Legislative Assembly,

Tuesday, 19th November, 1929.

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

ASSENT TO BILLS.

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

1, Treasury Bills.

2, High School Act Amendment.

ELECTION RETURN—IRWIN.

The Speaker announced the return to a writ for the election of a member for Irwin, vice Mr. C. C. Maley deceased, showing that Mr. H. K. Maley had been elected.

Mr. H. K. Maley took and subscribed the oath and signed the roll.

QUESTION DISALLOWED.

MR. TEESDALE: I wish to give notice of the following question:—Has the attention of the Minister for Justice been drawn to the extraordinary leniency of a judge in discharging J. A. Cowie, of Fremantle, upon a surety of £100 after his having pleaded guilty of forging and uttering a scrip certificate for Freney's Oil Company, in contradistinction to a sentence by the same judge of 12 months with hard labour on one Jack Green, a first offender, aged 24 years, convicted of stealing a few groceries from a bush store?

Mr. Lambert: I ask your ruling, Mr. Speaker, whether the question is in order.

Mr. Teesdale: If you are as much in order, you will do.

Mr. SPEAKER: This is a matter reflecting upon a judge and therefore a substantive motion must be moved in order to deal with it. It cannot be submitted in the form of a question.

Mr. Lambert: Give notice of motion.

Mr. TEESDALE: I give notice of my intention to move in the matter.

QUESTION—GOLDSTEALING, PROSECUTIONS.

MR. SLEEMAN (for Mr. Marshall) asked the Minister for Police: 1, How many persons were prosecuted in the Coolgardie, Kalgoorlie and Boulder courts from 1902 to 1906 inclusive on charges of gold-stealing? 2, How many were prosecuted during the same period on charges of unlawful possession of gold?

The MINISTER FOR POLICE replied: 1, 29. 2, 65.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Council's Amendments.

Schedule of four amendments made by the council now considered.

In Committee.

Mr. Lambert in the Chair; the Minister for Lands in charge of the Bill.

No. 1. Clause 2, paragraph (b).—Insert after "mortgagor" in line one, the words "the whole or any part of."

No. 2. Insert after "instalment," in line five, the words "or any part thereof so refunded."

No. 3. Insert after "principal and interest" in line eight, the words "or any part thereof."

No. 4. Insert after "instalment" in line fourteen, the words "or the part thereof."

On motions by Minister for Lands, the Council's amendments were agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the council.

BILL—ROADS CLOSURE (No. 2).

Second Reading.

Debate resumed from the 14th November.

HON. SIR JAMES MITCHELL (Northam) [4.45]: I have no objection to the passing of the Bill. I have looked through the measure, and to me it appears to be in order. In my opinion it would be better if only one Bill for the closing of roads were brought down each session. That is the usual course. However, this time the Minister has introduced a second Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Angelo in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Closure of portion of Fraser-street, Claremont:

Mr. NORTH: I have a letter from the president of the Swan Progress Association asking that Fraser-street be closed because it separates the blocks of the school ground. Is that difficulty met by this clause?

The Minister for Lands: Yes.

Clause put and passed.

Clause 5—Closure of portion of Morrison-crescent, Midland Junction:

Hon. W. D. JOHNSON: Is this a closing for the purpose of partly extending the school ground and partly of improving matters from a health point of view?

The Minister for Lands: That is the position.

Mr. LATHAM: Under the Municipal Corporations Act, upon the closing of a road, is not the land automatically revested in the municipality? If so, I do not see how the school would get the use of the land. The Minister might look into the point.

Hon. W. D. JOHNSON: I believe the understanding to be that the road when closed will revert to the municipality, which will thereupon re-transfer portion to the Crown. The remainder is to be used in improving health conditions.

Clause put and passed.

Clause 6—Closure of portion of Marquis-street and other streets:

Mr. LATHAM: Does the closure refer to the new Metropolitan Markets?

