

The wonder is that such a Bill was not introduced years ago. Very wide powers are to be given to certain people who will fill various positions. I think those provisions will call for the closest scrutiny when the Bill is in Committee. I feel sure the Bill will have a good effect in improving the class of animals in Western Australia. I support the second reading.

On motion by Hon. Sir E. H. Wittenoom, debate adjourned.

House adjourned at 5.50 p.m.

Legislative Assembly,

Thursday, 7th October, 1920.

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

VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES—RESOLUTION OF LOYALTY—LETTER IN REPLY.

Mr. SPEAKER: I have received the following letter from the Premier, dated 7th October:—

With further reference to the loyal resolution which was passed by the Legislative Council and the Legislative Assembly of Western Australia, on the occasion of the visit of His Royal Highness the Prince of Wales, I desire to inform you that a despatch has been received by His Excellency the Governor from the Right Honourable the Secretary of State for the Colonies, advising that the resolution has been laid before His Majesty the King, who desires that an expression of his sincere thanks and appreciation may be conveyed to the members of the Legislative Council and of the Legislative Assembly.

QUESTIONS (2)—RAILWAYS.

Increased fares, apprentices.

Mr. JOHNSTON asked the Minister for Railways: 1, Is the attached report from the "West Australian" of 1st instant, which is crossheaded as a "Sequel to Suburban Railway Association's Protest," correct:—"Last night, at Parliament House, Mr. Robinson informed a 'West Australian' reporter that he had placed the views of the association before the Minister for Railways (Hon. J. Scaddan) during the morning, and that evening Mr. Scaddan had informed him that, after consultation with the Commissioner of Railways, it had been decided that the rates for apprentices would be reduced to two-thirds of the monthly rate, and that the weekly tickets would be reduced to one-fourth of the monthly rate?" 2, Is the same measure of relief to be granted to the goldfields and agricultural population, in regard to the increases of freights imposed at the same time as the above suburban fare increases, which are already reduced? 3, If not, why the present differentiation in action in favour of suburban fares as compared with freights inland?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, I am unable to discover any "measure" that would have a like application, because the conditions mentioned are not parallel. 3, Suburban fares generally have been increased in a greater ratio than the other rates referred to and still remain greater.

Newcastle Coal.

Hon. T. WALKER (for Mr. Wilson) asked the Minister for Railways: 1, What is the price paid per ton by the Railway Department for Newcastle large coal at ship's slings, Fremantle? 2, What is the price paid per ton by the Railway Department for Newcastle small coal at ship's slings, Fremantle? 3, What is the price paid per ton by the Railway Department for Newcastle large coal on railway trucks, Fremantle? 4, What is the price paid per ton by the Railway Department for Newcastle small coal in railway trucks, Fremantle? 5, What is the freight rate per ton charged by the Railway Department for the transport of Newcastle coal over the Western Australian railways?

The MINISTER FOR RAILWAYS replied: 1, 39s. 9d. 2, 35s. 9d. 3, 43s. 11d. 4, 39s. 11d. 5, Ordinary "M" Class rate.

QUESTIONS (3)—NORTH-WEST DEVELOPMENT.

Transfer of Engineer in charge.

Mr. BROWN (for Mr. Teesdale) asked the Premier: 1, Has the Engineer for the North-West been transferred to another department? 2, If so, has it been taken into consideration that this officer has a thorough knowledge of the North acquired after many years of service? 3, Is the proposed trans-

fer of this officer in accord with the announced policy of the Government to initiate a vigorous policy of development in the North? 4, Is it not to the detriment of the North that the transfer of this officer should take place in view of the fact that it will take a new official many years to make himself acquainted with the immense area involved?

The PREMIER replied: 1, No. 2 and 3, Answered by No. 1. 4, The whole question of the North-West administration is now receiving attention.

Coastal Shipping Service.

Mr. ANGELO asked the Premier: What steps are being taken to provide an adequate and regular shipping service for the North-West?

The PREMIER replied: Inquiries are being made as to the best and surest method of obtaining another ship suitable for this service, and the State steamship's representative is now in England making investigations and conferring with our advisers.

Shark Bay Shipping Service.

Mr. ANGELO asked the Minister for Mines: In view of the fact that the "Bambra" has had to be sent East for repairs and that the last vessel to visit Shark Bay left Fremantle on the 27th August last, what steps is he taking to provide shipping facilities for Shark Bay?

The MINISTER FOR MINES replied: The Melbourne Steamship Company's s.s. "Kurnalpi" was at Shark Bay on the 25th September, and I am informed by the owners of the "Kurnalpi" that in all probability the "Kurnalpi" will be calling at Shark Bay about the 15th of this month, and that whilst the "Bambra" is off the coast they will do all that is possible to attend to the requirements of Shark Bay.

QUESTION—TRAMWAYS, SUBURBAN EXTENSIONS.

Mr. VERYARD asked the Minister for Railways: Having admitted the need for tramway extension in the suburbs of the metropolitan area, in reply to a question asked on the 18th August by the member for Canning, can he inform the House, as the question of the extension of the present system is very urgent, when he will be prepared to make a statement on such extensions, and the direction they will take?

The MINISTER FOR RAILWAYS replied: A statement will be made when the Loan Estimates are before the House.

SELECT COMMITTEE—FACTORIES AND SHOPS BILL.

Extension of time.

On motion by the Minister for Mines the time for bringing up the report was extended until 21st October.

BILL—CORONERS.

Recommittal.

On motion by the Attorney General, Bill recommitted for the purpose of reconsidering Clause 40 and Schedule 1.

In Committee.

Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Clause 40—Remuneration of witnesses:

The ATTORNEY GENERAL: The question of fees payable to medical practitioners was raised, and I informed hon. members that recently a scale of fees had to a large extent been agreed upon between the medical profession and the Crown Law Department generally. It is inadvisable to actually fix the fees by Act of Parliament. I therefore move an amendment—

That in Subclause 1 all the words after "when" in line 1 down to "inquest" in line 14 be struck out, and the following inserted in lieu:—"The fees to be paid to any medical practitioner for attending at any inquest for the making of any post-mortem examination shall be fixed by scale to be prescribed by the Attorney General from time to time."

Mr. MUNSIE: Has the Attorney General taken into consideration the fees paid to ordinary witnesses at an inquest? At present they are only provided for under the Supreme Court rules. If they are not sufficient for the medical profession, they should not be sufficient for ordinary witnesses or jurymen.

The ATTORNEY GENERAL: The clause simply deals with medical practitioners. They have to attend various inquiries and sometimes their expenses are governed by regulations, or else additional remuneration is granted, as in some cases in connection with the Supreme Court. The proper place to deal with the matter would be in the Juries Act. I do not think it would be advisable to deal with witnesses' fees under Clause 40.

Mr. FOLEY: I appreciate the point raised by the Minister, but if we are to vote in the direction desired by the Attorney General, we should be voting for differential treatment as between medical men and ordinary witnesses and jurors.

The Attorney General: I cannot deal with witnesses in this Bill. You want a Bill to deal specially with witnesses' expenses to get over the position.

Mr. FOLEY: If we pass this now, will the Minister give the Committee his assurance that he will consider the question of amending the Act regarding witnesses' and jurors' fees.

The ATTORNEY GENERAL: I am prepared to give an undertaking to give consideration to that point.

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

First schedule:

The ATTORNEY GENERAL: I undertook to recommit this schedule in order to go into the point raised by the member for Bunbury. I find, however, that there is nothing in the question raised by him. I have ascertained that in the Medical Act of 1894 there are provisions regarding coroners, and as it is desired to include in this Bill all matters relating to coroners, I now propose to amend the schedule by including the portions of the Medical Act referred to. I move therefore—

That the schedule be amended by inserting in the first column "58 Victoria No. 36"; in the second column, "The Medical Act, 1894," and in the third column, "Part IV."

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

Bill again reported with further amendments.

BILL—PUBLIC SERVICE APPEAL BOARD.

In Committee.

Resumed from 5th October; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Clause 4—agreed to.

Clause 5—Deputy member:

The ATTORNEY GENERAL: This clause deals with the appointment of a deputy member of the board. I want to do away with the deputy being appointed by the chairman, the object being that when the member of the board is elected or appointed to the board, his deputy shall be elected or appointed in the same manner. Having discussed the position with some representatives of the Teachers' Union and the Civil Service Association, I think the difficulty may be got over if the deputy is elected at the same time as the member. I admit that the appointment of a deputy by the chairman has only one thing to recommend it, and that is that the appointment is made by an impartial chairman. I move an amendment—

That the words "to be appointed by the chairman" in lines 3 and 4 be struck out.

Amendment put and passed.

The ATTORNEY GENERAL: I move a further amendment—

That the following be added to the clause:—"The provisions of Clause 3 relating to the appointment or election of members of the board shall extend and apply to the appointment or election of deputy members of the board."

Mr. PILKINGTON: I am doubtful if the words indicated will have the effect intended. I have only just heard the amendment read, and it seems to me that it will leave a doubt as to whether another election

altogether is not contemplated. I understand that what is required is that the deputy and the member shall be elected at one and the same time. The amendment seems to be capable of being construed as meaning that the deputy has to be elected whenever a vacancy renders it necessary, thus implying a different election altogether.

The Attorney General: That is not intended.

Hon. P. COLLIER: It will rest with the Civil Service Association as to how they will elect their deputy.

Mr. PILKINGTON: Perhaps it may be as well to consider whether some words should not be inserted to make it clear that the elections shall be taken at the same time.

The ATTORNEY GENERAL: I have no objection to that being done.

Mr. WILLCOCK: I suggested at an earlier stage when considering Clause 3 that the words "or deputy" should be inserted. I think it would have been better had it been done at that stage.

The ATTORNEY GENERAL: I see the force of the observations of the member for Perth and I think we can get over it by expressly stating that the deputy may be elected or appointed at the same time as the representative of the board. I suggest that the Committee pass the amendment as I propose, and I will go into this matter and, if it is necessary, I will recommit the Bill later on.

Hon. P. COLLIER: I cannot see that it is necessary to have the method of electing the deputy inserted in the Bill. In the event of the election of their representative being made by the association, that body will naturally elect a deputy at the same time. It is not necessary to have it laid down that they shall elect their deputy at that time.

Mr. Pilkington: It is important that the Bill shall not say that they shall not do so.

Hon. P. COLLIER: I cannot see anything in the amendment which would prevent the association electing a deputy at the same time as they elect their representative.

Mr. Smith: How long would it take to elect a deputy?

Hon. P. COLLIER: If the association does not embrace 85 per cent. of the public servants, and if in consequence the election has to be made by ballot of the whole of the members of the public service, it will involve a good deal of delay and expense. The Government will then have to make provision for the election by ballot. There is nothing to prevent the association electing their deputy, and nothing to prevent the Government making provision for his election by ballot if necessary.

