

increased vote, we could pass the vote with clear consciences, feeling satisfied that the money was being expended in the best interests of the State. I am sure that no member would hesitate to grant an increased vote, knowing that the money was being expended to the best advantage.

Mr. TEESDALE (Roebourne) [11.12]: I have great pleasure in supporting the remarks of the leader of the Opposition. The time has arrived when we can reasonably ask the Government to initiate an inquiry into the work of the Education Department, which annually involves the expenditure of such a huge sum of money. It would be a matter for gratification if the result of such an inquiry convinced the public that value was being obtained for the money expended. Good would result if all possible light were thrown upon every phase of the work. The inquiry should embrace the matter of admitting to the schools children of four or five years of age. A tremendous amount of expense is involved in the maintenance of what is practically a nursery for young children, and if we could save the sum which this particular branch of the system costs, and apply it to enable boys and girls to continue at school for a couple of years longer than at present, beneficial gains would ensue. I hope the Premier will give effect to the suggestion of the leader of the Opposition by promising us to-night to have such an inquiry instituted. It would be an easy matter to arrange, and the inquiry would be a source of satisfaction alike to the House and to the public, who are beginning to speak somewhat disparagingly of the huge expenditure incurred by the Education Department. I hope the Premier will tell us to-night that the matter will be dealt with at an early date.

Progress reported.

House adjourned at 11.15 p.m.

Legislative Council,

Tuesday, 9th November, 1920.

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

CONDOLENCE—RAILWAY ACCIDENT MORNINGTON.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.33]: With the indulgence of the House I desire to submit a motion without notice. Hon. members will have learned, with profound regret, of the dreadful railway fatality which occurred at Mornington on Saturday night last. It is by far the worst tragedy of its kind which has yet occurred in the history of this State. I am sure it will be the desire of hon. members that they should give expression to their sympathy with the sufferers and the relatives of the deceased. I, therefore, move—

That this House desires to express its deepest sympathy with the relatives of the men who lost their lives in the recent unfortunate railway accident at Mornington.

Hon. Sir E. H. WITTENOOM (North) [4.34]: I am quite certain it is unnecessary on an occasion like this to say many words. We must all desire to express our deepest sympathy with those who have lost their relatives in this terrible accident. It has been a most unfortunate occurrence and very difficult to account for. It was also very difficult to have anticipated in any way. I feel I can do nothing less than second the motion.

Hon. J. EWING (South-West) [4.35]: I deeply sympathise with those unfortunate men who lost their lives in this railway accident, as well as those upon whom so much suffering has been brought as a result of the disaster. The accident occurred in my province, and I know the facts of the case. I also know the dangers which exist in that locality on account of the heavy grades along the line, and on account of the sharp curves there. I deeply sympathise with those who have been bereaved and can only express the hope that nothing of this kind will ever again occur in the State. Western Australia has been fortunate indeed in the past in its freedom from accidents of this nature.

Hon. J. W. HICKEY (Central) [4.36]: To the motion and the remarks of previous speakers I lend my support. I sympathise with those who lost their lives in this sad disaster, and with those who have been so deeply bereaved. It is the greatest calamity that has overshadowed Western Australia, in the history of its railway work. I am quite sure the hearts of all members go out in sympathy for the relatives and the many bereaved persons.

Question put and passed.

ASSENT TO BILLS.

Message from the Governor received and read assenting to the following Bills:—

1, Parliament (Qualification of Women).

- 2, Westralian Meat Works.
- 3, Supply (No. 2), £350,000.
- 4, Carriers.

QUESTION—ARBITRATION COURT BUSINESS.

Hon. J. W. HICKEY asked the Minister for Education.—Having regard to the congested state of the business before the Arbitration Court, and with the object of avoiding unnecessary delay in approaching the court, will the Government during the current session take steps—1, To appoint an additional judge of the Supreme Court; or, 2, to amend the Arbitration Act so as to enable someone other than a judge to be president of the court?

The MINISTER FOR EDUCATION replied: 1, No. 2, No, but the question of additional facilities will be considered in the Bill now before another place.

MOTION—FEDERAL CONSTITUTION CONVENTION.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.40]: I move—

That a Federal Convention, with equal State representation, be appointed by the electors of each State on the basis of proportional representation to make recommendations with a view to revising the Federal Constitution, and that the Government of Western Australia be requested to urge this opinion upon the Commonwealth Government.

You were kind enough, Sir, and the House was kind enough, last week to permit this motion to be adjourned. I explained then my reason for asking that the motion should be adjourned, namely, that I might obtain the Parliamentary debates from South Australia of 28th October. Unfortunately, although I have the latest number that has yet arrived here of the "Hansard" of the South Australian Parliament, this does not contain the report of the discussion which took place on the subject-matter of this motion. I hope no one will object to the wording of the motion. The more usual form would be to place at the beginning, "that in the opinion of this House"; and if anyone does object to the absence of those words I shall be quite prepared to add them to the motion. I hope the leader of the House and his colleagues will not think that the motion is brought forward in any hostile spirit to them. It is brought forward to strengthen their hands in dealing with this important question of the Convention, which the Federal Government have promised. It was on the 26th February last, in a speech by the Governor-General, that this paragraph appeared:—

My advisers deeply regret the defeat of the referendum proposals recently before

the people. They intend to introduce legislation to authorise the summoning of a convention representing the people and the Parliaments of the Commonwealth and the States for the revision of the National Constitution.

The two urgent questions, and in one sense the only questions, worthy of consideration at the present critical time, are first of all the financial question, and secondly the Federal question. No one has pointed out more clearly than the leader of the House the intimate connection there is between the Federal Government and our financial position. I am not going to do more than refer to the speech of the leader of the House in April, 1918, and I am only going to read two paragraphs from the speech, and recommend hon. members to look it up and refresh their minds upon his attitude. He said—

I do wish to impress upon members of this House, upon the Press, and upon the people of Western Australia, the imminent importance of at once taking up with vigour and purpose the question of the financial relationship of the State and the Commonwealth. No intelligent consideration of our public finances is possible without a thorough understanding of this matter. To my mind this alteration will be a life and death matter to Western Australia.

He was referring to the latest alteration from the method of distributing surplus revenue. I entirely endorse what the leader of the House said, but I would ask him what steps have been taken by him, or the Government with which he is associated, to deal with this matter. It is quite possible the Government will say, "We have secured a report by Mr. Owen on the financial relations between the State of Western Australia and the Commonwealth." My answer to that would be that, valuable as this report unquestionably is, I should be very sorry to go to the Eastern States with it in my hands and say to them, "This is the case for Western Australia." I am prepared to substantiate that statement if necessary in my reply. Probably the majority of members who have read that report, and given attention to the matter, will agree with me when I say that this is not a sufficient case for Western Australia to place before the Federal Government. What is the policy of the State Government in the matter? By policy I mean a definite line of action, based on a certain principle. The Government, Parliament, and the people of Western Australia ought to be hard at work in preparing our case for submission to the Convention. I am not going to emphasise to any one here the importance of this question, or its urgency. If we pass this motion, and if it be passed in another place, it will materially strengthen the hands of the Government in opening up negotiations with the Federal Government, and with the Governments of the other States. The importance of urging the matter

on the Federal Government has come out in what may be regarded as a most interesting aside, which appears in the Federal "Herald" of 13th October, 1920. This is what Mr. Tudor, the leader of the Labour party in that House, said—

I do not favour the proposed convention. In my view Parliament will be shirking its responsibilities—

That is the Federal Parliament—

—if, instead of passing a Bill for submission to the people providing for the necessary amendments of the Constitution, it refers to a convention the duty of recommending amendments. I do not think that we could find in the community seventy-five men who know more about the working of the Constitution and of the directions in which it needs to be amended, than do the members of this House. I venture that opinion, not because I believe that we are men of exceptional capacity, but because we have had experience of the working of the Constitution, and know what are its shortcomings.

The importance of that announcement by a responsible man should be carefully considered by the people and the Government of Western Australia, because when the leader of the Labour party in the Federal Parliament makes an announcement of that kind, we can be pretty sure that it will be backed up, at any rate by a large number, if not by the whole of his party. As far as Western Australia is concerned, it is of the greatest importance that this convention should be held and that Western Australia should take immediate steps to prepare her case to be put before the convention. The reason that I disagree with Mr. Tudor's statement, which I consider of importance, is that while everyone will admit that the Federal members have had exceptional opportunities of dealing with questions from their point of view—I make the statement without reflecting on our representatives, whether in the Senate or in the House of Representatives—we must ask ourselves whether it is reasonable to suppose that the Federal members know where the shoe pinches in this State. To put it another way, are we prepared to hand over to our representatives in the Federal Parliament the presentation of our case on this most important question? We have Messrs. Fowler, Gregory, Mahon, Burchell, and Prowse in the Lower House, and in the Senate we have Senators Buzacott, De Largie, Drake-Brockman, Henderson, Lynch, and Pearce. Without being offensive to these gentlemen who have had considerable experience in the Federal arena, is there anyone in Western Australia who would be prepared to hand over to them the discussion and settlement of the revision of the Constitution on behalf of Western Australia? They have neither had the time nor the opportunity to look at the question from the Western

Australian point of view. The Government would be well advised to take the earliest possible opportunity, whether by means of select committee, a Royal Commission, any other method they think fit, to get together half a dozen or a dozen people in the State to prepare a case for presentation to the conference, dealing with all ramifications affecting us, both financial and constitutional. I hope that no one will say, if I conclude my remarks almost immediately, that I have not dealt with the case in a manner befitting its importance. I know we have not a great deal of time this session, and we have important public business before the House. I do not wish to weary members by reading other extracts. I have volumes of the debate beside me, and also elsewhere, making out a case against the Federal Government. I also urge that, if the lead of the House will give this Chamber an opportunity to discuss and settle the question, I may have an opportunity of dealing with the points raised by hon. members during the debate. I am assuming that everyone realises the importance and urgency of this question. I will accept an amendment suggested with that object in view. While I realise the value of the report which the Under Treasurer, Mr. Owe has presented, I will admit at once that it is useful, and from that point of view, undoubtedly of assistance regarding this discussion. But it is not a complete presentation of our case. In some respects, it is open to very severe criticism. Let us not forget that we must expect criticism from the Eastern States representatives, both at the Convention and in the Parliaments of the Eastern States. I would not suggest that there is any avowed hostility towards Western Australia in the Eastern States, but there is a considerable misunderstanding of the position of affairs here. There are intelligent people dealing with political matters in the East, and many of our conditions here resemble conditions in the Eastern States. They will be able to pick up points and question the arguments put forward as promptly as anyone else living in Western Australia. The question demands that we should not go to the Convention unprepared, but we should take the opportunity now to prepare our case. As I began, so I will conclude with a note in the impressive words of the leader of the House, which he spoke nearly two and a half years ago, when he told us that he wished to impress upon the Press and the people of Western Australia, the importance of at once—that was two and a half years ago—taking up with vigour and purpose, the question of the financial relationship between the State and the Commonwealth. With the other portion of the statement that he made on that occasion, I have already expressed my entire agreement. I commend the motion to the most favourable consideration of members of this House. I hope it will be discussed on time, passed, and I trust it will strengthen the hands of the Government. I hope beyond

all, that the Government will take immediate steps in the direction I have indicated.

The PRESIDENT: Do I understand the hon. member desires to move the motion in a slightly amended form?

Hon. A. SANDERSON: I will be entirely guided by you, Mr. President. If you think it proper that it should begin "That in the opinion of this House, etc." I will move it in that form.

The PRESIDENT: The motion is in order if the hon. member wishes to move it. If he wishes my advice, I should certainly add the words "That in the opinion of this House" to the motion.

Hon. A. SANDERSON: With your permission, and with the permission of the House, I will introduce it with those words.