The Minister for Lands: Yes.

Mr. LATHAM: Is it proposed to hand over the closed area to the Market Trust?

The Minister for Lands: Yes.

Mr. LATHAM: The point I previously raised applies here. There is nothing to compel the Perth City Council to hand over the land to the trust. The proper course would be to re-vest the land direct in His Majesty.

Hon. W. D. Johnson: In that event not many roads would be closed, because the councils would object.

Mr. LATHAM: I do not think for a moment that they could object. This seems a roundabout way of doing the business.

Clause put and passed.

First and Second Schedules, Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and transmitted to the Council.

BILL—FREMANTLE ENDOWMENT LANDS.

Second Reading.

Debate resumed from the 14th November.

HON. SIR JAMES MITCHELL (Northam) [4.54]: This Bill contains rather a strange proposal. Its object is to give the Fremantle Municipal Council power to hand back to the Government certain endowment lands apparently granted to the Fremantle Municipal Council years ago. The area to be handed back was not mentioned by the Minister for Works in moving the second reading; but to-day he has supplied a plan, from which I see that the area affected is slightly over 200 acres. The land is of considerable value, I believe; yet the Minister does not propose that the Fremantle Council shall get anything at all from the proceeds of the sale of the land. That point should have been made clear by the Minister when he spoke, so that the people of Fremantle might know what it is proposed to do. Doubtless there is something to be said on the other side; the Government undertake, before receiving the surrender, to subdivide the land and construct roads and footpaths,

the cost of this work to be borne by the Treasury.

The Minister for Works: Who says so?

Hon. Sir JAMES MITCHELL: I have it on good authority.

The Minister for Works: Not from me.

Hon. Sir JAMES MITCHELL: There is too much secrecy about our work. As I am entitled to do, I to-day rang up the Mayor of Fremantle and questioned him.

The Minister for Works: He has no such undertaking from me. He has no right to say that, because no such undertaking has been given.

Hon. Sir JAMES MITCHELL: The Mayor of Fremantle said the Government would do this work. I ask, would it not be ridiculous and wrong of the Fremantle Council to surrender some 200 acres of valuable land to the Government unless the Fremantle people were going to get something in return? The Fremantle people will, of course, be saved the expense of making roads and footpaths on the land. Would any reasonable council surrender anything so valuable as this land to the Crown without a consideration? It is nonsense to suppose so. The Minister for Works may think this is a joke. If he had his way, no member of the public would speak to a member of Parliament without the Minister's permission.

The Minister for Works: There has never been any mention of roads and footpaths. The matter was never mentioned to me by the mayor or the councillors, and no undertaking has been given by the Government. If such information has been supplied to the hon. member, he has been given information that is entirely incorrect.

Hon. Sir JAMES MITCHELL: I have given to the House information that has come to me.

The Minister for Works: Information that is incorrect.

Hon. Sir JAMES MITCHELL: I prefer to believe the Mayor of Fremantle, because it is only reasonable to suppose there would be some consideration for the surrender. The Government propose to sell these endowment lands, which are vested in the Fremantle Municipality. The council could sell the freehold themselves, and thereupon purchasers could approach the Workers' Homes Board with applications for funds to erect buildings. They could also get money under the Commonwealth scheme for the erection of houses. It is necessary for the applicant to have the freehold, but the municipality has the right to sell. No doubt it would be an expensive matter to subdivide the land and put in roads and footpaths. I suppose the Minister would refer to that section of the Workers' Homes Act which permits of the building of homes in the country, the object being to induce people with families to leave the cities; with that end in view it was decided to erect a number of houses here and there in the backblocks. That scheme has resulted in much good, the houses being erected at a low cost—about £240 each, I think. However, I doubt whether a single building has been put up under the scheme since I left office. Now, apparently, it is desired that this should be done in Fremantle; and I have no objection to its being done. Sufficient houses should be provided for the people, and I entirely approve of the Government's action in granting freehold. This is not to be leasehold land any longer; the lessees are to be given the freehold, and the board are to fix the value of the land. I do not think there will be competition for the land; I do not know how there could be competition under a scheme of this kind. At any rate, if the land is to be surrendered to the Crown, the proceeds for the sale of the 200 acres should go towards the construction of roads and footpaths through that area.