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

Clause 6—Jurisdiction of the board:

The ATTORNEY GENERAL: The clause gives the board power to hear and determine any application by a public servant for the redress and correction of any alleged an-

omaly affecting him in respect of classification, salary or position. In order to render the meaning clearer, I propose to strike out "alleged anomaly" with a view of inserting "anomaly in treatment."

Hon. P. Collier: Is there any definition of "anomaly" in the Bill?

The ATTORNEY GENERAL: No, but you will find it in the library. I move an amendment—

That in line 3 of paragraph (c) "alleged" be struck out.

Amendment put and passed.

The ATTORNEY GENERAL: I move an amendment—

That after "anomaly" in line 3 of paragraph (c) the words "in treatment" be inserted.

Amendment put and passed.

The ATTORNEY GENERAL: I propose to strike out paragraph (d) with a view of inserting another paragraph. In the course of the sittings of the preliminary board a question was raised as to the meaning of "further allowance." Another question discussed was as to how it was intended these cases should be taken. The procedure of the board so far has been to deal with them in classes. In order to give that power expressly, and at the same time safeguard the right of individuals, I move an amendment—

That paragraph (d) be struck out and the following inserted in lieu:—" (d) to determine in regard to any public servant who, on the thirty-first day of July, one thousand nine hundred and twenty, was in a class carrying a salary above £252 per annum, or in regard to the public servants in any class which on the said date carried a salary above £252 per annum, whether an allowance is necessary by way of immediate relief in view of the provisions of section nine of this Act, and to fix the amount of such allowance."

The CHAIRMAN: It will not be necessary to strike out the whole paragraph, since the first lines of the paragraph and of the amendment are identical.

The ATTORNEY GENERAL: But it will be more convenient to substitute the one for the other.

Mr. MUNSIE: Seeing that the point has been raised by the Chairman, I hope the Attorney General will consider it. We may strike out the paragraph only to find that we cannot insert the first line of the amendment.

The ATTORNEY GENERAL: I ask for a ruling. If it cannot be done the way I suggest it will be very inconvenient. It is better to replace the whole than to cut it about.

The CHAIRMAN: Seeing that the words which the Attorney General proposes to insert are totally different as a whole from those of the paragraph which he wishes to

strike out, I agree that the amendment is in order.

Amendment put and passed.

Mr. MUNSIE: I should like the Attorney General to agree to an alteration of Subclause 3. I move an amendment—

That in lines 4 and 5 the words "similar to those of an officer on the permanent staff" be struck out and "essentially of a continuous nature" inserted in lieu.

The Minister for Mines: That would be less valuable to the men.

Mr. MUNSIE: I do not think so. It would be difficult to prove that the work was similar to that of an officer on the permanent staff. The men contend that my amendment would improve the clause.

The MINISTER FOR MINES: It would have been better if the member for Hannans had given an instance showing that the clause would be detrimental and the amendment effective. The Civil Service Association and the Teachers' Union do not appear to appreciate the object of the clause. We have a large number of officials on daily or weekly pay sheets. Some have been for as long as 20 years on that basis, not on the salaried staff. That is an anomaly. When work begins, engineers are selected for the job. When the job is drawing to a close, the engineers look around for the next job. When the water works were being constructed at Albany, they left the streets open in order to get away to another job. That is unfair to the men, to their work and to the State.

Hon. P. Collier: And the job that they left could not be called essentially of a continuous nature.

The MINISTER FOR MINES: The job was continuous, but only so long as it lasted. Under the clause the men will not be unfairly treated. There has been great difficulty with regard to the retiring allowances of some of those men who considered they were entitled to the provisions applying to permanent officers. One job was in connection with water works, another the Wooroloo Sanatorium, and some men were continually in our service.

Hon. P. Collier: And each different job they were on they were doing similar work to the permanent men.

The MINISTER FOR MINES: Yes. A man who has done five years of work similar to that of a permanent officer should have an opportunity to get on the permanent staff.

Hon. P. COLLIER: I agree with the Minister that many of the officers referred to would be out of court under the amendment. An officer engaged on the Wooroloo Sanatorium had no guarantee of future employment and then, if he went to a water supply job at Albany, it could not be said that the two jobs were essentially of a continuous nature, but it could in truth be said that he was doing work similar to that performed by permanent officers. To safeguard the position I suggest that the member for Hannans instead of moving to strike out

the words mentioned, should move to insert the words "or are essentially of a continuous nature." These men would then have double protection.

The ATTORNEY GENERAL: The words suggested will not help the civil service.

Hon. T. Walker: I know some teachers who have been engaged for practically a lifetime.

The ATTORNEY GENERAL: There is not much trouble with the teachers.

Hon. T. Walker: There are many men in the civil service, too.

The ATTORNEY GENERAL: That is where the difficulty arises. We have a body of men who formed an association and who are really civil servants in the ordinary sense of the word. They are different from the artisan or from men engaged in manufactures or in trading concerns. In order to make this provision effective, the words in the clause are essential, because they indicate the right of these people to claim to be put on the permanent staff under the Public Service Act. The clause was designed to enable these men to be put on the permanent staff if the Public Service Commissioner refused to do so.

Mr. MUNSIE: Even if a man has been employed for the full five years, how can the association prove that he has been employed on a job similar to that of a permanent officer? He might be doing work as essential as a man on the permanent staff, but he has no hope of proving that he has done work similar to that of a permanent officer. He might have been in the service for 20 years without having done similar work, but he would have done work which was just as essential. There is no member of the permanent staff doing his work, simply because he has been there doing it for 20 years.

The Minister for Mines: Can you put forward any case where that would apply?

Mr. MUNSIE: I cannot quote a specific case, not being a member of the public service, but the public servants have put that up to me as the actual position.

The Minister for Mines: Why did they not post the Attorney General on the point, and say this was not in accordance with their desire? They have accepted the clause as satisfactory.

Mr. MUNSIE: I think they had a conversation with the Attorney General on the subject.

The Minister for Mines: I do not think so.

Mr. MUNSIE: I understand they did.

The Minister for Mines: They would not put it up to the Attorney General.

Mr. MUNSIE: Why should an employee of the Government who is of equal class with a man on the permanent staff, and who has worked for the Government continuously for more than five years, be made to prove anything so that he can get before the board in the event of the Public Service Commissioner refusing to put him on the permanent

staff? In any case, the clause as it stands is likely to lead to confusion.

Mr. SMITH: The object of this measure is to make it possible to remove grievances existing in the public service. I agree with the member for Hannans that the clause as drafted does not provide for every possible contingency. Why should we not make the scope of the Bill wide enough to provide for all contingencies? I fail to see why the Government should object to the amendment.

The Minister for Mines: Have you read the clause? To whom does it apply?

Mr. SMITH: To the public servants.

The Minister for Mines: No. It applies to any man employed by the Government on a daily or weekly rate of wage for five years continuously.

Mr. SMITH: I know of a case where grave injustice was done to an employee, who could have had his grievance remedied had this measure been in existence. Similar cases might arise in future.

Mr. PICKERING: Under this clause, time is one of the factors, and another factor is the nature of the work. I cannot conceive of a case which the clause would not cover.

The MINISTER FOR MINES: The member for North Perth loses sight of the fact that the amendment will practically put all persons paid on a weekly or daily wage in a position to claim that they shall become permanent members of the public service. The clause, however, makes two conditions: one is a continuous employment of five years, and the other is that the person shall have been performing duties of a similar nature to those performed by a permanent officer. The Government object to the creation of a new permanent staff. The member for North Perth has not quoted a single specific case of hardship.

Hon. P. Collier: Take the case of a timekeeper who has worked for five years on the State sawmills; what permanent officer is doing the same work as he?

The MINISTER FOR MINES: There are numbers of timekeepers on the permanent staff; and the clause does not stipulate "the same work," but "similar work." The clause would cover every case of complaint that has arisen in the past. The leader of the Opposition knows that the Labour Government were placed in a position of the greatest difficulty with regard to men who were retired after 20 or 25 years' service, and who could not claim pension rights or retiring allowances because of the mere fact that all that time they had been on the wages sheet. The clause seeks to remove such anomalies. I have kept a pretty close watch on the clause, because I consider that the proper mode of redress for a man working on a daily or weekly wage is through his union, and not through the Civil Service Association. There is an endeavour to include even the watchmen, the office cleaners, and the yardmen in the Civil Service Association. Those men have unions to appeal to.

Mr. O'Loghlen: Some have not.

The MINISTER FOR MINES: They ought to have. I object to the proposed method of making inroads on the public service; and I want to say it is remarkable that the Civil Service Association should approach the member for Hannans, who is an advocate of redress through unions for such men, and make complaints of which the Government have heard nothing. The Government's object is to provide for the case of a man who has been on the wages sheet merely as a matter of convenience. We desire that he should not lose all his standing and rights as a public servant merely because of that fact, while there are other men doing exactly the same work on the permanent staff—men who are probably afraid of competition in the event of Government work becoming a bit slack, and who therefore want to leave the other man liable to be dismissed at a moment's notice. But it is not intended that every man who has been for five years on the wages sheet shall become a permanent member of the public service. I know the intentions of the member for Hannans are good; and if he can bring forward any case in which there has been unfair treatment the Committee will no doubt provide a remedy.

Mr. Munsie: There are inspectors in the Water Supply Department who have been employed here in Perth for 14 or 15 years. There are no men on the permanent staff doing the same work.

The MINISTER FOR MINES: That is wrong. Moreover, the clause says "similar work," not "the same work." Again, it is proposed, not that they shall prove their case to a Minister, but that they shall prove it to a board of which they desire the creation.

Hon. P. Collier: But of course the board will be governed by the wording of this measure.

The MINISTER FOR MINES: Yes, and this clause says "similar work."

Hon. P. Collier: But the board will not have a free hand.

The MINISTER FOR MINES: But how will the board be influenced if this amendment is carried? In that event, if a man was able to prove that he had been continuously employed for five years, the board would be bound to conclude that he should be placed on the permanent staff. In those circumstances it is tantamount to telling the board to put him there if he has complied with the conditions. I want the Bill to cover those men who have in the past been unjustly treated.

Hon. T. Walker: There are men in the Education Department in a similar position.

The MINISTER FOR MINES: I do not think the same thing applies there.

Hon. T. Walker: I know of officers there who have been teaching all their lives.

The MINISTER FOR MINES: The conditions in connection with the teaching staff are entirely different. In the Railway Department we have men who have the opportunity, subject to passing examina-

tions, of earning a certain salary without doing any more work. The position is exactly the same in the Education Department, where subject to qualifying a man may become a permanent member of the teaching staff. The case of those we are dealing with, however, is entirely different; they are thoroughly qualified.

Hon. T. Walker: So are the teachers I refer to.

The MINISTER FOR MINES: I am referring to the men in the service who have years of valuable work to their credit. Those men have been kept on the wages sheet and if they retired to-morrow they would not have rights that should have accrued to them. Those are the men who should be protected.

