

there is only one time of the year in which roads can be made. When I saw the road makers at work they were carrying out the operations in May and June, during the heavy rains. They cut up more roads in those two months than were being made. If the work were left to the local board they would know the best time of the year for the making of roads, and would choose that time. There are certain parts of the State where roads can be built during winter. Nearly all the road boards have high land in their districts, and that is dry enough to cart over during the winter. There are other parts of the State where it is ruinous to attempt to send heavy loads over the roads during the wet period. Greater economy and efficiency could be achieved if the road boards had the spending of the money instead of the Public Works Department. I believe the work could be done more cheaply by contract. It is certain that more work could be accomplished by the farmers, and the men who are living in the district, than by day labour. I am opposed to day labour, and to having the Commonwealth grant spent on roads that are being built as relief works. The grants, small as they are, assist us considerably, but we could do even better work if these undertakings were removed from political control. If we send the Bill to a select committee we shall get a measure of which we shall not be ashamed. Every clause will have to be gone into to see that it contains no loophole, and that there is no possibility of money being wasted, as has been the case in the past. I intend to support the second reading, and will vote for a motion to refer the Bill to a select committee.

On motion by Hon. J. Ewing, debate adjourned.

House adjourned at 9.5 p.m.

Legislative Assembly,

Wednesday, 9th September, 1925.

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

QUESTION—ELECTORAL ACT, ALLEGED BREACH.

Mr. PANTON asked the Minister for Justice: 1, Has his attention been called to the sworn testimony of Mr. W. H. Carpenter, in his claim against the Fremantle Branch of the National Federation for balance of salary as secretary, wherein he stated that £558 was spent by that league to further the candidature of Captain Potter for the West Province seat in the Legislative Council? 2, If so, seeing that Section 172 of the Electoral Act, 1907, limits the expenditure of a candidate for election to the Legislative Council to £500, will he institute inquiries into this breach of the Act, and if necessary take legal proceedings?

The PREMIER (for the Minister for Justice) replied: 1, Yes. 2, No, the time in which this could be done, if a breach of the Act existed, has expired.

Mr. Richardson: You have slipped a bit, I think.

QUESTION—SOLDIER SETTLEMENT.

Mr. C. P. WANSBROUGH (for Mr. Thomson) asked the Minister for Lands: In view of the fact that there are 1,331 returned soldiers with qualifying certificates entitling them to come under the Discharged Soldiers' Settlement Scheme, and also that the Federal Government have

made available the sum of £796,000 to cover the losses of those at present under the scheme, have the Government made representations to the Federal Government to permit of the men who have qualified coming under the scheme on the same conditions as those already settled?

The MINISTER FOR LANDS replied: The Commonwealth Government have not provided funds for Soldier Settlement since 1st July, 1924. The question of additional settlement was raised when discussing the proposed grant of £796,000 during my visit to Melbourne. I was informed by Mr. Sheehan, a Treasury official, that this amount was intended as a final payment by the Commonwealth Government towards State losses. This was later confirmed to me by the Commonwealth Treasurer, Dr. Earle Page.

QUESTION—SEAMEN'S DISPUTE.

Action of Secretary.

Mr. MANN asked the Minister for Justice: 1, Will he inform the House whether he has received a report from the Police Department as to the action of Mr. Houghton on the arrival of the s.s. "Borda" at Fremantle at the beginning of last week? 2, Will he state what action the Government intend to take in this matter?

The PREMIER (for the Minister for Justice) replied: 1, Yes. 2, From the reports made it would appear that no action should be taken.

QUESTION—RAILWAY CONSTRUCTION.

Brookton, Dale River, Armadale.

Mr. BROWN asked the Premier: 1, When will the Government begin building the railway from Brookton to the Dale River, or do they intend to provide on the Loan Estimates for the construction of the 26½ miles authorised by Parliament? 2, If the Government decide to construct a light railway from the vicinity of Armadale to the proposed Wongong reservoir for the purpose of transporting material, will they take into consideration the advisability of constructing a permanent line which could eventually form part of a railway from Armadale to Brookton?

The PREMIER replied: 1, This will be considered in conjunction with other lines when the Loan Estimates are being prepared. 2, No. If a line is laid down for constructional purposes it will be a narrow gauge unballasted tramway and unsuitable for general traffic.

MOTION—EXPERIMENTAL PLOTS.

MR. A. WANSBROUGH (Albany)
[4.35]: I move—

That all the papers in connection with the experimental plots at Marbellup, Young's Sid-ing and King River be laid on the Table of the House.

I desire information for my electors who are anxious to know what has been done regarding these experimental plots and the cost per acre of the experiments. The scheme was inaugurated by the ex-Premier, Sir James Mitchell, to whom credit is due. Much has been accomplished in the way of trying out this land that in the past was considered to be worthless. The experiments, more especially at the King River Road, have shown that the land has a producing capacity equal to the second-class lands of the State. I consider that such land has been sufficiently proved, and that the Minister might take into consideration the question of utilising some of it for group settlement. Adjacent to existing railways in my electorate are thousands of acres of such land, and the experiments indicate that in three or four years the blocks would become profitable and would enable selectors to make a living on them. I am not in a position to say what areas should be granted selectors, but I suggest that the land be surveyed in blocks of 300 or 400 acres, and that only alternate blocks be allocated. Then if the area proved insufficient, selectors would be able to take up half or the whole of an adjacent block.

On motion by the Minister for Lands, debate adjourned.

BILL—DIVORCE AMENDMENT.

In Committee.

Resumed from the 2nd September. Mr. Lutev in the Chair; Mr. Mann in charge of the Bill.

Clause 2—Amendment of Section 23 of ordinance 27, Vict. No. 19:

Mr. HUGHES: I move—

That progress be reported.

Motion carried; progress reported.

BILL—MINISTERS' TITLES.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [4.41] in moving the second reading said: This is a small Bill that has already received the unanimous support of another place. It has for its object the discontinuance of the use of the word "Colonial" in connection with the Government of the State. It will be within the knowledge of members that early this year the Home Government decided to create a new department with a secretary whose title will be that of Secretary of State for Dominion Affairs. This will be entirely separate and distinct from the department with which the States have been in communication during all their history, the Secretary of State for the Colonies. The time has passed when we discontinued the use of the word "colonial" as applied to States that are independent units in the British Empire, and so in future the word "colonial" as applied to the Treasurership of the State and to the office of Colonial Secretary, will not be employed. I move—

That the Bill be now read a second time.

MR. SAMPSON (Swan) [4.43]: I had the honour for a period all too brief to occupy the high and dignified position of Colonial Secretary, and with others I regret, for sentimental reasons, the alteration of the name; but I am sure an illustrious predecessor—I refer to Mr. Angwin—

The Minister for Lands: I was never Colonial Secretary.

Mr. Hughes: Evidently you did not find out much about the job while you were in it.

Mr. SAMPSON: Then I withdraw everything except the word "illustrious."

The Minister for Lands: I was for a long time in the office of the Colonial Secretary.

Mr. SAMPSON: The word "Colonial" to-day is a misnomer. The alteration from the old days of the colonies to a combination of States has brought about a change which has rendered the use of "Colonial" in Ministerial titles an anachronism. Apart from the sentimental aspect, everyone will feel pleased that circumstances have altered, and that to-day

we enjoy the advantages of local government, whereas in the days when the office of Colonial Secretary was established the administration was from Downing-street. In the office of the Colonial Secretary are to be seen the photographs of some of those able men who shaped the early destinies of the State—the late Lord Forrest, the various Governors, among them Governor Stirling, who for a time acted as Colonial Secretary. All these men did wonderful service in the more difficult days of Western Australia. The subject might provide interesting discussion if one had the facts at one's disposal. However, we all regret the passing of the term "Colonial Secretary," though we rejoice that circumstances have altered so as to justify the change.