Mr. Withers: Will not the council benefit from the rates and taxes when the homes are erected?

Hon. Sir JAMES MITCHELL: Not if the Minister for Works can put his hands on it. That is the position. Endowment lands such as the area under discussion can bring little revenue to a municipal council until houses are erected on the property. Such areas are dead weights until that stage is reached. We are asked to approve of the surrender of the area by the council to the Government, and that surrender will be under such conditions as the council may think fit. The Bill does not set out those conditions but merely gives the power to surrender. Certainly the Fremantle Council will make some conditions governing the surrender. I hope the scheme will be proceeded with soon. I suggest to the Minister that it would be better if he were to allow those who want to have homes erected on the surrendered area, to submit their plans direct so that they may secure

the type of houses they require for the needs of their families. If the Minister were to erect a lot of houses that were all alike, it would not suit many people. I presume the houses will be for the workers of Fremantle, and I hope that the money will soon be available to enable them to be constructed. I believe that under the Federal scheme something like £100,000 was to be set aside for work of this description, but there may be some difficulty in securing the funds now. I hope that will not be our experience. It is not often that we find a local authority willing to surrender land in their possession. It would be stupid of them to part with land, unless something were promised that would improve the property very soon. When I listended to the Minister's speech I realised that he did not have much hope of making an early start on the erection of the homes, on account of the lack of money. If that is to be the position, it will not be much use the Fremantle City Council surrendering the property to the Crown. As we are merely asked to empower the Fremantle Council to surrender the land, I do not propose to oppose the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Fremantle City Council authorised to surrender portion of Cockburn Sound location 551:

The MINISTER FOR WORKS: I want to make it perfectly clear that the statement made by the Leader of the Opposition that the Government will undertake the construction of roads and footpaths through the endowment lands that will be surrendered, has no element of fact in it at all. The Government have given no such undertaking nor are they likely to do so, and no such suggestion was made during the course of negotiations. That point should be made perfectly clear. The council asked me to meet their representatives to discuss the matter and suggested the surrender of the endowment lands with the object of having the area dedicated for the purposes of workers' Homes. During the whole of the discussions no such undertaking as that mentioned by the Leader of the Opposition was either suggested or given. The hon. member himself answered his query as to what the council would get out of it, when he said that the council would derive rates from properties when the buildings were erected, whereas they get nothing from the property now. At present people are leaving the Fremantle district because they cannot get homes there.

Mr. Latham: Could not the council give the people building leases for blocks on the endowment lands?

The MINISTER FOR WORKS: No. The area is vested in the council for a particular purpose. It is for use as a commonage and the Act will not allow the council to erect buildings there. I do not think I should be accused of keeping back information from the House. I am generally too open, and give too much information to the House.

Mr. Latham: Have you been getting into trouble?

The MINISTER FOR WORKS: I never keep anything back when I am placing legislation before hon. members. I give them all the information that I have at my disposal. If it had been suggested by the council during the negotiations that the Government should accept the responsibility of constructing roads and footpaths, I would not have proceeded thus far with the matter. I hope I have made the point quite clear that no suggestion was made at any stage of negotiations. The Bill merely provides power whereby the council may surrender the land to the Government, and perhaps the point mentioned by the Leader of the Opposition is one that the council will take later on. It is just as well for the council to know now that it will be wasting time to make such a proposition to me.

Hon. Sir James Mitchell: The Bill will last for a long time.