The MINISTER FOR WORKS: I welcome the attempt that has been made to put these officers on a proper footing. The member for Hannans referred to officers in the Water Supply Department. There are at least five, if not seven who have been taken off the wages sheet and put on the salaries sheet where they should have been years ago.

Mr. Munsie: Prior to that what officers of the service were doing the work?

The MINISTER FOR WORKS: It is largely a question of the man who is dealing with the matter being able to focus his facts. I welcome the clause, though I do not say it cannot be improved. The whole thing has been a nuisance to me, while a great injustice has been done to a number of men on the wages sheets of the Water Supply and Works Departments.

Mr. GREEN: I am inclined to support the member for Hannans in his contention. The words he proposes to insert "Essentially of a continuous nature" entirely remove the objections that appear to be in the mind of the Minister for Mines. The Minister stated that he had watched this clause closely to see that the service was not flooded with men who might be engaged on work of a casual character, and yet who may have been employed for five years. Let us say that in time of prosperity we started a large amount of railroad construction and that gangers were employed for five years. The objection of the Minister would be that under the clause as amended in the manner the member for Hannans desires those gangers would come under it. That would not be so. The position would be preserved by the words "essentially of a continuous nature." I do not think there is any intention on the part of the Government to prevent men who have been doing work of a permanent nature for five years becoming public servants.

The Minister for Mines: The amendment says "continuous nature."

Mr. GREEN: The very fact that before the matter came before the board, the Public Service Commissioner had prevented the man from becoming a public servant would

undoubtedly carry some weight with the chairman of the board, and it would carry weight also with the representative of the Government on the board, and he would fight the position to the last ditch.

The ATTORNEY GENERAL: I do not think that the words proposed to be inserted by the member for Hannans will take him very much further. We have now as a condition for the right of appeal under the clause that a man has been employed on day or weekly wages continuously for five years, and we say that he must be doing some work which is similar to the duties of an officer on the permanent staff under the Public Service Act. I think those words ought to be there, but we do not desire to cut out anybody who is really doing the work which ought to be performed by an officer on the permanent staff under the Public Service Act. Instead of the words suggested by the member for Hannans, I would propose that after the word "staff" in line 5 these words be inserted, "or such as are proper for an officer on the permanent staff to perform under such Act." It may be that a person who has been there for five years on day wages may not be able to prove strictly that he was doing exactly similar work to that of an officer on the permanent staff. If that occasion should arise he could still claim that those duties were similar, or at any rate were such as were proper for an officer on the permanent staff to perform. Anyone who claimed to be carrying out the duties of an officer on the permanent staff would then have the right to appeal. If the words I have suggested are inserted the Commissioner will say, "I do not consider you are carrying out duties which are similar to those performed by an officer of the public service staff, and I do not think that the duties you are carrying out are proper for an officer of the public service to carry out." Then he would have to find out the facts and from that finding there would be an appeal to the board. If the hon. member would withdraw his amendment I would be willing to move for the inclusion of the words that I have outlined.

Hon. T. WALKER: There is room for considerable argument over the word "similar." Likewise there are difficulties regarding the wording of the Attorney General's suggested amendment "such work as is proper for an officer on the permanent staff to perform." Who will define the proper work for a permanent officer? The work done has been the work of a temporary hand for five, or may be fifteen, years.

Hon. P. Collier: And therefore it was not proper work for a permanent officer.

The Minister for Mines: That is specifically provided for under the interpretation clause.

Hon. T. WALKER: When a man has been five years continuously employed, he

has to tell the board that he has been doing work similar to that done by a member of the permanent staff.

Hon. P. Collier: I may be inspector of water supplies and that is similar to an inspector of the Health Department.

Hon. T. WALKER: Or an inspector of sewers could claim that his work was similar to that of an inspector in the Education Department. It cannot be considered to be similar work. The words are vague and ambiguous.

The Premier: I think they are very clear.

Hon. T. WALKER: "Similar" is a very vague word.

The Premier: A very broad word.

Hon. T. WALKER: So broad that it covers everything—and, therefore, nothing specifically. We want to get down to bed-rock and leave as little room as possible for vagaries. The Attorney General's suggested amendment only repeats without more clearly defining the position. The question is, what is proper work for a permanent officer?

The Attorney General: A man could not be put on the staff if the work was anything improper.

Mr. Munsie: There are some on the staff who have done improper things.

Hon. T. WALKER: One might imagine that certain kinds of duties would automatically carry a man on to the permanent staff if he had served continuously for five years.

Mr. Thomson: That is what you want brought into existence?

Hon. T. WALKER: Yes. If a man has been on a certain class of work for five years, he should then automatically be recognised as a permanent officer. We want a definition of the class of work. Would it apply to a watchman on the mills, or to a mill hand? In the railways men have been continuously employed all their lives and, in the end, they are dismissed with a week's notice, without any consideration for past service.

The Minister for Works: They frequently give their employers a week's notice and clear out.

Hon. T. WALKER: What class of work would entitle a man, after five years' service, to go on the permanent staff?

The Premier: He might be an engineer.

Hon. T. WALKER: Take that as the apex and work downwards. How far would the Premier go? It is all so vague.

The Minister for Mines: A man has to be on the temporary staff and not under the Act. He has to be there for five years.

Hon. T. WALKER: But he has to prove that he is doing similar work to someone else on the permanent staff. How can similarity be established? Men are doing specific work incomparable with other kinds of work.

The Minister for Mines: You must find those cases first.

Hon. T. WALKER: The Minister himself mentioned some.

The Minister for Mines: I did not.

The Minister for Works: He referred to a few inspectors on the water supply.

Hon. T. WALKER: If there were only two, they are entitled to justice.

The Minister for Works: I am clearing my lot out.

Hon. T. WALKER: That does not help us. The lot might be cleared out after five years in order to deprive them of the privileges of elevation to the permanent staff.

The Minister for Works: There are not many, I am sure.

Hon. T. WALKER: If there is only one, it should not be done. I doubt not that there are many.

The Minister for Works: In many cases a man would have to work up to the position before he could claim it.

Hon. T. WALKER: Yes. The fear is that we should have permanent instead of temporary hands, which would displace the existing order of things.

The Minister for Works: It is objectionable to find a trained engineer on the wages sheet at 19s. 6d. a day.

Hon. T. WALKER: The clause does not provide for deserving men who have been practically all their lives on the temporary staff. Their services have been considered to be good enough during the prime of life and, when their day is over, they are dismissed with a week's notice. We want something more definite. A man should be able to appeal with confidence, knowing that there could be no argument about the nature of his appeal.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MUNSIE: I should like to withdraw my amendment for the purpose of accepting that suggested by the Attorney General.

Amendment by leave withdrawn.

The ATTORNEY GENERAL: I move an amendment—

That in line 5 of Subclause 3, after "staff," there be inserted "or such as are proper for an officer on the permanent staff to perform under such Act."

Amendment put and passed.

Mr. MUNSIE: I understand there are at least 65 men employed as Agricultural Bank and Industries Assistance Board inspectors. The purpose of the Bill is to give those who are employed in the public service the right of appeal to the board to have their grievances settled by that tribunal. The Bill as it now stands does not give these inspectors this right. It is only fair that we should do so. I should like to see added, after the last word in the amendment just moved by the Attorney General, the words "or an inspector under the Agricultural Bank Act." Every member of the service should have the right of appeal to the board.

The Premier: You do not doubt we are giving that already?

Mr. MUNSIE: No, but these inspectors have no right under this Bill to such an appeal.

The Premier: The Attorney General thinks they have.

Mr. MUNSIE: I do not think so. Perhaps the Attorney General would agree to recommit the Bill so that this amendment may be made in its proper place.

The ATTORNEY GENERAL: This difficulty was brought under my notice to-day. I agree with what the member for Hannans has said. It is desirable to give officers of this character power to come before the board. The trouble arises under Section 12 of the Agricultural Bank Act. The Government may from time to time appoint such officers as may be necessary to carry out the provisions of the Act and those officers would be under the Act. The Trustees may temporarily appoint inspectors and valuers. I am informed that at present there are 65 of these temporary inspectors who do not come under the Public Service Act, because they are appointed by the Trustees and are paid out of the bank funds.

Hon. P. Collier: Are the 65 continuously employed?

The ATTORNEY GENERAL: I am not sure of that, but I think there were at least 62 on the last Estimates. The salary of four of these officers is £300 a year, of another four £252, while the others receive between £204 and £252. In addition they receive an allowance of £150 a year for travelling. The difficulty we are in is that the clause simply deals with the jurisdiction of the board. The proper place to insert such a proposal as that put forward by the member for Hannans is in the definition of "public servant" in Clause 2. I am willing to recommit that clause for the further consideration of this matter.

Mr. MUNSIE: While the board has been sitting I understand the chairman has drawn attention to the second paragraph of Subclause 3. I should like to move an amendment to strike out all the words after "lie" in line 3 with a view to inserting "therefrom to the board." I believe that with this amendment the clause would read as it was intended it should read. If an applicant is dissatisfied with the decision of the Public Service Commissioner he will not appeal to the board, but if he is dissatisfied I want to give him the right to appeal from the Commissioner to that tribunal.

Mr. Underwood: To give him a second run.

The Minister for Works: Is not that always given?

Mr. MUNSIE: No. While the Public Service Commissioner may find on the facts, the board may unanimously disagree with but have no power to alter the finding. The final appeal should in fact rest with the board.

The ATTORNEY GENERAL: This matter has been discussed by me with the disputes committee on more than one occasion. I regret that the chairman of the board somewhat inadvertently made the remarks suggested by the member for Hannans.

Mr. Underwood: The chairman is apt to make remarks.

Hon. P. Collier: Which do a lot of harm.

The ATTORNEY GENERAL: This matter raises a constitutional difficulty. Under this Bill the decisions of the board are final. A claimant says he is entitled to be placed on the permanent staff and sets out certain facts on which he relies. Most of the applications in the past if turned down have been turned down on the decision of the Commissioner as to the facts, and to get over that it is necessary to appeal from the Commissioner to the board. I have confined this to the facts. If that is not done, the decisions of the board being binding, the board in fact appoints a man permanently to the public service. Section 74 of the Constitution Act is really at variance with that. It says—

The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor in Council, with the exception of the appointment of officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone. Provided always, that this enactment shall not extend to minor appointments which by Act of the Legislature or by order of the Governor in Council may be vested in heads of departments or other officers or persons within the Colony.

So that as regards all officers of a permanent nature and of any importance the Constitution Act vests their appointment in the Governor in Council. It is true that minor appointments may be vested in the permanent heads; but we are dealing here not only with minor appointments, but with all appointments under the Public Service Act. Therefore it seems to me almost improper to give an appeal upon anything except as regards facts in dispute. To do so would be to give the board power to appoint. I think we have gone as far as consistently with the duties of any Government we can go in this respect. We cannot go further without, as it were, by a side wind getting round the Constitution Act.

Mr. MUNSIE: I realise to some extent the Attorney General's objection; but, again, what is the purpose of this Bill and what is the purpose of this particular clause?