The Premier: We have grown up.

Mr. SAMPSON: Yes. We have grown up since the days when Western Australia was a colony, and we have reached the stage of enjoying the advantages of autonomy.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUBLIC EDUCATION ENDOWMENT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [4.52] in moving the second reading said: This Bill, if it becomes law, will afford an opportunity for the Endowment Trustees for Public Education to deal with the large areas of land they hold in trust. Most of us are aware that thanks to the foresight of our predecessors areas of land have been reserved to provide for education in the future. The trustees have no power whatever to sell such lands, and as regards ordinary leases, the Act limits them to 21 years. That circumstance has in almost every instance deprived them of the opportunity of obtaining any considerable revenue from the lands in their charge. Except for the purpose of building, no land can be leased for more than 21 years. The money derived from the lands is used principally to assist our lads and girls to higher education. The amount of revenue

at present received is not large, but undoubtedly in years to come it will increase to something very considerable. I regret that frequently agitations have been got up to grant power to the trustees to sell the lands. If the lands were sold, the effect would be practically to set aside the intention of those who made the endowment. At present it is not possible to reap the full value of the endowments, but the benefit of them will be felt in years to come, as the State progresses. Once the lands are sold, however, the endowments will be entirely gone, because the moneys are used principally for current expenditure on education. The chief reason for the introduction of this Bill is an application made to the trustees by the Cottesloe Golf Club. Near the sea by Cottesloe there are large sandhills forming part of the endowment lands, and an area of those sandhills is desired for the establishment of golf links. The club have approached the trustees for a lease extending over 99 years. The Government do not see their way to consent to a lease for 99 years, but subject to the approval of Parliament they are willing to allow the trustees to grant a 50 years' lease. That proposal has been accepted by the golf club, who intend to expend on the area, about 200 acres, a sum of £5,500 in the course of 10 years. The conditions are that the land shall be rent free for five years, and that for the remainder of the term the rental shall be five per cent. on the unimproved capital value of the land. For the first 25 years this value has been fixed at £20 per acre, and at the close of the 25 years it will be re-appraised for the remaining portion of the term. All the improvements that are to be carried out on the land will eventually become the property of the trustees. At present the land is lying waste, and many years must pass before the area will be availed of for building sites, partly on account of its situation, and partly owing to the large area of vacant land surrounding it. There is also the consideration that this area consists of sand hills. Under the lease there will be no power to the club to sublet. Further, the lease will provide that the area must be retained for recreation purposes. It is hardly necessary for me at this juncture to worry hon. members with an account of what the trustees have done during the period of their existence hitherto, because they have been restricted in regard to funds; but I may state that during next year the trustees an-

ticipate being able to grant seven scholarships from revenue, scholarships which will represent about £210. The revenue for the last year from the lands was small, amounting to only £379. The proposed power should, I consider, be granted to the trustees. They must get some revenue from the lands, and they cannot get it from leases of 21 years. No person will expend any considerable amount of money in improving land held on so short a lease. I feel sure, therefore, that no member will object to the granting of the proposed power to the trustees. Unquestionably it will be a great improvement to the district to have the area properly levelled, and no doubt the adjoining lands will increase in value for future leases. The section of the principal Act sought to be amended is No. 7, which provides that the trustees can lease any area for 99 years for building. If the word "building" is deleted, the trustees will have power to grant leases for any term not exceeding 99 years subject to the approval of the Government for the time being. I think by that means the power will be sufficiently safeguarded to prevent its being used to the detriment of the cause of public education in this State. The one object of the Bill, therefore, is the striking out of the word "building." I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CITY OF PERTH.

Second Reading.

THE MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [5.0] in moving the second reading said: The Bill deals with questions that have been under consideration by the City of Perth for a considerable time. Almost everyone recognises that owing to the congested state of the traffic in the principal streets of the city, it is necessary that something should be done to relieve the existing conditions. The City Council have had under consideration for some years various proposals for widening existing streets or opening up new

thoroughfares in order to deal with the traffic problem. When the city was first laid out, obviously it was not thought that it would expand to its present dimensions. The streets were made too narrow. Owing to the growth of the city in unison with the progress of the State, it has become urgently necessary to carry out improvements so as to make better provision for the traffic. The need for this has been accentuated by the advent of motor vehicles. We know the difficulty existing in view of the motor traffic in Hay and other streets, and, consequently, I consider the Perth City Council may be congratulated upon taking up the question at the present time and endeavouring to make arrangements different from those that now exist. The City Council have under consideration the extension of Forrest-place through to St. George's-terrace. If that work is carried out hon. members will realise that the interests of the city will benefit considerably. The cost may be high, but it will be entirely at the discretion of the property owners whether or not the work will be carried out. It is realised that that extension will relieve the traffic problem and prove a great convenience to the general public, since it will provide a thoroughfare through the main business portions of the city from the railway station. Other streets, the extension of which the City Council have under review, include the extension of Stirling-street north to Walcott street and south to Wellington-street, the widening of Adelaide-terrace from Victoria-avenue to the Causeway, the widening of George-street from St. George's-terrace to Hay-street, and the widening of Wellington street from Plain-street to Thomas-street. These are some of the principal streets in the city and hon. members will realise that it has become increasingly necessary for work of this description to be carried out. The powers to be granted to the Perth City Council are set out plainly in the Bill. Those powers do not confine the City Council merely to the acquisition of land actually required for the works to be carried out. The Council can acquire land on either or both sides of the street to whatever depth is desired.

Mr. George: That was done in Birmingham many years ago.

The MINISTER FOR LANDS: Yes. That power is given to local authorities who desire to open up new streets, or to widen existing ones. By such a provision we as-

sure that the council will reap the benefits to be derived from these operations and that those benefits will not go to the owners of strips of land abutting on the new or improved thoroughfares. Some years ago I introduced a Bill to authorise the widening of High-street, Fremantle. On that occasion Parliament agreed that the local authorities should have the power to take more land than was required for the mere widening of the street. In that instance power was given to the Fremantle Municipal Council to take over a whole triangle. Unfortunately, the civic authorities did not go on with the scheme. The Bill also provides power for the council to deal with the land after it had been acquired. The City Council will be given power to either sell or lease the land.

Mr. George: Don't sell it.