The MINISTER FOR WORKS: That is so, but it should not be said that information was withheld from hon. members when no such information was in my possession. I doubt if it was in the minds of those who were negotiating with me, but, at any rate, it was never mentioned. The hon. member was not fair in saying that I kept information back. He made the statement as though it was a fact, when, in reality, there was not the slightest

semblance of fact in his assertion, from the Government standpoint.

Hon. Sir JAMES MITCHELL: I am not likely to give hon. members information that I do not think is correct, and I gave what I considered was accurate information, as it was given to me. It seemed to me a perfectly reasonable suggestion, too. I do not know what the Minister proposes to do, or what the council will insist upon, but it is perfectly reasonable that the proceeds of the sale of the land should go to the council.

Clause put and passed.

Clause 3—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Read a third time and transmitted to the Council.

BILL—FORESTS ACT AMENDMENT.

All Stages.

On motion by the Premier, Bill introduced and read a first time.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [5.15] in moving the second reading said: This is a small Bill that comes up annually. It has to do with sandalwood revenue under the Forests Act and the expenditure of portion of that revenue on the reforestation and improvement of sandalwood. Under the Forests Act three-fifths of the net revenue had to be placed to the credit of a special fund in the Treasury for the purpose of the reforestation of State forests. Under Section 41 of the Forests Act the whole of the revenue received from sandalwood would be dealt with in that way. So three-fifths of it would be set aside for reforestation, and two-fifths would go into general revenue. It was realised that that large sum was not required for the purpose of sandalwood reforestation, so in 1924 an amendment of Section 41 of the Forests Act was passed. That amendment provided that 10 per cent. of the total revenue from sandalwood, or £5,000, whichever was the greater, would be devoted to that purpose. The Bill was made an annual one, and so it has been brought down each year for the past five years, and the sum of £5,000 annually set aside for the reforestation of sandalwood. But the expenditure each year has not reached that amount.

Mr. Stubbs: Would it not be as well to expend the full amount on sandalwood reforestation?

The PREMIER: No, for we do not spend money unless we can spend it wisely and economically. The Conservator of Forests says there has not been justification for the expenditure of £5,000 each year. In 1924-25 the expenditure was £1,600; in the following year it was £3,269; in the next succeeding year it was £3,253; following on that it was £4,613, and last year it was £2,862. So not in any one of the five years has the full amount been spent. In the course of the five years £25,000 has been paid into the fund, and the total expenditure has been £15,709.

Hon. Sir James Mitchell: That is for reforestation of sandalwood.

The PREMIER: Yes, for anything connected with sandalwood, improvements, regrowth, reforestation, and the like.

Hon. Sir James Mitchell: For the moment it sounded as if that were the total revenue from sandalwood.

The PREMIER: It is the revenue paid into this reforestation fund. It is not the total revenue from sandalwood, but the amount set aside for reforestation. After five years of operations, there is now a surplus of £9,307 available for anything that might be required to be done for the improvement or reforestation of sandalwood reserves and the development of the industry generally.

Hon. G. Taylor: That surplus would last you for two years.

The PREMIER: On the average expenditure of the last five years it would last for more than that, for three years. The expenditure has averaged £3,000 per annum; so we now have in the fund sufficient for the next three years, basing it upon the average expenditure of the last five years.

Mr. Stubbs: Would it not pay the State to have that money expended with a view to putting the sandalwood industry on a scale befitting its importance?

The PREMIER: How can that be done?

Mr. Stubbs: By the reforestation of sandalwood.

The PREMIER: I am not an expert in this matter, but I know the fund has been at the disposal of the Conservator of Forests, who says he cannot economically expend any more than he has been expending. The reforestation of sandalwood is only in its experimental stage, and therefore it would be quite unwise to rush in and spend money without knowing whether we would get satisfactory results.

Mr. Stubbs: You will agree that it is a dying industry?

The PREMIER: Not at all. Sandalwood is being cut to-day in areas that were considered cut out 40 years ago. We do not want to throw away money unless we can see some justification, some chance of getting desired results.