Hon. J. EWING (South-West) [4.53]: I second the motion. Mr. Sanderson is to be congratulated on bringing this question forward. On every matter he has taken in hand since his return to Western Australia, whether financial or otherwise, the hon. member has effected great work in the interests of Western Australia. The several articles he has written in the Press have added to the wealth of the literature of Western Australia, and have done much to assist Western Australia in the understanding of the matters he has dealt with. We should be very grateful to him. The hon. member has stated that he has not moved the motion in a hostile spirit. I am sure he has not moved it in that spirit, because I believe that the Government are already moving in this direction, and the Premier and other Ministers, when they have been East from time to time, have devoted a considerable portion of their time in going into this question. There can be no two opinions in Western Australia, no matter what brand of politics we belong to, that something will have to be done in the near future regarding Federation and the amendment of the Constitution. In bringing this motion forward, Mr. Sanderson is hastening matters on and encouraging the Government to take steps which will assist in the work of alleviating the present situation. We are represented in the Senate by six senators. That House is supposed to represent State rights. It was arranged in the first instance that that should be the object of the House, but we find to-day that it is not a House where State rights are maintained; it is absolutely a party House. Whatever Government are in power and have a majority in the Senate, they rule at all times. The Senate is not a body to be compared with the House we ourselves are in. We are a non-party House.

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

Hon. J. EWING: The State's rights are not maintained. When we consider the small representation Western Australia has in the House of Representatives—five members as against 70 from the other States—what chance

have our members to represent our case adequately? I know that the people in the Eastern States are anxious for the advancement of the whole of the Commonwealth, but they have no knowledge of the great possibilities of Western Australia and the great resources of this State. Neither have they a proper regard for the financial position of Western Australia. Governments which have been in power from time to time have viewed with apprehension the intrusion of the Federal Government into the avenues of taxation. We are reduced at the present moment to a position in which we cannot increase our taxation. It is very difficult for the Government to finance the State. This is one of the most important questions that can be discussed at the convention. If our financial position is discussed at the convention, the case must be put very clearly before the people who will be members of that body. No portion of Australia desires to do anything unfair to any other portion of the Commonwealth; it is rather a question almost of ignorance. I urge members to give serious consideration to this matter. We do not know what the Government are doing. Day in and day out, they are doing what they consider is necessary in the interests of the people of Western Australia. The things which are being done by the Government cannot always be made public. It would not always be politic for the Premier to announce to the country that he was moving in certain directions, and we can rest assured that whatever Government may be in power, they will look after the rights and interests of Western Australia. The passing of the motion can achieve nothing but good. It will assist the Government, and I am sure that members will be sympathetic towards it. I have an earnest desire to do all I can, either as a member of this House or as an ordinary member of the community, to assist any committee or body of gentlemen who may be appointed to go into the case, and I am sure the same applies to every member. The position is a very serious one and, if it is not taken in hand in the very near future, it can lead to one goal and one goal alone, namely, unification. A great number of people in Western Australia, I think a vast majority of the people, have no desire to hand over the local affairs of this State to the two Houses of Parliament and the Federal Government, and thus leave Western Australia to be governed practically by a provincial council. We want to avoid that tendency towards unification, and whatever power or ability I possess I shall use on every possible platform to advocate an amendment of the Constitution and an amendment not in the direction of unification. I am sure the House will give all possible assistance and earnest support to the motion moved by Mr. Sanderson.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—GUARDIANSHIP OF INFANTS.

Second Reading.

Hon. J. CUNNINGHAM (North-East) [5.4] in moving the second reading said: This is a simple and a short measure, having for its object the granting of ordinary justice to a mother. I would ask members to read the memorandum to the Bill. The general effect of the Bill is to give the mother certain co-ordinate rights of guardianship with the father of her children. Where the mother survives the father who has appointed no guardian, she will be the sole guardian, or if he has appointed a guardian the mother will be joint guardian with the person so appointed. The mother will also be able by deed or will to appoint a guardian for the child after the death of herself and of the father, or to act jointly with the father if he survives her, and has for any reason been shown to be unfit to be sole guardian. According to the common law, a father has the right to the custody of his child, even as against the mother, unless he does something to forfeit that right. The right of the father enables him to delegate his authority over the child to a third person, and it will be seen that the mother has absolutely no authority over her own child. During the lifetime of the father the mother has no power, but on the death of the father, she is entitled to the custody of her child. After the death of the father she has to take his place; all the responsibilities then fall on the mother as the natural guardian of the child. When a testamentary guardian has been appointed, the mother has no right to interfere with the appointed guardian. The father may appoint a guardian and if he left the State, or were removed by death, the guardian would take the place of the mother, notwithstanding that the mother is the natural guardian of her child. This measure does not seek to deprive the father of any just privilege, but it rather takes from him the monopoly of the privilege and confers upon the mother that measure of justice to which she, by nature, is entitled. The interests of the child are safeguarded right through, because this Bill is designed to give the court power to appoint a guardian.

Hon. Sir E. H. Wittenoom: Are there any special reasons for the Bill?

Hon. J. CUNNINGHAM: This is a matter which has been agitating the minds of certain people in the State.

Hon. A. H. Pantou: Who have no children?

Hon. J. Cornell: Exactly.

Hon. J. CUNNINGHAM: I do not think that is correct. No doubt there are people who have seen fit to move for this legislation; otherwise this Bill would not have been presented. I have pointed out that the interests of the child are safeguarded. The court will have power to appoint a guardian or, if necessary, to cancel the appointment of a guardian, so that even if the father or mother appointed a guardian who, in the

opinion of the court, was unsuitable, that guardian could be removed by order of the court. The new feature of the Bill is that it provides for the mother to act as co-guardian with the guardian nominated by the father. Where no guardian is appointed by the father, or where a guardian appointed has refused to act, or has died, the court will have power to appoint a guardian to act conjointly with the mother, and shall also have power for good cause to remove her from guardianship. The interests of the child have received first consideration from the framers of the Bill. At present the mother has no power to appoint a guardian by testament. This Bill seeks to give her that power, thereby removing the disability under which she is now labouring. The Bill will confer upon her the power to appoint by deed or will a guardian for her children as she may desire, the guardianship to take effect after the death of herself and her husband, and the guardians so appointed by both parents to act conjointly. The mother's guardianship will not take effect until after the death of the father, who will remain a guardian of the children so long as he lives, provided he is qualified to act as such. The court has power to remove a guardian after the father's death, if such removal is deemed to be in the interests of the child. The mother may also provisionally nominate a person to act as guardian of her child after her death conjointly with the father of the child. She, however, cannot appoint a guardian and thereby nullify the rights of the father, as he, under existing legislation, is now able to nullify her rights. A father may appoint a guardian and entirely ignore the mother of his child. If, after the death of the mother, the father is found to be unfit to have the sole guardianship of the children, the provisional appointment made by the mother may be confirmed by the court.

Hon. J. Cornell: On whose application?

Hon. J. CUNNINGHAM: Power is given under the Bill for the court to grant such confirmation. If the court holds that the interests of the child would be better served by the removal of the father from guardianship, the court will have power to remove him. Clause 2 provides that upon the death of the father of an infant the mother shall be the guardian either alone or, if the father has appointed a guardian, jointly with such guardian. If no guardian has been appointed by the father, the court, if it thinks fit, may appoint a person to act as guardian jointly with the mother. Clause 3 is designed to give a mother the right to appoint by deed or will a person to act as guardian of her children after the death of herself and of the father. When guardians are appointed by both parents, they shall act conjointly. The clause also gives power to the mother to nominate provisionally some suitable person to act as guardian jointly with the father and if it is shown to the satisfaction of the court that the father

is unfitted to be the sole guardian of his child, the court may confirm the appointment. Clause 4 extends the authority now possessed by a constitutionally appointed guardian, to one appointed under the provisions of this measure. Clause 5 gives power to the court to make such order as it may deem fit, upon the application of the mother regarding the custody of an infant, and also to determine the right of access by either parent. Such decision will be based upon the question of the welfare of the child and the conduct of the parents, and will take into consideration the desire of the mother equally with that of the father. Such order will be subject to review on the application of either parent.

Hon. Sir E. H. WITTENOOM: What is the meaning of the words "who may apply without a next friend" in Clause 5?

THE PRESIDENT: I think that question is one more fitted for the Committee stage.

Hon. Sir E. H. WITTENOOM: I thought perhaps the hon. member was explaining the provisions of the Bill.

Hon. J. CUNNINGHAM: Clause 6 provides that the welfare of the child shall be of paramount importance. It gives to the court power to remove any guardian, regardless of the source of appointment. Clause 7 is taken from the South Australian Act of 1887, and provides that in the case of a person acting as guardian and being possessed of funds by any process of law for the specific purpose of the maintenance or the education of a child to whom he or she is guardian, if the court shall order that the child be delivered to the custody of its mother, such portion of such funds as the court may deem proper shall be paid to the mother to be expended for the purpose stated. Clause 8 provides that no separation deed made between a father and a mother shall be declared invalid merely on the ground that it may contain provision for the control or custody of a child passing to the mother. Clause 9 provides that in the event of parents being divorced or judicially separated, and in the event of the court pronouncing one of the parties to be unfit, by reason of his or her misconduct, to retain the custody of a child or children, the parent so declared unfit shall not be entitled as of right to the custody or guardianship of any surviving child after the death of the other parent. Clause 10 is the usual saving clause. Clause 11 is the interpretation clause, and Clause 12 provides for the making of rules of procedure. I think hon. members will agree that this, although a short and simple measure, is a highly desirable piece of legislation. I was asked a few minutes ago whether there had been any request for a Bill of this nature. I have already pointed out that for some considerable time there has been a movement in favour of getting legislation such as this placed on the statute-book. Perhaps, after all, it is only necessary for me to remind hon. members that very recently we conferred upon the women of this State the right to be elected to, and to sit

in, Parliament. All that this Bill asks is that the mother shall have conferred upon her that right which is now enjoyed by the father alone. I move—

That the Bill be now read a second time.

Hon. J. E. DODD (South) [5.22]: I second the motion for the second reading of the Bill, and my only regret in connection with it is that it does not go far enough. An hon. member asked whether there was any demand for a measure of this kind. I can assure that hon. member that there has been such a demand for many years. The women's organisations throughout the State have for years been demanding that something should be done to place women upon a footing of equality with men as to the guardianship of infants and many other matters concerning children. I think it is rather a pity that a select committee has not been appointed to go into the whole question, including the leaving of money by will to infants. I do not think any of us know where we are in that respect—I am sure I do not. Mr. Cunningham drew attention to Clause 4 of the Bill, which reads—

Every guardian under this Act shall have all such powers over the estate and the person, or over the estate (as the case may be), of an infant as any guardian appointed by will or otherwise now has.

So far as I can learn, very little power is at the present time given to any guardian appointed by will; and it is in that direction I think the Bill fails. In this connection I would suggest an amendment taken from the New South Wales Act of 1915, which provides—

If any person (hereinafter called "the testator") disposes of or has disposed of his property either wholly or partly by will in such a manner that the widow, husband, or children of such person, or any or all of them, are left without adequate provision for their proper maintenance, education, or advancement in life as the case may be, the court may at its discretion, and taking into consideration all the circumstances of the case, on application by or on behalf of such wife, husband, or children, or any of them, order that such provision for such maintenance, education, and advancement as the court thinks fit shall be made out of the estate of the testator for such wife, husband, or children, or any or all of them.

If a guardian was appointed without adequate provision being made by the will in this connection, the child would be in a bad way. I am not fully conversant with the law on the point, but I do know that sometimes it operates very harshly. I believe that in the case of letters of administration the wife takes two-thirds—perhaps some hon. member will correct me—and that one-third goes to the children.

Hon. J. Nicholson: The widow takes up to £500, and also one-third of the balance.

Hon. J. E. DODD: No doubt Mr. Nicholson will be able to explain the matter, but I know that in numerous cases of settlements on children there has been a great deal of trouble. So far as I see, this Bill deals only with the appointment of a guardian. Certainly it gives the woman the same power as the man now possesses, but the measure makes no provision that a testator must leave sufficient funds to enable the guardian of the children to carry on. I know of a man who willed away even the money which the miners' association had to pay over. He did this simply because he had a set upon his wife. It was a most ridiculous reason, but the thing was done. I may mention that the widow was left with five children. Such a position is utterly unfair, and I trust that hon. members who know more of the subject than I do will look into it and assist me to draft a clause for the protection of the wife and children.

