Legislative Council.

Tuesday, 9th October, 1945.

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

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th October.

HON. H. TUCKEY (South-West) [4.35]: I support the remarks made by the Minister when moving the second reading of the Bill. This is a very short measure, containing as it does only three clauses designed to improve the existing law. The first amendment is to provide a reciprocal arrangement with the Eastern States to facilitate action in respect of claims by persons involved in motor accidents without first having to advise the insurance company concerned. The second amendment will clarify the position where a bill of sale is granted over a motor vehicle. The amendment provides that when a person grants a bill of sale, the liability for taking out the necessary insurance shall pass to the new owner. The third amendment concerns the 15 days' grace allowed for renewing licenses after the 30th June, and provides that when the insurance is transferred to another company within the 15 days, the new company will assume the risk as from the date of the transfer. The amendments are very desirable and call for no further comment.

HON. A. THOMSON (South-East) [4.37]: This is the third time the Government has found it necessary to amend this legislation. Like King Charles's head in the work of one of Dickens's characters, it will insist upon obtruding itself. I wish to point out how Government departments set about making things as difficult as possible for the general public. We had a Select Committee on this legislation and recommended a very simple method of covering third party insurance. The proposal was to do away with the need for issuing notices and policies and to provide that when a motor vehicle owner secured his license, he automatically took out his insurance cover as well. That would have been a very simple procedure, and why the Government did not adopt it, I cannot understand. Under that arrangement the mere possession of a license would have been a guarantee that the owner of the vehicle was insured, and owners would have been saved the necessity and expense of going to insurance companies in order to obtain a separate policy.

Last year we amended the Act in order to do away with the payment of the half-crown stamp duty, but I find that I still have to pay it on my third party insurance or comprehensive policy. The amount is not large, but it is an unnecessary expense to put upon the owners of motor vehicles. I hope that some day the Government will see the advisableness of establishing a pool such as the Select Committee recommended, which would have the effect of obviating all the difficulties that have arisen. I raise no objection to the passing of the second reading of the Bill, but as chairman of the Select Committee, I feel that I am only doing justice to the members of the committee and to the witnesses who gave valuable evidence by suggesting that the pool we recommended would have been more efficient and would have given greater security to the motor owner and to the general public than is possible under the present system.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MINE WORKERS' RELIEF (WAR SERVICE) ACT AMENDMENT.

Assembly's Message—In Committee.

Resumed from the 4th October. Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on the following amendment made by the Council:—

> No. 1—Clause 5, paragraph (e) of the proposed new section 4, page 3:—Delete the words "the Laboratory" in line 13, and substitute the words "a tribunal consisting of two physicians, one of whom shall be the senior medical officer of the Laboratory and one radiologist,"

to which the Assembly had made the following further amendment:—

> Insert in the last line after the word "one" the word "a."

The question is that the amendment, as amended, be agreed to.

Hon. J. G. HISLOP: I move—

> That the Assembly's amendment be amended by deleting all the words after the word "Insert" and substituting the words "three persons, namely: A medical officer of the Kalgoorlie Laboratory, a medical practitioner engaged in active service in the treatment of tuberculosis, and a specialist radiologist" in lieu of the words "two physicians, one of whom shall be the senior medical officer of the laboratory and one radiologist."

I want to make it quite clear that I desire three persons on the tribunal. I have maintained all along that there should be three, one of whom should be a medical officer of the Kalgoorlie laboratory. I first of all said the senior medical officer but, in view of the fact that he might be away, there is no reason why the other member of the medical staff at the laboratory should not act on the board. The second person should be a medical practitioner engaged actively in the treatment of tuberculosis. He could quite easily be one of the staff of the Wooroloo Sanatorium and, therefore, a Government medical officer. The only person outside the service who would be called upon, under my amendment, would be a specialist radiologist. We would then have on that tribunal, dealing with one of the most difficult problems that will have to be faced with regard to decisions that will have to be reached, a man skilled in the diagnosis of silicosis, one skilled in the treatment of tuberculosis—and therefore in diagnosis of it as well—and a man whose work has been solely in radiology. I consider that in that way, at very little expense—except that it might be necessary for the man from the Kalgoorlie laboratory to come to Perth—we would have a very satisfactory tribunal.

The CHIEF SECRETARY: The hon. member has made the position very clear with his amendment. It would appear from the amendment made by the Legislative Assembly that that House was under the impression that the tribunal was to consist of two men. Now that Dr. Hislop has made it clear how he desires the tribunal to be constituted, more particularly in regard to the medical man who is skilled in the treatment of tuberculosis, another place will have a very clear understanding of what is intended. I would like to ask whether there is a medical man in Kalgoorlie or Boulder who would answer to the description provided in the amendment.

Hon. J. G. Hislop: No, there would not be.

The CHIEF SECRETARY: I am not sufficiently acquainted with the subject to know whether any real disability would arise from that. Of course, the question of expense would come into it. The cost of a medical practitioner with the qualifications laid down by the hon. member having to travel to Kalgoorlie from time to time—sometimes perhaps at short notice—would naturally be very great and, since those expenses would, so far as I know, have to be met by the board, it is possible that the cost might be greater than the board considered necessary. I do not say that with the idea of suggesting that these men are not entitled to the best attention they can receive. I am inclined to think that if we had a medical man in the district of Kalgoorlie, where the laboratory is situated, it would be a much easier arrangement. I have already moved that the amendment, as amended, be agreed to. Now that Dr. Hislop has made it clear how he desires this tribunal to be constituted, it is up to this Committee to determine whether it believes that the three men mentioned would be preferable to the two men desired by the Legislative Assembly.

Hon. C. B. WILLIAMS: I agree that the best should be granted in the way of a medical tribunal to help those suffering from tuberculosis, but think that Dr. Hislop's proposal would be cumbersome. With a medical board under the Workers' Com-

pensation Act there is sometimes a delay of a month or six weeks, but that does not matter as it is only a question of the amount of compensation to be granted. At times the board sits in Perth, and all that is done is to nominate a board in Perth, composed of metropolitan medical men, and the claimant has to travel to Perth from wherever he lives. Under Dr. Hislop's proposal one of the men concerned is a medical man who would be examining thousands of persons yearly, and I do not think it is right that he should have to go from Perth. It would be expensive to take a medical practitioner, actively engaged in treating tuberculosis, from Perth to Kalgoorlie.

The Resident Medical Officer at Wooroloo does go to Kalgoorlie, or has done so on many occasions, to preside over a medical board dealing with complaints coming under the Third Schedule of the Workers' Compensation Act, but there would not be many cases, and they would not be like the case of a man who is seeking something. Under Dr. Hislop's proposal a medical man would have to be running from Perth to Kalgoorlie, or vice versa. In Kalgoorlie there is no one available except the medical men who deal with the many ills encountered in the course of their profession. Whenever the Miners' Relief Fund or the compensation people have to make a decision about the degree of dust, they send for the Resident Medical Officer at Wooroloo. If Dr. Hislop himself were selected to be on this board it would probably mean that he would have to go to Kalgoorlie for only two or three days and the cost to the Mine Workers' Relief Board would be considerable. I support the Chief Secretary's motion to agree with the Assembly's amendment.

Hon. J. G. HISLOP: Without wishing to labour the point, I believe there is a lot of loose thinking as to what is to take place under this clause. A new section has been added to the principal Act dealing with men who have done war service, and I trust that the number to be dealt with under this measure will be small. I hope there will not be 10 or 12 a day, as suggested by Mr. Williams. These are men who have returned from war service and who are found to be suffering from tuberculosis when they apply to resume work in the mines.

Hon. C. B. Williams: Would it not be possible for 10 or 12 men to come along in a day?

Hon. J. G. HISLOP: I would be surprised if we had that number in two or three years. Before a man is accepted into the Army his chest is x-rayed on a miniature film. If that proved doubtful the picture would then be taken on a film 17 inches by 14 inches, and if he had any evidence of tuberculosis at the date of his proposed enlistment he would not have been accepted into the Army. If on return from Army service he applies for permission to work in a mine, and is found to be suffering from tuberculosis, the board has to find whether the tuberculosis is the result of war service or of his work and whether his work prior to his entering the Army was such that it could be assumed that he had had a clear chest x-ray. It is one of the most involved questions that will confront medical men.

I think this provision is in the measure purely as a safeguard for men developing this condition, but it will be a difficult matter to decide. If a man has returned from war service his tuberculosis is likely to be regarded as having followed war service. We have now the case in which a man has apparently been told that his tuberculosis has not followed war service, but it has been discovered when he made his request to re-enter the mines. Someone has to decide whether that tuberculosis, which was not present at the date of enlistment, was the result of work in a mine. It is an almost insuperable problem and one which I trust will occur only in a few cases. Seeing that it is in the Act, I believe we should ensure such a man would have the right of appeal to a board trained in every respect with regard to decisions to be made.

Hon. H. SEDDON: I appreciate what Dr. Hislop has said, but I understand that when men return from war service they have to undergo, before they are released, a strict medical examination. If there were any signs of tuberculosis having developed, that would constitute a claim against the military authorities, because the condition would be definitely established. I think that examination should meet the case mentioned by Dr. Hislop.

Hon. J. G. HISLOP: I tried to make it clear that if a man has tuberculosis when he comes out of the Army, the Army will

have to decide whether it is due to war service. If it is, he will receive a pension, but here is a case where the tuberculosis is discovered when a man makes application to resume mining work; and I take it that the only man who could make a claim under this clause would be one who had been missed on the miniature film examination on joining the Army, and when the tuberculosis was discovered the Army authorities would look back to the miniature film and find that there were signs of the beginning of tuberculosis on it. These odd cases have been few; they are the cases that need protection. This board will have to be just as experienced as the Army board.

Hon. H. Seddon: I take it the Army accepted the man as being free from this disease and would therefore take full responsibility.

Hon. J. G. HISLOP: Not necessarily!