Mr. Thomson: To cut out the Commissioner altogether.

Mr. MUNSIE: No; I do not wish to do that.

The Minister for Works: That is the object of some people, anyhow.

Mr. MUNSIE: Both the Civil Service Association and the Teachers' Union are desirous of limiting, through their organisations, the number of appeals under this measure as far as possible.

The Minister for Works: It does not look like it.

Mr. MUNSIE: The whole of their efforts are in that direction. Practically the entire

sitting so far has been taken up in argument as to what a man must prove before he can appeal to the board at all. We have decided that question; but now that we have given the right to appeal from the Commissioner to the board, we practically decide that the board, when appealed to, can only say "No." The Attorney General has already admitted that the majority of those who have appealed to the Public Service Commissioner have been turned down.

The Attorney General: I did not make that admission.

Mr. MUNSIE: I thought the hon. gentleman did. However, a large number of such appeals have been turned down. If the Public Service Commissioner says "Yes," there will be no appeal; but if he says "No," we want to provide an appeal from him to the board. This same clause, however, will debar the board from altering the Public Service Commissioner's decision, unless the amendment is carried. I trust the Committee will decide that a public servant shall have the right of appeal, and that the board's finding upon such appeal shall carry some weight.

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

Ayes	..	..	..	11
Noes	..	..	..	23
Majority against				.. 12

AYES.

Mr. Collier	Mr. Locke
Mr. Green	Mr. Smith
Mr. Johnston	Mr. Walker
Mr. Jones	Mr. Willcock
Mr. Lutey	Mr. O'Loughlin
Mr. Munsie	(Teller.)

NOES.

Mr. Angelo	Mr. Mitchell
Mr. Broun	Mr. Money
Mr. Brown	Mr. Mullany
Mr. Draper	Mr. Pickering
Mr. Durack	Mr. Plesse
Mr. Foley	Mr. Scaddan
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Underwood
Mr. Hudson	Mr. Willmott
Sir H. B. Lefroy	Mr. Hardwick
Mr. Maley	(Teller.)

Amendment thus negatived.

The ATTORNEY GENERAL: Subclause 4 of Clause 6 deals with the question of pensions, and it has been suggested that the wording of the subclause, as it stands, might not apply to applications for pension still pending when this measure comes into force. In order to get over that difficulty, I move an amendment—

That in Subclause 4, line 1, after the word "arise" there be inserted: "or at the commencement of this Act is pending." A similar amendment will be required after the word "arise" in line 5.

Mr. MUNSIE: I take it that the object of the amendment is to bar claims from any public servant who has not already made his claim when this Bill becomes law. I propose later on to move an amendment adding to the subclause the following words: "The jurisdiction of the board shall also extend to questions which have arisen in regard to such recent retirements as, with the consent of the Government, may be referred to it."

Mr. Underwood: Claims or appeals after men are out?

Mr. MUNSIE: Yes.

Mr. Underwood: There would be quite a number of them.

Mr. MUNSIE: If the Attorney General's amendment is carried, it will bar claims for superannuation allowance by men recently retired from the public service, simply because the actual amount was not under discussion at the time of the coming into force of this measure.

Mr. Underwood: What would you call "recent"?

Mr. MUNSIE: Ordinary sound judgment and common sense would dictate what one must consider "recent," and if I were on the Treasury bench and a man came to me with an attempt to revive a claim that was a long time out of court, I should say it was not "recent." In any case, the Government are protected because they have to give their consent to an appeal. If that is so, why object to an amendment to that effect? If this amendment is carried, I should like to know whether it will prevent the consideration of the amendment that I propose to add to the end of the clause. Personally, I think it will.

The ATTORNEY GENERAL: The object of the amendment is to prevent any doubt arising as regards matters which are not absolutely complete at the time of the passing of the Bill. The matter may have been completed on some points, but not on others. It may have been decided for instance, what the actual length of service was and yet an actual decision on the claim for pension may not have been given. It is desired to include within the powers of the board the right to deal with all applications for pensions which have not been definitely decided before the commencement of the Act. It does not go beyond that. If any pension has been decided before the Act comes into operation, as the clause stands with the amendment I suggest, that matter cannot be re-opened. If it is desired to re-open it, I think it will be a very difficult matter. We will have to put in words to make it quite clear that it can be done.

Mr. SMITH: The Attorney General's suggestion is a step in the right direction, but he does not go far enough. Neither is it clear who will be allowed to appeal to the board. I am not sure what he means by an appeal that may be at present pending. I know several cases which in my opinion are pending and have been for years, and no de-

cision has been given. In others, decisions have been given.

Mr. Underwood: Then they are not pending.

Mr. SMITH: Not from a Government point of view. In these cases, they have not been dealt with on their merits.

The Minister for Works: And where are we going to? We would never have finality.

Mr. SMITH: Now we see what the intentions of the Government really are. This is a Bill introduced to deal with grievances on the part of civil servants, and the Minister for Works says "Now we know where it is going."

The Minister for Works: Yes we do. It is a vote-catching matter.

Mr. Munsie: It is not a vote-catching matter for me.

Mr. SMITH: I ask the Minister to withdraw that remark.

The Minister for Works: I withdraw.

Mr. SMITH: I understood that this Bill was introduced to remedy a number of grievances that existed in the civil service, and I cannot understand why any Minister should resent, or try to prevent, the introduction of any amendment likely to remove any grievance.

Mr. Thomson: Do you think it would be possible to remove grievances, anyhow?

Mr. SMITH: I think it would be possible. If we pass a generous measure dealing with the civil service and the appeal board, I think it will be a step in the right direction.

Mr. Foley: We are all trying to do that.

Mr. SMITH: At any rate if we do that, it will prevent civil servants from approaching members to use political influence to redress grievances which should be settled by the board. Members must be aware of many grievances that should have been settled in a businesslike way and have not been so settled. I know several cases where great hardship has been inflicted on men who have served almost a lifetime in the employment of the Government. I have in mind one particular case which is known as the "Delaney case"; one of the most scandalous instances that has come under my notice.

Mr. Foley: That case is not pending.

Mr. SMITH: I know it is not, and that is why I object to the Attorney General's amendment.

Mr. Foley: It would not come under this.

Mr. SMITH: I wish an amendment made to this clause, wide enough so that cases like that of Delaney may be dealt with by the board. This particular case is that of a man who has over 20 years service to his credit. If members took the trouble to go into the particulars of this case as I have done, they would, I believe, come to the same conclusion that I have, that a gross injustice has been done to a reputable, deserving civil servant. He was gazetted many years ago as under the Public Service Act. He worked all these years under the impression that the "Gazette" notice was sufficient security for

him. He was treated as a public servant, derived all the advantages regarding leave and other privileges and carried out his duties well. There was no complaint until he arrived at the age of 60, when he was told by the Public Service Commissioner that he was not under the Public Service Act and must retire. He retired and naturally applied for his pension, which was refused because it had been found that he had been wrongfully gazetted as under the Public Service Act. These facts, I feel sure, disclose a very hard case. The man said when he found this position had arisen: "Well, if I have been wrongly gazetted as under the Public Service Act, why do you insist that I should retire at the age of 60? I am prepared to continue my duties as an ordinary employee not under the Public Service Act." He was refused even that.

Mr. O'Loughlen: It is a case of differential treatment. Some, of course, are not retired. Hon. P. Collier: Retirement is not compulsory at the age of 60. They may be retained till they are 65.

Mr. SMITH: In this case his age was made the excuse for his retirement. I would like to say that I am not the only one who is of the opinion that Delaney's contention was correct. This matter was submitted to Mr. Justice Burnside at the time he was acting as Crown Solicitor, and he put on record the fact that he held the same opinion.

Mr. Johnston: It must have been a long time ago.

Mr. SMITH: Yes, this man has put in the best part of his life but he was retired some years ago. I think that man has just cause for appeal to this board. He has never relinquished his claim and has frequently applied to have the matter dealt with. All he could get out of the Public Service Commissioner was a very unsatisfactory refusal.

The Minister for Works: It was not unsatisfactory, except regarding the reinstatement.

Mr. SMITH: I do not know that, of course. We will assume that the Public Service Commissioner was justified in retiring him and that he was not under the Public Service Act; in these circumstances the man claims that he should be treated according to the statements made by the Premier when this dispute was being discussed in the early stages of the civil service strike. On that occasion the Premier in a statement to the Press said that men who were not under the Public Service Act were entitled to an allowance on retirement, seeing that they were not entitled to a pension.

The Minister for Works: That is in the Act.

Mr. SMITH: But the man did not get it.

The Minister for Works: Then there must have been some good reason for it.

Mr. SMITH: This is one of the cases which, I think, the board should have the right to review. I trust the Attorney General will widen his amendment to provide for such cases. Once the board is constituted

on lines satisfactory to the public servants, there will not be any appeals at all.

The Minister for Works: There will always be appeals.

Mr. SMITH: Under the hon. member's proposal it rests entirely with the Government whether they will allow the appeal to go to the board. Personally I should not put that restriction upon it, but seeing that the public servants do not object to that, neither will I. Any public servant who has been recently retired should be entitled to have his case inquired into.

Hon. P. Collier: What would you call a recent retirement?

Mr. SMITH: Anything within the last two or three years. In my opinion the amendment submitted by the member for Hannans should be adopted.

The MINISTER FOR WORKS: When the leader of the Opposition was Minister for Water Supply he was worried by a number of cases of injustice, some of them very real. On one file he wrote "This has worried my predecessor, but I am not going to allow it to worry me." Later this file came before me.

Hon. P. Collier: What did you write on it?

The MINISTER FOR WORKS: The rules of the House would not allow me to repeat here what I minuted on that file. Ministers are continually pestered by scores of people with grievances. There must be some limit of time during which those complaints may be dealt with. The hon. member who just sat down cited a "recent" case of 12 years ago. Where shall we get to if we begin investigating cases that occurred 12 years ago? Some time ago, in the interests solely of economy, we had to retrench certain men from the Water Supply Department. Again, 39 men had to go out of the Public Works Department.

Mr. Munsie: Were they entitled to superannuation?

The MINISTER FOR WORKS: They all got what we could fairly give them under the law. Take the case of Mr. Rolland, who was assistant Engineer-in-Chief. He was for 24 years in the service, and for 12 years of that time assistant to the Engineer-in-Chief; yet because, under the old Act, he was not in an office of established capacity, he had no claim to a pension. The Bill has for its object a genuine attempt to deal with cases of injustice such as that. Take the case of Mr. Ripper, one of the finest men ever on railway construction in Australia. After 27 years in the service he had to go out. Yet those men did not squeal. They understood the position and, thankfully accepting what was offered to them, walked out. The Bill is intended to deal decently with such cases in future. When it comes to "pending," how long does the hon. member want it to pend?

Hon. P. Collier: Some of them will want it to pend as long as the person concerned lives.