Hon. J. CORNELL (South) [5.27]: The hon. member in charge of this Bill has termed it a short and simple measure. I may be a little wanting in comprehension, but, although I find the Bill short, I have read it and re-read it about three times without grasping its purpose. Simplicity is not one of its graces. Verbosity reigns supreme throughout. I understand that the object which the Bill has in view is to place the mother on a footing of equality with the father so far as the children are concerned.

Hon. Sir E. H. WITTENOOM: Not so long as the father is alive.

Hon. J. CORNELL: I will support a measure which provides that upon the decease of the father, if the husband and wife have been living in a proper matrimonial state, a guardian shall not be put in the place of the mother. I would amend the law so as to prevent the father from appointing a guardian to the exclusion of the mother, if good relations have existed between the father and the mother. I think it is illogical and absurd that in such circumstances the husband should be empowered to declare by will that the woman who bore the children, and assisted to rear them, is not worthy to be their guardian after his death. Such a proposal should not receive consideration at the hands of any family man. If the purpose of the Bill is to remedy that position, I will support the measure. However, I think that end might be attained much more easily by a much simpler Bill. It is abhorrent to me to think that any husband should, just prior to his demise, take it upon himself to declare by will that the wife who bore him children is not a fit and proper person to look after them, and that he will appoint someone else as their guardian. To a man of simple habits like myself such a proposal is abhorrent, and I will vote against it. The existing law provides that in the case of a judicial separation or of a divorce the pre-

siding judge decides who shall have the custody of the children; therefore it seems to me that in the event of the parties being in a state of judicial separation at the time of the death of the father, the question of guardianship of the children should be referred to the judge who granted the judicial separation. I will support the second reading, but I will not be a party to the appointment of a joint guardian with the mother, who, I think, should be the sole guardian. The fact that a married couple have lived together up to the time of the father's death, should be *prima facie* evidence that the mother is the proper person to have the sole guardianship of the children on the death of the father. The passing of the Bill will in no wise operate against married couples living in a truly married state. There can be but very few cases of fathers appointing guardians other than the mothers of their children. I think Nature's laws will prevail over all such legislation as this.

Hon. Sir E. H. WITTENOOM (North) [5.34]: I will not oppose the second reading, but I should like to hear more evidence as to the necessity for the Bill. What the Bill seeks to bring about is that every mother, on the death of the father, shall become *ex officio* the guardian of the children.

Hon. J. Cunningham: Unless the father otherwise provides.

Hon. Sir E. H. WITTENOOM: No, I think you are wrong. So long as the father is alive, the mother does not interfere with the children. That is as it should be, because not only is the father responsible for the maintenance of the children, but he is responsible also for the maintenance of his wife, and therefore he should have some little say. The Bill does not anticipate that the mother will in any way interfere with the conduct of affairs while the father is alive; but directly he dies, the mother *ex officio* becomes guardian of the children, and in the event of another guardian having been appointed, she will act with him; but in every case she is a guardian. It occurs to me that there is a question as to the fitness of the mother.

Hon. J. Cunningham: The court has power to remove her if she is unfit.

Hon. Sir E. H. WITTENOOM: Yes, I suppose she could be removed by an order of the court, but it is provided here that in all circumstances she shall become a guardian. I question whether mothers are always fit to be guardians. As one of the directors of the W.A. Trustee Company I am in a position to know something of this. In many cases, when the father appoints the W.A. Trustee Company as guardian, trustee or administrator, he appoints also the mother to act with the company.

Hon. J. E. DODD: But suppose he does not so appoint the mother?

Hon. Sir E. H. WITTENOOM: In such a case she has nothing to do with the guardianship, and evidently the father has considered

that she is not fit for the purpose. Not all women are capable of managing a family without the assistance of the father. They may be good mothers, but not good managers.

Hon. J. E. DODD: My experience has been in both directions.

Hon. Sir E. H. WITTENOOM: And therefore there should be room for discrimination. The Bill, however, leaves no room for discrimination; whatever happens, the mother on the death of the father becomes guardian of the children, and if the father has appointed any other guardian the mother acts with that other guardian. In certain instances the court may appoint a guardian to act with the mother; so it is contemplated that in some cases the mother may act alone. I doubt the wisdom of providing that in all cases the mother shall be guardian on the death of the father.

Hon. J. CUNNINGHAM: The father has power to appoint a guardian to act jointly with the mother.

Hon. Sir E. H. WITTENOOM: Yes, but no matter whether or not the mother be fit for the position, she becomes a guardian without any specific appointment.

Hon. J. CUNNINGHAM: Unless she is found to be unfitted, in which case the court has power to remove her and appoint another guardian.

Hon. J. J. HOLMES: Suppose the other guardian and the mother disagree?

Hon. J. NICHOLSON: Then the court decides.

Hon. Sir E. H. WITTENOOM: I do not see any harm in the Bill, but neither do I see any pressing necessity for it. In most cases companies are appointed trustees, for when individuals are appointed trustees it sometimes happens that they run off with the money. Then there is the case of a man dying intestate, as did the late Mr. Francis Pearce, leaving an estate worth something like £700,000. In such cases the wife gets £500 down and then one-third of the remainder; while the family gets two-thirds. Under the Bill she would become the guardian.

The Minister for Education: Only over the infants, not over adult members of the family.

Hon. Sir E. H. WITTENOOM: That is so. These are the only debatable points which I see in the Bill. I will support the second reading.

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

BILL—PUBLIC SERVICE APPEAL BOARD.

In Committee.

Resumed from 4th November; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

The CHAIRMAN: At the last sitting the Committee were discussing Paragraph (a)

of Subclause 2 of Clause 3. Dr. Saw had moved an amendment to strike out all words after "to be" in line 6, and insert the words "appointed by the Public Service Association of Western Australia." On that amendment Mr. Cornell moved a further amendment to insert, after "by," the words "a ballot of the members of."

Hon. A. H. PANTON: I oppose the amendment on the proposed amendment. If the Association is of sufficient importance to be entrusted with the task of appointing their own representative on the board, we have no right to lay down conditions as to how that representative shall be appointed. In all probability a ballot will be taken, but I object to Parliament prescribing the exact method of the appointment.

Hon. A. J. H. SAW: I am prepared to accept the amendment moved at the last sitting by Mr. Cornell. In fact, when I suggested my original amendment I took it for granted that the appointment by the Civil Service Association would be by a ballot of the members. I concluded that was the proper method of election. I have been in communication with the executive of the Association and they are quite prepared to accept the amendment.

Amendment on amendment put and passed.

Hon. A. J. H. SAW: The Civil Service Association have always contended that they should select their representative, and there are valid reasons why that should be so. This is only right, and it will conduce to the better working of the Bill if the Association is a strong one and has the power to select their representative. The Association will undoubtedly have to retain counsel to forward the claims of the members who will appeal to the board, and it is fitting, therefore, that they should have power to select the representative. So long as they retain the confidence of the majority of the members of the public service the Association will undoubtedly be able to see that their nominee is selected. It would not be wise for the Committee to upset the decision arrived at by the Association and the Government.

Hon. J. J. HOLMES: This decision was not arrived at.

Hon. A. H. PANTON: It was, on the 23rd August.

Hon. A. J. H. SAW: Suppose a decision had been arrived at by the Government and the Association, it would not be right for the Committee to upset it, but I maintain that a decision was not arrived at, and we should therefore only be guided by those principles where essentials are concerned.

Amendment as amended put and passed.

The MINISTER FOR EDUCATION: With regard to the amendment standing in the name of Dr. Saw to delete paragraph (b) of Subclause 2, I suggest it would be better to preserve the wording of the clause as it stands and merely give effect to the

alteration that the Committee have agreed to. Therefore, instead of striking out the whole paragraph we might strike out merely the last line, and insert the words, "the members of the School Teachers' Union of Western Australia." If the Committee agree to that we can recommit the clause to make paragraph (a) read in the same way. The expression "appointed by ballot" contained in the hon. member's amendment does not seem to me to express what we want so clearly as the language used in the clause.

Hon. A. J. H. SAW: I have no objection to the proposal of the leader of the House.

The MINISTER FOR EDUCATION: I move an amendment—

That in paragraph (b) the words "the teaching staff of the Education Department" be struck out, and "the members of the School Teachers' Union of Western Australia" inserted in lieu.

Amendment put and passed.

The MINISTER FOR EDUCATION: In consequence of the amendments which we have made it will be necessary now to strike out Subclauses 3, 4, and 5, as they no longer have any application to the Bill. I move an amendment—

That Subclauses 3, 4, and 5 be struck out.

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

Postponed Clause 6—Jurisdiction of Board:

Hon. A. J. H. SAW: In the absence of Mr. Lovekin, I move an amendment—

That in sub-paragraph (i) of paragraph (a) "or" be struck out and after "salary" the words "or allowances" be inserted.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in paragraph (b), line 5, "or" be struck out, and after "salary" the words "or allowances" be inserted.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That a new paragraph to stand as paragraph (e) be inserted as follows:—to determine, from time to time, on the application of the Civil Service Association of Western Australia or the State School Teachers' Union of Western Australia whether any and what amounts shall be added to the salaries of all or any public servants or of all or any public servants in any class, by way of temporary allowance, and to fix the period of time during which such allowance shall continue, and to determine on the application of the Public Service Commissioner, the Minister of Education, or the Minister of any department

concerned whether such temporary allowance shall cease or be reduced within such fixed period.

The object of this amendment is to provide that if there are any abnormal increases in the cost of living, which could not be held to be permanent increases, the salaries of public servants may be increased purely as a temporary allowance.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in paragraph (c) all the words after "victimisation" be struck out.

As we have passed Clause 14, which refers to victimisation, I do not see why we should continue throughout this Bill to "rub it in." If a public servant has been victimised, the board should have power to deal with his complaint, no matter from what cause the victimisation occurred.

The MINISTER FOR EDUCATION: This paragraph was inserted in accordance with the agreement arrived at between the public servants and the Government. Since the Committee decided to retain the provisions of Clause 14, I cannot see what objection the hon. member can have to these words remaining in.

Hon. A. Lovekin: Is the power of the board limited to what occurred in connection with the recent cessation of work?

Hon. J. CORNELL: I do not want the Bill to restrict the board to inquiries into cases of victimisation only so far as they may have occurred in connection with the recent strike. If these words are struck out, as provided in Mr. Lovekin's amendment, the board would be able to deal with cases of victimisation generally.

Hon. A. H. PANTON: I want the board to have power to determine all questions of victimisation, irrespective of the cause. If hon. members object to these words being struck out, I would support an amendment adding certain words to make the paragraph apply in a general way.

Hon. J. J. HOLMES: The board will have enough to deal with in hearing legitimate cases without being called upon to deal with those of alleged victimisation. In nine cases out of ten the man who does not succeed claims that he has been victimised, whereas his failure is generally due to lack of ability.

Hon. J. E. DODD: To strike out these words would give an open invitation to every dissatisfied public servant to claim that he had been victimised, and to request that his case should come before the board. One of the greatest nuisances in unions is the man who is continually claiming that he has been victimised. There is enough power given by the Bill for the board to deal with the case of any public servant.

Hon. A. J. H. SAW: I take it that victimisation means penalising a man because of some action he took on some previous occasion. Surely we are not going to leave it

open to any man with a grievance to have his case heard by the board. The clause would only be ridiculous if the words were struck out.

Hon. A. LOVEKIN: It is not always possible to prove that an injustice has occurred in consequence of a particular action on the part of a servant. If a public servant were victimised for any other cause than the recent unauthorised cessation of work, he would, under the clause as printed, have no redress from the board.