Hon. E. M. HEENAN: I support the motion. There will surely be very few cases of this kind. Although Kalgoorlie doctors are not engaged in active practice in the treatment of tuberculosis they have ample experience. They are on the spot and are sympathetically inclined towards the mineworkers. The men themselves would probably prefer a board comprised of local doctors and officials from the Commonwealth Laboratory. I doubt whether there will be any cases in dispute. The Repatriation Act provides that any man who has served in a theatre of war and on discharge is found to be suffering from tuberculosis is presumed to have contracted it during his period of service, and automatically becomes entitled to a pension.

Hon. A. Thomson: It does not always work out that way.

Hon. E. M. HEENAN: I think that is the position.

Hon. T. MOORE: Dr. Hislop referred to loose thinking. I point out that when a man is being discharged from the Army and found to be suffering from tuberculosis he will be dealt with then, and not when he applies to go back to the mining industry.

Hon. J. G. Hislop: That is what the Bill says.

Hon. T. MOORE: The hon. member said he would not be found to be suffering from tuberculosis until he applied for a position on a mine. Surely these men would be so thoroughly examined before they were discharged that if they were suffering from T.B. the fact would be discovered. If six months later they apply for work on the mines and the laboratory turns them down it will be assumed that they left the Army suffering from tuberculosis. If they are found to be so suffering they should be referred back to the Army for a pension.

The CHIEF SECRETARY: The men concerned are not only those who have served in the Armed Forces but are men who left the mining industry during the war period. Some left because the mines closed down and they have been following some other occupation. In those instances there will have been no medical examination before the mineworkers apply to the laboratory. This will also apply to men who have been interned. There will be no medical examination of them when they are released from the internment camp. There are others who left the industry to engage in munitions work, and there were those who were employed by the Allied Works Council. In those instances the men would not have a strict medical examination before they left that employment and before they applied for work on the mines. The Commonwealth Laboratory at Kalgoorlie has been dealing with these matters for many years. There are two doctors attached to the institution who have been there for a long time. I have never heard any criticism of their qualifications or of the manner in which they have carried out their work. Dr. Hislop now contends that because neither of these medical officers has been actively associated with the treatment of tuberculosis it is necessary that additional medical officers who possess that qualification should be employed.

I did not see the necessity for that in the first place, and now I can see there will be a big increase in the cost of the examinations if it is necessary for medical men with these qualifications to visit Kalgoorlie each time a mineworker has to be examined. If a mineworker has to come to Perth for examination additional cost will be involved. It is really a question whether the Mine Workers' Relief Fund should be burdened with the additional cost that will be involved in such a method as has been suggested. If there was a medical man who could be called upon at any time and who had experience in the treatment of tuberculosis the position might not be so bad. These miners may be

coming in at all sorts of times. I believe hundreds will seek employment in the industry who are in the various categories to which I have referred. Whilst Dr. Hislop wants to make doubly sure that a man is found to be suffering from this complaint before he is barred from the industry, I think we ought to have confidence in the Commonwealth Laboratory which was established for this particular work. We ought to stand by the Assembly's amendment.

Hon. J. G. HISLOP: I do not want to be drawn into a discussion concerning the qualifications of the medical officers attached to the Commonwealth Laboratory. I contend, however, it is not possible for one man to carry out all branches of medicine. We should give these would-be mineworkers all the protection they are asking for and deserve. Each side of the question should be examined. The Chief Secretary has just made an excellent speech in support of my argument. The men concerned are those who will be told either that they will receive a pension or that their fate depends on an opinion as to whether the tuberculosis was the result of their peace-time or their war-time work. The board should consist of persons who will understand all sides of the question.

Hon. H. SEDDON: This clause provides that notwithstanding anything to the contrary contained in the principal Act, certain provisions shall apply. Under the Act a man who has been engaged in the mining industry is permitted, if he leaves it, to register.

Hon. C. B. Williams: Only in certain circumstances.

Hon. H. SEDDON: By registering he preserves his right to make a claim in the event of anything happening to his health.

Hon. C. B. Williams: Only in the case of tuberculosis.

Hon. H. SEDDON: It seems to me there is some danger that we shall be contracting out of that provision. This clause may have a wider application than the Chief Secretary has indicated. I should like the matter to be gone into further so that we shall be sure that we are not doing the men concerned an injury. If a man registers before he leaves the industry he should be protected. It appears to me that paragraph (e) savours of contracting out of that liability to protect.

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

Ayes	12
Noes	9
Majority for	3

AYES.

Hon. C. F. Baxter	Hon. J. G. Hislop.
Hon. L. B. Bolton	Hon. W. J. Mann.
Hon. Sir Hal Colebatch	Hon. G W. Miles
Hon. C. R. Cornish	Hon. H. S. W. Parker.
Hon. J. A. Dimmitt	Hon. A. Thomson.
Hon. F. E. Gibson	Hon. H. Seddon (*Teller.*)

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. H. L. Roche
Hon. W. R. Hall	Hon. H. Tuckey
Hon. E. M. Heenan.	Hon. C. B. Williams
	Hon. T. Moore (*Teller.*)

Amendment thus passed; the Assembly's amendment, as amended, agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—POLICE ACT AMENDMENT ACT, 1902, AMENDMENT.

Returned from the Assembly without amendment.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Received from the Assembly and read a first time.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

In Committee.

Resumed from the 4th October. Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 4 had been agreed to.

Clause 5—Appeal by employee against promotion of another:

Hon. W. J. MANN: I move an amendment—

That subparagraph (i) of paragraph (a) of the proviso to Subclause (1) be struck out.

I do so with some diffidence, because the more I study the clause the more I see in it. I have read the debates that took place in the other Chamber last session on a similar Bill, and was to an extent impressed by the appeal which the Minister made on that

occasion for the retention of the clause. I have, however, examined it from another angle and, after careful consideration, think we would be wise to throw an appeal open to every member of the Service. The Minister has already said that the Bill covers all the wages employees and 97 per cent. of the salaried staff, all of these having the right to appeal. I agree it is vital that the Government should be protected in the selection of its executive officers; but I feel that a principle is involved and we should not lose sight of it. A person who is going to fill a high executive office must be possessed of outstanding ability and he should not be selected lightly. The Government to a great extent must rely upon its executive officers, who are sometimes called upon to undertake duties almost above those discharged by Ministers. We are aware that frequently these officers have to go to the Eastern States to take part in conferences; they thus represent the State and look after its interests. Great care should be exercised in selecting such men for Government positions.

There is something to be said for this provision, but I point out there is a grave possibility of a man suffering a set-back from which he might never recover. In effect, the State says to the youth of the country, "Join the Public Service, apply yourself diligently and if you prove to be efficient in your work you will receive preferment." By so doing a boy rises until he reaches the stage that he is interested in the filling of a vacancy in one of the executive offices. He may in every possible way be fitted for the position, but for some reason he may not be persona grata with the Minister or, for some other reason, may be passed by. As a result, his industry and work over the years go for nought. He has no appeal and no opportunity of getting further. He has not even a chance of having himself considered for the position. In many cases the Government and the Ministers have to work with other men than the departmental heads, and they become attached to them. They may be very good officers but may not have all the qualifications necessary for the higher positions. There have been cases where that type of man—who is quite good—has been rewarded by getting an appointment. That is not what Parliament or the country requires.

Parliament desires that we should make these positions available to all civil servants; to all the people who are eligible. It should be possible for a civil servant to start on the lowest rung of the ladder and rise to the highest. If this clause remains in, he may not be able to do that because he may be passed by and debarred from appealing and placing himself in the hands of the board. If the Government makes all the investigations that are necessary, and arrives at a fair choice in these matters, it would not have much reason to complain if this clause were deleted. If its choice is sound, its selection would, in 99 per cent. of cases, be accepted by a board. There is one phase of this matter that is not quite so pleasant, namely, that of a Government that is not altogether scrupulous. I am not suggesting that these remarks apply to the present Government. But there are Governments that are susceptible to outside pressure. Because of that, a good man who happens to be unpopular with some outside body or section of the community might find himself debarred from promotion. We would be doing the right thing by deleting this subparagraph.

The CHIEF SECRETARY: I cannot agree to the amendment. I point out that there is nothing new in the principle involved. We provide, in the Industrial Arbitration Act, for public servants receiving £700 a year or less to be entitled to approach the Arbitration Court. Those who receive over £700 a year have not that right. When this Bill was drafted, the Government was anxious to see that as many public servants, and employees of the Government generally, as possible, should have the right of appeal. But the Government did take the view that the higher officers should not be subject to a measure of this kind. It was thought it might be possible to create, as one member suggested on the second reading, a list of offices which should not be subject to appeal under this measure. An endeavour was made to do that, but the replies received from the various departments were so unsatisfactory that it was quite clear that such a method would not be practicable. The Minister for Works, who is the Minister responsible for this Bill, eventually arrived at the figure of £750 as being a fair line of demarcation.

When introducing the Bill, I said that it did not leave many Government employees not subject to it. Since then I have been

supplied with the following figures:—The number of officers on the permanent staff of the Civil Service with salaries under £630 per annum is 1,786; there are 61 with salaries ranging from £630 to £699, and 15 with salaries up to £735. All these officers would be subject to this Bill. The number of officers in receipt of salaries of £780 and over is only 56. There is really no £750 a year officer in the classification. These figures give a total of 1,918 officers on the permanent staff of the Public Service. There are others who are not included in this list because, for instance, they are employed in the Education Department. In addition, there are those officers who are members of the Railway Officers' Union, but the same provision applies to them.