The MINISTER FOR LANDS: Well, the power is contained in the Bill and it will be for the council to decide what shall be done. Power is also provided for the council to construct new buildings or repair existing buildings that may be affected at the time of the purchase. Again, it is for the council to decide whether anything of that sort shall be done. Provision is also made for the system of colonnading, where foot-paths can be provided under existing buildings. This provision would apply to a great extent to Hay-street. This will enable vehicular traffic to occupy the full width of the street. The Bill conserves the right of people owning property in streets where colonnading is carried out, enabling them to occupy the rooms over or under the foot-paths. This provision is necessary in regard to Hay-street. It will cost an enormous amount of money if the council alter or widen Hay-street at the present juncture. The Bill, however, provides for the colonnading of Hay-street from end to end, thus assisting to solve the vehicular traffic problem in that thoroughfare. There is one matter to which I think it necessary to draw attention. I refer to the borrowing powers of the council. The Municipal Corporations Act provides certain borrowing powers for the council. If the Bill be passed it is intended that all moneys required for making the alterations proposed in the streets—the construction of new thoroughfares, the widening or extending of streets, the erection of buildings or any other works covered by the Bill—must be money raised apart

from the present borrowing powers of the Council. I think the existing borrowing powers are confined to 10 per cent. on two years' annual income. All that money will be required for ordinary works and it would be impossible for the Perth City Council to enter upon a scheme of this description if they were limited to the borrowing powers set out in the Municipal Corporations Act. The Bill, therefore, provides extensive powers regarding money to be raised by way of loan. All such money will not be governed by the provisions of the Act. This is a vitally important part of the Bill but I can safely commend it to hon. members because the powers set out in the Bill are entirely in the hands of the property owners of the city. With respect to other powers the Municipal Corporations Act prevails. No money can be raised for works contemplated by the Bill without the permission of the property owners, as disclosed in any vote that may be taken. That being so, I think ample safeguards are included in the Bill regarding any of the proposals covered by it. If the people who are liable for the payment of the money expended are willing to allow the work to proceed, we are quite safe in saying that these powers should be granted. The decision in such matters is not entirely in the hands of the council. There is another provision in the Bill which is mentioned in the Title. It relates to an amendment of Section 217 of the Municipal Corporations Act. The amendment in that respect is necessary because the Perth City Council purchased new offices in Murray-street and in order to do so issued mortgage debentures. It has been found that the authorities have no power to register that mortgage. When the deal was carried out it was thought that the power of registration existed. I am told that no objection has been taken to a number of similar but small transactions going through, but when it came to the registration of a big transaction such as that involved in the purchase of the Murray-street offices, the municipal authorities found that there was no power to secure the registration. Subsequently the court found that the Titles Office had taken the correct stand in refusing to register it. The clause dealing with this matter will ratify the error and enable the mortgage to be registered. The arrangements were that the building was to be paid for over a number of years, and I feel confident that

the House will rectify the error of judgment that has been disclosed. At the same time, the provision of this amendment does not give power to the City Council to carry out works by way of mortgage. The municipal authorities will not have power to purchase any property under the same conditions as they purchased the Murray-street building, nor will they be able to carry out in such a way any of the other works covered by the Bill. The clause will apply only to the one transaction. These are the real objects of the Bill and the powers are set out very clearly. I confidently ask members to agree to the Bill because, while it will enable the Perth City Council to carry out necessary works, no such action can be taken without the consent of the property owners in the city.

Mr. Sampson: Why should all the business be concentrated in Hay-street?

The MINISTER FOR LANDS: I do not know. Unfortunately these things happen and once established it is difficult to shift them.

Mr. Sampson: The city should be allowed to extend naturally.

The MINISTER FOR LANDS: The Perth City Council have no power to alter that and I do not know that Parliament would oppose any person starting business in Hay-street if he desired to do so.

Mr. George: Why should we?

The MINISTER FOR LANDS: If people think that is the best place in which to commence business, they should be allowed to go there. That applies to all cities. No matter where one may go, there is generally a small area within the city where the principal business houses are located. It is necessary that the City Council should have these powers. They are provided in almost every other city legislation.

Mr. George: And they have proved an unqualified success.

The MINISTER FOR LANDS: Yes. When in London I was quite surprised to see large buildings that were being altered or removed for the purposes of widening the thoroughfare. Now is the time to start in Perth. It is regrettable this was not done some years ago, when the improvement could have been carried out at much less cost. The City Council will deal with this matter carefully and see to it that nothing is done to interfere with any person's business. When any land is resumed, if the price cannot be arranged by

mutual agreement it can be settled under the Arbitration Act of 1895, so there can be no question of confiscation.

Mr. Sampson: It does not seem fair to those out in the suburbs. Business ought to be allowed to expand, instead of being confined to one centre.

The MINISTER FOR LANDS: The Bill does not affect that question. The businesses are already there. Fancy telling Messrs. Harris, Scarfe, & Sandover, Ltd., to close down their city warehouse and get out to Subiaco! We cannot dictate to people like that.

Mr. Sampson: If another street were opened, it would make the congestion still more acute.

The MINISTER FOR LANDS: I do not think so. Whether existing streets are widened or new streets opened, it must have the effect of reducing the congestion. The Bill also gives the City Council power to make street alignments. They will serve notice to the land owners that the street shall be a certain width, after which the landowners will take the responsibility of building on to that frontage.

Mr. George: Is there any power in the Bill to regulate the height of buildings?

The MINISTER FOR LANDS: No. That would come under the Building Act. This Bill merely deals with the widening of streets, the colonnading of streets, the alignment of streets and the opening of new streets.

Mr. George: It would be quite legitimate to have in the Bill power to regulate the extreme height of buildings.

The MINISTER FOR LANDS: It is not in the Bill. The provisions of the Bill give the City Council full power to carry out their requirements. I move—

That the Bill be now read a second time.

On motion by Mr. Latham, debate adjourned.

BILL—JURY ACT AMENDMENT.

In Committee.

Mr. Lutey in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 5:

Mr. SLEEMAN: I propose to move an amendment providing that women shall sit as jurors. We have to be consistent. Last

year we endeavoured to see that women were permitted to sit on juries, but, unfortunately, another place threw out the Bill. It is not so long since women could not take their place in this House, since, indeed, they were not even allowed to go into the Speaker's gallery. Women should be allowed to serve on juries.

The CHAIRMAN: I cannot accept such an amendment at this stage. It must be moved as a new clause at the end of the Bill.

Clause put and passed.

Clauses 3 to 12—agreed to.

New Clause:

Mr. SLEEMAN: I move—

That the following new clause be added—Section 5 of the Jury Act of 1898 is hereby amended by striking out "man" in the first line and inserting "person, male or female"; and by adding a proviso as follows:—Provided that any female may, by notice in writing addressed to the Resident or Police Magistrate in the district in which she resides, indicate that she does not desire to serve as a juror, and upon receipt of such notice by the Resident or Police Magistrate she shall be excused from any service whatever as a juror.

The CHAIRMAN: I rule the amendment out of order. The Bill deals only with special juries.

Dissent from Chairman's Ruling.

Mr. SLEEMAN: I must reluctantly move:—

That the Committee dissent from the Chairman's ruling.

Standing Order 277 states:—

Any amendment may be made to a clause provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any amendment shall not be within the title of the Bill the Committee shall extend the title accordingly, and report the same specially to the House.

Hon. G. Taylor: It is outside the Order of Leave. There is no question about that.

The Premier: Only two questions can be dealt with, jurors' fees and special juries.

[The Speaker resumed the Chair.]

The Chairman: The member for Fremantle (Mr. Sleeman) has moved an amendment to the Jury Act Amendment Act, dealing with women sitting as jurors. I have

ruled that the amendment is not relevant to the subject matter of the Bill, as the Bill deals only with special juries and jurors' fees.

Mr. Sleeman: I have moved that the Chairman's ruling be disagreed with, as I think he is wrong in his ruling under Standing Order 277, which I have just read. "May" on page 453 deals with this question as follows:—

In entertaining an instruction, the House is subject to this primary condition, namely, that the amendments to be sanctioned by an instruction must come within a fair interpretation of the rule laid down by Standing Order No. 34, namely, that those amendments should be relevant to the subject matter of the Bill. Thus the subject matter of a Bill, as disclosed by the contents thereof, when read a second time, has, since 1854, formed the order of reference which governs the proceedings of the Committee thereon it follows that the objects sought by an instruction should be pertinent to the terms of that order; and that the amendments, which an instruction proposes to sanction, must be such as would further the general purpose and intention of the House in the appointment of the Committee. The objection of an instruction is, therefore, to endow a Committee with power whereby the Committee can perfect and complete the legislation defined by the contents of the Bill, or extend the provisions of a Bill to cognate objects.