The MINISTER FOR WORKS: I am well aware of that. The leader of the Opposition, when a Minister of the Crown, said that he was engaged half his time in dealing with those who had left the service, and the other half in attending to those who wanted to enter the service. When I became Commissioner of Railways there were placed before me all the grievances of the previous 15 or 20 years. My successor got them in turn, and I make no doubt that Colonel Pope is wrestling with them now. There is no finality to agreements with wages men or salaried men.

Mr. O'Loughlen: They tell me you were appointed Commissioner of Railways through having a grievance.

The MINISTER FOR WORKS: That is so, and when I got there they struck a special star for me. At all events, I hope the Attorney General's amendment will be agreed to.

Amendment put and passed.

The ATTORNEY GENERAL: I move a further amendment—

That in Subclause 4 after "arise" in line 5 the words "or at the commencement of this Act is pending" be inserted.

Amendment put and passed.

The ATTORNEY GENERAL: I move a further amendment—

That the following be added to stand as Subclause 5:—(5.) For the purposes of this section "classification" means a classification by the Public Service Commissioner or the Minister for Education, under the powers conferred by sections twelve and thirteen of this Act.

This will remove a slight ambiguity. At present the public Service Commissioner proposes the classification, and the Governor-in-Council makes it. Under the Education Act the Minister for Education makes it. But, as will be seen in Clauses 12 and 13, the Bill proposes that the classification of officers as from the 30th June, 1920, shall be deemed to have been vested in the Public Service Commissioner. Clause 13 is similar as regards the Education Department.

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

Clause 7—Right of appeal:

The ATTORNEY GENERAL: I move an amendment—

That after "applies" in line 3 of Subclause 1 the following words be inserted.—"or the Civil Service Association of Western Australia on behalf of any class or group of public servants or persons to whom Subsection 3 of Section 6 applies, or the State School Teachers' Union of Western Australia on behalf of employees on the teaching staff of the Education Department"; and that the following words be added at the end of the subclause "or the class or group of public servants,

persons, or employees represented by such association or union."

The amendment will give the Civil Service Association and the Teachers' Union power to represent classes or groups of public servants or teachers.

Mr. MUNSIE: I am pleased that the Attorney General has moved this amendment. It has my support. The Attorney General is now recognising the usefulness of the association and of the union, and I regret that he did not recognise it in connection with previous clauses of the Bill. Only in this way can the Government hope to get any finality as regards the appeals brought before the board. The amendment will put some responsibility on to the shoulders of these organisations, and they in turn are undertaking a good deal of work.

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

Clause 8—Sittings of board and procedure:

Mr. SMITH: I move an amendment—

That the following words be added at the end of the clause:—"The jurisdiction of the board shall also extend to questions that have arisen in regard to such recent retirements as with the consent of the Governor may be referred to him."

The ATTORNEY GENERAL: On a point of order, is the amendment in order? This clause deals with procedure.

The CHAIRMAN: The member for North Perth would be quite justified in moving the amendment to another clause of the Bill, but I do not see how it can fit in with Clause 8.

Hon. P. Collier: It should have been added to clause 6.

The CHAIRMAN: Therefore I rule that the amendment is out of order.

Clause put and passed.

Clauses 9 to 13—agreed to.

Clause 14—Public servants not to be prejudiced by recent cessation of work:

Mr. JOHNSTON: I move an amendment—

That in line 3 the words "simultaneous cessation of work" be struck out and the word "strike" inserted in lieu.

I cannot understand why the Government have not used this word.

Mr. O'Loughlen: Why raise that point? Is not there enough bitterness about it.

Mr. JOHNSTON: It was a strike; no one called it anything else.

Mr. O'Loughlen: What is the object?

Mr. JOHNSTON: We are legislating against strikes, and the next clause provides penalties if a civil servant takes part in any future strike. It would be unworthy of the Committee to designate the recent strike as a simultaneous cessation of work. If this is done the Government should be consistent in the following clause and call that also a simultaneous cessation of work. The mem-

ber for Forrest (Mr. O'Loughlen) was quite wrong if he assumed that I wished to create any bitterness in connection with the recent strike, which I regard as a very deplorable thing.

Mr. O'Loughlen: They only did collectively what you did as an individual.

Mr. JOHNSTON: I do not wish to go into the merits of the occurrence, but we should show consistency in our legislation.

Hon. P. Collier: Well, delete "strike." Is not the phrase more appropriate in regard to civil servants?

Mr. JOHNSTON: We would be assisting the service by using the word "strike" in both instances. I do not wish the service to be penalised when any individual ceases work in an unauthorised manner. I have been in the civil service and I know how easily a man might be caught. An unauthorised cessation of work might be construed as applying to such a thing as the procession to Parliament House in office hours. It was not a strike, but was an unauthorised cessation of work.

Mr. Smith: Do you think the Government would have the courage to enforce the penalty if there was a strike?

Mr. JOHNSTON: I would be sorry to sit behind the Government which would be responsible for a measure of this kind, and yet refrain from enforcing it if the necessity arose. If it is not intended to enforce this measure, then I would agree with an hon. member who interjected that this ought not to be put into it.

Amendment put and negatived.

Mr. MULLANY: I regret the inclusion of this clause in the Bill and I intend to vote against it, as well as the following clause. It is ridiculous to say in an Act of Parliament that no public servant shall be prejudiced in respect of privileges, promotion, or continuity of service by reason of the simultaneous cessation of work on the part of some civil servants.

Mr. Smith: The Government cannot trust themselves.

Mr. MULLANY: Apparently not. I understand an arrangement was arrived at and a promise given by the Government that there would be no victimisation as the result of the strike, and that on the other hand the civil servants promised there would be no victimisation regarding any officers who went to work during the strike. In the interests of the service and the State generally the kindest thing we could do would be to forget the unfortunate occurrence. I object to perpetuating the memory of it in an Act of Parliament.

Mr. MUNSIE: I also hope this and the succeeding clause will be struck out.

The Minister for Mines: The civil service insisted on it.

Mr. MUNSIE: If it goes into the Bill it will bind the service and the Government as well. The Government have agreed that there shall be no victimisation.

The Minister for Mines: It would not bind any future Government.

Mr. MUNSIE: Does the Minister for Mines consider that any future Government would victimise the civil servants who came out on strike while a previous Government were in office?

The Minister for Mines: No, but the civil servants were afraid of that.

Hon. P. Collier: They were not afraid of future Governments; they were dealing with the present Government.

Mr. MUNSIE: I think their chief fear was the present Government.

The Minister for Mines: I do not know of any Government that has ever satisfied the civil service.

Mr. MUNSIE: This Bill is supposed to satisfy them. If the Bill goes through in a satisfactory manner, and a civil servant comes to me with a grievance, I will tell him to go to the board. I intend to vote against the clause.

The ATTORNEY GENERAL: There is a little confusion here. It is strange to find the member for North Perth, who, if he is not an advocate of the civil service is nothing, suggesting that this clause should be struck out. Under the terms of the agreement upon which the strike terminated there were two clauses, one dealing with victimisation, and the other with privileges. The two questions are separate and apart. The question of victimisation would be a matter for administration, and the question of the retention of privileges would cure any difficulty in the continuity of service, which it was feared might be charged against the civil servants, unless some clause of this kind was inserted in the Bill.

The Minister for Mines: They were very insistent in regard to it.

The ATTORNEY GENERAL: This clause was put in for the protection of the civil service, and I trust it will not be struck out.

Mr. O'Loughlen: Do you think they will require it?

The ATTORNEY GENERAL: I think it is advisable to leave it in.

Mr. O'Loughlen: It redeems a promise.

The Minister for Mines: It makes lawful provision for the continuity of service. They were on strike against the law.

Mr. O'Loughlen: This is condonation.

The ATTORNEY GENERAL: There should be continuity of service. That is the point in their minds. The Government agreed that the privileges of promotion and continuity of service were not to be affected as a result of the strike. The proper way to deal with that is to insert a clause in the Bill. This clause has nothing to do with the question of victimisation.

Clause put and passed.

Clause 15—Strikes prohibited:

Mr. O'LOUGHLEN: I trust the Committee will strike out this clause.

The Minister for Mines: You are in favour of strikes?

Mr. O'LOGHLEN: No, but I am not in favour of attempting what may be the impossible. It rather tends to provoke a strike, to insist that certain people should not do certain things. It is the first time in the history of the world that a body of civil servants took this drastic action.

The Minister for Mines: Many of them were not in sympathy with it.

Mr. O'LOGHLEN: That applies in almost every case. We shall never suppress strikes in this country.

Mr. Smith: This ought to be in the Criminal Code.

The Minister for Mines: Put in it the "Sunday Times."

Mr. O'LOGHLEN: An attempt has been made in Australia by the passage of Arbitration Acts to prevent strikes. Heavy penalties have been provided for to this end. In the Old Country most of the industrial workers have refused to entertain arbitration at any price. In Australia, and New Zealand particularly, many writers on political and industrial economy have written down the whole arbitration system as a failure, because it has not been possible to enforce decisions. These decisions may be enforced only by the threat of heavy penalties.

The Minister for Mines: Even then you could not enforce a decision. You do not prevent murder by the severe penalty that attaches to that crime.

Mr. O'LOGHLEN: Some years ago a penalty was inflicted on the public service and the railway service of Victoria, as a result of the action of one of the most callous men who ever held office in Australia. In order to bring to submission the workers in that State, the course was adopted of bringing famine into thousands of homes.

Mr. Pickering: This is the only civil service in the world that has gone on strike.

Mr. O'LOGHLEN: Their action shows that we are not the stagnant State we are sometimes represented to be. It shows that not among what is called the "cuff and collar brigade" are to be found the cringing beings who will put up with any treatment whatsoever. Many people hold the opinion that public servants ought not in any circumstances to strike. But such conditions might creep into the public service as would render the position of the public servants absolutely intolerable. I think only a very small percentage of members of this Chamber would be callous enough to hold the pistol to the head of the public service as proposed by this clause. All workers, of every description, now realise that they are a portion of our society, all sections of which must co-operate for the benefit of the whole. I recognise that it was a serious thing for the public servants to strike, but fair-minded people must agree that there were strong

reasons for that action. This Bill, rendering as it does tardy justice to the State employees, is in itself evidence that there was something wrong with the public service. Strikers get no direct or immediate benefit from striking. Let me say that considering their inexperience the public servants put up a pretty good fight. They took what in their opinion was the only means of remedying their grievances. I heard it said in the corridor of the House only to-day, in fact I have heard it said by half a dozen members who sit on the other side of this Chamber, that the man to-day ground down to an abject condition of despair is the man on a fixed salary, the man who cannot move with the times, the man who lacks the protecting mantle of a powerful association. I commend the public servants and the school teachers of this State for their endeavour to bring before the people, who impose on them certain responsibilities, the very precarious position which many of them have occupied, and which they will continue to occupy pending the creation of this board. I hope that as a result of the passing of this measure the public servants and the school teachers will never again have occasion to take drastic action. I want to place on record my appreciation of the splendid effort made by the public servants, of their unanimity, notwithstanding their want of funds—

The Minister for Mines: They boasted of the funds they had.