The 56 officers in the Public Service in receipt of salaries of over £750 per annum comprise the Under Treasurer; the Government has every right to determine who the Under Treasurer shall be—the Assistant Under Treasurer; the Government Printer; the Secretary, Premier's Office; the Secretary, London Agency; Assistant Conservators of Forests—there are two; the Under Secretary for Lands; the Surveyor General; the Under Secretary for Mines; the State Mining Engineer; the Assistant State Mining Engineer; the Government Mineralogist; the Assistant Government Mineralogist; the Government Geologist; the Under Secretary, Chief Secretary's Department; the Commissioner of Public Health; the Medical Superintendent, Wooroloo, and his assistant; the Bacteriologist and Pathologist; the Medical Officer of Schools; the Superintendent of Mental Hospitals; medical officers—there are two—at mental hospitals; the Under Secretary, Public Works Department; the Director of Works; the Mechanical Engineer; the Engineer, Harbours and Rivers; the principal assistant engineers; the Engineer for the North-West; the Director of Industrial Development; the Manager, State Government Insurance Office; the Medical Officer, State Government Insurance Office; the Under Secretary, Water Supply Department; the Principal Architect; the Engineer, Water Supply Department; the Under Secretary for Law; the Solicitor General; the Crown Solicitor; the Crown Prosecutor; the Solicitor and Assistant Draftsman; the Registrar, Supreme Court; the Resident Magistrate, Kalgoorlie; the Commissioner of Titles; the Director of Education; the Principal, Teachers' College; the Chief Inspector, Education Department; the Under Secretary for Agriculture; the Controller of Abattoirs; the Principal, Muresk College; the Assistant General Manager, State Sawmills; the General Manager, State Sawmills; the Manager, State Shipping Service; and the Medical Officer, Native Affairs Department. That, I understand, is the full Public Service list.

There is hardly one of these positions that members would suggest should come within the jurisdiction of this Bill. The Railway Officers' Union, of course, must be considered. I do not know whether there are any others in the service who are receiving over £750 per annum. In addition, there are the teachers who are members of the Teachers' Union. I do not know that Mr. Mann need be much afraid in connection with all positions being available to all members of the Public Service. As I remarked, when closing the debate on the second reading, this measure covers not only the Public Service but all Government employees. So I think that £750 provides a fair line of demarcation. I have shown the types of positions that carry a salary of over £750, and for many of these positions we simply cannot get applicants from within the Service. We frequently have to go outside, particularly for professional officers.

Hon. W. J. Mann: Then you need not be afraid of appeals.

The CHIEF SECRETARY: There is no need to be afraid in those cases, but the Government should have the right to appoint men to these positions. I do not think there is any valid argument against that. I hope the amendment will not be agreed to.

Hon. Sir HAL COLEBATCH: I appreciate the arguments used by the Chief Secretary but am still of opinion that the exemption should be on office and not on salary. I have been through the list of officers drawing £750 per annum and over, and I am not prepared to argue that any of them ought to be subject to appeal in the case of promotion; but this point has to be borne in mind, that there are 76 officers who are not very far short of the £750 mark, and if they were to be reasonably treated—that is, to have commensurate increases with the rises in the cost of living, as other people do—many of

them would soon be receiving over £750. It will mean that no senior officer will be subject to appeal against promotion. If the idea of an appeal is good, surely it should apply to all but a few specified officers. If we are to exclude, as I suggest will be excluded very shortly, about 130 officers because of the reason I have advanced, I think the object of the Bill will be largely destroyed.

The CHIEF SECRETARY: The Government has endeavoured to be fair to its employees generally. While it is perfectly true that a considerable number of officers may in the future receive an amount slightly over £750 a year because of the reclassification, which I believe ought to take place at the commencement of next year, members should be prepared to trust the Government to take whatever steps are necessary to ensure that those officers whose offices—not their salaries—have not been altered, will remain within the jurisdiction of this legislation. A very simple amendment will be necessary to overcome that difficulty. I understand that when the reclassification of the service is undertaken what is known as the cost of living allowance may be incorporated in the classification, although, of course, nobody can say that that will be the position. If it should be that, and Sir Hal Colebatch's suggestion prove correct, the difficulty could be overcome by amending the Act to make the salary, say £850 instead of £750. The fact remains that there must be a line of demarcation drawn in accordance with salaries. That is the advice given to me. As the Bill stands, even without the amendment I have indicated, there is provision whereby the difficulty could be overcome, because the last few lines of subparagraph (i), which is the one under discussion, read as follows:—

> . . . unless the Government shall declare upon special grounds that such office or class of office shall be excluded from the operation of this paragraph.

All that will be necessary will be for the Governor to declare the officers concerned excluded and automatically they will be brought within the jurisdiction of the Appeal Board. Thus there are two ways by which the matter could be dealt with.

Hon. W. J. MANN: The question of salaries does not enter into the matter at all, nor does it concern exactly the type of officer to be appointed. What concerns me is the principle of making the Civil Service open to every employee for promotion from the lowest to the highest rung. I suggest that with regard to quite a number of instances referred to by the Chief Secretary, there would be no likelihood of an appeal at all. If the Government makes a sound choice it has nothing to fear and the officers in the Public Service will feel that every consideration has been extended to them.

Hon. Sir HAL COLEBATCH: I think the difficulty could be overcome if the words "at the time of the passing of this Act" were included in the subparagraph. The effect would be to exempt all these officers from the right of appeal in the case of promotions. I am not prepared to argue that some of them ought to be open to appeal, but I do not like the prospect of the number of officers so affected increasing constantly.

Hon. W. J. MANN: While I realise the position from the point of view of the Government, there are other considerations. I do not think the Government is likely to suffer any inconvenience or to be restricted in its choice of senior officers even if the subparagraph be deleted. On the other hand, if the amendment be agreed to there will then be the incentive to all officers to give of their best with a view to reaching the top positions.

Hon. L. B. BOLTON: I suggest as an alternative that the Government might adopt the method included in the Commonwealth Public Service Act where a number of officers are specifically mentioned. If that were done, it should rectify the position.

The CHIEF SECRETARY: I wish it were as easy as Mr. Bolton suggests. We can imagine what long discussions would take place in Parliament regarding exemptions that might be proposed. At present there are 56 officers affected and members may consider that some of the offices they hold should not be exempt from the right of appeal. The Government may have a similar opinion, and it could act in accordance with the provisions of Clause 5. But it must be remembered that those concerned are not the only officers who come under the provisions of the Public Service Act. There are the railway officers, the teachers, a considerable num-

ber of employees in the various trading concerns and, further, others associated with various Government departments. The Government was confronted with numerous difficulties when endeavouring to compile a list of officers rather than salaries. I think the position would be safeguarded by the amendment suggested by Sir Hal Colebatch.

Hon. Sir HAL COLEBATCH: It is not competent for me to move the amendment I suggested unless Mr. Mann is prepared to withdraw his amendment. If he were to do so and my amendment were agreed to, he could still move to strike out the whole subparagraph.

Hon. W. J. MANN: I am not disposed to withdraw the amendment. The principle involved is sufficiently important to warrant testing the feeling of the Committee.

The CHAIRMAN: Will the hon. member withdraw his amendment temporarily?

Hon. W. J. MANN: No.

Amendment put and negatived.

Hon. Sir HAL COLEBATCH: I move an amendment:—

> That in line 2 of subparagraph (i) of paragraph (a) of the proviso to Subclause (1) after the word "which" the words "at the time of the passing of this Act" be inserted.

The effect of the amendment will be to exempt all those officers that are at present exempt and will not touch the matter of salaries.

Amendment put and passed.

Hon. L. B. BOLTON: I move an amendment—

> That paragraph (b) of the proviso be struck out.

This is a definite case of preference to unionists. There is no need to labour the question. I am given to understand that the measure is designed for the protection of officers, perhaps largely junior officers, who feel aggrieved at the promotion of some other officer. The paragraph will defeat that object because it will restrict appeals to those officers who are members of an industrial union. The paragraph is very objectionable.

Hon. T. Moore: Do you not believe in arbitration?

Hon. L. B. BOLTON: I do not believe in preference.

The CHIEF SECRETARY: I hold views entirely opposite to those of Mr. Bolton. I see nothing objectionable in the paragraph. It deals with employees who are subject to industrial awards or agreements, and so far as I know it will not affect the junior members of the Public Service, to whom Mr. Bolton referred, but will affect a large number of Government employees, particularly those in the Railway Department, where there are various sections of employees subject to different awards and agreements. While the paragraph does provide for preference to unionists in regard to appeals, it is one way of determining those who are entitled to make appeals. One employee might be in a certain section covered by a particular award and might desire to appeal against the promotion of another employee subject to a different award. All that the paragraph provides is that, in order to be eligible to appeal, the appellant shall be a member of the organisation covered by the award.

On the principal question of preference to unionists, Mr. Bolton will always be in opposition to me. I claim that if any person receives the benefit of an industrial award or agreement through the Arbitration Court as the result of action by a union, that person should be a member of the union. I observe how closely the employers' organisations follow that principle. However, I do not want to raise that argument. If Government employees are to enjoy the benefit of this measure, that is a reason why they should be members of the union covering their employment. The definition of "Union" includes the Civil Service Association, the Teachers' Union, the Railway Officers' Association, and such organisations as have members employed by the Government. In some cases these bodies do not call themselves unions, but the number of employees in the Government service not members of an organisation would be very small indeed. In fact, if I were asked to name one, I could not do so. The paragraph is necessary, and I hope the Committee will not be swayed by the brief argument advanced by Mr. Bolton that because this is a form of preference to unionists we should have nothing to do with it. The time has gone when that prejudiced view should be entertained, and the stage has been reached when we should recognise that members of the community are entitled to organise for

their protection and that those who receive the protection should be members of the union that secures it for them.

Hon. Sir HAL COLEBATCH: The paragraph begins, "where the terms and conditions of employment appertaining to such vacancy or new office are or will be regulated" by an award. What have the words "or will be" to do with it?

The CHIEF SECRETARY: The Arbitration Act has been amended to provide for certain sections of the Public Service applying to the Arbitration Court for an award. They have not done so, but they might do so in future. There are other sections who at present are not subject to an award.