Mr. Stubbs: All down the Great Southern sandalwood is cut clean out.

The PREMIER: As to whether it is a dying industry, we cannot say, but we cannot expend money unless it can be done on sound lines. There has been no desire on the part of the Conservator of Forests, who exclusively controls this fund, to curtail expenditure. If he considered it wise to increase the expenditure he would do so.

Mr. C. P. Wansbrough: The experiments up to date have not been entirely satisfactory.

The PREMIER: No. The thing is in its experimental stage and it is doubtful whether we really can do anything to conserve sandalwood. Most of the expenditure has been in fencing areas on the goldfields to protect the young plants from stock, including goats, but we do not know whether anything satisfactory can be done to ensure the regrowth of sandalwood. The Conservator of Forests has gone as far as he considers to be justifiable. One result is that we now have in the fund £9,307. As this is an annual Bill under which we pay £5,000 into that fund, I propose this year to do the same as I did when the Bill was introduced last year, that is to say, suspend payment of that £5,000 into the fund for this one year. What is the use of having nearly £10,000 locked up in the Treasury in a way that prevents it being utilised for any other purpose? The estimated expenditure from this fund this year is £3,500.

Mr. Teesdale: And with only a problematical result.

The PREMIER: Even if that amount is expended we shall still have £6.000 in the fund; so there is no purpose to be served in paying in another £5,000 this year when we already have in the fund more than is required.

Hon. G. Taylor: For two years.

The PREMIER: Yes, and probably for three years. The money can be utilised in many other directions. Our hospitals are crying out for funds, and there is no good end to be served in setting aside £5,000 when it is not required and will not be used during the year. The Bill of last year, the object of which was to suspend the payment of the £5,000, went through this House unanimously, but was amended in another place in such a way as to put it on all fours with the previous annual Bills; that is to say, the £5,000 had to be paid into the fund. So it was paid in and is still there and not required. The Bill before us is the same as the one introduced and passed through this House last year, but of course is not the same as the one that was finally passed: because another place amended it to compel the payment of £5,000 into the fund, although not required. I hope that at any rate this House will do the same as it did last year.

Hon. Sir James Mitchell: If another place amends the Bill and sends it back, will you accept the amendment?

The PREMIER: I am hoping another place has grown wiser with the passing of another year. If members of another place continue to insist upon the money being set aside and locked up in a fund where it is not required, when they know the money is needed in many other directions, the responsibility will be theirs, although I do not suppose that will worry them very much; they appear to be more concerned in embarrassing the Government. There were no logical or reasonable grounds for amending the Bill of last year. It was clearly shown to members of another place that the money was not required for the fund; still they said, "You must pay it in there, all the same." I hope they will have seen their mistake of last year and will agree that we may suspend payment this year instead of placing the money in a fund where it is not required. I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [5.27]: I recall that last year the Premier accepted the amendment made by another place.

The Premier: I had to; else I would have lost the lot.

Hon. Sir JAMES MITCHELL: I do not know whether with justification we can pay out money for the reafforestation of sandalwood, for I understand rabbits and stock are destroying the young plants. Sandalwood may be grown, and in the old days was grown very successfully at Pingelly and Meckering.

Mr. Stubbs: And at Wagin.

Hon. Sir JAMES MITCHELL: In those days it grew satisfactorily, because they were the days before the pests came. Now we have to fence it against rabbits. I doubt if the cost is justified.

The Premier: To fence the lot would cost more than we could ever hope to get out of the industry.

Hon. Sir JAMES MITCHELL: There is no doubt about that. But in view of the higher price being paid for the wood, we are now using very small wood, wood which, in the days before the agreement, when £11 per ton was the accepted price, could not have been pulled at all.

The Premier: And to-day they are taking dead wood and broken scraps.

