsel or a solicitor)” be struck out with a view to inserting the words “or a legal practitioner” in lieu.

Amendment (to strike out words) put and passed.

Mr. DONEY: I move—

That the words proposed to be inserted be inserted.

The MINISTER FOR WORKS: I am not a bit keen about this amendment. It is not desirable that legal practitioners should appear before this board. They do not appear before the Arbitration Court.

Mr. Doney: They appear before plenty of other courts.

The MINISTER FOR WORKS: The procedure in connection with the operations of this Bill is fairly clear, and the aid of a legal practitioner will not be required. If legal practitioners are allowed to appear, the position might arise that the employee appellant who can brief the best solicitor will have the best chance of winning his appeal, whereas the employee appellant who can brief only a moderate solicitor—if there are any moderate ones—will have only a moderate chance, and the employee who can brief only a poor solicitor will have only a poor chance. To allow legal practitioners to appear may develop a position in which appeals will last a long time, and a good deal of legal argument might develop which might, in fact, have very little relationship to the merits of the appeal or of the respective appellants.

Mr. Doney: On that score we might as well preclude the appearance of practitioners in any court.

The MINISTER FOR WORKS: I think that might not be a bad idea! But we are not discussing that. I do not think it would be advisable to allow legal practitioners to appear before this board.

Hon. N. KEENAN: The argument is that a well-to-do appellant would engage a high-class counsel and a poor appellant would not be able to expend the same amount of money and would have to be content with a lesser luminary. But exactly the same applies to an agent.

The Minister for Works: The charges are much lower.

Hon. N. KEENAN: Are they? The Minister had better make inquiries before he makes that statement. The highest charges in the State are the Arbitration Court charges. In any case, there is always a remedy, because any person who thinks he is overcharged can make a complaint. This is the only profession that disciplines itself. If we strike out the words “not being counsel or a solicitor” the word “agent” does cover a legal practitioner. Anyone can be an agent. The Minister is not giving anything away by allowing those words to go in.

Amendment (to insert words) put and negatived.

Mr. DONEY: I move an amendment—

That at the end of Subclause (2) the following words be added:—“and to be present in person and give evidence.”

The reason is quite obvious.

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

Clause 16—Powers and duties of Board:

Hon. N. KEENAN: I move an amendment—

That in line 3 of Subclause (1) the words “employee promoted” be struck out and the words “applicant recommended” inserted in lieu.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in lines 3 to 5 of Subclause (1) the words “and after hearing the appeal shall report to the appointing authority concerned the proceedings and evidence taken and its decision thereon” be struck out.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That Subclause (2) be struck out and a new subclause inserted as follows:—“(2) The board shall hear all appeals in public except when by its unanimous decision it directs that any appeal shall be heard in private.”

Generally speaking there may be no need to hold an inquiry in camera, as it were, but there may be exceptional cases where matters of a confidential nature might be revealed.

The MINISTER FOR WORKS: I agree to this amendment.

Progress reported.

**BILLS (3)—RETURNED.**

- 1, Parliamentary Allowances Amendment.
  - 2, Licensing Act Amendment.
  - 3, Road Closure.
- Without amendment.

**BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.**

Received from the Council and read a first time.

**ADJOURNMENT—SPECIAL.**

**THE MINISTER FOR LANDS** [11.3]: I move—

That the House at its rising adjourn till 3 p.m. on Tuesday, the 12th December.

Question put and passed.

*House adjourned at 11.4 p.m.*

**Legislative Council.**

*Friday, 8th December, 1944.*

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

**ASSENT TO BILLS.**

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Companies Act Amendment.
- 2, Pawnbrokers Ordinance Amendment.
- 3, Nurses Registration Act Amendment.
- 4, Builders Registration Act Amendment.
- 5, Supply (No. 2), £1,400,000.

**QUESTION—AGRICULTURAL BANK.**

*As to Properties Repossessed.*

Hon. H. L. ROCHE asked the Chief Secretary:

In how many instances since the 1st January, 1935, where mortgagors have defaulted,

have the Agricultural Bank Commissioners entered into possession.

The CHIEF SECRETARY replied:

Including one (1) eviction, the total number is 3,555.

**BILL—ELECTORAL ACT AMENDMENT (No. 2).**

Introduced by Hon. C. F. Baxter and read a first time.

**MOTION—SOLDIER SETTLEMENT.**

*As to Implementing Agreement with Commonwealth.*

**HON. J. CORNELL** (South) [4.37]: I move—

That in the opinion of this House—

- (i) The Premier should urge upon the Prime Minister the urgent necessity of the early ratification and implementation by the Commonwealth Government of the Soldier Land Settlement agreement agreed to by the last Premiers' Conference; and
- (ii) A special session of Parliament should be held early in the coming year for the purpose of ratifying and implementing the State's side of that agreement.

I think the motion will commend itself to the House, and I hope it will be passed. I intend to ask the Chief Secretary to expedite its passage so that it can be transmitted to another place and its concurrence desired therein. There is no need for me to indulge in recapitulation with regard to the old soldier settlement scheme, nor do I think there is any need to stress to the members of this House, to those of another place or to the Government itself the urgency of something definite being done with regard to future soldier land settlement matters. We are now in the fifth year of the war, and so far all we have secured with regard to that form of settlement is an agreement between the Commonwealth and the States. Over two years ago the Returned Soldiers League in Australia, through its several State branches, broached this question with a view to securing a Commonwealth-wide scheme, so that something comprehensive might be done.

A special conference was convened and two years ago come next February the conference sat. It evolved a series of propositions for consideration by the Commonwealth Government, and its delegates appeared before the Rural Reconstruction