Mr. O'LOGHLEN: I have been in co-operation with the hon. member interjecting when, during industrial disputes, he has put a pretty rosy face on things which were in fact of a very different complexion. This clause, if passed, will tend to create rather than to eliminate trouble. My opinion is that the board will be able to make a fairly satisfactory adjustment of any difficulty that may arise. But under this clause a public servant who strikes is to lose all privileges, such as pension rights; and then there is also a penalty of £10, which probably does not mean very much. This clause, like the preceding clause, would be better out of the Bill. Up to date there has been no victimisation, and I do not think any is contemplated by the Government; nor do I think that up to the present the Government have prejudiced the claim of any public servant, or that they have any intention of doing so. But I know of no statute which contains a provision similar to this clause. Let me point out, too, that the clause may prove farcical when the time comes to enforce it. I admit that it puts a weapon into the hands of the Government to inflict drastic punishment on some public servants, but I do not believe the taxpayers of this country desire that that punishment should be inflicted. Each one of us, inside or outside the public service, learns lessons from hard experience; and the lesson of the re-

cent public service trouble should be taken to heart by both the public servants and the Government. I believe that, given the board, the public servants will render loyal service. I believe the Government will say, "We do not believe that any further disturbance or strike will take place, but we do believe that there will be an era of contentment in the public service; and we will show our confidence in the public servants by not inserting in the Bill such a clause as this."

The Minister for Mines: You are more optimistic even than the Premier, as regards contentment.

Mr. O'LOGHLEN: I refer to that measure of contentment which can reasonably be looked for. Wholehearted contentment cannot be looked for among any section of the community. I believe there is an honest desire on the part of the public servants and the school teachers of this country to do the fair thing both as regards the future working of the departments and as regards giving good service to the taxpayers, provided only that the Government for the time being will do their part and deliver the goods.

The Minister for Mines: You cannot help such things under this Bill.

Mr. PICKERING: We have listened to-night to an advocacy and a glorification of strikes from the member for Forrest.

Mr. O'Loghlen: I would rather have a man who would strike than a worm who would crawl.

Mr. PICKERING: Perhaps the hon. member would, but the public of Perth view the matter in a different light. We have heard the member for Perth speak of the civil service strike as a revolution.

Mr. O'Loghlen: Some of you want a revolution behind you, too.

Mr. PICKERING: I am surprised to hear the remarks of the member for Forrest for I know that the general feeling among the public was one of regret that the civil servants had resorted to such an act.

Mr. Smith: Was there no blame attachable to the Government?

Mr. PICKERING: There may have been some blame not only to the present but the previous Government.

Mr. Underwood: In fact, to a long line of Governments.

Mr. PICKERING: The Government gave the civil servants a promise of a board prior to the strike.

Mr. O'Loghlen: How long before?

Mr. PICKERING: A considerable time. The board which the member for Forrest says will provide the panacea for all their complaints was promised them before the strike, and I for one sincerely trust that it will prove effective. But now we hear the member for Forrest eulogising the civil servants for striking, despite the fact that it was the first service in the world to go on strike.

Hon. P. Collier: Why, the police went on strike in your conservative country.

Mr. PICKERING: We do not regard the police as civil servants.

Hon. P. Collier: They are more important than the civil servants.

Mr. PICKERING: That may be so, but to my mind it was a great pity that they went on strike. So far as the civil service strike is concerned, I regretted to see that they went on strike but, having done so, they should not complain when we put something in the Bill which will prevent them from doing the same thing in the future.

Mr. Munsie: Do you think this will stop them?

Mr. PICKERING: I think it will. I do not believe that the civil servants will adopt tactics such as the member for Forrest has dealt with, more particularly in view of the resentment which was shown by the public during the strike. I support the clause as it stands.

Hon. T. WALKER: The Government, of course, have a right to put in any clause that they please, and they can do anything they desire in this Chamber provided they can carry it through. It is the wisdom of such a clause that I question. Is it a wise provision to include? Is it not a confession of the impotency of the Government and of their dread of the future?

The Minister for Works: No.

Hon. T. WALKER: Undoubtedly it is. What is the whole measure but a condemnation of the strike and an assertion that the civil servants had genuine grievances that they could rectify in no other way. Then they enter into a new compact with the Government which takes the form of an Act of Parliament.

The Minister for Works: That is not the position.

Hon. T. WALKER: That is what the Bill actually means. It is almost as if the Government went down on its knees and said, "We forgive you, children, and assure you from the bottom of our hearts that there shall be no evil word of reproach against you for the past; you shall not be victimised." That is to the civil servants. Then they immediately turn and thunder out to the outsiders, "This sort of thing is to be put down." It is a sort of loud whisper to the effect that if these people do it again, then we will smash them up. This is playing a double game. This clause is for the purpose of making the outside public believe that the Government are virtuous. Is this a dignified attitude for the Government to adopt?

Mr. Johnston: It is to protect the public.

Hon. T. WALKER: Where is there any protection that was not in existence before? It was illegal to strike before this Bill was presented to Parliament and it is no more illegal now that the Bill is before us. The Bill does not add one iota to the force of law.

The Minister for Mines: Then why worry about it?

Hon. T. WALKER: Because it is a bit of humbug. You know it is wrong but you act differently, and that is why I object to it.

Hon. P. Collier: It is got up for public consumption.

Hon. T. WALKER: Exactly, that is the position, and such an action reflects on the honour of Parliament. It is illegal for civil servants to strike, and if the Government have the courage to apply the law, action can be taken without this clause. This is padding of the worst kind. What is the necessity for any extension of the law to degrade the public servants? Does the Minister for Works think that this clause will intimidate one civil servant?

The Minister for Works: There is no question of intimidation.

Hon. T. WALKER: If it is not a matter of intimidation or threats, then what is the purpose of the clause? It is already illegal under the Public Service Act to go out on strike.

The Minister for Mines: Under what section do you find that?

Hon. T. WALKER: It is illegal right through the whole spirit of the Act.

The Minister for Mines: Yes, but there must be some special clause which makes it illegal.

Hon. T. WALKER: The hon. member knows what I am talking about. He knows it was illegal before this measure was introduced.

Mr. Johnston: Yet we had the strike.

Hon. T. WALKER: And always will have strikes if the injustice be great enough.

The Minister for Works: I hope we never have another similar strike.

Hon. T. WALKER: I hope so, too, but I have faith in men and Governments to know that we may have one, should the circumstances arise. And what is the good of having a useless clause like this in such a Bill? If a similar position occurs again, provided our public servants are men, we shall have strikes again. I do not glory in a calm content. The whole world has moved by the friction of discontent. It is discontent that moves us.

Hon. P. Collier: It was discontent with us that put the Government on the Treasury benches.

Hon. T. WALKER: Show me a race of people who will tolerate slavery and servility and I will show you a nation that is dead. It has not possibilities of a great and glorious future. Show me a people who could have a Bunker Hill, or even a shot from Fort Sumter, and I will show you a nation that is alive with vitality and the possibilities of extensive growth.

The Minister for Mines: You are not preaching deliberate discontent, surely?

Hon. T. WALKER: I am preaching a wise discontent.

The Minister for Mines: You are not saying that.

Hon. T. WALKER: Perhaps the Minister cannot understand me. He is still imbued with the "Happy Jack" state of affairs.

Discontent, if it quickens the mind of man and leads to progress, is something to be desired. There comes a time when forbearance ceases to be a virtue. The clause will add neither to the content nor to the discontent of the public service. It humiliates the Committee to begin with. It will make people regard us as a lot of idiots, putting in a provision, not to add to the law, but to act as a threat. It degrades us all, this subterfuge of legislation. It is a reflection on the Chamber. Produce again in the public service the same conditions as actuated the recent events, and we must have similar results. There was a time when to hold a meeting for a discussion of the law was against the law. There are in the Cabinet men who know the struggle unionism has had to obtain justice. So, too, has the public service struggled; and now there comes as a flower this natural unfolding of things, this new phase when a large circle of manhood begins to assert itself, and those particularly regarded as docile servants find a voice of resentment against ill-treatment and injustice.

Mr. Pickering: And you want to perpetuate that.

Hon. T. WALKER: I do. I want it never to stand still but, like the Pickering Brook, to go on forever. That is my aim. I would get the whole world everlastingly moving. As long as contentment, docility, the bearing of every kind of iniquity in the taskmasters, continue, so long shall we have a stagnant state of society. What we want is agitation.

The Minister for Mines: It is a bit uncomfortable when it gets into the party machine.

Hon. T. WALKER: The hon. member cannot deny the force of that American writer who said that agitation of thought is the beginning of wisdom. We are rich today because we have brought our thoughts to bear on our labour, because that has multiplied the possibilities of wealth and revealed a thousand beauties that were hidden from the eyes of our ancestors. The clause will not help the world along; and on the other hand it will be an everlasting monument to the ignorance, to the want of thought, of a twentieth-century Government of Western Australia, an evidence of their feebleness. The man who threatens without power to carry out his threat is indeed in a sorry plight. The Government could not prevent a strike to-morrow, neither could they victimise the strikers, not even under the clause. Therefore the clause is a piece of stupid bravado, a piece of silly catering to a section of the community.

Mr. MONEY: When a candidate enters the public service he is entering into an agreement or ordinary civil contract of employment. I cannot conceive a civil contract having a clause in the nature of a criminal offence. I should like to see deleted from the clause the words "guilty of an offence and on conviction shall forfeit," and also the words at the end of the clause, "be liable to a penalty not exceeding £10." It is a civil contract and, therefore, should not contain a criminal clause or penalty. One

can take a horse to water, but one cannot make him drink.

The Minister for Mines: That is an old tale.

Mr. MONEY: It is a true tale.

The Minister for Mines: No, it is not; it is a gag.

Mr. MONEY: No hon. member can think it possible to make any person continue at work by a provision in an Act of Parliament. I move an amendment—

That in lines 3 and 4 the words "be guilty of an offence and on conviction shall" be struck out.

The ATTORNEY GENERAL: This clause is the necessary corollary to the privileges given to those who have grievances to apply to a board for redress. It is only fair and reasonable that, in the interests of the Government and the State, to strike should be an offence. Striking is not an offence under common law and for a good reason. During the period that common law was gradually evolved, those persons who would be likely to strike had no court to which they could apply for redress. The only weapon they had against those who were not paying them sufficient for their labour or granting them fair working conditions was to say, "We won't work." In the circumstances a strike was legal at common law and, apart from any law whatever, could be justified. But I trust that we have gone some little distance along the road which leads to improvement in all matters affecting the relationship between employer and employee. It is recognised in the Arbitration Court and it is provided, I think, in all Acts relating to industrial arbitration that it shall be a penalty to strike or to refuse to carry out an award. That is only proper and reasonable.

Mr. Willcock: And has only been availed of once or twice.