Mr. Speaker: The Chairman has ruled the amendment of the member for Fremantle out of order on the ground of its irrelevancy. The hon. member has cited a passage from "May" which, I think, gives him his answer. The quotation is from page 453, Tenth Edition of "May's Parliamentary Practice," which reads—

In entertaining an instruction, the House is subject to this primary condition, namely, that the amendments to be sanctioned by an instruction must come within a fair interpretation of the rule laid down by Standing Order No. 34, namely, that those amendments should be relevant to the subject matter of the Bill.

Our standing Order No. 277 is practically the same as Standing Order No. 34 of the House of Commons, and reads—

Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill or pursuant to any instruction.

If it is pursuant to any instruction, it comes definitely under the quotation made from "May" by the hon. member. The only point is, whether the introduction of the amendment will entirely change the nature and character of the Bill, which has only a

special purport, namely, to abolish special juries, and to regulate jurors' fees. Is the introduction of women as jurywomen relevant either to jurors' fees or to the abolition of special juries? I think on reflection, hon. members will see that these are entirely distinct and separate matters, each standing upon its own basis. Therefore the question of making women eligible to sit upon juries under this Bill is a distinct and separate matter, not relative to the subject of the Bill.

Hon. G. Taylor: It is foreign to the Order of Leave.

Mr. Speaker: The member for Fremantle is right in assuming that the title of the Bill can be altered, provided the amendments made are relevant to the subject matter of the Bill, but he cannot make two Bills under the one title. I, therefore, uphold the Chairman's ruling.

Mr. Teesdale: You will have to change your solicitor, I can see.

Committee resumed.

Mr. SLEEMAN: Would I be in order in moving to amend the title of the Bill?

The CHAIRMAN: No.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Lutey in the Chair, the Minister for Works in charge of the Bill.

Clause 7, Members of the Court:

The CHAIRMAN: Progress was reported on an amendment by Mr. Davy, That all words from "of," in line 3 to the words "forty-four," in line 10, be struck out, and the following inserted in lieu thereof:—"A president who shall be appointed by the Governor from among persons having in every respect the same qualifications as judges of the Supreme Court, and when appointed he shall in every respect hold office for the same period and at the same salary, terms, and conditions as judges of the Supreme Court."

Mr. DAVY: The Minister's arguments were not at all convincing. He selected the longest period of appointment given to any

president in Australia, namely seven years. I am asking him to make the appointment for the period of the active life of a man, which would be 25 years. In all countries which have our conditions of legislation and administration, judges are appointed for life tenure with absolute independence of position. Throughout Australia all presidents are appointed from the ranks of judges, so it does not matter from the point of view of principle whether they are appointed for seven years or for seven minutes. From what I have heard, most people look upon this as a job with an enormous amount of work for which little thanks are given. In fact, it is one of the most onerous positions a man could have. He gets plenty of abuse and not much appreciation. Under the Bill it may be possible for a man to be appointed for seven years and he will not get a salary equal to that of a Supreme Court judge. If he receives £1,750 a year and he realises that if he is not re-appointed at the end of his term he will have to get out and scratch for a living, he will be an exceptional man if he is able to do his work without some consideration as to how his decisions will be regarded by the Government in power as the seven years are running out. If those decisions should be unsatisfactory to the bulk of the supporters of the particular Government then in power, great pressure will be brought to bear to prevent the re-appointment taking place.

Mr. LATHAM: I can see no necessity for appointing a judge for seven years because if he is likely to make any mistakes, those mistakes will be made during the early period of his service. Whoever receives the appointment should be lifted quite above what we may call political influence. In this House we have heard unfair statements made about decisions that have been given.

Mr. PANTON: And you will hear a few more.

Mr. LATHAM: Perhaps we shall, but I do not think the man is born who can give a decision that will be satisfactory to everybody. When we make an appointment of this description, we do not appoint the first man who offers his services, whether his qualifications are right or not.

Mr. Sleeman: What should be his qualifications?

Mr. LATHAM: The Minister for Works might tell us what they are. The recent appointment has given every satisfaction and I consider it would be a dangerous thing to

select a layman and place him in such a high position. The Minister recognises that, because he has provided for the appointment of two laymen. I do not know what their duties are to be. The president is to adjudicate between the opinions of the two laymen, and if he be a lawyer his legal training will help him to adjudicate properly. The office is an exceedingly difficult one and the best man obtainable will be required to fill it. For goodness sake let us make his position as easy as possible, and remove the possibility of his being influenced by reason of a limited term of office. If necessary, let us amend the law to permit of the appointment of another judge who may become president of the Arbitration Court.

Mr. PANTON: Members opposite ought to realise that the court should be one of arbitration and not litigation. The fact that litigation has been allowed to creep in has occasioned greater bitterness between employers and employees than has anything else. Men go to the court to settle a dispute, and they are led to believe that the case will be decided on the facts adduced in evidence and gleaned from inspections made by the court. I object to the appointment of a legal man because his training leads him to consider litigation instead of arbitration.

Hon. G. Taylor: Oh no!

Mr. PANTON: I have nothing against the legal profession, but I want the court to be as free as possible from all precedents, judges' rulings or legal proceedings of any kind. If these things could be eliminated from the Arbitration Court, there would be quite a different atmosphere industrially throughout the State. The present acting-president of the court has followed more legal precedents set up by solicitors on the floor of the court than has any other president.

Hon. G. Taylor: He has to.

Mr. PANTON: When workers go to the court they want their case decided on the economic facts and not on legal points. The actual obtaining of an award in the court is comparatively easy, but the award is not worth the paper on which it is written unless it can be enforced. When cases for enforcement or interpretation are taken into court, a solicitor immediately appears and the whole idea of the president then is to follow the dictates of his legal training. A judgment was delivered a few days ago and it was astounding to note the precedents that

were followed. Industrialists believe in arbitration, but they do not want litigation. The measure as framed will overcome any disabilities under which we labour to-day, but if presidents of the court are to continue to give decisions based on legal precedents, it will be impossible to convince the industrialists that it is of any use continuing with arbitration. I am opposed to the president being appointed for life. The president of the Arbitration Court has it within his power to make or break the industries of the State, and there is certainly no more responsible position to which a man could be appointed. To appoint him for life would, therefore, involve a big responsibility. The president must be tried, and I have sufficient confidence that the man appointed would do the job without keeping an eye on the possible effect of his actions at the end of his seven years' term.

Mr. Latham: To err is human.

Mr. PANTON: Quite so, and as a man is liable to err, he should not be appointed for life. In seven years a man could be well tried out. If he proved successful, he could be reappointed; if not, he should be relieved of the office. If there was any question of the appointee making himself subservient to the wishes of the Government, the present Government should seize the opportunity to appoint a president for life. The Government, however, do not take that view. They feel that the president of the court should be given an opportunity to show what he can do.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SAMPSON: With reference to the arguments of the member for Menzies, I acknowledge that solicitors appear on the floor of the Arbitration Court in matters relating to the enforcement of awards. That, however, is not the same as discussing the question of an award itself. In relation to the thoroughness of a Supreme Court judge, the member for Menzies and I find ourselves on common ground. Therefore that hon. member might support the amendment of the member for West Perth. We have to consider how the principles of arbitration can best be brought into effect. I disagree with the Minister for Works in his statement that the duties of the president of the court could be equally well discharged by any person possessing a know-

ledge of industrial matters. I disagree also with the Minister's contention that the business of the Arbitration Court cannot be safely entrusted to a Supreme Court judge. A judge has a trained mind, and is able to gauge the value of evidence, and therefore is more likely to arrive at an equitable decision than a man not possessed of legal training.