Hon. Sir JAMES MITCHELL: Yes, that is only because at the present price it pays. Under the old price they could not profitably have collected the sticks they collect to-day. So probably the member for Wagin will realise that the conditions are now very different from what they used to be. Apart from that, we are limiting the quantity to be taken. It will not exceed 6,000 tons this year. On that basis the industry will last for a number of years yet. Then there is a natural re-growth going on all the time, for some of the plants, perhaps a fair percentage of them, must escape the stock and the rabbits. The few sticks that are to be found in the agricultural areas could not with profit have been pulled at a price of £11 per ton, but are well worth while at £25 per ton. I doubt whether it is of very much use to spend the money on the re-growth of sandalwood.

The Premier: It is scattered very much, and an immense amount of money would require to be spent on fencing in order to preserve from vermin the areas re-planted.

Hon. Sir JAMES MITCHELL: It would be possible to preserve a suitable area for the re-growth of this wood by fencing and keeping it free from outside influences.

The Premier: The tree is, of course, a parasite.

Hon Sir JAMES MITCHELL: And for that reason it is not necessary to do a great amount of clearing before it is planted. If the Conservator were to say he wanted the money and could put it to profitable use in re-planting areas with sandalwood, I should oppose the Premier's Bill, but, as the reverse has happened, we can only agree to its going through. If we pass this Bill the Premier will take the money into revenue, and if we do not pass it the same thing will still happen. We could use the money in the general accounts of the Government. I hope the royalty of £9 a ton on sandalwood is dancing somewhere about the State to the advantage of the country. It is probably being used on loan account or some other account, but it certainly is being used. It is fortunate we are able to get so much in royalty from sandalwood. It was not always thought possible to charge £9 a ton. Times, however, have changed. I am glad the Premier sees the value of the industry. He now tells us he has been setting aside too much and that the money ought to go into revenue. Too little of the revenue from our forests goes into the Treasury.

The Premier: We are getting only two-fifths.

Hon. Sir JAMES MITCHELL: Yes, and we are spending some loan money too. The real advantage in cash to the country is not very apparent. It is the law of the land and we have agreed to do it. I support the Bill.

MR. STUBBS (Wagin) [5.33]: I take it the object of the parent Act was to protect the forests of Western Australia. It may be news to members to know that every acre of land from Beverley almost to Albany contained tens of thousands of tons of growing sandalwood 40 years ago. Up to 30 years ago many men and teams of horses were employed in the Great Southern carting sandalwood hundreds of miles either to Albany or Fremantle. I wish to inform the Premier that, some years ago when he decided to place £5,000 on the Estimates for reforestation of sandalwood, it was fast being cut out in large areas. I do not think there is now a tree living between Beverley and Albany. Very large areas of Crown lands as well as others are capable of producing sandalwood. The trees are of very slow growth, and take 30 or 40 years to reach a marketable size. I want to know whether the Premier is satisfied with £5,000 for re-

forestation. He says he does not know much about the subject, and has left everything to the Conservator. Not many countries outside India and Australia grow sandalwood. If the Premier is satisfied that the money spent each year is sufficient to keep the industry before the world, I have no objection to the Bill. I should like to see a little more spent in the reforestation of sandalwood, not only on the goldfields, but in the more closely settled parts of the State where a good rainfall is assured, and the conditions are better than they are on the goldfields. The Premier has saved thousands of pounds in the past, and if he is satisfied that the Conservator has sufficient funds to keep the industry alive for centuries to come, I will support the Bill.