Hon. A. H. PANTON: I do not agree that the striking out of these words will open up all sorts of avenues for men to appeal to the board on the question of victimisation.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. H. PANTON: If the clause is left as it stands at present, it will be open for any civil servant who considers himself to have been victimised for doing something in connection with the recent strike to place his appeal before the board. If we are simply to confine the paragraph to any action taken during the recent strike, it will not give some civil servants the right to place their cases before the board. Notwithstanding what any hon. member may state, there are cases of victimisation. Such cases are extremely hard to prove. If the appeal board is to have any effect, power should be given to deal with all cases of victimisation, irrespective of whether the alleged victimisation arose out of the recent trouble or not. I do not see why the words suggested should not be deleted or else some provision inserted giving the board discretionary power to say what they will deal with as victimisation.

Hon. J. E. DODD: If we strike out the words suggested by Mr. Lovekin, we simply issue an invitation to every civil servant who considers himself victimised on some score or other, to come forward with a plea that he has been victimised. We should either strike out the clause or leave it as it is. The clause gives ample grounds upon which the board may work so far as appeals are concerned, and quite apart from that, there are further powers conferred in Clause 14 which states that no person shall be prejudiced in respect of privileges, promotion or continuity of service by reason only of the recent simultaneous cessation of work. There is power enough in the Bill as it stands. We should leave the clause as it is or strike it out altogether.

Hon. A. LOVEKIN: Mr. Dodd has failed to appreciate the point I was trying to make. Under Clause 6, before a civil servant can get redress against victimisation, he has to show that it is by reason of the late cessation of work. Clause 14 states that he shall not be deprived of any rights by reason of that trouble. I quite agree with that. However, take the case of a school teacher. Assume that he took a prominent part in the late strike. Later on

there was a school vacant which was a better school than the one at which the teacher happened to be master. The authorities might put somebody else in charge of that school, although the teacher, by reason of length of service and higher qualifications, might be entitled to the higher class school. Such a teacher could not prosecute his claim under the Bill, because he could not prove that he had been superseded by reason of the recent cessation of work. Take these words out that I suggest and he will be able to appeal to the board and have his case dealt with. I do not like the word "victimisation" but I read it as meaning injustice.

Member: You have left it in.

Hon. A. LOVEKIN: I have left it in because I read it as meaning "injustice." If the words I propose to delete are left in, the teacher I mention cannot go before the board because he cannot show that his case arises out of victimisation on account of the strike. The only words in the clause which might be taken as covering it are in paragraph (c), which refers to applications being made for the redress or correction of any anomaly in treatment affecting him in respect of classification, salary or position.

Hon. A. Sanderson: He could use this as a plea.

Hon. A. LOVEKIN: But it is not an irregularity nor is it an anomaly. The Director of Education simply has made an appointment as he deems fit.

Hon. J. Duffell: In such a case you could apply the word "injustice."

Hon. A. LOVEKIN: But the clause does not contain that word.

The Minister for Education: In such a case would it not be an anomaly so far as that teacher's treatment was concerned?

Hon. J. Duffell: Of course it would be.

Hon. A. LOVEKIN: I do not think it would be an anomaly. It might not always be an injustice in such a case, and it may not even be irregular.

Hon. J. E. Dodd: Why not amend the clause by inserting the word "injustice"?

Hon. A. LOVEKIN: I do not care how we amend the clause so long as we give a person the right to go before the board when he is suffering an injustice.

Hon. J. J. Holmes: Would not the Director of Education appoint the best man?

Hon. A. LOVEKIN: The Director might have it in his head that the teacher I referred to was prominent in the strike, and he might be influenced accordingly. If the board had the power to deal with such cases, it might prevent an injustice being done to an innocent man.

Hon. J. CUNNINGHAM: I was inclined to agree that this clause should be struck out. If the amendment is not carried, however, we will narrow down the question of victimisation to the actions of civil servants on the occasion of what is known as a simultaneous cessation of work.

Hon. A. Sanderson: No.

Hon. J. CUNNINGHAM: It seems to me that that is the position. Otherwise, why should the words "simultaneous cessation of work" appear in paragraph (e)? If this paragraph remains as at present, we narrow down the question of victimisation to matters arising out of the strike. I support the amendment moved by Mr. Lovekin. I would rather have the paragraph struck out. I cannot understand why it was inserted. I am inclined to think that its object is to narrow down the question of victimisation to one issue, namely, the recent simultaneous cessation of work.

Hon. A. J. H. SAW: Mr. Lovekin supplied the best example why these words should be retained. If they are struck out, we should require not one appeal board, but 100 appeal boards. Every man who had an imaginary grievance and who was not promoted would have the right to appeal because of some alleged victimisation, whereas under the clause he must narrow it down to proof that he was victimised in consequence of the recent strike. This paragraph is the necessary corollary to Clause 14.

Amendment put and negatived.

The MINISTER FOR EDUCATION: My attention has been directed to the second part of Subclause 3. The wording of the final paragraph is rather curious. The paragraph reads—

The Public Service Commissioner shall hear and determine such application, and state in writing his finding on the facts and decision, and an appeal shall lie to the Board from the finding of the Public Service Commissioner as regards all material facts.

It has been contended that by stipulating that an appeal shall lie on the finding as regards the facts, this would not constitute a right to appeal against the decision. It is the decision which really matters. In order to remove any ambiguity I move an amendment—

That the following words be added at the end of the paragraph "and his decision thereon."

Hon. A. LOVEKIN: Can the Minister interpret the words in Subclause 3, "Or such duties as are proper for an officer on the permanent staff to perform under such Act?"

The MINISTER FOR EDUCATION: The object is that only persons employed for five years continuously shall be eligible for appointment to the permanent staff, and then only when their duties are proper for an officer of the permanent staff to perform. A temporary officer might have been engaged on duty altogether extraneous from the service.

Hon. A. H. PANTON: If a person has served for five years continuously he might apply to be appointed to the permanent staff, but he has to appeal to the Public Service

Commissioner and, if not satisfied with his finding, may appeal to the board. If a man gives satisfaction, and surely he would give satisfaction if he had been employed continuously for five years, the Public Service Commissioner should not have the right to refuse him a position.

Hon. J. NICHOLSON: His duties might not be similar to those of a man on the permanent staff.

Hon. A. H. PANTON: If he had been employed for five years he would surely have proved his worth, and he should be able to go direct to the board and ask to be placed on the permanent staff.

Hon. J. DUFFELL: I support the clause. Some time ago the Government were making sewerage connections in the metropolitan area. One man was employed in a clerical capacity solely on that work for upwards of five years. When the Government discontinued that work, on the reasoning of Mr. Panton, that man should have been able to apply for a position on the permanent staff. Under the subclause he would have to satisfy the Public Service Commissioner that his services were necessary, even after that particular class of work was finished.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in line 2 of Subclause 4, after "pending," the words "or if any claim or right has existed since the month of July 1916" be inserted.

There are a few cases outstanding which have been the subject of discussion, and it is agreed that they should be covered by this clause. Dr. Saw has suggested a somewhat similar amendment which reads—"The jurisdiction of the board shall also extend to such cases as have been the subject of correspondence between the Civil Service Association and the Government, and that have arisen subsequent to the 1st July 1916." Both amendments cover the same ground, and it is for the Committee to say which is preferable.

The MINISTER FOR EDUCATION: I suggest that the amendment be altered to include only those cases which have arisen since the 1st July 1916. A claim might have existed before that date, and it would still exist after that date.

Hon. A. LOVEKIN: I shall accept your suggestion.

The MINISTER FOR EDUCATION: I move—

That the amendment be amended by striking out "existed" and inserting the word "arisen" in lieu.

Amendment on amendment put and passed.

Hon. A. J. H. SAW: My proposed amendment meets with the approval of the Civil Service Association. I regret that it does not appear on the Notice Paper, but I shall not apologise for its non-appearance because I gave notice of it in good time. The difference between the amendment and my pro-

posal is that mine narrows down the cases to those which have been the subject of correspondence between the association and the Government, cases in which the association feel that some injustice has been done. My proposed amendment would therefore prevent the hearing of a large number of unnecessary cases.

Hon. J. E. DODD: Does the amendment deal with cases which have arisen since the 1st July 1916, and not the subject of correspondence?

Hon. A. J. H. SAW: No.

Hon. A. LOVEKIN: I am prepared to accept Dr. Saw's proposed amendment.

Amendment, as amended, put and negatived.

Hon. A. J. H. SAW: I move an amendment—

That the following be inserted to stand as Subclause 4:—"The jurisdiction of the board shall also extend to such cases as have been the subject of correspondence between the Civil Service Association and the Government, and have arisen subsequent to the 1st July, 1916."

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

Bill reported with amendments.

Recommittal.

On motion by the Minister for Education, Bill recommitted for the purpose of further considering (Clauses 3 and 4.

Clause 3—The board:

THE MINISTER FOR EDUCATION: As intimated previously, I desire to make paragraph (a) of Subclause 2 uniform with paragraph (e), and therefore I move an amendment—

That in paragraph (a) of Subclause 2 the words "elected in the prescribed manner by the public servants, exclusive of the teaching staff of the Education Department," be struck out, and the following inserted in lieu: "elected in the prescribed manner by the members of the Civil Service Association of Western Australia."

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

Clause 4—Tenure of office of members:

THE MINISTER FOR EDUCATION: I move an amendment, which is almost consequential—

That in line 1 the words "to Subclause 2" be struck out.

These words were inserted when Clause 3 contained four provisos. Now, however, we have struck out the three other provisos which were originally in that clause.

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

Bill again reported with further amendments and a Message returned to the Assembly requesting that the amendments be made, leave being given to sit again on receipt of a Message from the Assembly.

BILL—TREASURY BONDS DEFICIENCY.

Second Reading.

Debate resumed from the 2nd November.

Hon. J. J. HOLMES (North) [8.8]: I shall be as brief as circumstances will permit, but I think we all admit—we have heard it stated in this House as recently as this afternoon—that the success of Western Australia, like that of any other country, hinges on the question of the finances. Whenever I get an opportunity to address the House on financial matters, I do so, because of a responsibility which I consider rests upon my shoulders; and there is a great responsibility attaching to this Bill. As to what the House should do, we have our individual opinions; but I do urge on members, even if they take no retrospective action, that the time has arrived when the expenditure must be brought into line with the revenue, and when this continual funding of deficits must cease. It has been suggested that the Bill might be thrown out.

Hon. A. SANDERSON: Hear, hear!

Hon. J. J. HOLMES: Still, that course was suggested last year, and we postponed the evil day to this year. We do not seem to have reached finality; and as long as we go on passing such Bills as this, the deficit will continue. I am not prepared to say that some drastic action should not be taken, and if the wisdom of the House directs us in the right way, I shall be prepared to support any such action. To begin with, the position is that for the year ended 30th June, 1920, the revenue exceeded the Treasurer's estimate by no less a sum than £560,000. The expenditure for the year ended 30th June, 1920, exceeded the Treasurer's estimate by £540,000. An additional £360,000 was taken out of profitable avenues last year, taken out of the hands of the public, where it could be profitably employed, and employed unprofitably by the Government, with the exception of £20,000, or about one quarter per cent. The surplus on the items of revenue and expenditure was £20,000, all the additional revenue with the exception of that £20,000 being spent in administration. The accumulated deficit at the 30th June, 1920, was £4,086,705. The accumulated deficit at the 31st October of this year, with only four months of the financial year gone, was £4,481,246. The estimated deficit for the current financial year, of which there are still eight months to go, is only £5,000 more than the present deficit. And we still have eight months to go! I hope I am correct. The figures are somewhat astounding, I admit. However, they are figures published by the Treasurer. Thus we are now within £5,000 of our estimated accumulated deficit at the end of the current financial year. That would not be so bad but for the fact that the October deficit was £128,728. And I expect we are within £5,000 of the total estimated

deficit at the end of the current financial year! The deficit for the first four months of this year—July, August, September, October—is £394,541. The estimated deficit for the 12 months is £399,707, leaving £5,000 to come and go on for the next eight months. In order to keep within the deficit for the next eight months we must not go behind more than £650 per month, as against which last month's deficit was some £123,000. There is another thing to be remembered in this connection, that the estimated increase in revenue for the current year over last year is approximately three-quarters of a million of money. The Treasurer estimates that this year he will collect £750,000 more than he collected last year. These figures, which I think will be found correct, are so appalling that on the 2nd November the "West Australian," which can see no fault in the present Treasurer, thought it was up to the hon. gentleman to make some explanation, which he did two days later. The explanation reminds me of the story of the dog who, if he had not stopped to get a drink of water, might have caught the hare. Either the first set of figures given by the Treasurer were correct, and the second set incorrect, or vice versa. When the Treasurer puts out a set of figures as showing the position of affairs I can take them as final.