The ATTORNEY GENERAL: Whether availed of or not is not the question. The mere fact that it exists has some influence.

Mr. Willcock: Does it do any good?

The ATTORNEY GENERAL: It is of vital importance to the community that there should be industrial peace. It is desirable to show it as a declaration of the law of the land that, where a court is established to grant redress without upsetting the affairs of the community, it should be an offence to strike. When we consider that the public servants are not strictly in the ordinary position of employees, but that they are by the terms of their engagement servants of the State, obliged to support the State and whose plain duty it is to maintain the duty of the State, provided there is a body to whom they can appeal, a strike is far less justified than the ordinary industrial strike which frequently occurs. Can it not be really said that it is desirable to show clearly that a person who strikes, who refuses to work for the Government whom he has undertaken to support, whose work he has undertaken to do as much for the benefit of the country as for

his own benefit, should not strike? There is nothing improper or foolish as has been suggested by the member for Kanowna (Hon. T. Walker) in including a clause declaring a strike to be an illegal act. It is the natural corollary to the provision of the board to which they can appeal. No one is more desirous than I am that trouble between the Government and the public servants and the teachers should not arise again. The board agreed to by this House will, I trust, go a long way to prevent disputes in future. It might be that the board is not perfect. I do not claim that the Bill is perfect. It has been a very difficult Bill to draw. It is a very difficult subject to deal with because, as members frankly admit, there is no other case on record of civil servants as a body having struck. The community have a right to have it set out clearly in this Bill that if a strike takes place, it should be an illegal act. I trust that the clause will be passed.

Mr. JONES: I do not know whether the Attorney General intends to press the clause after the manner in which it has been indicted. Quite apart from the amendment of the member for Bunbury (Mr. Money), it does seem to be placing a very severe penalty upon civil servants who strike.

The CHAIRMAN: We are now discussing the amendment.

Mr. JONES: The amendment will still cause the civil servants to forfeit all privileges. That is a very severe penalty. Even the Arbitration Act which is particularly barbarous in its way, does not go so far as that. It says that men shall be fined for daring to withdraw their labour power, but it does not say that the privileges which they have built up, privileges which are really a part of their payment for past services, an accumulation of wages or salaries which instead of being paid for in money is given to them in the way of privileges, should be stolen from them because they venture to withdraw their labour power. That is particularly barbarous. I hope the Government will not persist in their intention to penalise the members of the civil service for daring to withdraw their labour power, but that they will be content with imposing a fine only. They should not deliberately steal from civil servants what is rightfully theirs and which no Government have the right to take from them. When these men contracted with the Government, they contracted for a certain salary and for certain privileges.

The Minister for Works: They did not contract at all.

Mr. JONES: The Attorney General has just told us that they did.

The Minister for Works: They got into the service and took all they could get.

Mr. JONES: If they had been as strong a few years ago as they are now, they would have taken a lot more. They will do so in future. The Minister for Works, living as he does in the times before the French Revolu-

tion, cannot be so blind as to imagine that a body as solid as the Civil Service Association and the Teachers' Union will take any notice of this clause. It is a matter for laughter to imagine that to-day the Government can say to men, "You have got to work; you are forced to continue at the toil we set whether you want to or not." The Government cannot say that. Therefore, why trouble to put this clause in the Bill?

The Minister for Works: You cannot talk about work because you never have worked.

Mr. JONES: Cut out that silly nonsense! The Minister seems to regard that reference as a supreme joke. I work as little as I can, but I shall not allow the foolishness of an obstinate old man to come between me and my arguments. If the Minister for Works believes that by his attempts to cloud my arguments and interrupt my remarks he is going to divert me from saying what I wish, he is making the biggest mistake of his life. I am feeling particularly young and virile to-night, and I am prepared to shout him down for the next hour if he wants it.

The Minister for Works: Fire away!

Mr. JONES: The Minister ought to be with the Eroni circus; I wonder that the proprietors of that show missed the opportunity to catch him. If the Minister has finished casting his pearls of wisdom before the Committee, perhaps I may be permitted to continue. If I advertised in to-morrow's Press that I required a house to be built and was prepared to pay £50 for it, I wonder whether the member for Sussex (Mr. Pickering), who has put up such a strong case in favour of the retention of this clause, would be prepared to provide plans and material to build a house.

The Honorary Minister: You would not get much of a house for £50.

Mr. JONES: Probably the Government have no more right to expect much of a civil servant for £200 a year. Suppose we inserted a clause similar to this in the Architects' Bill, a clause to the effect that members of the public should lay down a certain price for building a house and, if any architect refused to accept that price, in other words went on strike—because it is as much a strike for a professional man to withdraw his labour power from the public as for a civil servant to withdraw his labour power from the Government—what sort of a howl would go up from the member for Sussex?

Mr. Pickering: There is no analogy.

Mr. JONES: What sort of annoyance would such a proceeding cause to the merchants of the community?

Hon. P. Collier: There would be no dispute about architects' remuneration, because they themselves are fixing it. No board for them.

Mr. Pickering: Is not it a wise provision?

Mr. JONES: The member for Sussex recognises that it is a wise provision, but he will not admit that a clause, which robs civil servants of their undoubted rights and privileges, should not be retained in this Bill.

The Government must know that this clause is useless and absurd. Let them cut out all this nonsense about forfeiting privileges. No matter what is sought to be enforced by this clause I do not believe it will ever be put into force.

The Minister for Works: Then why object to it?

Mr. JONES: Because it is foolish. It will be a sorry day for the friends of the Government when the workers of this country no longer go on strike. It will mean that members of labour organisations will be so strongly and scientifically organised that when they wish to redress a grievance against their employers, they will no longer need to withdraw the whole of their labour power, but will withdraw a little of it whilst continuing to take their wages as before. In other words, they will go slow and sabotage their employers. They are not yet sufficiently organised to do that, but I am endeavouring to do my part to that end. When men are dealing with unreasonable employers that is the only way to get what they want. If an employer does not pay an employee a wage commensurate with his needs, that man has a right to give just as much of his labour as he thinks fit. Let us pass the Bill in something like the form that was originally promised to the civil servants.

Amendment put and negatived.

Hon. P. COLLIER: I move an amendment—

That the words "forfeit the privileges which otherwise he might have enjoyed under any Act or regulation relating to his service, including the Superannuation Act, and," be struck out.

My object is to delete from the clause anything to do with the forfeiture of privileges which a civil servant might have enjoyed, including also those he might have enjoyed under the Superannuation Act. The Government are not justified in seeking to pass retrospective legislation. The clause as it stands now will compel the Government to deprive the public servant of the rights and privileges which have accrued to him, and will be carrying any punishment over the strike very much further than has been the case in any of our industrial legislation. The Government are not justified, and the Committee would not be justified, in carrying things as far as that. In the previous clause the Government sought to preserve the rights of the public service, but in this clause they provide that no other Government in the future will be able to exercise any discretion in the matter. It is taking an extreme step to say that the public servant shall not only be guilty of an offence, and be liable to a monetary penalty, but shall lose all his accrued rights and privileges, even those under the Superannuation Act. Where would our rights as citizens be if Parliament passed retrospective legislation in this way?

Mr. Pickering: These rights are always in process of acquirement.

Hon. P. COLLIER: It appears to me that the hon. member has been biassed all along against the public service. He has adopted a hostile attitude right through. There is an idea abroad in our agricultural areas that public employees are more or less parasites and that the farmers are carrying them on their backs. The hon. member's attitude may have been shaped by this feeling, or may be due to the fact that very few public servants live in the districts represented by members of the Country party. But the fact is that men have acquired these rights over long years, and Parliament would not be justified in passing legislation of a retrospective character to take away those rights. Let a penalty be imposed for anything wrong that may be done, and the public servants will be liable to that penalty; but let us not impose a penalty which may extend back over 20 years, or in some cases even 30 years. The section now on the Treasury bench will not always be governing this country, and perhaps it might not be well for them to set up a precedent which would justify future Governments in passing legislation of a retrospective character depriving citizens of rights acquired in years gone by. I throw out that hint to hon. members opposite, with especial reference to retrospective legislation possibly affecting the rights of property, or contracts.

Mr. PICKERING: I regret that the leader of the Opposition has gone out of his way to accuse me of injustice to the civil servants. In protesting against the public service strike, I was simply exercising the right of a citizen; and my remarks this evening were not indicative of hostility, but were simply an assertion of fact. I contend that this clause is not retrospective legislation, and that the rights and privileges which the clause seeks to take away under certain conditions, are always in process of accumulation. No phase of employment that is brought under the Arbitration Act has anything like the rights and privileges appertaining to the public service.

Hon. P. COLLIER: Private employees are better off, and have been for years, than public servants.

Mr. PICKERING: My experience is that private employment does not offer as good conditions as the public service with regard to sick leave, long leave, and so on.

Hon. P. COLLIER: As against that, public service salaries have been lower than salaries outside.

Mr. PICKERING: The privileges of the public service mean a considerable annual loss to the State.

Hon. P. COLLIER: All recent arbitration awards provide for a fortnight's holiday annually.

Mr. PICKERING: I admit that, but in outside employment there is no such thing as superannuation.

Hon. P. COLLIER: There is no superannuation in the public service to-day.

Mr. PICKERING: But there is accumulation of pay for so many years' service.

Hon. P. COLLIER: That applies only to the older public servants.

Mr. PICKERING. I am in no way prejudiced against the public servants, and I have many friends in the public service. Neither has the farming community any hostility towards the public service; such an accusation is absolutely without foundation. I hope that the clause will pass and thus keep the public servants loyal to the State which employs them.

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

Ayes	13
Noes	20
Majority against	7

AYES.

Mr. Brown	Mr. Munsie
Mr. Collier	Mr. Rooke
Mr. Green	Mr. Smith
Mr. Jones	Mr. Walker
Mr. Lambert	Mr. Willcock
Mr. Lutey	Mr. O'Loughlen
Mr. Mullany	(Teller.)

NOES.

Mr. Angelo	Mr. Money
Mr. Broun	Mr. Nairn
Mr. Draper	Mr. Pickering
Mr. Durack	Mr. Scaddan
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Underwood
Mr. Johnston	Mr. Willmott
Sir H. B. Lefroy	Mr. Hardwick
Mr. Maley	(Teller.)
Mr. Mitchell	

Amendment thus negatived.

[Hon. G Taylor took the Chair.]

Mr. GREEN: I cannot believe that the Government intend to pass the clause as printed. There has been an unfortunate misunderstanding with regard to it. Undoubtedly the disposition of the Government was to agree to the amendment moved by the leader of the Opposition. No matter what opinion the Government, with their numerous following, may hold regarding this clause, in a few short months the members of this Chamber will hold a different opinion. The clause is a direct thrust at unionism.

Mr. Teesdale: Nothing of the sort.