Hon. Sir HAL COLEBATCH: Surely the words are not necessary! The only meaning they can have is that something is going to happen after the appeal is taken, such as, "We cannot hear you because at some future time you might become subject to an award."

The CHIEF SECRETARY: I see nothing wrong with the words.

Hon. Sir Hal Colebatch: To say that they are regulated should be quite sufficient.

The CHIEF SECRETARY: I would have no objection to that, but, in drafting the measure, provision was made to cover circumstances that might arise.

Hon. E. M. Heenan: Immediately an award was given, the employees would come under the measure.

The CHIEF SECRETARY: In drafting the Bill it was necessary to take into consideration all the circumstances that might arise. We have made provision for those who are covered by industrial awards or agreements and also for those who may be covered in future.

Hon. J. G. HISLOP: I understood the Chief Secretary to say that he could not name anyone who is entitled to be and was not a member of a union subject to an award, and yet he told us that there are some employees who are not yet under an award. If they are not under an award, apparently they could not appeal under this measure.

The CHIEF SECRETARY: I said there are some sections of Government employees who may not be working under an award but who may in future be brought under an award. New positions might be created or a new section established, and those employees might desire an award or agreement. We amended the Arbitration Act to provide for certain sections of the Service approaching the Arbitration Court if they thought fit to do so. I believe they have not yet approached the court but they might do so in future. In a department like the railways, there are large sections of men covered by different working conditions, and it is always possible that a fresh application might be made to the court to cover a particular section. The drafting of the clause will permit of such circumstances being met whenever they occur.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir HAL COLEBATCH: With the permission of the Committee, I would like to correct a mistake I made in moving the previous amendment. I used the words "passing of this Act" whereas the phrase obviously should have been "commencement of this Act." I would like permission to substitute the word "commencement" for the word "passing."

Hon. C. F. BAXTER: Is that permissible when we have already passed the amendment? Will it not be a matter for recommittal?

The CHAIRMAN: It is a correction of a word and the correction can be made if the Committee is agreeable.

Amendment, by leave, made.

The CHAIRMAN: The question now is that paragraph (b) be deleted.

Hon. L. B. BOLTON: I have nothing further to say. I think the Chief Secretary's remarks helped my case, and I have no wish to peruse the matter.

Hon. A. THOMSON: In my second reading speech, I stated that I was opposed to a provision of this kind. As far as I know, if this is carried it will be the first occasion on which a clause relating to preference to unionists will have been incorporated in an Act of Parliament. All those who are working for the Government should be free and untrammelled in connection with a right of appeal of this kind. We know there is a strong line of demarcation amongst unionists. A man may be a staunch unionist, but we have had the spectacle of others refusing to work with him because he did not happen to belong to their particular union.

Apparently there is no reciprocity. I was under the impression that we were providing an opportunity for those who considered they had qualifications entitling them to promotion to appeal, if they desired, against the appointment of somebody else to a post they thought they should hold.

I hope that when it comes to a matter of promotion, that promotion will not necessarily be confined to those who are members of one particular union. If we are to have efficiency in our Public Service and to encourage men to progress, they should not be confined to the narrow sphere of their own particular union. Our laws have provided for preference to unionists and the unionists themselves have become such a power that no man has an opportunity of earning his living unless he belongs to the particular union associated with his calling. So men have ample protection under the Arbitration Court laws. I consider compulsory unionism to be wrong. We boast of our liberty, but we have not got much liberty so far as the right to earn a living is concerned. I hope the amendment will be carried in the interests of the workers of this State who are in the Government service. If this amendment is carried, they will still have the right to appeal and to ask their union to represent them before the appeal board. I strongly object to putting into an Act of Parliament a precedent of this kind.

Hon. H. L. ROCHE: I have heard nothing from those who urge the Committee to delete this paragraph which inclines me to change my mind. I appeal to the Committee to pass the clause as it stands. Apart from the point made by the Chief Secretary that a certain amount of confusion would arise amongst unions and that this proposal is designed to obviate that to some extent, to me the bigger issue involved is whether people should get something for which they have not striven or been prepared to pay. There is an old saying that there is nothing to be obtained in this world without paying for it. I think that applies to organisations —whether they be unions or organisations of producers. I have had considerable experience of the latter, and it has always seemed to me grossly unfair that the men who give their time and make their contribution towards bettering the welfare or improving the position of those engaged in an industry or an undertaking should be confronted with the fact that there are those who are prepared to take all and contribute nothing, either financially or in effort.

Although I suppose there is not a member of this Committee who would be opposed to unionism, it is a matter of regret to me that, assuming they feel that way, members should be so strongly opposed to any proposal tending to strengthen organisation. The greatest safeguard of the mass of the people and the producers, the greatest safeguard of their welfare and the furthering of their interests, is in organisation. It all boils down to a question as to whether we should delete this paragraph and reduce the opportunity which some of those organisations would have for prevailing on others. The word "force" can be used if that is preferred. I am a believer in compulsory organisation for the producers. I know that many of my friends are not; but I believe the day will come when the producers will be prepared to accept that state of affairs.

Hon. C. F. BAXTER: I would not have taken part in this discussion but for the utterances of Mr. Roche. I am astonished at him. He is of opinion that all Government servants should belong to trade unions. That would be the worst thing that could happen.

The Chief Secretary: Unions within the definition of this Bill.

Hon. C. F. BAXTER: That was not his speech. He said that if they did not belong to unions they should not receive any benefit. What is the position when a change of Government takes place? Public servants are supposed to adopt the policy of whatever Government is in power. That has happened whenever a change has occurred. In the light of this proposal what course are they to adopt? Are they going to honour their obligation to the State and oppose the policy of the union for the sake of the Government? I am astonished at the utterances of the hon. member!

Hon. G. FRASER: I am just as surprised at Mr. Baxter's speech as he was at Mr. Roche's. I have heard the long bow drawn before today but not to the extent the hon. member has indulged in. There are many organisations that have nothing to do with political bodies at all. I am surprised at members attempting to delete this clause. All it does is to give to the members who are responsible for getting an award the privilege of appeal, and to exclude from that privilege those who have done nothing towards getting the award.

Hon. A. Thomson: We are not dealing with that. We are dealing with promotions.

Hon. G. FRASER: We are dealing with the rights of individuals who have obtained industrial awards or agreements. This clause only excludes people who have done nothing towards getting such an award or agreement, either by their work or by becoming members of the appropriate organisation. If members strike this clause out, they will give to people who have not the sense to belong to an organisation, or who will not do anything to improve their conditions, all the plums that have been obtained by organised effort on the part of those who have done something and who have paid fees to their union or organisation. This is a fair and reasonable clause, and I cannot understand the attitude of members who want it deleted. No member has yet put up a good argument for giving to somebody something that has been obtained through the efforts of others. This Bill reserves to the people responsible for getting them, the benefits of the various awards, and I can see nothing wrong with it.

Hon. E. M. HEENAN: I am sure that our one desire these days is that, in our wisdom, we shall pass legislation that will have the effect of bringing about peace in industry, and anything we can do along those lines is, in my opinion, laudable. I believe the main purpose behind this measure is to make for a contented Civil Service, and to provide machinery that will be used for ironing out difficulties which in the past have from time to time caused industrial upsets. In my humble opinion the Committee would be well advised to pass the clause as it stands because, if it is deleted, it will make for bitterness, rivalry and trouble. I think we are all agreed that those receiving benefits that have been obtained by organisations should belong to the organisations that have procured the benefits. I think the great issue of preference to unionists does not arise, to its full extent, in this case, and on the larger issue of bringing about peace in industry I think we would be well-advised to pass the clause in its present form.

Hon. C. F. BAXTER: While I had cast some doubt on this measure, after hearing Mr. Fraser and Mr. Heenan, I have not the slightest doubt that I should support the motion for the deletion of this clause.

Hon. G. W. MILES: I did not intend to take part in this debate but, after listening to what has been said for and against, I believe it is tantamount to saying that we are to have nobody but unionists in the running of the affairs of this country. As members are aware, last year the police became affiliated with the Trades Hall and, by this clause, we are practically saying that we intend to make every man employed by the Government of this State a unionist. There are other people besides unionists in this State, those who pay the wages of the unionists, and for that reason I shall vote against the clause.

The CHIEF SECRETARY: I am afraid that one or two of the more recent speakers have an erroneous idea of this clause, which does not say that every person employed by the Government shall be a member of a union.

Hon. C. R. Cornish: It practically says so.

Hon. W. J. Mann: It penalises them if they are not.

The CHIEF SECRETARY: I wish again to emphasise that there are many sections of Government employees who are subject to different awards and agreements. That applies to the Railway Department perhaps more than to any other.

Hon. W. R. Hall: There are half-a-dozen awards operating in the Railway Department.

The CHIEF SECRETARY: I do not know what number of awards apply to the Railway Department, but there must be many. There are in some departments of the railway service sections of employees covered by different awards, and unless we have a clause of this kind, confusion will arise regarding the right of appeal against promotion.

Hon. A. Thomson: What do they do now?

The CHIEF SECRETARY: We are giving them the right of appeal and, for the sake of argument, one would have a Government employee covered by a certain award appealing against the promotion of another man covered by an entirely different award.

Hon. L. B. Bolton: They would still have the right of appeal. Everybody will have the right, if we eliminate this clause.

The CHIEF SECRETARY: I do not understand the hon. member's reasoning. I wish to impress on him that this Bill is the desire of the organisations concerned, and I think it is their unanimous desire.

Hon. A. Thomson: Which are the organisations concerned?

The CHIEF SECRETARY: The Civil Service Association, the Teachers' Union and the Railway Officers' organisations and all the unions whose members are employed by the Government. Where the circumstances I have mentioned do exist, we would have something worse than confusion, especially in some cases where members of particular organisations might object to members of other organisations being promoted.

Hon. H. Seddon: That occurs now.