Mr. Panton: A judge is frequently assisted by 12 jurors.

Mr. SAMPSON: Yes; but the judge, after all, is the man on whom we most depend. The position of president of the Arbitration Court is one of great difficulty—another argument in favour of its being filled by a Supreme Court judge. The Arbitration Court deals with a multiplicity of technical details which frequently obscure the real issue. The questions to be decided by the Arbitration Court do not relate to technicalities of industry, but to the amount of a fair and reasonable wage. In limiting the consideration of trade technicalities a Supreme Court judge would exercise a wise discretion. The work of the President of the Arbitration Court should be the work of a lifetime. Then the public generally would have greater confidence in awards.

Hon. G. TAYLOR: I listened yesterday to the reply of the Minister for Works to the observations of the member for West Perth regarding the constitution of the Arbitration Court. The Bill proposes three members, and the amendment practically proposes one member, who shall have the qualifications of a Supreme Court judge. The Minister urged that it was essential to have on the bench with the president, two laymen, one skilled in the intricacies of work and one possessing great knowledge of industry. If that necessity exists, what need is there to call so many witnesses to give evidence? Surely the president can analyse evidence as it is presented to him, without having it expounded by a partisan on either side of him. That is too absurd for words. Boiled down, in practical working it is the president who decides in the end. If the two partisans on the bench cannot agree, the president's vote decides the issue. When there is a knotty point, the president decides. Apparently hon. members opposite consider that the president is capable of deciding the most difficult points, but is not capable of analysing the evidence as a whole. That is absurd.

The president should be the sole arbitrator from start to finish, an arbitrator unhampered by partisan statements from assessors on the bench.

Mr. Panton: Then they have been wasting their time on the bench for years.

Hon. G. TAYLOR: When the arbitration system was instituted 25 years or more ago it was considered necessary to have laymen on the court, but time has proved that they are not required. I think it has been due to the presence of these partisans on the bench that arbitration has not proved successful.

Mr. Panton: Rubbish! That is an absurd statement.

Hon. G. TAYLOR: I must admit that on occasions when a decision has been given in favour of the employers I have heard Mr. Somerville, the labour representative on the court, voice opinions opposed to those to be expected from one in his position.

Mr. Teesdale: That was by accident.

Hon. G. TAYLOR: Not at all. I have known Mr. Somerville for over 28 years and I have complete confidence in his fairness.

Mr. Sleeman: With all his experience and fairness he should be fit for the position of president.

Hon. G. TAYLOR: I would not be a bit afraid to go before him as the head of the highest industrial tribunal, to discuss labour questions. That is my opinion of him.

Mr. Panton: That is a good argument in favour of a layman as president.

Mr. Sleeman: It is not necessary to have a judge after all.

Hon. G. TAYLOR: I cannot say that of every man in Western Australia, whether in the Labour ranks or not. For my part I believe it is necessary to have a judge as the president of the court. It is well known that if guilty, a person would like a jury, but if innocent, a judge. That is the opinion of those who break the law, for they realise they cannot fool the trained brain of a judge, whereas they can fool the untrained minds of a jury. I have nothing to say against the present Acting President of the Arbitration Court. Although he has not had the experience that Mr. Somerville has had he is eligible for the presidency, even if the amendment be carried. I hope the Minister will realise the justice of the views expressed by the Opposition. This is not an ordinary Bill for it affects every home in the land. In those circumstances I hope

the Minister will agree to place the president beyond the influence of any person so that he may deal out even-handed justice to all concerned.

Mr. HUGHES: In view of the arguments we have listened to one wonders whether there is any section of the community, apart from a small number of lawyers, capable of sound reasoning. Only recently I heard a King's Counsel, who has had a life-long experience at the bar, say in the Supreme Court, "After all, the legal mind is only a fiction."

Mr. Maun: Do you agree with that?

Mr. HUGHES: Entirely. If there is any doubt about the matter one has only to read the reports of the courts of appeal. The library is full of reports of cases in which the decisions of these trained minds have been upset by their brother judges.

Mr. North: Does not that apply to doctors and specialists?

Mr. HUGHES: But there is no appeal from the doctors. If one followed the decisions of some of our judges it would be found that decision after decision that they have given has been upset on appeal.

Mr. Mann: By other trained minds.

Mr. HUGHES: The reasoning faculty is not the special possession of any one section of the community. If hon. members attended the courts and listened to some of the stuff that passes muster for logic, they would be astounded.

Mr. North: What about this House?

Mr. HUGHES: Unfortunately we have a couple of legal gentlemen here. There are plenty of laymen who can reason things out satisfactorily. In every other profession a man has to weigh the facts and come to a decision. Is it contended that our chemists and our university professors have no trained reasoning faculties? Some members would debar a university professor from sitting in the Arbitration Court on the score that he cannot reason things out for himself. It is absurd to say that we should limit the choice of president to one section of the community. If we are to get the best brains for the position we ought to have the widest possible choice. Surely Napoleon could weigh the facts and decide any case before him; yet if he were here it would be declared that for want of legal training he was not to be trusted to give a proper decision in this court. It seems to

me that members are waxing eloquent about nothing.

Member: Hear, hear!

Mr. HUGHES: A lawyer, as a rule, can make a good living. He is not obliged to live on the basic wage. The man who has had to live on the basic wage has passed through an excellent training to fit him for a post on the Arbitration Court. We require as president a man of deep insight into human nature, one who knows just what it costs to maintain a family.

Mr. North: A great deal would depend upon the choice.

Mr. HUGHES: Undoubtedly; why, then, limit the choice to so narrow a field? If we had to select a president from the legal profession, the choice would be restricted to two or three men. Let us have the widest possible choice for so important a position.

Mr. ANGELO: This appointment of the president of the Arbitration Court is the most important matter in the Bill. The member for West Perth (Mr. Davy) in moving his amendment stressed the fact that the president might be biased towards the end of his term as the result of some particular Government being in power. The member for Menzies (Mr. Panton), on the other hand, stressed the danger of appointing for life a man who might prove unsuitable. It seems to me that the success or failure of the appointment depends very largely upon who makes it. What I fear is that when an appointment is made there will be a feeling in the minds of at least one section of the people that the Government of the day have been biased in their recommendation to the Governor. I suggest that the appointment be left in the hands of a body of men entirely independent of politics. I think the Supreme Court bench should be asked to recommend a president. It is well recognised that our judges are above politics.

The Premier: That is so, but by asking them to make a recommendation of this kind we should be dragging them into the political mire and subjecting them to the criticism of some dissatisfied party.

Mr. ANGELO: We are trying to create a court outside of politics.

The Premier: Our judges must not be asked to do anything that might subject them to the criticism of a dissatisfied section of the community in a matter of this kind.

Mr. ANGELO: How could anybody accuse our judges of not selecting the proper man for this important position?

Mr. Panton: They have all had a taste of it themselves, and I do not think they would recommend anybody else.

Mr. ANGELO: At least they should be given a chance. If the appointment be made on the recommendation of the Government of the day a big section of the community will be dissatisfied with it, whereas if the appointment were made by our Supreme Court judges, general satisfaction would prevail and our difficulties would disappear.

Mr. BROWN: It does not matter much whether the president be appointed for seven years or for nine years. While he does his duty satisfactorily, his term should be renewed, but if he prove unsuited to the position, those in authority should have power to remove him.