MR. C. P. WANSBROUGH (Beverley) [5.37]: When a sum was originally made available each year for the benefit of the industry, the conditions regarding the growth of sandalwood were more favourabe than they are to-day. The chief agent for the propagation of sandalwood was the kangaroo rat. This marsupial planted the seed. He took it from the tree and buried it at various places up to a quarter of a mile away. His idea was to eat the seedlings in the following year, but, as he missed a great many, the seedlings ultimately grew into matured wood. The conditions to-day are vastly different. Except for the propagation of sandalwood and planting purposes, I fail to see that the money spent will have an appreciable effect upon our local supplies, unless the plantations are surrounded by expensive rabbit-proof fences. The rodents would soon eat off all the young trees. Not only do I agree that the amount should be wiped off this year, but I want to go further and see that more attention is paid to this phase of the industry with the idea of combating the expense that will be necessary to propagate the wood in the future. The industry has been a payable one in Western Australia. In the pioneering days it helped to keep the country going. Now that we have large open areas and a lot of clearing is going on, my opinion is that, except in favoured spots that are free from vermin, any attempt to re-forest sandalwood will meet with failure.

HON. G. TAYLOR (Mount Margaret) [5.40]: I hope the Premier will bear in mind the remarks of the member for Wagin. We have voted money for the reforestation of sandalwood, and the Conservator has told us he cannot economically spend it all. The member for Wagin now says there is a large area of land between Beverley and Albany suitable for the regrowth of sandalwood. The member for Beverley tells us, however, that sandalwood cannot successfully be grown because rabbits will eat off the plants as soon as they appear above the surface. There are not many rabbits between Beverley and Albany.

Mr. C. P. Wansbrough: I wish you meant that.

Hon. G. TAYLOR: I do not know whether the Conservator is aware of these areas that are said to be so suitable for the growth of sandalwood.

The Premier: Where there are no rabbits there is stock.

Mr. C. P. Wansbrough: At one time it was all sandalwood country.

The Premier: That was 30 years ago, before the settlers woke up to the value of the land.

Mr. Doney: It is now better used for the growing of oats.

Hon. G. TAYLOR: If this land is suitable the Premier may be coming down next year to ask for a large sum for the reforestion of sandalwood. The scheme is only in the experimental stage. The Conservator has found it impossible to spend more than he has been spending. That being so, the House would bet wise to pass the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading.

Read a third time, and transmitted to the Council.

BILL—LICENSING ACT AMENDMENT.

Returned from Council without amendment.

BILL — INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [5.49] in moving the second reading said: This is not a very comprehensive amendment of the Arbitration Act; there is no demand for a comprehensive amendment. During recent years we in this State have been very fortunate by reason of the fact that harmony has existed throughout our industries. There has been very little disturbance, comparatively speaking, and while I do not think we can claim that the whole credit is due to the Arbitration Act, I am sure that the Act itself, and those in charge of it, have played an important part towards maintaining industrial peace. There have been other factors as well that have helped to keep industrial peace in our State; those in charge of the organisations on either side have played their part and have done a good deal towards that end. There has been very good feeling between the organisations of employers and unions, and we have been fortunate in having a reasonable body of men in control of both.

Hon. G. Taylor: It would be a good thing if the same could be said of the Eastern States.