Mr. GREEN: It can be regarded as nothing else. What is unionism for except that men, banded together, may use the one weapon which they possess, in the event of their not getting fair conditions from their employer? And in this case the employer is the Government. The weapon I allude to was used by the public servants. After months of fruitless negotiation they were compelled to resort to what, it is said, has

never been resorted to by any other Government service. The very terms of their employment, the fact that a cessation of employment gives them cause to fear the loss of certain privileges, renders the public servants liable to remain in employment even although dissatisfied with their conditions. The civil servants in this State had been dissatisfied with their conditions for many months before they threatened to strike. If they had given their word as honourable men that they would not resort to the last weapon of the strike, would the Government have listened to them? The Government adopted then the attitude that is being manifested now, and they will make a gross mistake if they allow this clause to pass as printed. The member for Williams-Narrogin led us to suppose that because the civil servants were granted certain privileges and had so many holidays each year, they should be robbed of that very banner of which other men are so proud. This is not the first time that civil servants have struck. The police in the old country, conservative as it is, ceased work in order to redress their grievances. The postal officials, even without a union, went on strike in the early days in this State, and then we also had the strike amongst the clerks in the Federal Commonwealth service. I would be the last man in the world to advocate strikes. I think it should be the last resort of men to achieve their desires, but if the Government do not listen to the grievances of the civil servants as a privilege granted to all other employees, you cannot rob them of their right to strike. The attitude of the member for Williams-Narrogin who, had he remained a clerk in the civil service, would have led the service in its troubles, is that he has risen from being a civil servant and is now a member of Parliament.

Mr. Johnston: Nothing of the kind.

Mr. GREEN: Why is this? Simply because the people in the country have been told by the Press that the civil servants did something which was bad and direful. I say they are entitled to strike as a last resort. Simply because civil servants are granted certain privileges, are they to be treated as men under a military regime? An attitude of that sort is not in accordance with the spirit of the times, and whatever members opposite may say, I am satisfied that if the majority of the people of the State had the case of the civil servants fairly put before them, they would not resent their actions, and that the representatives of the people here would be shown to be not truly representative of public opinion. As an old civil servant myself, I say that it is because civil servants have not the same freedom as men outside that all this trouble arises. We all recognise that there is a weakness in the public service. It is because individual men cannot exercise the same initiative as a man can outside. The whole tendency in the civil service should be to so broaden it that civil

servants and teachers may develop their own individuality. It is only when a system is developed and broadened along these lines that we may expect to have that effective Government which we hope to see in operation. Yet this very clause which we have been debating this evening seeks to destroy that individuality which is asked for. We have heard the member for Murray-Wellington say that the hon. member for Fremantle did not work.

The Minister for Works: Who said that? Mr. GREEN: The Minister did.

The Minister for Works: I did not.

Mr. GREEN: Well, I am pleased to receive the denial of the hon. member.

The Minister for Works: I said that the member did not work because he promised his mother on her death bed that he never would. Those were his own words.

Mr. Jones: On a point of order. I demand that that foul old man withdraws what he has said regarding my mother.

Mr. GREEN: Quite right, too.

The CHAIRMAN: Order! The hon. member must withdraw that remark.

Mr. Jones: I withdraw, but I demand that the Minister for Works withdraw and apologise for daring to mention the name of my mother.

The Minister for Works: Very well.

Mr. Jones: He is taking advantage of his age, or I would knock his head off.

The Minister for Works: I would be glad if you tried.

Hon. P. Collier: Yes, but you should not have said that.

The Minister for Works: I withdraw it. Now perhaps he wishes to knock my head off.

The CHAIRMAN: Order! Order!

Mr. GREEN: Not yet; he can knock it off when I have done with the Minister. I was proceeding to say that this clause is an absolute blow at trades unionism, and the Government are attempting to rob civil servants of that privilege which the unionist outside holds dearest. Men and youths have to pass a medical examination to show that they are physically fit to join the service and they have to pass the necessary examinations to show that they are qualified, and to say that they should be less than men simply because they are promised continuity of labour and annual holidays, is going too far. If we desire them to display any individuality of character, let us at least not rob them of what ordinary workers outside stand for and get. I trust that the Government will see that the clause is struck out.

Mr. UNDERWOOD: I am not in favour of the clause because I do not think it is necessary. It provides for a penalty to the extent of £10, but apart from this feature the provision is the same as in the Public Service Act, and if the civil servants break their service they lose their privileges and this Act will not matter. Regarding the question of striking, I

do not think that we should endeavour to get some system whereby those people who are working in the public service, including not only the civil servants but the railway men and those on the ships and wharves, should not go on strike. That is putting one section of the community against another section, and surely this community has sufficient sense to arrange those matters without any strike.

Mr. Green: Not with a threat like this.

Mr. UNDERWOOD: There is no threat there at all. If we have a little section of the people who have particular knowledge upon which they can hang up the whole community, it would be absolutely wrong for them to do it. We have heard a great deal about trade unionism and strikes, but we as trade unionists prepared and passed legislation prohibiting strikes. Strikes may be permissible in private employment—personally I prefer that there should be none—but when it comes to the public service, it is a dispute, not between capitalists and workers, but between individuals of the community.

Hon. P. Collier: A coal miner is working for the community.

Mr. UNDERWOOD: Why should the people along the North-West coast be denied their stores because there is a public service strike? They have no quarrel with the public service.

Mr. O'Loughlen: The policemen went on strike in London.

Mr. UNDERWOOD: And had to go back to work again.

Mr. O'Loughlen: Not until they got their rise.

Mr. UNDERWOOD: We should do everything we possibly can to prevent strikes in the public service. In the event of a railway strike, the communities on the Eastern goldfields would starve. We should follow the course pursued by Labour unions and Labour governments and do all that we can to prevent strikes. The clause is wholly unnecessary, because the penalties contained in it are provided in the Public Service Act.

Clause put and a division taken with the following result—

Ayes	..	..	18
Noes	..	..	16

Majority for .. 2

AYES.

Mr. Angelo	Mr. Mitchell
Mr. Broun	Mr. Nairn
Mr. Draper	Mr. Pickering
Mr. Durack	Mr. Scaddan
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Willmott
Mr. Johnston	Mr. Hardwick
Sir H. B. Lefroy	(Teller.)
Mr. Maley	

NOES.

Mr. Brown	Mr. Munsie
Mr. Collier	Mr. Roche
Mr. Foley	Mr. Smith
Mr. Green	Mr. Underwood
Mr. Jones	Mr. Walker
Mr. Lambert	Mr. Willcock
Mr. Lutey	Mr. O'Loughlen
Mr. Money	(Teller.)
Mr. Mullany	

Clause thus passed.

Clause 16—agreed to.

Clause 17—Regulations:

Mr. MUNSIE: Under paragraph (a) power is given to frame regulations for the conduct of elections of members of the board. Seeing that the Attorney General has given the public servants and teachers the right, under certain conditions, to elect their own representative, will the Government, under this clause, have power to make regulations for the election of the association's representative of the board?

The ATTORNEY GENERAL: No, the right to make regulations will only come in when no appointment is made either by the union or by the association.

Clause put and passed.

Clause 18—agreed to.

[Mr. Stubbs resumed the Chair.]

Clause 19—Repeal:

The ATTORNEY GENERAL: This clause is not worded quite correctly and I desire to make it clearer. If the clause in the Bill is negatived, I shall move to insert a new clause which appears on the Notice Paper.

Clause put and negatived.

New clause—Repeal:

The ATTORNEY GENERAL: I move—

That the following be inserted to stand as Clause 19:—"Sections ten and nineteen of the Public Service Act, 1904, are hereby repealed, and sections fifty-one and fifty-two thereof (as amended by the Act No. 10 of 1912) are hereby further amended as follows:—The proviso to subsection (1) of section fifty-one, and the words 'and may either maintain, increase, or reduce the value of the office, as defined by the Commissioner in the proposal appealed from or change the office from one division to another,' in subsection (1) of section fifty-two, and subsection (5) of section fifty-two, are omitted."

New clause put and passed.

Title:

Mr. SMITH: I have an amendment on the Notice Paper to strike out all words in the title of the Bill after the word "Board" in the first line.

The ATTORNEY GENERAL: I question whether the amendment is in order. The title describes exactly what is in the Bill.

The amendment by the member for North Perth would have been applicable if Clause 15 had been struck out. As this clause has been retained, to strike out the words in the title, I submit, would not be in order.

The CHAIRMAN: The amendment of the title to a Bill, except in consequence of amendments to the clauses, does not seem to be contemplated by "May," but there does not appear to be anything against it. In this case, however, the omission of the words "and to prevent the unauthorised cessation of work on the part of public servants" would leave Clause 15 uncovered by the title. Therefore I rule that the amendment is out of order.

Title put and passed.

Bill reported with amendments.

BILL — PRICES REGULATION ACT AMENDMENT AND CONTINUANCE.

Received from the Council and read a first time.

BILL—WESTRALIAN MEAT WORKS.

Returned from the Council with an amendment.

House adjourned at 10.57 p.m.

Legislative Council,

Tuesday, 12th October, 1920.

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

VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES. RESOLUTION OF LOYALTY—LETTER IN REPLY.

The PRESIDENT: I have to inform hon. members that I have received under cover of a letter from the Private Secretary to His

Excellency the Governor a copy of a despatch which has been sent to the Governor. The despatch is as follows:—

Downing-street, 12th August, 1920. Sir, I have the honour to acknowledge the receipt of your telegram of the 10th August conveying the terms of a loyal resolution passed by the Legislative Council of Western Australia on the occasion of the visit of His Royal Highness the Prince of Wales. The resolution has been laid before His Majesty the King, who desires that an expression of his sincere thanks and appreciation may be conveyed to the members of the Legislative Council. I have the honour to be, Sir, your most obedient humble servant, Milner.

BILL—REGISTRATION OF NURSES.

Introduced by the Minister for Education and read a first time.

BILL—PARLIAMENT (QUALIFICATION OF WOMEN.)

Second reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.35] in moving the second reading said: In submitting the second reading of the Bill it may perhaps be as well, for the sake of those members who were not present when the second reading was moved on a previous occasion, if I repeated briefly the arguments I used in favour of this proposal. It will be remembered that during the last session of Parliament the Government introduced a Bill providing for six different amendments to the Constitution. That Bill did not secure the necessary majority in this House and, consequently, was laid aside. One of the six proposals was immediately afterwards embodied in another Bill, which became law. This is the second of these proposals. I do not intend to labour the question as to whether or not it is desirable that women should sit in Parliament. The Government merely take up the attitude that there is no reason why the choice of the electors should in any way be restricted. There is no reason why the people of a constituency, if they desire that women should represent them in Parliament, should not have their desire gratified. If we look at the matter from the point of view of precedent, we find that women are competent to sit in the House of Commons; that indeed a woman has been elected to the House of Commons. We also know that women are competent to stand for election under the Constitution of the Commonwealth of Australia, and it does seem rather extraordinary that when a woman is eligible to stand for the Parliament of Australia, she should be excluded from standing for the Parliament of Western Australia. For these reasons I move—

That the Bill be now read a second time.