The Premier: Who is to judge as to whether he is doing his duty satisfactorily?

Mr. BROWN: None of the presidents of the court has occupied the position for so long a period as seven years. I do not know whether the work is uncongenial or of a very trying nature, or whether the president is always giving dissatisfaction to someone, but I know it is difficult to get a judge to take the position. The president of the court has to listen to evidence from bakers, timber workers, iron moulders, and concerning all kinds of trades and industries. Is an ordinary layman in a position to weigh the evidence that is placed before him in the same way as is a man with legal training? It would be infinitely better to place in that position a judge of the Supreme Court.

Mr. Panton: One will not stay there.

Mr. BROWN: Why?

Mr. Panton: Because he does not like the job and does not understand it. He is not trained for the work.

Mr. BROWN: If that is so, how much less likely will it be that an ordinary layman will give satisfaction? Such a man will not understand the technicalities of this law. I have been told that it takes months for a union to put a case before the court. The whole question is serious, and we must consider it most carefully.

Mr. GEORGE: In the interests of both parties, it is better to have a judge as president. It would be almost impossible to find a layman capable of taking the position. He may have a knowledge of one par-

ticular trade or industry, but this would have the effect of causing him to be biased in that direction. A judge, on the other hand, would not have experience of trades or industries, and would deal with a case on its merits. It is noticeable that if the employers cause a breach of the agreement they can be fined to the last penny, but if a unionist breaks the law, is he prosecuted?

Mr. Panton: How many did your Government prosecute?

Mr. GEORGE: No arbitration will be any good until both parties are made amenable to the law, and obey it. The interests of both parties are in common and they should work together.

The CHAIRMAN: This clause deals with the constitution of the board.

Mr. GEORGE: It would be fatal to both parties if anyone but a judge were appointed. I regret that employers and employees are further apart than ever, and that the chasm appears to be widening.

Mr. MANN: The term of seven years is too short if the person appointed is satisfactory, and too long if he turns out to be unsuitable. I find no provision for the removal of the president if he is not giving satisfaction. It is better that a man should go into the position trained, than that the position should train him. While a man is undergoing the training he will inevitably give dissatisfaction to both sides. Ministers are quite capable of selecting a president, provided they make the selection from the right avenue. Evidently the Minister for Works has someone in mind, in view of his proviso that the president shall not necessarily be a judge of the Supreme Court.

The Minister for Works: I have no one in mind. It will not be a pleasant task to make the selection.

Mr. MANN: I accept the Minister's word. The task will not be a pleasant one. I admit that there are capable persons outside the legal fraternity, but there is a greater chance of a member of the legal profession proving more successful in the position than an individual who is untrained and untried. If it came to appointing a layman, I would as soon select the Minister for Works who is as capable as anybody I know of. I know no one who is better able to marshal facts and who would be more likely to give an equitable decision. The Minister, however, might not be as capable of selecting anyone for the position as he would be of filling it himself.

Mr. Hughes: Suppose we provide for a life pension after the expiration of the seven years?

Mr. MANN: If whoever was selected for the position proved himself capable of keeping the country free from industrial strife, he would be entitled to a life pension. I daresay the Minister feels that the Bill as it stands is all right, and that he has the numbers to carry the clause as it stands. Whatever decision is arrived at I hope it will be for the benefit of the industrial life of the State, and that it will add to the State's prosperity and will keep us free from the strikes to which we have been accustomed in the past.

Mr. WITHERS: Members have been talking all round the subject regardless of the fact that there is nothing in the clause which says that whoever receives the appointment shall be a member of the Supreme Court bench. The position is clear. The clause says that we "may" appoint a man with a trained or legal mind, but that he need not necessarily be a Supreme Court judge.

Hon. Sir JAMES MITCHELL: The Minister has brought down the Bill that he wants; there is no denying that. Whenever we have asked for information he has given it to us with almost brutal frankness. That is one thing I admire him for. He has told us that he will not have the Bill amended. The clause we are discussing is the most important in the Bill, but if we pass it as it is we shall be doing an injustice, not to the employing class but to the workers of the State. What we do want and what we should try to get is a court that will have a chance to satisfy the people. We know that the judges have spent a considerable time in the Arbitration Court and we also know that none of them wants to go there again. It is not desirable that the President should do other than the Arbitration Court work. That has not been possible in the past. I tried to amend the Act to make it possible to appoint a permanent President just as the Minister is doing, but unfortunately I failed. I am certain that by carrying the amendment we shall make for the better management of the court. The lay members are partisans. If we had assessors in addition to a judge, we could have men on the bench who understood the particular industry under consideration. There is provision under the present Act to appoint assessors, but a court of five is not necessary. There was a time when I

thought lay members were necessary, but, after having closely watched the proceedings of the court, I consider their presence only tends to prolong cases. This clause is the most important in the Bill, and unless we get the right man as president, we shall have trouble and chaos. Arbitration has not been a conspicuous success lately, but we cannot scrap it on that account, and no one has suggested anything to take its place. Since the world is so upside down, we may not get the satisfaction we hope from the court for the next year or two. Awards have been disobeyed, and it is not satisfactory that the workers should have the right to approach the court and the right to strike. The president should be a man who commands the respect and confidence of the people, as the judges have done, and he should be a man with sufficient knowledge to do justice to the public who are so vitally concerned. In a matter of this kind the Opposition should be considered. We are willing to help the Minister to frame a Bill that will do full measure of justice to honest workers, and such a Bill would give satisfaction to all sections of the people. The Minister for Works has fixed ideas on the subject, arising out of his experience, but experience is often one-sided. Probably that fact makes it more difficult for him to frame a Bill that will work satisfactorily. We want to encourage enterprise and ensure that there is work to be done. It is important that the people should have confidence in the court, and we should make that confidence the stronger by appointing as president a specially qualified man. In this country there should be no shortage of work, and the workers should have no doubt as to the future. So long as men want to work, there should be work for them to do.

The CHAIRMAN: I should like the hon. member to adhere to the amendment.

Hon. Sir JAMES MITCHELL: I am doing so.

The CHAIRMAN: No, you are discussing employment generally and that is not in the amendment.

Hon. Sir JAMES MITCHELL: There is no clause in the Bill that says a man must have work.

The CHAIRMAN: I ask the hon. member to adhere to the amendment.

Hon. Sir JAMES MITCHELL: I am doing so.

The CHAIRMAN: You have been straying from it.

Hon. Sir JAMES MITCHELL: I have not. This clause is really the whole Bill, and the president is the man whom we shall expect to hold the balance fairly between all sections of the people. I feel so strongly upon this question that I think every member should express his opinion and realise his responsibility for the constitution of the court. If we want industrial peace we must be careful to provide for the right man as president. The appointment of the president should be assured, because a limited appointment must operate against the satisfactory working of the measure. I have not heard a word said against the present occupant of the position, but I consider a temporary appointment is quite wrong, even if it is legally right.

Mr. TEESDALE: When the Collier Government are relegated to the Opposition side of the House, it will be mainly due to the Bills brought forward by the Minister for Works. Every Bill he introduces is seething with prejudice and bias towards a certain section of the community.

Mr. Marshall: On a point of order, is the hon. member in order—

Mr. TEESDALE: The hon. member for Murchison will sit down.

Mr. Marshall: Is the hon. member in order in casting reflections upon another hon. member by saying he produces biased legislation?

The CHAIRMAN: The member for Roebourne may proceed.