The Minister for Education: They do not purport to be anything of the kind.

Hon. J. J. HOLMES: And any additions or subtractions made in the Press are only problematical. The estimated deficit this year is £399,000. The deficit for the first four months is £394,000. Those first four months comprise 123 days. Two years ago I was called a traitor to my country because I said that the deficit was mounting at the rate of £2,000 a day.

The Minister for Education: That is not what you said.

Hon. J. J. HOLMES: However, I am going to say now, and I think it will be found correct, that for the 123 days of the present financial year the deficit has accumulated at the rate of £3,476 per day. If we figure that out on the basis of eight hours per day, the deficit is increasing at the rate of £434 10s. per hour.

Hon. A. J. H. Saw: But it goes on while we sleep.

Hon. J. J. HOLMES: Well, divide that amount by three, and you will see the result. On the basis of eight hours per day, the deficit is accumulating at the rate of £7 5s. per minute.

The Minister for Education: I think we shall be poorer when the hon. member finishes his speech than we were when he started.

Hon. J. J. HOLMES: I hope that somebody will be brought to reason. If I succeed in attracting the attention of the people financing the State I shall have accomplished something. A day of reckoning has to come. I have said on the public platform that the man earning £4 per week and spending £6 per week has but one place before him,

namely, the bankruptcy court; and I say that the State which, in normal times, drifts at the rate of £3,476 per day is drifting to bankruptcy. I make that statement, fully realising the responsibility of my position. I could understand a deficit in war time, but we are now back to normal conditions, and the outlook of the State is as good as it has been for the last 10 years.

Hon. J. W. Hickey: Better.

Hon. J. J. HOLMES: Yet the estimated deficit for the year is approximately £400,000 and the actual deficit for the first four months is within £5,000 of that amount. Of course we shall hear presently about the sinking fund.

Hon. E. H. Harris: And a very good thing to hear about.

Hon. J. J. HOLMES: Yes. The sinking fund is what is holding the country together to-day. It is prima facie evidence that we intend to pay. Attempts have been made to attack that sinking fund, but they have been successfully repelled. It is to the credit of some of us that we still have the sinking fund. I do not propose to weary the House. If I were in a position to throw out the Bill I would do it. I urge hon. members to come together and see if we cannot provide that the monthly expenditure shall be brought within the limits of the monthly revenue.

THE MINISTER FOR EDUCATION

(Hon. H. P. Colebatch—East—in reply) [8.20]. I think it is necessary to remind hon. members that we are dealing with a Bill relating to last year's deficit, not to the deficit of the current year. I entirely concur with Sir Edward Wittenoom when he says that the House, having last year sanctioned Estimates which contemplated a deficit in excess of that which actually occurred, would be acting illogically if now it threw out the Bill which proposes to fund that deficit. There are two questions involved. The one is whether it is legitimate in certain circumstances to have a deficit, and the other is, if we have a deficit, what are we going to do about it? The House some months ago decided the first of these two questions by passing the Appropriation Bill, decided that it was legitimate in existing circumstances to have a deficit. Having come to that decision, the House is now called upon to say what shall be done with the deficit. Before the practice of funding deficits was adopted, Bills of this kind were never introduced; the money for financing the deficit was merely taken out of Loan Account, money borrowed for a specific purpose. To my mind that was a very improper proceeding. Some years ago it was decided that when Parliament sanctioned a deficit provision should also be made for financing that deficit. This, it seems to me, is the only sound proposition open to us in the circumstances. I do not intend to say much in regard to the remarks of Mr. Holmes except this: every session since I have had the privilege of being leader of the House, at about this stage of the session the

hon. member has quoted monthly figures and set up on those monthly figures the contention that the deficit for the year was going to be very much greater than the Government contemplated; and on every occasion the hon. member has been proved to be entirely wrong.

Hon. J. J. Holmes: Do you dispute the figures I have quoted?

The MINISTER FOR EDUCATION: No, nor have I done so on any occasion; but I have tried, unsuccessfully I fear, to make the hon. member understand that the monthly figures of revenue and expenditure are not in the nature of a balance sheet. He said this evening, "We have to take these figures, which purport to set out the financial position of the State." They do not do anything of the kind. They are the exact record of money actually received and money actually paid out. I wonder would the hon. member like anybody to go into his office some day and ask, "How much money have you paid out this month and how much have you actually received?" And if he had by chance paid out more than he had received during that period, how would he like to be told that therefore he was on the road to bankruptcy? Yet that is the method which the hon. member is pursuing in regard to the Treasurer's figures. The hon. member has done exactly the same thing every year for the last three years. He has taken the monthly figures and from them argued that the actual deficit was going to be very much greater than that estimated; and when the year has ended it has been shown that the Treasurer's figures were perfectly right, while the hon. member's figures, and consequently his deductions, were entirely wrong. That has been the case on every occasion. At about this time of the year the hon. member has always foreseen dire disaster and predicted an enormous deficit, because of the figures of the first three or four months; and when the year has been wound up it has been seen that the Treasurer's estimate was virtually correct.

Hon. J. J. Holmes: I said that the outlook for the State was never better.

The MINISTER FOR EDUCATION: I am not disputing that. I am speaking of the hon. member's reference to the public finances, and I say that on each occasion during the last three or four years the hon. member has predicted that at the end of the year the public finances would show an enormous deficit, very greatly in excess of the Treasurer's estimate; whereas at the end of the year it has been shown that the Treasurer's estimate was practically accurate. Last year both revenue and expenditure greatly exceeded the estimate. A large amount of that was due to Arbitration Court awards, to meet which the Government found it necessary to make increased charges. Hence the increase in expenditure. In other cases the increase was due to expansion of business in such departments as

the railways, which mean extra revenue and therefore extra expenditure. For the present year, if the figures were investigated it would be found that a very large percentage of the increases in revenue and in expenditure is due to increased business, which must inevitably mean increases on both sides. Sir Edward Wittenoom made reference to the position of Victoria as contrasted with that of Western Australia. I think it will be admitted at once that it should be a very much easier proposition to finance a small, thickly populated State like Victoria than one of the immense distances which we have to cover in Western Australia. For instance, take the department which occasions most of our financial difficulties, namely, the Railway Department; in Victoria a comparatively small mileage serves a very large population, whereas here we have the large mileage and the small population. But Sir Edward Wittenoom was quoting from a newspaper advocating a party cause on the eve of an election, and I should like to point out that had Victoria, during the past seven or eight years, done the same as Western Australia has done in the matter of providing sinking fund, Victoria would have had to fund a deficit proportionally as great as our own. Since 1911, the period during which our deficit has accumulated, Victoria has increased its sinking fund by less than one million sterling, and during the whole period of the war the sinking fund in Victoria was suspended altogether, whereas Western Australia during the same period has increased its sinking fund by over 3½ million sterling. The whole of the other States of Australia, during the last nine years, the period during which our deficit has accumulated, have increased their sinking fund by £2,300,000, whereas Western Australia, in the same period, has increased her sinking fund by £3,594,000. That is not only an item well worth considering, but an item which the lender about whom Mr. Holmes is so greatly concerned, does consider; and I have no doubt it is because of it that the credit of Western Australia stands so good amongst the investors in London as it does to-day.

Hon. Sir E. H. Wittenoom: Victoria by her method would have provided the money for the sinking fund.

The MINISTER FOR EDUCATION: But she did not do so. Last year our deficit was £668,000. The increase in our sinking fund last year was £694,000. The increase in our sinking fund last year was actually greater than the increase in our deficit. If the Treasurer is right in his estimate for the present year, and I have every confidence that he will prove to be far nearer the mark than is suggested by Mr. Holmes, the deficit for the current financial year will be £400,000 whereas the increase in the sinking fund, through direct contributions from revenue and from accumulations in the shape of interest on the existing sinking fund, will amount to over £800,000, or double the

amount of the deficit. Is it fair to say that we are drifting to ruin when as a matter of fact we are increasing the sinking fund at double the rate at which the deficit is increasing?

Hon. J. Nicholson: Double the rate for the year.

The MINISTER FOR EDUCATION: From 1911 to the present time the sinking fund has accumulated at a greater rate than the deficit and the increase in the sinking fund is greater than the increase in the deficit.

Hon. J. J. Holmes: Your sinking fund is to meet loans.

The MINISTER FOR EDUCATION: Of course it is.

Hon. J. J. Holmes: Then what is going to happen to the deficit?

The MINISTER FOR EDUCATION: Sir Edward Wittenoom set up a comparison with the Eastern States, but we are entitled to bear in mind that this State, out of its revenue, is providing for the redemption of its loans, whilst the other States are not doing that. Turning now to the arguments advanced by Mr. Sanderson, the hon. member raised the question of Treasury Bills and bonds, and quoted the opinion of an eminent authority to show that it was undesirable that Australia should borrow on short-dated securities. I think the hon. member is aware of the circumstances which account for Western Australia having so large an amount of debt in Treasury Bonds and Bills. The circumstances have been represented in this House over and over again. During the war we were not allowed to borrow money on the London market. The Commonwealth Government provided us with the money that we required and we handed them Treasury Bills with the idea that when it was possible to raise money in London, the Treasury Bills would be redeemed. The Treasury Bills and Bonds current at the 30th June last were—Treasury bills £5,341,370, Treasury bonds £2,893,505; a total of £8,234,875. Included in these issues the Commonwealth Government held the following, the money for which has been raised in London, namely, Treasury bills £3,100,000 and £1,100,000; Treasury bonds £1,114,000 and £1,239,500. So that out of the total of Treasury bills and Bonds no less a sum than over 6½ millions is held by the Commonwealth. The amount of the local short-dated issues was therefore only £1,681,375. The maturity of the £3,100,000 issued was indefinite, but the Federal Treasurer has agreed to the date being extended to five years after the war or not later than 1925, which latter date coincides with the due date of the Commonwealth loan with the Imperial Government. The term "five years" cannot yet be defined because for the purpose of an agreement of this nature the war is not yet over. An Act was passed by the Federal Parliament providing that the dates might be proclaimed of the termination of the war. Up

to the present time, however, a number of proclamations have been issued under the second section of that Act, but a general proclamation has not been declared because I understand certain formalities in connection with the treaty with Hungary and Turkey have not yet been finalised. The issues of £1,100,000, £1,114,000, and £1,239,000 cover loans raised in London expressly for the States during the war and maturing in 1922 and 1927 respectively. That is the position so far as Treasury Bills are concerned. A large amount in Treasury Bills has grown up in a way that the Government could not prevent because they were not able to go on the London market. There are only two other points in Mr. Sanderson's remarks to which I desire to refer, and both of them relate to his charge against the Government of financial dishonesty. I do not know why he used "financial" as a qualifying adjective, because if anyone is financially dishonest he is dishonest. The two grounds on which the hon. member based his charge of financial dishonesty are the proposal to suspend, during the period of the war, the contributions to the sinking fund, and the other is in relation to the moneys deposited with the Government under the Insurance Companies Act, 1918. The first matter has been referred to so often that hon. members must be about tired of it. Personally, I can see no suggestion of dishonesty whatever in it. Every other State did suspend the payment of the sinking fund during the period of the war. Western Australia was in the position that it was borrowing money to pay its sinking fund and was paying more for the money that it was borrowing than it was receiving on the sinking fund investments. It occurred to the Treasurer that there would be no objection to Western Australia doing the same as the other States of the Commonwealth, but he did not suspend payment. Steps were taken to see whether the proposal was agreeable to the other party. It was not, and the idea of suspending the payment of the sinking fund was abandoned and the Treasurer made arrangements with the bank in London, and the arrangements enabled Western Australia to pay the sinking fund without the financial loss which would otherwise have been involved. I fail to see where there is any dishonesty in taking steps of that kind. The other charge of dishonesty relates to the moneys deposited with the Government under the Insurance Companies Act. I would like the hon. member to point to one single section in that Act which has not been carried out in its entirety. Wherein then does the financial dishonesty lie?