The CHIEF SECRETARY: Yes, and this is the method by which we can ease that position. If members are desirous that there should be peace among the organisations and among those employed by the Government, I suggest that this legislation is essential to ensure that result. It is not necessary for me to remind members that for many years Government employees have been agitating for a measure of this kind and I am glad that at present there is unanimity among all those organisations—not only those affiliated with the Trades Hall, but all the organisations, whether unions or associations—that this is what they require as regards appeals against promotions. I want this Committee to be prepared to give this clause to the employees concerned, because, unless there is some such provision, it will only lead to confusion and trouble of different sorts. The wording of this clause is such that it provides that the members of an organisation shall have the right of appeal against any promotion of a member covered by the same award or agreement; but if there is an appeal from a section of employees covered by one award or agreement against the promotion of a man covered by a different award or agreement, that will lead to serious trouble.

Hon. A. Thomson: You are bearing out the statement made by Mr. Miles.

Hon. G. W. Miles: Compelling every man in the Government service to become a unionist.

The CHIEF SECRETARY: This does not compel men to become unionists. It deals with promotions after the men are employed. There are very few employees of the Government today who are not members of an appropriate organisation or union. I do not say there are none, but probably there are a mere handful. I think the argument put forward by Mr. Roche in that connection is valid. If men are to receive the benefit of this legislation, which has been agitated for by those organisations for so long, and seeing that those organisations are responsible for the conditions of employment, those men should be members of the appropriate organisation.

Hon. T. Moore: They cannot go to the Arbitration Court if they are not members of a union.

The CHIEF SECRETARY: I hope the Committee will not agree to the deletion of this clause.

Hon. H. SEDDON: One point raised by the Chief Secretary takes my mind back to something that occurred in the Railway Department regarding the appointment of officers in charge of running sheds. For a long time the policy of the department was to appoint drivers to take charge of country running sheds but, in certain instances, it was found that the work of the department could be better carried out by appointing fitters for that purpose. Of course, there was a good deal of feeling between the two organisations. I think the object of this legislation is to provide that the governing factor shall be efficiency, and after that would come questions of seniority and so on. Cases might arise where a position would be created or a vacancy occur requiring a man with a certain amount of training and experience, though not necessarily a member of a certain union, and the department might be better served by appointing a man from some other organisation. If we leave the clause in its present form it is possible that it might work against the best interests of the departments concerned. That aspect has not yet been dealt with, but in that case it would be to the advantage of the department to be able to appoint men from one organisation or another, according to the circumstances.

Amendment put and a division called for.

The CHAIRMAN: Before tellers are appointed, I give my vote with the ayes.

Division resulted as follows:—

Ayes	12
Noes	8
Majority for ..	4

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. Seddon
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. Tuckey
Hon. J. G. Hislop	Hon. H. S. W. Parker (*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. H. L. Roche
Hon. W. R. Hall	Hon. G. Fraser (*Teller.*)

PAIRS.

AYES.	NOES.
Hon. F. E. Gibson.	Hon. E. M. Heenan
Hon. A. L. Loton.	Hon. C. B. Williams

Amendment thus passed; the clause, as amended, agreed to.

Clause 6—Establishment and constitution of promotions appeal board:

Hon. J. G. HISLOP: I move an amendment—

That paragraph (b) of Subclause (2) be struck out and new paragraph inserted as follows:—"(b) A person nominated by the applicant recommended; and."

The next subclause provides that the employee will have the opportunity to appoint his own representative on the board if his organisation fails to nominate one. We should give equal rights to both the applicant recommended and the appellant, because it is not the applicant's fault that he was recommended. He was recommended because of his diligence and because the department wished him to have the position. He should be protected equally with the one who is allowed to appeal.

The CHIEF SECRETARY: If the amendment is agreed to, the Committee will be doing a disservice to the very people whom Dr. Hislop apparently wants to help; we shall be limiting the choice of the person who shall represent the appellant. Subclause 3 (b) provides that where the employee appellant is a member of the teaching staff of the Education Department, the representative on this board shall be the representative of the teachers' organisation on the Public Service Appeal Board. Such a member is at the present time, and usually will be, one who has a particularly good knowledge of service requirements, as well as a particularly good knowledge of the workings of the department. I can think of no person better qualified to hold that position.

Hon. G. FRASER: I hope the Committee will not agree to the amendment. If agreed to, I do not think Dr. Hislop will be helping the persons whom he desires to assist. I do not know of any person who could put up a better case for the recommended applicant than the person who recommended him in the first instance.

Hon. J. G. HISLOP: On the surface, that sounds very good, but I am afraid it is not so. The person in question could seek as a recommending authority his superior officer and ask him to state openly on the appeal what his qualifications are. I feel that the person appointed by the union to represent the applicant will stand fast for the appellant. I do not think that the recommending authority will always be as firm in his decision on the board as will be the person nominated by the appellant. The representation on the board should be equal. There should be, as is the case in the Arbitration Court, one person representing the recommended employee and another the appellant, with a chairman.

Hon. E. M. HEENAN: The aim is to ensure that the best man will secure the position. The recommending authority should and will have the best interests of the Service in mind. Surely the Government should have the right to have his views represented in the best possible way by one of the skilled officers of the Government. The individual might select a person who would put his case very poorly, and thus the whole Service would suffer. That is an aspect which ought to receive consideration.

Hon. G. FRASER: Under the amendment there is the possibility that the successful applicant will call on someone else to represent him, and the recommending authority may never come into the appeal.

Hon. A. Thomson: He may have to give evidence.

Hon. G. FRASER: He may not be called upon. It is quite possible that he would never be given the opportunity to say why a certain person was selected. If the clause remains as it is, he will be able to substantiate his choice.

Hon. A. THOMSON: If the contentions put forward by Mr. Fraser and Mr. Heenan stand on good ground then the men promoted will not be worthy of their promotion because they would not have sufficient sense to look after their own interests; they would not be able to get someone to represent them on the board. Dr. Hislop's statement is the correct one, and I agree with him. After all, the final decision must remain in the hands of the magistrate. Surely the representative of the recommending authority would feel that he must go before the board to justify his actions. I hope the amendment will be carried.

Hon. L. B. BOLTON: I support the amendment because to my mind it broadens the proviso and gives the nominee the right of nomination. It is quite possible that he would nominate the same person that the Governor-in-Council would. It gives him that right which is much better than the present provision.

The CHIEF SECRETARY: I am wondering whether I made the position as clear as I should have done. I have already pointed out that if the appellant is a member of the Civil Service Association and not of any other industrial organisation, the employees' representative is the employees' representative on the Public Service Appeal Board. The appellant is well looked after. The interests of the person elected for promotion would be looked after, on the board, by the recommending authority, who would be there not only to justify his recommendation but to submit to the board any relevant facts. The employee recommended also has the right to appear before the board and submit his own case.

If the recommending authority is not to be represented on the board then the successful employee is faced with making a selection of some person to represent him on the board, and his choice would be limited. One can imagine employees having difficulty in obtaining satisfactory representation on the board. The recommending authority whose recommendation is being appealed against should be on the board. Why make things harder, as the amendment does, for the person recommended for the appointment? This clause has not been arrived at without considerable thought by the organisations themselves, and the members of those organisations desire this method. If we start tinkering with the clause in this way we will spoil the efficiency of the Bill. I hope the Committee will not make this alteration. The board provided for in the clause is the best available. We would be doing the persons that Dr. Hislop desires to assist an absolute injustice by agreeing to the amendment.

Hon. G. W. MILES: I agree with the Chief Secretary's reasoning. Dr. Hislop seeks to assist the successful applicant. As the Chief Secretary points out, the person who recommended him for promotion would be the best representative he could have on the appeal board.

Hon. A. Thomson: This man is not recommended by a board but by the Public Service Commissioner through the departmental head.

Hon. T. Moore: It is the same thing.

Hon. G. W. MILES: The recommending authority would be a member of the board. The Minister appoints the chairman and the clause provides that the other representative shall be the recommending authority; that is the authority that recommended the man for promotion. He could not have a better representative.

Hon. J. G. HISLOP: I cannot believe what the Chief Secretary tried to tell us this evening, that the person recommended would find it difficult to get anyone to deal with his claim thoroughly on the appeal board.

The Chief Secretary: That was not my statement.

Hon. J. G. HISLOP: I am sorry if I misinterpreted the Chief Secretary's remarks. He said that the applicant would have great difficulty in finding a person suitable to represent him on the board. The man who has been recommended knows who is his most ardent advocate in the department. I doubt the statement that we would be doing the man a disservice by allowing him to appoint his own representative, because I know of one or two instances in the last two years of men who, under present circumstances, lost their promotion—for which they were recommended—because they felt the person who had made the recommendation and who was on the appeal board was not as strong as someone else they would have chosen.

Hon. W. R. HALL: I intend to vote for the clause as it stands, but there is much sense in what Dr. Hislop says. If I were an

appellant I would like the opportunity to nominate my own counsel.

Hon. G. Fraser: The appellant has that right.

Hon. W. R. HALL: No, the Governor-in-Council is going to recommend one for him.

Hon. G. Fraser: Only for the successful applicant.

The CHIEF SECRETARY: This cannot be correctly described as selecting counsel. This is the appointment of a member of the board. Both the appellant and the employee recommended will have the right to appear before the board, and also if they desire it, to have an agent appear for them in the capacity of counsel. We are at present dealing with the constitution of the board. One could not have a better member of the board than the person who made the recommendation. The field available to an employee who has been recommended for promotion would be somewhat limited. It is possible that not everyone whom he would call upon would like to be a member of the board. I point out that for many years there has been a Public Service Appeal Board, and this method has been selected by those concerned. They contend it is the best one possible.