Mr. TEESDALE: The member for Murchison is anxious to cloud the matter. There is nothing fair about the Bills, nothing just to minorities. Surely minorities should be considered to have some rights. When we sat on the Government side of the House, suggestions from the then Opposition were amicably received. In regard to the last two Bills introduced the Minister for Works has not given us the slightest chance. I commend the amendment of the member for West Perth to the Minister's consideration.

Mr. NORTH: The office of Engineer-in-Chief was recently filled by an appointment from the recognised channel of men possessing the acknowledged qualifications. Good judgment and perspicacity are needed by a president of the Arbitration Court, and those qualifications come to the top in the legal profession as in every other

calling. It is a matter of using one's judgment on a given issue. The Government should not flounder too heavily about this appointment. They might make a better appointment from outside the legal profession, and on the other hand they might not. Still, lawyers have some idea of sifting and weighing evidence. In saying this I do not refer to the special technicalities of any particular trade. Experts have wonderful capacity in sifting evidence in their own particular line, but they are lost when taken out of their particular line. On the other hand, a judge of the Supreme Court has all the different activities of life brought before him. Further, a judge must be unbiassed, because his position is permanent. If a judge should prove unsuited for the position of president of the Arbitration Court, then at the end of his term of seven years let him be relegated to the work of an ordinary judge and be replaced by another member of the bench.

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	25
Majority against					6

AYES.

Mr. Angelo	Mr. North
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Denton	Mr. Stubbs
Mr. George	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Richardson
Sir James Mitchell	(Teller.)

NOES.

Mr. Angwin	Mr. Lamond
Mr. Chesson	Mr. Lutey
Mr. Clydesdale	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. Munsie
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Miss Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(Teller.)

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

That after the words "forty four" in the tenth line the following new paragraph be inserted:—"A President shall be appointed by

the Governor from among persons having in every respect the same qualifications as judges of the Supreme Court, and when appointed he shall in every respect hold office for the same period and at the same salary, terms and conditions as Judges of the Supreme Court."

It was our intention to move to insert this amendment in lieu of the words we hoped to have had struck out as a result of the amendment on which the Committee have just divided. The Minister said it was not desirable to have a president appointed for life, because he might not prove satisfactory. The Minister, however, has decided to appoint a president for seven years. That is a long time, for during that period, should he prove unsatisfactory, he cannot be removed. On the other hand, a Judge of the Supreme Court and the President of an Arbitration Court, if my amendment be agreed to, can be removed by a vote of both Houses of Parliament. I cannot conceive of Parliament refusing to act if a president proves unsatisfactory. Thus it will be of advantage. Of course I know that unless the amendment be agreed to, the Minister can appoint a layman. A president has to decide on the evidence placed before him, and a legal training must qualify him to sift evidence. Under existing conditions I am afraid evidence is now presented that should not be rightly described as such.

The Minister for Works: This is the amendment we have been discussing all day.

Hon. Sir JAMES MITCHELL: No, it is not.

The Premier: It is the same thing. Everything embodied in this amendment was discussed when we dealt with the previous amendment.

The MINISTER FOR WORKS: This matter has been discussed all day. We have been dealing with the constitution of the court and all that is embodied in the amendment came under discussion.

Hon. G. Taylor: But the Committee have agreed to the layman now.

The MINISTER FOR WORKS: I have nothing to add to the case I put up last evening.

Hon. Sir James Mitchell: But this deals with the qualifications of the president.

The MINISTER FOR WORKS: If I were likely to be convinced by arguments on this point I would have been convinced long ago.

Hon. Sir James Mitchell: Surely you bring the Bill before us to be discussed.

The MINISTER FOR WORKS: It is a weakness of mine that I am so candid. A man who had studied this question for so many years and who subsequently came forward with a concrete proposal would indeed be weak-minded if he were convinced by such arguments as we have heard, to the extent that he would alter the whole frame work of the legislative proposal he had introduced. He would have no force of character, and he would not be worth a row of pins.

Hon. Sir James Mitchell: Then not a word of the Bill is to be altered!

The MINISTER FOR WORKS: Everyone has agreed that the constitution of the court is the vital point of the Bill. I will not be swayed by the discussion which has been raised by members, the great majority of whom have not had one tithe of the experience in these matters that I have had. Neither have I any hope of swaying members opposite to bring them into line with my way of thinking. If members of the Opposition had as many years of experience, they would be open to conviction, but I am afraid they have made up their minds.

Hon. Sir JAMES MITCHELL: I am not concerned about when the Minister thinks we should take a vote on this matter, but I am concerned about doing my duty as a member of this Chamber. Is there no freedom? Was the Minister for Railways correct when he said that members on the Government side spoke as with one voice? The Minister for Works may have made up his mind, but I think his experience is a disadvantage because it has been one-sided. All we are out to do is to improve the Bill.

The Minister for Works: I think that is impossible.

Hon. Sir JAMES MITCHELL: If the amendment be carried, the Minister will be able to appoint as president a man in every way suited to the position.

Hon. G. TAYLOR: I take exception to the Minister's declaration that he is capable of compiling a Bill that is beyond improvement. It is most unreasonable. The amendment will improve the Bill considerably.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	23

Majority against 6

AYES.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Denton
Mr. E. B. Johnston
Mr. Latbam
Mr. Lindsay
Mr. Mann
Sir James Mitchell

Mr. North
Mr. Sampson
Mr. J. H. Smith
Mr. Taylor
Mr. Teesdale
Mr. Thomson
Mr. C. P. Wansbrough
Mr. Richardson
(Teller.)

NOES.

Mr. Angwin
Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Coverley
Mr. Cunningham
Mr. Heron
Mr. Hughes
Mr. W. D. Johnson
Mr. Kennedy
Mr. Lambert

Mr. Lutey
Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munste
Mr. Sleeman
Mr. Troy
Mr. A. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson
(Teller.)

PAIRS.

AYES.

Mr. Stubbs
Mr. Davy
Mr. George

NOES.

Miss Holman
Mr. Lamond
Mr. Clydesdale

Amendment thus negatived.

Clause put and passed.

Clause 8—Amendment of Section 43:

Hon. Sir JAMES MITCHELL: Here the Minister takes power to fill a temporary appointment. Properly administered it is quite a good provision, but if it were used to fill the office on the resignation of a president, it would be quite wrong.

The Minister for Works: It is for use merely in the absence of the president.

Hon. Sir JAMES MITCHELL: Of course a temporary appointment could be made to the office of president, and under this clause the temporary appointee could be kept in office for a long time. That of course, would be quite wrong. However, I do not see how we can have the Bill without some such provision.

Clause put and passed.

Clause 9—Amendment of Section 47:

Hon. Sir JAMES MITCHELL: I again urge the Minister to consider the period for which this appointment is to be made. The president should be appointed for life and should be removable in the same way as a judge of the Supreme Court. I object to the president being appointed for seven years without any chance of his being removed. His salary will be paid by authority of the Act and not, as in the case of an

under secretary, by a vote of the House on the Estimates. This is a weak clause. A man altogether untried in the work might be appointed and, having secured the appointment, would hold it for seven years. Is that a fair thing?

The Minister for Works: I have taken the longest period of any statute in Australia.

Hon. Sir JAMES MITCHELL: So this is a borrowed notion?

The Premier: He had exhausted his imagination and had to go borrowing!

Hon. Sir JAMES MITCHELL: What have we to do with other statutes in Australia? I suppose the Minister looked for the thing he wanted and found it. Why provide a term of seven years in preference to life? If we must have a period fixed, let us have one that will enable us to judge of the suitability of the appointee. I move an amendment—

That the words "for a period of seven years" be struck out.

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

Ayes	..	..	..	17
Noes	..	..	..	22

Majority against .. 5

AYES.