Hon. A. Sanderson: Read the Auditor General's report.

The MINISTER FOR EDUCATION: I have read it. What does the hon. member imply? What does he think we should have done with the money? Does he think that

having agreed to pay the insurance companies 4½ per cent. for that money, we should have allowed it to remain idle? Is that his idea of financial honesty or financial sanity? I do not know what inference he draws from the Auditor General's report. This is the opinion given by the Crown Solicitor in March, 1919, in regard to the moneys deposited with the Government under the Insurance Companies Act—

With reference to the remark on page 9 of the report of the Auditor General for the year ended 30th June, 1919, there is no statutory obligation for the amount deposited as security being paid to a special account, or otherwise dealt with; but it is to be held as provided by the "Insurance Companies' Act, 1918." I submit the matter is quite in order. The money has not been misappropriated as inferred by the Auditor General, but has been dealt with in the same manner as other trust moneys, namely, paid to the public account of the State in accordance with the provisions of "The Audit Act, 1904." Treasury Bills have been issued, bearing interest at the rate of 4½ per cent. per annum and such Bills are held by the Commonwealth Bank, as required by law. The opinion of the Solicitor General, given in March, 1919, is as follows:—(1) The deposit is made by the insurance company as security for the insured, and is to be retained by the Colonial Treasurer so long as the insurance company continues to carry on business in the State. The money so deposited does not, in my opinion, form any part of the general loan fund, nor is it to be treated as the raising of money within a Loan Act. It is not borrowed money. (2) For the amount so deposited a Treasury Bill bearing interest at the rate of 4½ per cent. is issued and deposited with the Commonwealth Bank, to be held on behalf of the Colonial Treasurer. (3) The aggregate of the deposits in respect of which the Treasury Bills are issued must, however, it seems to me, be deemed to be included in the public debt. (4) I do not think the Treasury Bills are subject to the Treasury Bills Acts, which only relate to such Treasury Bills as are issued for raising temporary money authorised to be raised under the Loans Acts.

Money has not been misappropriated in any way. It has been dealt with in the same manner as other trust moneys. That is to say the money has been paid into the public account of the State in accordance with the provisions of the Audit Act, 1904. I fail to understand what the hon. member means.

Hon. J. J. Holmes: Does not the Auditor General say that the money was spent without Parliamentary authority?

The MINISTER FOR EDUCATION: I forget what the remarks of the Auditor General were. But at any rate, the charge made

by Mr. Sanderson is one of financial dishonesty, as much as to say that the Government had misappropriated the money, whereas every provision of the Insurance Companies Act, 1918, has been carried out and the money has been dealt with in exactly the same way as is done with all other trust moneys. The Government have to pay interest on it and therefore the Government have to earn interest on it. It was stated that it was intended to use this money to make advances to certain people to encourage the establishment of industries and a good deal of it has been advanced in that way.

Hon. A. Sanderson: To whom?

The MINISTER FOR EDUCATION: To many people. If the hon. member desires a return to show to whom the money has been advanced, it is competent for him to move for the tabling of such a return, and if he does so I shall offer no objection to it. The hon. member surely cannot expect me to remember the details of every advance which has been made. The money, I repeat, has been applied just as other trust moneys are applied. We could not possibly have allowed it to remain idle in the bank and paid interest on it. I fail to see that the slightest exception can be taken to what the Government have done.

Hon. Sir E. H. Wittenoom: Was it not earmarked for a certain purpose?

The MINISTER FOR EDUCATION: No, it simply became a deposit and was treated as other trust moneys. I ask hon. members to give the matter consideration for a moment. If people have to deposit money with the Government as security, the Government have to give them interest on it. Is it not right then that the Government should use that money and earn interest on it? The charges made by Mr. Sanderson of financial dishonesty appear so slender that I do not propose to waste any more time in referring to them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—NURSES REGISTRATION.

Second Reading.

Debate resumed from 2nd November.

Hon. A. J. H. SAW (Metropolitan-Suburban) [8.45]: I support the second reading of the Bill. The State owes a debt of gratitude to the nursing service. Whilst I was away, attached to a large hospital, we had also attached to the hospital nurses from every State in Australia. We also had on the medical and surgical staff surgeons and physicians, who likewise came from every State in Australia. It was frequently

said to me by these medical officers that there were no nurses attached to the hospital who were more efficient or more self-sacrificing, and who did their work better, than the nurses who came from Western Australia. I do not express that opinion as my own, although it is my opinion, but I heard it repeatedly from medical men from the other States. In this State there are three portals whereby nurses may enter their profession. The first is through the Perth and Fremantle public hospitals; the second through the Children's Hospital, and the third through the various Government hospitals, including Kalgoorlie, Wooroloo, and the small country hospitals. There are considerable drawbacks owing to the want of uniformity in the training of nurses. I believe the Government recognise that, but up to the present have not been able to remedy it. The nurses trained in the Perth and Fremantle hospitals are thoroughly and efficiently trained. The nurses who are trained at the Children's Hospital suffer from various disadvantages. They are confined to the nursing of children, and acquire no experience, I believe, in the nursing of infectious diseases, in women's diseases, nor in the nursing of adults. That would not matter so much if the nurses, after becoming qualified and getting certificates, confined their attention to the nursing of children. In this State that is not so. They are regarded as having become qualified general nurses, and they take adult nursing in hospitals or in private practice when they have had very little experience in that direction. Of course they have had the theoretical training in these subjects, but have not had the practical experience. Then there are the nurses who go through the other public hospitals to which I have referred, excluding the Perth and Fremantle hospitals. These nurses suffer from want of systematic instruction. They are also, I believe, kept too long nursing the one class of patient. Owing to the difficulties the Government have in moving their nurses through the different centres and sub-centres they are kept too long a time at Wooroloo; in some cases they are kept there for 16 months, which is too long a time for nurses to spend in an infectious hospital like a tuberculosis hospital, and too long for them to be nursing one particular type of patient, for they cannot thus attain a thorough training in their profession. It would be of advantage if the Government would initiate some uniform system of training, using for this purpose the Perth and Fremantle hospitals, and perhaps the Kalgoorlie hospital, as centres, and exchanging with the nurses in the other institutions so that all might get training in general nursing, the nursing of children, children's diseases, and in infectious fevers. I hope the Government will give this matter consideration, for it would be of great advantage to the nursing service. The nursing service also suffers through being too poorly paid. I am not speaking only

of those who have qualified, but throughout their period of training they are undoubtedly very poorly paid. In the earlier years I believe many of them have a hard struggle, even with the utmost economy, to make both ends meet. The nurses also work too long hours, and have very little time for study. At the end of a hard day's work they are expected to study, and I believe they find it extremely difficult after a long period of duty in a ward to bring their minds to bear upon the subjects they are called upon to study for examination purposes. The remedy is to employ more nurses and see that they work shorter hours. Although the suggestion I am going to make will probably give rise to a good deal of controversy in the nursing world, I am of opinion that the age at which a nurse should start her period of training ought to be lowered. There is considerable dispute on that point. It seems to me that young women in this country usually determine in what manner they will earn their living at about the age of 18. They are, however, not allowed to enter the public hospital to start their training until they reach the age of 21. The result is that many women, who would be fitted for the nursing profession, drift into other walks of life, such as typewriting, secretariats, and into shops, whereas if the age were lowered a number of them would doubtless start training in a hospital. As things are at present they have to go through a period of waiting for three years until they reach the age of 21, and then have their three years' training, with the result that they are 24 before they are in a position to earn their living. This restricts the choice of selection. At the Children's Hospital nurses are allowed to go in at the age of 18. That is one reason why this institution easily fills up its staff of probationers, whilst other institutions have some difficulty in doing so.

Hon. A. H. Panton: The Perth hospital has been taking them from the ages of 19 and 20.

Hon. A. J. H. SAW: That is against the regulations.

Hon. A. H. Panton: I know, but they cannot be obtained otherwise.

Hon. A. J. H. SAW: It would be as well to reduce the age at which girls can begin their training to 18. Some people think that a girl is not sufficiently stable at that age, and that it is better for her to wait until she is 21, but, in a country like this where the sexes mix so much together, this objection is perhaps an old-fashioned one and might well be set aside. There is one clause in the Bill which does not meet with my approval, and that is the clause providing that the secretary of the board shall be the secretary of the Health Board. That is a very unwise provision. It will render a fixture the position of the secretary of the board, whereas the other members, with the exception of the Commissioner for Public Health, or the principal medical officer, will change from time to time. Instead of being

a servant of the board, the secretary, so long as he keeps in touch and in sympathy with the principal medical officer and adopts his policy, and the principal medical officer, will constitute the masters of the board. In the case of the medical board to which I had the honour to belong for many years, the principal medical officer is not necessarily the chairman, although we usually elect him to that position. At present the principal medical officer is merely an ordinary member. We also elect our own secretary.

Hon. J. E. DODD: Are the other members of the board elected?

Hon. A. J. H. SAW: They are nominated by the Government and the medical profession do not object to that. It might cost a little more if the board had power to elect their own secretary, but it would make for satisfaction amongst the nurses and for the better working of the Bill.

Hon. J. MILLS (Central) [8.55]: I consider the present Bill desirable in the interests of the nurses, and I intend to support it. There is one point I would like the Minister to make clear. Clause 5 permits nurses who are trained in private hospitals, provided they produce a certificate from the matron and the medical officer, showing that they have had three years training at general nursing, to register. Clause 12 says that preference will be given in all Government appointments to nurses who have been registered. Would nurses who up to that time had not been admitted into any Government position, if they had been permitted to register, be eligible for appointment to Government positions afterwards?

Hon. J. E. DODD (South) [8.56]: I support the Bill. There are one or two points on which I should like some information, for instance, in regard to nurses who are nursing at present in other hospitals which are supposed to be training hospitals. What provision is made for nurses who are not members of the A.T.N.A. or any other society, who are nursing in private hospitals? In a communication from the hon. secretary of the Sisters' Subsection of the No. 3 Base Hospital reference is made to the same matter. The circular says—

Clause 5, meaning "Nurses, non-members of the A.T.N.A., women who have had 18 months or two years hospital experience, and who have been earning their living by nursing for a few years."

The comment is—

It is recognised that those ladies must be allowed to continue earning their living and must be allowed to register. They must have some ability. Have we made sufficient provision for these nurses in the Bill?

Hon. A. J. H. SAW: You do not stop them from earning a living because they are not registered, but they do not get preference in Government institutions.

Hon. J. E. DODD: The Bill says that the board shall be called the nurses registration board, and that certain members are to be appointed, one of whom shall be a medical practitioner and three of whom shall be nurses. I am given to understand that the A.T.N.A. is practically controlled by the owners of private hospitals.

Hon. A. J. H. SAW: Members of the A.T.N.A. elect their own officers.

Hon. J. E. DODD: That may be so, but I do not think the nurses have shown themselves keen in the control of the business of the A.T.N.A.

Hon. A. H. PANTON: You ought to get in touch with them to find that out.

Hon. J. E. DODD: I have had a certain amount of experience, having controlled the Medical Department for about 18 months, and I know pretty well what is taking place. I hope the Government in making these appointments will take this matter into consideration. I agree with what Dr. Saw has said regarding hours and uniform conditions. I think the nurses are working far too many hours. During the period the Labour Government were in power, something was done respecting revision of the hours. There were nurses at the Old Men's Home and others at the Hospital for the Insane. The eight hours' system was brought into the Old Men's Home, and I think it was also brought in so far as the Hospital for the Insane was concerned. At the time the Government went out of office, we had appointed an officer in the civil service to try to adopt some scheme of uniformity not only regarding the duties as outlined by Dr. Saw, but regarding allowances as well. The difference between allowances and wages at different institutions was astonishing. I understand the present Government have appointed an officer to deal with this aspect, and to endeavour to establish some uniformity throughout the whole of the service. I hope something will be done in that direction. The Bill provides much for the benefit of the nurses, and if something can be done to give preference to nurses who have been away with the forces, I trust that that will be done during the Committee stage.