Hon. Sir HAL COLEBATCH: We are discussing the appointment of a board and the essential thing is that the board shall give a fair deal to both sides. I am inclined to agree with the Chief Secretary that the appointment of someone on the nomination of the recommending authority does ensure that the appointed applicant will have a fair deal because he will be represented by someone nominated by the person who made the appointment. With the appellant, it will be entirely different, and it is quite possible that the individual nominated on his behalf might be hostile to him. If the whole paragraph stands as it is, it might easily be that the appellant would have no say and although he would realise the impartiality of the chairman, the chairman's decision might be overruled by the other two on the board.

Hon. J. G. HISLOP: I would much prefer to have a board of three over whom neither the appellant nor the applicant would have any control whatever. While I would prefer a totally impartial board of that description, if we are to allow "C" some rights, we should see to it that "B" has the same rights.

Hon. H. S. W. PARKER: I am in agreement with the provision in the Bill as it stands. I have had some experience of Civil Service appeal boards and have not heard any complaints respecting them although naturally an unsuccessful appellant is more or less dissatisfied. In this case the representative of the recommending authority in connection with Civil Service cases is the representative of the Public Service Commissioner and that representative would naturally support the action of the Commissioner. In those circumstances the successful applicant would have his interests safely looked after. On the other hand, if we were to allow people to go round looking for their representatives to sit on the board, we might cause a great deal of friction.

Hon. G. FRASER: I had experience for some years as the employees' representative on the Commonwealth Public Service Appeal Board. I regard the constitution of the board suggested in the Bill as a wonderful step forward. The chairman of the board will be an independent person, and that was not the position regarding the Commonwealth Public Service Appeal Board, the chairman of which was paid £2,000 a year by the Commonwealth Government. Even so, those who had their cases dealt with by the board, were, generally speaking, satisfied with the decisions. If in such circumstances, with a board so to speak loaded against the employees, that result could be achieved, we should be able to look forward to a much more contented Service with the advantage of a board constituted in accordance with the Bill before the Committee.

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

Ayes	7
Noes	12
Majority against ..	5

AYES.

Hon. L. B. Bolton	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. J. G. Hislop	Hon. H. Seddon
Hon. W. J. Mann	*(Teller.)*

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. Sir Hal Colebatch	Hon. G. W. Miles.
Hon. C. R. Cornish	Hon. T. Moore
Hon. J. M. Drew.	Hon. H. S. W. Parker.
Hon. G. Fraser.	Hon. H. L. Roche
Hon. E. H. Gray.	Hon. W. R. Hall
	(Teller.)

PAIRS.

AYES.	NOES.
Hon. F. E. Gibson.	Hon. E. M. Heenan
Hon. A. L. Loton	Hon. C. B. Williams

Amendment thus negatived.

Hon. A. THOMSON: I move an amendment—

That paragraph (c) be struck out, and a new paragraph inserted as follows:—"(c) A representative nominated by the employee appellant or appellants."

If the paragraph is struck out, the appellant will have the right to nominate anyone he thinks fit; if he is a member of the union, he will naturally nominate his representative accordingly. Thus he would have a direct representative in the appeal proceedings.

The CHIEF SECRETARY: To agree to the amendment would be to do as great a disservice to members of an organisation as would have been done had we accepted Dr. Hislop's amendment. Paragraph (c) provides a method whereby the employees' representative shall be appointed, and if no union is affected, the appellant will have the right to nominate a representative. Who could better represent an appellant who is a member of a union than the appointee of the union?

Hon. A. Thomson: He could still be appointed.

The CHIEF SECRETARY: The amendment would make it harder for the appellant to get the best man to represent him.

Hon. A. Thomson: I do not think so.

The CHIEF SECRETARY: The unions think so. I prefer to have the definite provision in the Bill that will give the strongest representation.

Hon. Sir HAL COLEBATCH: There is a great difference between this board and the Arbitration Court. In the Arbitration Court, the employers' representative will take the employers' view and fight for their interests, and the employees' representative will take the employees' view. There we have the two parties represented, and the president holds the balance. In this case, while there is a reasonable guarantee that the interests of the appointing person will be protected, there is no guarantee that the appellant will get a fair deal. What reason is there to suppose that the union would appoint someone favourable to the appellant's point of view? The appellant might not be a first-class trade unionist and he would start off with the board prejudiced against him and no-one to speak for him except the chairman, who could be overruled by the other two. The appellant should have a voice in the appointment of his representative.

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

Ayes	8
Noes	9
Majority against	1

AYES.

Hon. Sir Hal Colebatch	Hon. H. Seddon.
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. W. J. Mann	Hon. C. F. Baxter (*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser.	Hon. H. S. W. Parker
Hon. E. H. Gray.	Hon. G. W. Miles.
Hon. W. R. Hall	(*Teller.*)

PAIRS.

AYES.	NOES.
Hon. F. E. Gibson	Hon. E. M. Heenan.
Hon. A. L. Loton	Hon. C. B. Williams
Hon. L. B. Bolton	Hon. H. L. Roche

Amendment thus negatived.

Clause put and passed.

Clauses 7 to 12—agreed to.

Clause 13—Venue:

Hon. J. G. HISLOP: I move an amendment—

That in paragraph (a) of Subclause (2) a new subparagraph be inserted as follows:—

(iii) The cost of employing an agent and paying witness's or witnesses' expenses or other out-of-pocket expenses acceptable to the board.

Provision is made for payment for time lost, but this might be slight as compared with the cost of employing an agent. Seeing that permission is given to employ an agent, provision should be made for the payment of his expenses.

The CHIEF SECRETARY: I doubt the wisdom of the amendment, which could entail considerable expense. If the witnesses to be called were fellow-employees, arrangements would be made for them to have the necessary time off duty. There might be appeals away from the centre where the persons involved are employed, and the costs of the appeal would be increased considerably.

Hon. J. G. Hislop: In those cases, could not the evidence be taken on commission?

The CHIEF SECRETARY: Yes.

Hon. J. G. Hislop: Then the party would not be entitled to expenses.

Hon. A. Thomson: Make it out-of-pocket expenses.

The CHIEF SECRETARY: They might amount to a considerable sum. I do not want to raise the point that we have no right to impose an extra burden on the people, though the money would have to be found by the Crown. At present I am dealing merely with the desirability of the amendment. I do not know of any case in which the Government is asked to provide such expenses. It may be that quite a number of people an appellant would like to call as witnesses would be very pleased indeed to have the opportunity. They could all give evidence, but it might well be that any one of them could give evidence on behalf of the lot. I do not think this is necessary; and even if it is, there should be some limitation. Suppose an appeal were held in a township away from where the appellant was employed, and he said, "I want half a dozen witnesses to attend the hearing." Consider the tremendous cost!

Hon. A. Thomson: It might be detrimental to his case if he did not have them present.

The CHIEF SECRETARY: I do not think we can take that point of view. Our experience of Public Service appeal boards shows there is not much of which to be afraid in that connection.

Hon. A. Thomson: There would be nothing to prevent a board from going to a place if there were to be a number of witnesses.

The CHIEF SECRETARY: There is provision for the board to do that. I would rather not see the amendment carried.

Hon. C. F. BAXTER: The Committee has no power to pass this amendment because it places a burden on the people and that is outside our jurisdiction.

Hon. H. S. W. PARKER: It is only extending what the board "may" do. The board would not allow money to be spent frivolously on witnesses who should not have been called.

Point of Order.

Hon. C. F. Baxter: Whether it is a case of "shall" or "may," it amounts to the same thing. It is giving authority for the expenditure of money. I would like to have your ruling, Mr. Chairman.

The Chairman: My ruling is that the amendment is perfectly in order. Section 46 of the Constitution Act Amendment Act reads as follows:—

> Bills appropriating revenue or moneys or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

Debate Resumed.

Amendment put and negatived.

Hon. J. G. HISLOP: I move an amendment—

> That a new paragraph be added as follows:—
>
> (d) The applicant recommended shall if he defend his claim at the appeal be entitled to receive expenses similar in every respect to those laid down in this section for the appellant and such expenditure to be a part of the cost and expenses of administering this Act.

Since you, Mr. Chairman, have ruled the first amendment in order, I take it that this amendment is also allowable. If we pay reasonable expenses to the appellant, the applicant recommended should also receive reasonable expenses.

The CHIEF SECRETARY: In view of the fact that the applicant recommended has the right to appear before the board on his own behalf, I agree that he should have the same privilege as the appellant. I raise no objection to the amendment.

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

Clause 14—Lodging and hearing of appeal:

Hon. J. G. HISLOP: I move an amendment—

> That Subclause (2) be struck out.

My intention, if the amendment is accepted, is to move for the inclusion of the following new subclause in lieu:—

> (2) An appeal may be made upon the grounds of superior or equal efficiency.
>
> Provided: No evidence concerning length of service or of seniority shall be tendered to or accepted by the Board until a decision has been announced regarding the relative efficiency of the applicant recommended and the appellant or appellants. Should the decision be given that the applicant recommended and one or more appellants possess equal efficiency, the Board shall then determine the appeal on the basis of seniority as defined hereafter.

I believe that efficiency should be the keynote of the Public Service and I am sure every member of this Committee wishes that to be so. Therefore, the ground for appeal should be superior efficiency. Seniority in any service must be deplored as the only or main reason for promotion. I suggest that we attempt to model the Bill from now onwards on the basis that efficiency shall count first and seniority only when efficiency is equal.

The CHIEF SECRETARY: I support the hon. member in his desire that efficiency shall be the first consideration. The only difference between Dr. Hislop's contention and the Bill as it stands is a matter of wording. He desires that seniority should not be considered, except where efficiency is equal, and that is what the clause says. I have no objection to the proviso he has placed on the notice paper, because it only emphasises what is already in the clause. It is a question of whether we agree with the Bill as printed, or with the wording of Dr. Hislop's amendment. In view of the fact that this has been considered by those mainly concerned, and has been agreed to by another place, and seeing that it means exactly the same as Dr. Hislop's amendment, why alter it? The probability is that the present Bill would be improved, from Dr. Hislop's point of view, if the proviso were added to it, but it is only a question of adding more words than are really necessary.