Mr. Angelo	Mr. North
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Denton	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Richardson
Sir James Mitchell	(Teller.)

NOES.

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. Munsie
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Stubbs	Miss Holman
Mr. Davy	Mr. Lamond
Mr. George	Mr. Clydesdale

Amendment thus negatived.

Clause put and passed.

Clause 10—Amendment of Section 48:

Hon. Sir JAMES MITCHELL: Under this clause the Minister asks us to give him a blank cheque to pay the lay members a salary of £600 or anything more he pleases. The present salary of £600 is adequate for the work as it is done now, because lay members are really partisans. We are entitled to know what the lay members are to be paid. Why does the Minister ask for this power?

The MINISTER FOR WORKS: The present salary of £600 is fixed by Act of Parliament. If any alterations were desired a special Bill must be brought down.

Hon. Sir James Mitchell: The right and proper thing to do.

The MINISTER FOR WORKS: A very cumbersome, unwise and complicated proceeding.

Mr. Latham: We fix the salary of judges and officials.

The MINISTER FOR WORKS: There are Government officials who receive three times the amount of the salary drawn by lay members of the court and their salaries are fixed in the same way as is proposed under this Bill. So far as I know, there is no suggestion to alter the salaries of the lay members, but if it is desired to make an alteration, I do not wish to be placed in the position in which the Leader of the Opposition found himself when he was Premier.

Hon. Sir James Mitchell: I brought it before the House.

The MINISTER FOR WORKS: And had the court hung up for weeks waiting for the decision.

Hon. Sir James Mitchell: Nothing of the sort.

The MINISTER FOR WORKS: They refused to go to Kalgoorlie until it was fixed up.

Hon. Sir James Mitchell: They did not.

The MINISTER FOR WORKS: I say they did.

Hon. Sir James Mitchell: I do not care a damn what you say.

The Minister for Lands: The Leader of the Opposition should keep his temper.

The MINISTER FOR WORKS: He has repeatedly said that Parliament is totally unfit to fix wages.

Hon. G. Taylor: This Parliament fixed £400, and afterwards, when that was not enough, fixed £600.

The MINISTER FOR WORKS: That is a cumbersome method of fixing the salaries.

Mr. Latham: That is the proper way to do it.

The MINISTER FOR WORKS: It is entirely wrong to adjust the wages of two men by Act of Parliament. It should be done by the Governor-in-Council. If Cabinet increased the salaries, the increase would come up here for discussion. Hon. members opposite know that perfectly well. Cabinet and the Governor-in-Council are called upon to fix much higher salaries than these—that of the Engineer-in-Chief, for instance.

Hon. Sir James Mitchell: That salary will be voted in this Chamber every year.

The MINISTER FOR WORKS: So will these two salaries. There is no intention to alter the salaries, so far as I know; but the present process of altering them strikes me as absurdly cumbersome.

Mr. LATHAM: Why is it necessary to fix a minimum of £600? Why not insert a maximum? Why not ask for authority to increase the salaries to £800? The Chamber might agree to that. The power asked for is extraordinary. Certainly a maximum should be fixed.

The Premier: If the Government did anything unreasonable, you could turn them out.

The Minister for Lands: The only danger in this provision arises from Governments which might follow us.

Mr. LATHAM: The Government ask for an extraordinary power which will be for all time.

The Premier: Until amended.

Hon. G. TAYLOR: The salary is not too high for the position, but there should be a limit, perhaps £800. Ministers do not need the unlimited power which is proposed.

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

Ayes	..	..	..	..	22
Noes	.	..	..	..	17
					—
Majority against	..	..	..	..	5
					—

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munie
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(Teller.)
Mr. Lutey	

NOES.

Mr. Angelo	Mr. North
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Denton	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Richardson
Sir James Mitchell	(Teller.)

PAIRS.

AYES.	NOES.
Miss Holman	Mr. Stubbs
Mr. Lamond	Mr. Davy
Mr. Clydesdale	Mr. George

Clause thus passed.

Clause 11—Amendment of Section 49:

Hon. Sir JAMES MITCHELL: What is the object of the clause which seeks to omit from the section the word "ordinary" in relation to members of the court? Will the appropriation under the Act cover the salaries of all members of the court if the amendment be agreed to?

The MINISTER FOR WORKS: The Act provides for the appropriation to be made for the ordinary members of the court, the salary of the president, if a judge, being appropriated under a special Act. Should the president not be a Supreme Court judge, his appropriation would have to be covered by the Act as well, and therefore the omission of the word "ordinary" is necessary.

Hon. Sir James Mitchell: Are you sure of the position?

The MINISTER FOR WORKS: Yes. It is necessary to meet the position that may arise should the president be other than a Supreme Court judge.

Clause put and passed.

Clauses 12, 13—agreed to.

Clause 14—Amendment of Section 53:

Hon. Sir JAMES MITCHELL: The Minister proposes to repeal Section 58, which deals with the jurisdiction of the court, and to insert in lieu the new provision set out

in the clause. It provides that the court shall have jurisdiction on its own motion to deal with industrial matters and disputes, and under paragraph (b) sub-paragraph (i), to settle and determine "all industrial matters and disputes referred to it by the Minister, as being proper in the public interest to be dealt with by the court, and irrespective of whether the parties to any dispute are registered industrial unions or not, if the dispute has caused a cessation of work." Cannot the Minister trust the court to do its own work? What right has the Minister to poke his nose into a row between a few people who are not members of a trade union?

The Minister for Works: I shall be glad to keep out of it.

Hon. Sir JAMES MITCHELL: So will the people concerned. What is it all about? I thought that the court was already over-worked and that even registered unions could not get to court under those circumstances. The Minister has widened the interpretation of "industrial matters" so as to bring in almost everything. I object to any Minister being called upon to do this work.

The Premier: This is one of the provisions that the Minister thoroughly convinced you upon last year. You supported it. I will show it to you in "Hansard."

Hon. Sir JAMES MITCHELL: I will be pleased if the Premier can do so. The Bill is not the same as that of last year.

The Premier: Very nearly.

Hon. Sir JAMES MITCHELL: At any rate, I object to the Minister having the power to invoke the aid of the court to settle disputes with which the court may not even be interested.

The Minister for Lands: Someone should have that right.

Hon. SIR JAMES MITCHELL: But the court has the right.

Hon. G. Taylor: If some people, who are not in an industrial organisation, create trouble and tie up industries, someone should have the power to force them to court.

Hon. Sir JAMES MITCHELL: Then let them have the power to go to the court.

The Minister for Works: If they refused to go to the court, would you allow them to continue to tie up an industry?

Mr. Heron: That is what happened a couple of years ago on the Kurrawang wood-line. The whole industry was held up.

Hon. Sir JAMES MITCHELL: I do not think this is a job for the Minister.

Progress reported.

BILLS (3)—RETURNED.

- 1, Group Settlers' Advances.
- 2, Transfer of Land Act Amendment.
- 3, Land Tax and Income Tax Act Amendment.

Without amendment.

House adjourned at 10.30 p.m.

Legislative Council,

Thursday, 10th September, 1925.

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

QUESTION—SOLICITORS' FEES.

Hon. J. R. BROWN asked the Colonial Secretary: 1, Is it a fact that, under the Rules of the Supreme Court, the scale of fees payable to solicitors has been increased by 25 per cent.? 2, If so, when did such increase come into force? 3, Was Section 26 of the Supreme Court Act, or the Interpretation Act, 1880, complied with? 4, If so, when?

The COLONIAL SECRETARY replied: 1, Yes. 2, Published in "Government