Hon. J. W. HIGKEY (Central) [9.3]: I support the second reading of the Bill. I was rather sceptical regarding the measure at the outset, but I have made inquiries and it seems to me that with a few slight amendments in Committee it can be made to conform to my ideas. I was glad to hear the eulogy by Dr. Saw regarding the West Australian nurses, who, he said, were the best in Australia, but I was impressed by an interjection by Mr. Panton who retorted that they were the worst paid. I do not know if it is possible to frame an amendment that will insist upon nurses in Government institutions being remunerated somewhat nearer the rate they are entitled to. Perhaps the leader of the House will give us an opportunity to do that.

Hon. Sir E. H. Wattenoom: You will make it a money Bill then.

The Minister for Education: We would not be able to deal with it at all if that were done.

Hon. J. W. HICKEY: I often go into Government hospitals, and I can assure members that the conditions under which the nurses are working are almost a disgrace. They are working all sorts of hours, and there are apparently no restrictions whatever in the hospitals. Whatever conditions there may be provided, they are not observed. We can deal with hours, I presume, under the Bill?

The PRESIDENT: I do not think that the hon. member can deal with hours. It is a Bill for the registration of nurses.

Hon. J. W. HICKEY: Then we will deal with the nurses' ages. I think they should be reduced from 21 to 18. I have a lot of friends who are qualifying for the nursing profession, and I am certainly getting tired of advising them against accepting this occupation. The minds of these girls may be rather susceptible at the earlier age, but a large percentage of those who start nursing when they are 21 leave shortly afterwards. I support the contention that the age should be reduced from 21 to 18. There are certain matters that require amendment in Committee, but generally speaking I support the second reading of the Bill. I am sorry that we cannot deal with the matter of hours and wages.

Hon. A. H. Panton: Bring down a private Bill.

Hon. J. W. HICKEY: We may do that later on. I hope we will be able to work in something which will suggest to someone else the necessity for making such an alteration.

Hon. A. LOVEKIN (Metropolitan) [9.9]: I support the second reading of the Bill. I thoroughly endorse the statement of Dr. Saw regarding the hours that nurses work.

The PRESIDENT: The hon. member perhaps did not hear what I said to Mr. Hickey.

Mr. LOVEKIN: I beg your pardon, Mr. President?

The PRESIDENT: After having been asked by Mr. Hickey whether he could discuss the question of hours under the Bill, and having answered in the negative—

Hon. A. LOVEKIN: I will leave it at that, then.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [9.10]: Most of the matters raised during the debate can be dealt with in Committee. I would like to assure Mr. Mills that nurses who have registered will be accorded preference under Clause 12. To Clause 5, I propose to submit an amendment which will make the matter more clear. The suggestions put forward by Dr. Saw will be conveyed by me to the Medical Department. They are doubtless valuable suggestions which may be car-

ried into effect. It must be realised that different institutions are under different control. The Woolooloo Sanatorium is purely a Government-controlled institution. The Perth Public Hospital is controlled by a committee appointed by the Government.

Hon. A. J. H. Saw: The Government provide the funds for nearly all of them.

The MINISTER FOR EDUCATION: The Children's Hospital is controlled by a committee appointed by the subscribers. The Government have only one representative, and do not provide quite half the funds. There are difficulties in the way of the suggestions by Dr. Saw being given effect to. Regarding the election of the board, it is the intention of the Government so far as the first board are concerned, to consult with the Australian Trained Nurses' Association and the Returned Nurses' Section as to who shall be the members of the first board. Their nominations will be received and after the members of the board are appointed, they will hold office for one year. When the board get to work and get the register completed there can be no other method than election by those actually registered. To say that after registration, this board shall be appointed or nominated by the Australian Trained Nurses' Association would be entirely at variance with the objects of the Bill, because that organisation is a purely honorary one. The registered nurses are the people interested, and they should be those who should elect the board.

Hon. A. H. Panton: What about the chairman and secretary?

The MINISTER FOR EDUCATION: The provision regarding the secretary was put in as a matter of convenience. I have no objection to it being struck out, and I have no objection to the board appointing their own secretary.

Question put and passed.

Bill read a second time.

In Committee.

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

Hon. Sir E. H. WITTENOOM: I suggest that the Committee stage be postponed until later on to enable us to look into these matters.

The MINISTER FOR EDUCATION: The Bill has been here a fortnight. If we encounter any point which requires attention we can consider the position then.

Clause 1—agreed to.

Clause 2—Nurses registration board.

Hon. R. J. LYNN: Subclause 4 provides that the other members of the board shall be a medical practitioner and three nurses. Is any remuneration attached to membership of this board?

The Minister for Education: None at all.

Hon. V. HAMERSLEY: The subclause does not provide that the three nurses to be appointed on the board shall be trained nurses. I move an amendment—

That in line 2 after "three," the word "trained" be inserted.

Hon. A. Lovekin: Would not "registered" be better?

The MINISTER FOR EDUCATION: There is no necessity for either word. I do not know whether there is a definition of the phrase "trained nurses" until this Bill is passed.

Hon. A. H. Panton: Would not membership of the Australian Trained Nurses' Association provide a definition?

The MINISTER FOR EDUCATION: That is a purely honorary organisation and the word proposed by Mr. Hamersley would have no legal meaning. Mr. Lovekin suggests the word "registered." This Bill contemplates the establishment of a board which will arrange for registration. If the subclause is left as it stands, the board in the first instance will be appointed by the Government on the recommendation of the Australian Trained Nurses' Association, and the Returned Nurses branch. Afterwards the board will be appointed by the registered nurses themselves.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That Subclause 7 be struck out.

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

Clauses 3, 4—agreed to.

Clause 5—Who may be registered as nurses:

The MINISTER FOR EDUCATION: I move an amendment—

That after "hospital," in line 4, the words "or training establishment" be inserted.

Amendment put and passed.

Hon. J. E. DODD: The Sisters' Subsection at No. 8 Base Hospital, Fremantle, have sent out a circular in which they state—

At our meeting on Monday, October 18th, it was decided to circularise every member to ask his assistance in getting passed a registration Bill that would suit the nurses. I enclose copies of the alterations suggested to the Bill now before the House; also the original petition sent in by our subsection. Words to be added to Clause 3 "For gain"; to Clause 5, Meaning: "Nurses non-members of the A.T.N.A. Women who have had 18 months or two years' hospital experience and who have been earning their living by nursing for a few years." It is recognised that those ladies must be allowed to continue earning their living and must be allowed to register.

I take it that this does not debar nurses in other public hospitals from earning a living?

The MINISTER FOR EDUCATION: The board will be the arbiter as to what hospitals or training institutions shall be recognised. Many years ago the recognised period of training was two years. Therefore, there should be some power to accept the two years' service from nurses who have since been practising their profession. It was intended to make this clear in the proviso but the proviso has not been worded as it should be. I move an amendment—

That the proviso be struck out and the following inserted in lieu:—"Provided that the board shall accept a certificate of two years' training given at a hospital or training establishment recognised by the board during the time when two years was the generally recognised period of the training course for nurses.

This would meet the case mentioned by Mr. Dodd.

Hon. V. HAMERSLEY: I am not satisfied that the proviso would not debar from registration a number of nurses in the country districts. Many women have been practising nursing for a great number of years and they would be barred because they had not received training in a recognised hospital. Yet, as nurses, they are probably more highly qualified than others who have served a short period in recognised hospitals. If they were not registered they would probably find it impossible to earn a living.

Hon. A. J. M. SAW: The only privilege given to a nurse after registration is that she may wear a badge and shall have preference in Government hospitals.

Hon. R. J. LYNN: Only in Government hospitals?

Hon. A. J. M. SAW: Yes. A private hospital can still employ nurses as previously and a doctor can employ the nurse he had before. It would be a great mistake to make the field too wide. It would mean that the Government had to employ nurses who had not received training and who might be responsible for the training of other nurses. There is nothing to prevent a nurse who has not done her two years' training from earning a living. I agree with the amendment. Some of the most respected nurses in the State have had only two years' training, that being the period in vogue at the time.

Hon. A. H. PANTON: I am not quite satisfied that a large section of nurses will not be debarred. The measure provides for the registration of nurses and those nurses mentioned by Mr. Hamersley have as much right to be registered as any other section, provided they have done two years' training.

The Minister for Education: So they will.

Hon. A. H. PANTON: I do not agree with Dr. Saw that a large number of unskilled nurses may get into the public hospitals. Although Clause 12 provides for preference of employment to registered nurses, there is a provision not to interfere with probationary nurses. The probationers training in the Perth, Woorlooloo and Kalgoolie hospitals would be sufficient to staff those institutions.

Hon. A. J. H. SAW: I was referring to the condition which would arise if a less period than two years was inserted. Mr. Hamersley suggested that nurses who had done a short period or no period of training should be allowed to register.

Hon. J. W. HICKEY: I am not sure that this clause will not prejudice nurses practising in the back portions of the State. There are nurses out there who have not had an hour's training and they could not be registered.

Hon. A. J. H. SAW: They can do private nursing.

The MINISTER FOR EDUCATION: This Bill is intended to give certain very limited privileges to trained nurses. It is not intended to take away any rights from other nurses. If we provided that every person practising nursing without being trained should be entitled to registration, the Bill would be useless.

Hon. J. Nicholson: The Bill will not prevent untrained nurses from practising.

The MINISTER FOR EDUCATION: That is so. If the Bill were designed to prevent any save trained nurses from practising, we might require a provision to register all who were now practising.

Hon. V. HAMERSLEY: The Bill gives preference to those who will be trained in the city and in one or two of the larger centres.

The Minister for Education: Trained in any hospital.

Hon. V. HAMERSLEY: Will they be recognised?

The Minister for Education: Yes.

Hon. V. HAMERSLEY: The great difficulty is to get people to undertake the nursing which is so necessary in the back blocks. There might be a tendency to recognise only the training of those who pass through the Perth or Fremantle hospitals. I want an assurance that those trained at Carnarvon or Broome will be recognised.

Hon. R. J. LYNN: Under this clause the board of examiners must be satisfied before a certificate of registration can issue. The matrons of some of the best private hospitals in this city, if called before a board of examiners to-day, might not be able to pass an examination.

The Minister for Education: They will not be asked to do so.

Hon. R. J. LYNN: The Hospitals Act of 1894 provides that the Governor may from time to time by proclamation in the "Government Gazette" declare any places deemed suitable for that purpose, to be public hos-

pitals. Is it not possible that the board might declare one of the private hospitals in the city a public hospital, whereupon the nurses employed there might not have the necessary qualifications under this Bill?

The MINISTER FOR EDUCATION: I fail to see that either under this Bill or under any Act of Parliament it would be possible for the board to declare a private hospital a public hospital.

Hon. R. J. LYNN: If the Minister will refer to Clause 12 and then say that he is quite clear on that point, very well.

The CHAIRMAN: The hon. member cannot now discuss Clause 12.

Hon. R. J. LYNN: I am contrasting the various definitions.

The MINISTER FOR EDUCATION: The certificated nurses to whom the hon. member refers, practising in private hospitals, will not be called upon to undergo any examination.

Hon. R. J. LYNN: But will they be able to get registration?

The MINISTER FOR EDUCATION: Yes, on production of their certificates. The examinations prescribed are those which future students will have to pass in order to obtain certificates. The holding of a present certificate is a warrant for registration.

Hon. R. J. LYNN: But even on the production of the certificate the board would have to satisfy themselves as to certain matters of training and so forth.

Hon. A. J. H. SAW: Under Subclause 1 of Clause 5 no examination whatever is necessary. Subclause 2 relates to people who after the 30th June of next year apply to be registered, and for them an examination will be necessary. Clause 12 only refers to the class of hospital in which preference will be given to registered nurses.