Hon. J. G. HISLOP: That is not quite so. My wording means that the board must give a decision on efficiency before evidence of seniority is tendered, and that is what we want when we ask for efficiency to be decided before seniority comes into it. If evidence on both seniority and efficiency is to be given, that will not be the case. I only ask that the board give its decision on efficiency first.

Hon. H. S. W. PARKER: Very often when arguing a case before an appeal board one has to ask, "How long have you been doing this work?"; but that question would be debarred because one would not be allowed to ask the man who had been recommended how long the officer had been so engaged. There would be difficulty in conducting a case when one was debarred from asking anything about length of service, because seniority is only length of service. One point would have to be decided on insufficient evidence and one would then have to go back to the other point. I agree in theory with Dr. Hislop, but in practice it would possibly be difficult. I do not think that the Bill, as worded, will do any harm.

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

Ayes	..	..	7
Noes	..	..	10
Majority against		..	3

AYES.

Hon. C. F. Baxter.	Hon. A. Thomson.
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. J. G. Hislop.	Hon. W. J. Mann.
Hon. H. Seddon	(*Teller.*)

NOES.

Hon. Sir Hal Colebatch	Hon. W. H. Kitson.
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. H. S. W. Parker.
Hon. W. R. Hall.	Hon. C. R. Cornish.
	(*Teller.*)

PAIRS.

AYES.	NOES.
Hon. F. E. Gibson	Hon. E. M. Heenan
Hon. A. L. Loton	Hon. C. B. Williams
Hon. L. B. Bolton	Hon. H. L. Roche.

Amendment thus negatived.

Hon. J. G. HISLOP: I propose to alter, by an amendment, the definition of "Efficiency," because I consider that efficiency should be more accurately defined, in view of the fact that Service is an active and progressive body. I therefore consider that the words "potential efficiency" should be added. If there were two individuals, one aged 50 and the other aged 40, having equal efficiency, one would be tempted to employ the man of 40 realising the years of service that he could give to the business. If a man has reached the same standard of efficiency as another much older than himself, the first must be more valuable to the service. I feel also that one should take into account whether one can work with the person applying for a post, and this must effect a department if an individual is to be called on to enhance the efficiency of the department. If he possesses characteristics that make him difficult to work with, would it add to the efficiency of the department to appoint him? The board should take into consideration not only the efficiency of the individual but also the potential efficiency he could give to the department and the increased efficiency that would accrue from the possession of characteristics that would lead to the harmonious working of the department.

Hon. G. Fraser: No consideration for faithful service.

Hon. J. G. HISLOP: I move an amendment—

That in lines 2 to 4 of Subclause (3) the words "special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct" be struck out, and the words "potential efficiency, special qualifications, aptitude for the discharging of the duties of the office to be filled and personal characteristics conducive to harmonious working, together with merit, diligence and good conduct" inserted in lieu.

The CHIEF SECRETARY: While I cannot go all the way with Dr. Hislop, I do not intend to raise any objection to the amendment.

Hon. T. MOORE: It would be a joke to put such words in the Bill. Is somebody going to say, "This is a splendid fellow to get on with; at lunch-time he will buy you a pot"? Dr. Hislop's use of the word "potential" reminds me that the words "great potentialities" are definitely barred in political circles. Anyhow, who is to say what a man's potentialities are? A man of 40 might have caught up to a man of 50, but who could say that he would go on improving? Can Dr. Hislop certify that a man improves greatly after 40? Many men drift at 40.

Hon. H. S. W. Parker: That is the dangerous age.

Hon. T. MOORE: Some men are as bright at 60 as are others at 40. I hope members will oppose the amendment.

Amendment put and passed.

Hon. J. G. HISLOP: Paragraph (d) of the definition of "Seniority" reads—

As between employees engaged in different kinds of employment at different rates of salary or wages, when the positions or offices held by them are not graded or classified—seniority by higher rate of salary or wages.

I cannot see how that method can be satisfactory. I understand that difficulty has arisen in the Railway Department, and the position has become so ludicrous that one can hardly believe it could exist. So long as a man receives a higher salary, he is to be due for seniority. I should like to hear what the Chief Secretary has to say about this provision.

The CHIEF SECRETARY: There is nothing extraordinary about the paragraph. We have provided a definition of "Seniority" for the purposes of the board when dealing with appeals. In paragraphs (a), (b) and (c) there is no difficulty in arriving at what shall be deemed to be seniority, but with the class of employees dealt with in paragraph (d) there would be difficulty in deciding who is the senior employee. The method proposed is perhaps the only one that could be satisfactory, namely, that when the employees are engaged in different kinds of work and at different rates of pay and are not graded or classified, the salary or wages is to be an indication of seniority. It is necessary to cover such employees. If Dr. Hislop can suggest an alternative, I shall be quite prepared to consider it. However, I might say that this provision has met with the approval of all of those most concerned.

Hon. J. G. HISLOP: I move an amendment—

That paragraph (d) of the definition of "Seniority" be struck out.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 15—agreed to.

Clause 16—Representation of parties and procedure:

Hon. Sir HAL COLEBATCH: I desire to move an amendment by striking out the words "not being a legal practitioner."

Hon. C. F. BAXTER: I have given notice of an amendment to that effect. I move an amendment—

That in lines 5 to 7 of Subclause (1) the words "agent (not being a legal practitioner) who may examine witnesses and address the Board" be struck out and the words "advocate who may examine witnesses and address the Board. Provided that, notwithstanding any agreement to the contrary, the fee, if any, payable to such advocate shall not exceed the sum of ten pounds ten shillings" inserted in lieu.

It is necessary to make the scope as wide as possible. Why should a legal practitioner be debarred from appearing before the board? I do not know of any reason. What is an agent? There is no body of agents.

Hon. T. Moore: My word, there is!

Hon. C. F. BAXTER: If an appellant desires to retain a legal practitioner he should have that right. It has, in fact, been the practice for a long time. I point out that an appellant is not obliged to retain a legal practitioner, but he may do so if he so desires. Surely he should have the choice. It is not taking advantage of anybody. As to the possible objection on the score of high legal charges, I have met that by fixing the fee at a sum not exceeding ten guineas.

Hon. J. G. HISLOP: Earlier in the evening Mr. Baxter questioned one of my amendments and said it was not in order because it increased public expenditure. May I draw your attention, Mr. Chairman, to the Constitution Act Amendment Act, Section 6? I suggest that Mr. Baxter's amendment fails on that ground.

Hon. C. F. BAXTER: But this is a fee to be paid to a solicitor by an appellant. It has nothing whatever to do with the Crown.

Hon. H. S. W. PARKER: The amendment bears some resemblance to the curate's egg; it is good in parts and bad in parts. Legal practitioners are debarred by the Bill from appearing before the board. It seems peculiar that people who are specially qualified and who come under an Act of Parliament should be debarred from appearing before the board, while any other person with no knowledge at all of the work, and without any training, is permitted to appear before the tribunal. Lawyers were debarred from appearing before the Ejectment Court which was established under the National Security Regulations. The result was that landlords and tenants would consult a solicitor, who would then say, "You must consult some man who knows nothing whatever about the job." And that man used to charge twice and three times as much as a solicitor would. The Commonwealth Government suddenly realised that the regulation was stupid and therefore amended it to permit solicitors to appear. A solicitor must possess certain qualifications before he can appear in any court.

Here we say, "No, we will not have any one of those who are qualified to do this particular job." That is the good part of the amendment. Here is the part I do not like. The hon. member fixes the fee for the advocate. The advocate is the person who appears in the court, but the greater portion of the work is done long before that. I say frankly that if any civil servant comes to me and wants me to appear for him in some appeal which arises out of classification, I always, if I can, have some previous engagement which prohibits me from appearing, because the remuneration for the amount of work involved and the time occupied is not adequate. Probably all that one would get for a case of this kind would be ten guineas, but the amount of work might take many days.

Hon. C. F. Baxter: It would not hurt you professionally to be a little charitable sometimes.

Hon. A. Thomson: That would not pay the rent.

Hon. H. S. W. PARKER: No, it would not pay the clerks, or the staff, or for the stationery, or the telephone bills. The hon. member says the advocate shall get ten guineas. If a man came to me, I would say, "Do you want me to be your advocate or your solicitor?" If he said, "I want you to be my advocate," I would say, "That will be ten guineas. Now you go to so-and-so, who is a solicitor, and he will prepare the case." He would charge him twice as much! I suggest that Sir Hal Colebatch's proposal is better; simply cross out the words "not being a legal practitioner." Under this amendment, the man it is being sought to protect from exploitation will be doubly exploited.

Hon. Sir HAL COLEBATCH: I cannot support the amendment. If it means what the hon. member thinks it means—that the cost shall be limited to that figure—it amounts to saying, "You can have a lawyer, but get a cheap one." That does not appeal to me. I think we should strike out the words, "not being a legal practitioner." A man should be at liberty to choose whom he likes to be his agent and pay him what he thinks proper.

The CHIEF SECRETARY: I suggest we leave the clause as it stands.

Hon. G. Fraser: After the explanations that have been given, I think it would be a wise step.

The CHIEF SECRETARY: Yes. I do not desire to go into the pros and cons of the qualifications of a solicitor who might be asked or who might desire to appear on behalf of an appellant, and whether he should receive ten guineas for being advocate and another fee for being solicitor, or whether some other solicitor should receive a fee for advising the advocate. It is all too deep for me; but it is an indication of how costs can mount up. I do not know of many public servants who would be in a position to consider a proposition of that kind. It may be that past experience has taught public servants and employees generally that it is advisable that legal gentlemen should be kept out of proceedings of this kind.