Hon. R. J. LYNN: I must accept the hon. member's assurance, but I cannot interpret these clauses as he does. Irrespective of holding a certificate a nurse must prove certain things to the satisfaction of the board. If she can produce a certificate and prove her identity, will that suffice?

Hon. A. J. H. SAW: Yes.

Hon. A. LOVEKIN: Would this clause prevent a nurse who had been trained in a private hospital from becoming registered?

The MINISTER FOR EDUCATION: No. The clause says, "a hospital recognised by the board." It is for the board to say what hospitals shall be recognised.

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

Clauses 6 to 11—agreed to.

Clause 12—Preference to be given to registered nurses:

Hon. A. LOVEKIN: Is this clause covered by the title of the Bill? Clause 12 and also Clause 10 seem to render it necessary to add to the Title the words "and for other relative purposes."

Clause put and passed.

Clause 13—agreed to.

Title:

The MINISTER FOR EDUCATION: I think that Mr. Lovekin is right, and that the Title should be amended as he has suggested. I move an amendment—

That there be added to the Title the words "and for other relative purposes."

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

Bill reported with amendments, including an amendment to the Title.

BILL—CITY OF PERTH ENDOWMENT LANDS.

Second Reading.

Debate resumed from the 2nd November.

Hon. J. E. DODD (South) [9.41]: I believe this Bill to be a good one, and I believe that the property to which the Bill applies is a very fine one, and that the object of the Perth City Council in seeking the powers in this Bill is good. I have been over parts of the property, and I think it is one of which the council can make good use, possibly a unique use so far as Australia is concerned. I am very pleased with the provision in the Bill for the option of rating on the unimproved value of land. That clause is undoubtedly a sign of the times. The council are given a certain right under this Bill in regard to hotel licenses, Clause 45 providing—

No license under the Licensing Act, 1911, or any statutory amendment or modification thereof shall be granted by any licensing authority to any person in respect of any building erected or to be erected on any part of the said lands without the consent in writing of the council is first obtained.

I wish to draw attention to the necessity for either the Government or the Perth City Council obtaining power to take what may be termed the unearned increment of a hotel site. There is not the least doubt that as the years go on, any hotel license granted on these endowment lands will become a very valuable proposition, will become, indeed, a monopoly. I am not altogether sure whether a license can be granted on the lands at the present time, seeing that a local option poll has decided against continuance. The Minister for Education: Against increase.

Hon. J. E. DODD: Yes. A license may be granted, and then another poll may reverse the previous decision, giving on these endowment lands what exists in various parts of the State—a monopoly in the sale of liquor. Such a monopoly offers the means of securing a large income, and that is what is likely to happen in connection with the endowment lands. Therefore I desire to see provision made whereby either the Government or the Perth City Council would reap some of the benefit arising from unearned increment as regards hotel sites. In my

opinion it is quite possible that in years to come the endowment lands will become the Brighton of Western Australia, with thousands upon thousands of visitors, and a hotel site granted there must become very valuable indeed. And, as I say, it is the duty of the Government and of the city council to try to get some of the monopoly value that will be created. Again, I direct attention to the very wide powers given to the city council. Under Clauses 39 and 40 they can do almost anything. I question whether the Government are safeguarding themselves in respect of the powers given to the city council. Take an instance of what I mean. It may be that in the future the Government will require to establish on those lands certain public buildings. What power do the Government possess under the Bill to see that the roads and footpaths required to serve those buildings shall be maintained as they ought to be? I want to point to an instance showing that the city council have no regard whatever for the Government or for the people in reference to public buildings. Take the state of the roads and footpaths in front of Parliament House, and again in George-street, just below here. Why are those roads and footpaths in such a shocking condition? For the simple reason that no rates are paid in respect of the public buildings abutting on those streets. I do not wish anybody any harm, but I hope that if any member of the city council should be unfortunate enough to strike rheumatism and neuritis, he may be compelled to be wheeled up and down Harvest-terrace in an invalid chair. Perhaps after that experience he will endeavour to pay the same attention to the condition of streets on which public buildings abut, as he and his colleagues do to streets on which their own properties abut. We may have the same neglect on the endowment lands, and so I want the Government to reserve to themselves the power to compel the city council to pay proper attention to the streets and footpaths to be constructed on those lands. I hope the Minister will take note of what I say, because the powers to be given to the city council are almost absolute. I am sorry in a way that the Government cannot decide to construct the proposed tramway themselves. I would rather the city council construct it than have it left to private enterprise, seeing that we have a Government system of tramways, but since it is such a small line that is required it would be much better if the Government were to construct it themselves. I hope the city council will evolve a splendid place out of the endowment lands. I notice in the published report of the last meeting of the city council that there was some disagreement with the Government in regard to reserving a portion of the ocean frontage. I do not know whether the Government are satisfied that they have the necessary power in regard to that matter. However, I will support the second reading.

Hon. J. EWING (South-West) [9.50] I support the remarks of the hon. member in regard to the very bad state of the footpaths in front of Parliament House and other public buildings. Possibly the reason he has put forward for that condition is the correct one. It must be very gratifying indeed to Mr. Dodd to know that rating on the unimproved capital value is to be established by the Bill. Presumably this question is now settled and we shall not have to debate it any further. The borrowing powers conceded to the city council strike me as being enormous. Apparently they will have power to borrow a quarter of a million. It will be very necessary for the citizens to see that they have in the council men of ability, in order to ensure the wise expenditure of this money. So far as I can see, the rates will go up enormously. It is already questionable whether property is worth having. Sub-clause 8 of Clause 40 contains a principle which I have been combating for many years. It provides for municipal trading to the fullest extent. The city council are to have power to manufacture and sell lime, cement, or other products. They are going in for municipal trading to the fullest possible extent. We are to give the city council authority to borrow £250,000, and in addition allow them to manufacture lime and other products in opposition to private persons who are at present developing the country. If I had the opportunity when in Committee, I would vote against that clause. It is against my principles and, I think, against fair and honest dealing. Is there to be no consideration for those persons who have invested their money at Lake Clifton opening up that territory, building a railway, manufacturing cement and procuring lime for the people of the South-West? Here we have the city council asking for powers to compete against those investors who have put so much money into their enterprise at Lake Clifton. I would fight to the last ditch this class of legislation. The point struck me the moment I read the clause, and I determined to issue a warning to those who are engaged in developing the State, a warning that they are to have Government interference and municipal training of the most flagrant kind to battle against. I had intended to speak at some length on Clause 47, but perhaps I should not be in order in discussing it at this stage. Therefore, I have given notice of a motion which will enable hon. members to debate this question later on. At present the city council are receiving electricity at a rate lower than that charged to anybody else in Western Australia. How it came about, I cannot imagine.

The Minister for Education: Under an agreement made in 1913 and sanctioned by Parliament.

Hon. J. EWING: A very bad agreement indeed. I cannot understand Parliament consenting to the city council receiving its current at less than it costs the Government to

produce it. It is of no use at this stage touching upon the question of what the cost of electric power should be, but I say that no country can be great until it gets its electric power at a reasonable rate. This rate is not reasonable, as I hope to show later on. It should be possible to make the city council pay the Government what it costs to produce the power.

The Minister for Education: That can be done 50 years hence, when the agreement expires.

Hon. J. EWING: Probably I shall not be here then. The time has come when cheap power is about to be developed in this State as well as in every other country requiring it for industrial and commercial purposes. When the power can be produced at a cost less than half what the city council is now paying for it, will they still have to pay the maximum or will they get a reduction proportionate to the reduced cost? I suppose when that comes about they will want a reduction, although in the meantime they are not willing to pay the Government a fair thing. I have pleasure in supporting the Bill. The city council in opening up this virgin land, laying out roads and streets, constructing tramways, erecting houses and building a suburb which will be a credit to Perth, have a great responsibility. They have also a great deal of money with which to carry out this work, and I should not be surprised if, in two years' time, when they find how expensive the work is, they will want another £250,000.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.58]: Can the leader of the House tell us if there is any restriction on the interest to be paid for the money to be borrowed; can the city council pay any interest they deem advisable?

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [9.59]: Most of the points raised can be dealt with in Committee, and I do not propose to proceed with the Committee stage this evening. In regard to Mr. Sanderson's question, the Bill alters the existing borrowing powers of municipalities under the Municipal Corporations Act only to the extent of providing that, in calculating the amount which the municipality shall be entitled to borrow, anything which they borrow under the provisions of the Bill shall be excluded. That is the only variation. All the other provisions of the Municipal Corporations Act for borrowing money apply, and the Municipal Corporations Act does not fix any rate of interest to be paid. The protection it affords is that the municipality must publish the particulars of the proposed loan, and the ratepayers have the right to demand a poll and, if they like, veto the proposal. The question raised by Mr. Dodd in regard to protecting the unearned increment of the hotel sites is, I think sufficiently covered in the Bill by the pro-

vision to which he has referred. It will mean in practice that no person will be able to get a license without the municipality receiving full value for it. The land will be specially sold for that purpose or specially leased, unless in the meantime we have prohibition altogether, in which case there will be no licenses at all. I appreciate what the hon. member said in regard to the construction of roads in front of Government property, but I do not see that any provision could be included in a Bill such as this to compel the municipality to do anything. The matter raised by Mr. Ewing in regard to Subclause 8 of Clause 40 can be discussed in Committee. The agreement referred to in Clause 47 was an agreement made in 1913, and the basis of it was an estimate that current could be manufactured at .52d. Therefore it was thought quite safe to make the agreement with the Perth Municipal Council to sell to them at .75d. What has happened is that the estimate has not materialised, and it appears to have been a bad bargain from the point of view of the State, but a good bargain from the point of view of the municipality, when the rate was fixed for a period of 50 years. Personally, I realise fully the extent to which the municipality of Perth was prejudiced by the acquiring of the tramways by the Government, and consequently—I am speaking for myself—I take no exception to the small advantage they are getting in this direction.

Question put and passed.

Bill read a second time.

House adjourned at 10.5 p.m.

Legislative Assembly,

Tuesday, 9th November, 1920.

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

CONDOLENCE—RAILWAY ACCIDENT, MORNINGTON.

The PREMIER (Hon. J. Mitchell—Norham) [4.32]: Since the House adjourned last week, a terrible disaster has overtaken the people of this country. I refer to the most unfortunate railway accident which occurred at Mornington on Saturday night. Hon. members are, of course, well aware that there has been great loss of life, and they know that the accident has brought sorrow to many homes, as well as creating consternation in the minds of those who are engaged in the timber industry. This is really the first big railway accident Western Australia has experienced during all the years the railways have been running here. I am sure that the House would wish to express its sympathy with the relatives of the deceased men, and also sympathy with the men who have been injured and with their friends. I move—

That this House desires to express its deepest sympathy with the relatives of the men who lost their lives in the recent unfortunate railway accident at Mornington.

Hon. P. COLLIER (Boulder) [4.34]: In seconding the motion which has been moved by the Premier, I desire to say that I join with the hon. gentleman in expressing the deep regret of the members of this House, and I am sure of the whole of the people of this State, at the extremely sad accident which has occurred in the South-West. It is one of the most tragic happenings that have occurred in the history of Western Australia. Fortunately, we have hitherto been free from like events. All the people of the State will sympathise with the relatives of those who met their death in that terrible calamity, and also with the men who are injured. I am sure I voice the opinion of every member of the House when I say that our deepest sympathy goes out to the bereaved relatives.

Mr. O'LOGHLEN (Forrest) [4.35]: I desire to say just a word to supplement the remarks of the Premier and the leader of the Opposition. In my opinion it is a proper thing that public men should not be unmindful of the sorrows of others. There has been a very serious disaster, and it demonstrates the risks associated with the timber industry. Several of the unfortunate victims were men who had faced the bursting bombs of the battlefield, and they have come home only to be killed in following a peaceful avocation. It is but right that the House should express its sympathy with the relatives in the terrible loss they have sustained. As I personally knew several of the victims, I can only say that I think a fitting inscription on their headstones would be that they lived for their fellow men.

Mr. HARRISON (Avon) [4.36]: I support the remarks which have fallen from the