The same provision applies in the Arbitration Act. Legal practitioners are not allowed to appear in the Arbitration Court. I believe that provision has given every satisfaction. The employees are usually represented by their union representative, who is often superior to any legal gentleman who might be appointed to do the same job, notwithstanding those special qualifications of which Mr. Parker has spoken. I would also point out that this is another clause that has been given very serious consideration by those who are likely to be affected by the Bill. As a matter of fact, the Government approached all the organisations likely to be affected, and the consensus of opinion was that they did not want to have anything to do with legal representatives when the appeal board was sitting. If we leave the clause as it stands, we shall make sure that they will all be treated alike. Another point is that if we agreed to a legal representative it would be far easier for the recommending authority to have advice from and representation by a solicitor than it would be for the appellants.

Generally speaking, the recommending authority is the head of the department and it would be quite easy for him to have access to the Crown Law authorities, at no expense. If he did that, the appellant would be placed at a great disadvantage unless he went to a private practitioner and stood the cost indicated by Mr. Parker. If we give an impartial decision on this, we will agree that the clause is far better than if it were amended in the way suggested by Mr. Baxter. On the question of agents and agents' fees, and the limitation of ten guineas provided by Mr. Baxter as a maximum, I do not think that is too large. I know quite a number of gentlemen, who represent unionists from time to time, and who would be only too pleased to receive a fee of ten guineas for a case of this kind. Apparently they are in an entirely different category from the legal profession. In many cases they are far superior in their efforts on behalf of their clients.

Hon. H. S. W. PARKER: Earlier in the evening, the Chief Secretary asked why the men should not have a choice in the appointment of a board. Now he says, "No, we are not going to give them a choice. We are not going to let an officer have to appear for him a man trained to do so." Why not leave it open to a man to have a legal practitioner if he wants one? Sometimes K.Cs. have been engaged in Civil Service appeals. Why should they not be? There is an astounding belief which I fear is all too common among the general public to the effect that a lawyer is out to gain at all points, irrespective of the true facts. Under no circumstances, is a Crown Law officer entitled to do anything of that sort.

The duty of a Crown Law officer, when he is advising the Crown, is to be fair and just to all parties. It is suggested that the person who made the appointment would go to the Crown Law Department and so place the appellant at a disadvantage. If the Crown Law officer did his job, the appellant would receive an advantage. I doubt if a fee of £10 10s. is ever paid for a Civil Service appeal, but if £10 10s. is put in the Bill, the fee will always be £10 10s., and it will be the same for an agent who appears. The agent would probably do what is often done now and say to a client, "If we are successful, I will work on a commission basis." Every fee that a solicitor charges is subject to review by the court; the Taxing Master fixes what he considers is a fair amount.

Hon. T. Moore: A lawyer gets paid for losing a case, too.

Hon. H. S. W. PARKER: He very often has stupid clients. When a case comes into court, one side is found to be a liar and, unfortunately, the lawyer does not know until the case is concluded whether it is his client or the other who is the liar. If solicitors are such horrible people, why have we brought in a special Act to deal with them and give them certain privileges, and why do we strike solicitors off the roll if they are not honourable? It is suggested that solicitors cannot go before this tribunal because they are such dreadful people.

Hon. H. L. Roche: So are politicians.

Hon. H. S. W. PARKER: Why should solicitors be debarred when they are specially qualified to handle these matters?

Hon. G. FRASER: I hope the Bill will be left as printed. I agree that it provides for the exclusion of legal practitioners, but it also sets out exactly what the grounds of appeal shall be, and no legal points are involved there at all.

Hon. H. S. W. Parker: Then why let an appellant have a representative?

Hon. G. FRASER: Because some individual might not be fitted to present his own case. But a trained man is not required to appear as advocate before an appeal board. The best advocate before a board of this description would be someone working in the department. With such an advocate, there would be no need for the expenses that Mr. Parker first mentioned.

Amendment put and declared negatived on the voices.

Hon. Sir HAL COLEBATCH: I wish to move to strike out the words "not being a legal practitioner." From the arguments the Chief Secretary has used, one might think we were trying to force the parties to employ legal practitioners.

The CHAIRMAN: That was put to the Committee a few minutes ago and it was decided to leave those words in.

Hon. A. THOMSON: I called for a division.

The CHAIRMAN: No-one called for a division. I put the question, and on the voices, gave a decision in favour of the noes.

Hon. A. THOMSON: I called for a division. I only stopped speaking because Sir Hal Colebatch rose and I thought he was going to speak on some point of order.

Hon. T. Moore: Do not we need to have more than one voice for a division?

Hon. A. THOMSON: There was more than one voice.

The CHAIRMAN: I will put the question again.

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

Ayes	.. .. ..	8
Noes	.. .. ..	9
Majority against	..	1

AYES.

Hon. C. F. Baxter.	Hon. H. S. W. Parker.
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. J. G. Hislop.	Hon. H. Tuckey
Hon. W. J. Mann.	Hon. H. Seddon.
	(Teller.)

NOES.

Hon. Sir Hal Colebatch	Hon. W. R. Hall
Hon. C. R. Cornish.	Hon. W. H. Kitson.
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	*(Teller.)*

Amendment thus negatived.

Hon. Sir HAL COLEBATCH: The Committee having decided not to strike out the word "agent" I wish to move as an amendment—

> That in line 5 of Subclause (1) after the word "agent" the words "not being a legal practitioner" be struck out.

The CHAIRMAN: The hon. member will have to do that on recommital.

Clause put and passed.

Clause 17—Powers and duties of board:

Hon. J. G. HISLOP: I move an amendment—

> That in lines 4 to 6 of Subclause (3) the words "and shall not be bound by any laws or rules of evidence, but may inform its mind on the matter in such way as it thinks just" be struck out.

If the board is allowed to conduct its affairs without regard to technicalities or legal forms, that should be sufficient. It looks too wide to me, as it is.

Hon. H. S. W. PARKER: For a number of years all the famous brains in England have decided what is the best way to get the truth of a matter brought out in public before the courts, and they have evolved a wonderful scheme known as The Law of Evidence, by which the best evidence is available; one cannot have hearsay and various other types of evidence. As an example, assuming there has been a motor accident and one comes along a few moments later and asks what has happened; a man tells exactly how everything happened. Then one asks, "Did you see it?" and the man says, "So-and-so told me. You can see all the marks here." That is the evidence that they desire to be given before this court—what somebody told somebody else.

It is well known that one must have the best evidence if one wants the truth. It would be no use going before this board and saying, "John Jones is the most efficient man the department ever had, I know that because so-and-so told me so." So-and-so might never have said that at all, and the person giving that evidence might have misunderstood what he was told. We should have the best and proper evidence. It is a simple system which has been brought forward over a great number of years. We even have the law of evidence in the Evidence Act that is in force in this State, but we are going to jettison that for the purposes of this

board. The law of evidence is good enough when trying a drunk, or when trying a man for murder. It is good enough in a civil court in the matter of a debt for £5 or £1,000,000, yet it is not good enough when it comes to a question of whether the appointing authority has recommended the right man. I think we should support Dr. Hislop's amendment.

The CHIEF SECRETARY: Here again I ask the Committee to leave the Bill as it stands. The procedure laid down by this clause is the same as that applying in the Arbitration Court. It has been in operation for many years and has been of great advantage to the people appearing in that court. They have not been tied down to the strict rules of evidence, and I think the board should be allowed to inform itself in the best possible way. If there is evidence which may be made available to it, but not under the law of evidence, I think the board has every right to know the facts. I would remind the Committee that about two years ago we made a similar provision in the Companies Act where, in one clause, we provided practically word for word what is in this clause.

Members will probably remember the point dealing with private companies, where a shareholder desired to appeal against the action of a managing director who voted himself an exorbitant salary. We have given that shareholder the right of appeal to the Supreme Court, and the same conditions are to apply there as apply in this clause. As it is just a question of efficiency and seniority there is no need to stick to the strict rules of evidence as they apply in a court, and I think the board should have the right to obtain its information wherever it thinks fit, particularly seeing that it will be dealing with facts, and not with the hearsay referred to by Mr. Parker. I am surprised at Mr. Parker putting forward an argument of that kind, because I could hardly imagine a board of this kind accepting statements, such as Mr. Parker mentioned tonight, as evidence. If that was the only point that could be made against the clause as it stands, I would say there was not much reason for altering it.

Hon. H. S. W. PARKER: The Chief Secretary made the point that in the Arbitration Court there are no technicalities. Yet it is the most technical court known to anybody, and in no circumstances does the court depart from the rules of evidence. In no circumstances would any reasonable body depart from the rules of evidence and accept hearsay evidence.

Hon. T. MOORE: When Dr. Hislop was speaking on the second reading, he feared that hearsay evidence might be accepted. Yet, during the whole of the discussion in Committee, he has been referring to what somebody has told him.

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

Ayes	8
Noes	9
Majority against	1

AYES.

Hon. Sir Hal Colebatch	Hon. H Seddon
Hon. J. G. Hislop	Hon. A. Thomson
Hon. W. J. Mann	Hon. H. Tuckey
Hon. H. S. W. Parker	Hon. J. A. Dimmitt (*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. G. W. Miles
Hon. G. Fraser	Hon. T. Moore
Hon. W. R. Hall	Hon. H. L. Roche
Hon. W. H. Kitson	Hon. E. H. Gray (*Teller.*)
Hon. A. L. Loton	

PAIR.

AYE.	NO.
Hon. F. E. Gibson.	Hon. E. M. Heenan.

Amendment thus negatived.

Clause put and passed.

Clause 18—Decision of board:

Hon. J. G. HISLOP: I move an amendment—

That in line 4 of Subclause (1) after the word "authority" the words "to the applicant recommended" be inserted.

Should not all interested receive the report of the board's decision? Surely the applicant recommended should be extended the same courtesy as is shown to the appellant!

The CHIEF SECRETARY: I have no objection to the amendment; it is the usual practice.

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

Clauses 19, 20, Schedule, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.26 p.m.