The MINISTER FOR WORKS: The few difficulties that we in this State have experienced have been the results of troubles in the eastern part of Australia. A great many of our industrial differences have been fixed up by conferences. It is very seldom that a week passes without a round-table conference being held between employers and unions, and understandings arrived at and agreements reached. There is a feeling in some quarters that round-table conferences are an alternative to arbitration. These conferences, however, are part of the system of arbitration in this State, and provision is made in the Act for the registration of agreements arrived at on the whole of the items in dispute and settled wholly or in part. The round-table conference plays a big part in this State and has helped considerably in the maintenance of peace. I have said here before that the secretary of the Employers' Federation is a strong believer in conferences with the unions. During the many years that I was in charge of the organisations at the Trades Hall he followed that policy. He still continues it, and meets the unions and discusses with them the differences that may be existent. Although the Arbitration Act has played a big part in establishing harmony in our industries, the feeling between the parties and the wonderful amount of confidence between the leaders on both sides has also had a great effect. The Act itself has meant the settlement of disputes amicably, and has given greater satisfaction than was possible previously by reason of the time it required to get a case heard. The Act has meant the quick despatch of business. There were many complaints about disputes being held up for as long as two years before a hearing could be obtained. That position no longer exists; the court is well up with its work and there is now very little delay in dealing with applications. The appointment of a full-time president has meant a lot in the direction of saving time, and the decentralisation of the work has also helped considerably. The provision for the appointment of industrial boards has meant that many of the disputes that otherwise would have taken up the time of the court, have been dealt with promptly. The appointment of industrial magistrates to hear cases of breaches of award and agreements which previously were dealt with by the court, also meant the saving of time. Industrial magistrates have been appointed at Perth, Fremantle, Kalgoorlie, Albany, Bunbury, Geraldton, Northam and Cue, and they have dealt with disputes in those districts without the court being involved. On the whole I think we can say that the existing law is a big improvement on the position that existed previously. There are, however, one or two points that require to be considered and amended, and the Bill I am submitting is designed to deal with them. There are three or four clauses in the Bill that may be regarded as contentious, but they are of outstanding importance. First there is that which enlarges the definition of "worker," and which is designed to include an industrial insurance canvasser. Hon. members will recollect when the existing Act was before this House, that provision passed this House, but it was struck out by another place. Now we are attempting to provide that the Arbitration Court shall be open to insurance canvassers.

Hon. G. Taylor: You have made several attempts at that.

The MINISTER FOR WORKS: We had a hard fight at the conference of managers, but we did not succeed. This is still another attempt to achieve that end.

Mr. Thomson: You worked some overtime on that conference.

The MINISTER FOR WORKS: Yes, it still stands as a record for a British Parliament—19 solid hours. Looking back over those 19 hours I still think it was all worth while. We did not get all we wanted at the conference, but we got a good deal for the State and the result is that our position stands out in marked relief to that existing in other parts of Australia. Another provision is that members of a union must be working in the industry or industries in respect of which the union is registered. There are cases to-day where unions have taken in members who are not employed in the industry, but are employed outside. Those members can attend meetings and vote on matters that do not affect them in any way.

Hon. G. Taylor: What are the unions? Is the A.W.U. one?

The MINISTER FOR WORKS: No, they are not a registered body, but there are one or two unions that take in members that are not employed in the particular industry covered by the union. That was never intended, and it is not right that a man not following the occupation covered by the union should have a voice in the decisions arrived at by the union. There is provision in the Act at present that sets out that the union must state in the rules the district in which the majority of the members reside or in which they follow their calling. That may have been all right when unions were confined to small districts in the early history of the trade union organisations. There would be a union at Fremantle, another at Perth, another at Midland Junction, another at Kalgoorlie, and another at Geraldton, all covering the same industry. Those days have gone and now there is one union covering the whole State with its branches. There are such unions as the Timber Workers' and the Amalgamated Society of Railway Workers, and in those instances it is absolutely impossible for them to set out the districts in which the majority of their members reside; it serves no purpose at all, and so we are asking that that be repealed. We are making provision for the registration of the A.W.U. conditionally that they provide that their constitution will not conflict with the unions already registered. It will be remembered that previously we had a very long discussion on the registration of the A.W.U. It is the biggest trades union in the Commonwealth, and its ramifications are wider flung than those of any other union; but its constitution is so broad that it conflicts with the constitution of other unions, and there has been a difficulty in securing registration.

Hon. Sir James Mitchell: It covers everyone.

The MINISTER FOR WORKS: No; tradesmen are not taken in.

Hon. G. Taylor: They take in shearers.

The MINISTER FOR WORKS: They are registered for one or two operations, but the large body of unskilled workmen, the navvies engaged on the roads or railways, water supplies and well sinking—that class are largely members of the A.W.U. We have to admit that this union has been a powerful element in keeping industrial peace. The union has stood for the principle of arbitration throughout, but up to date it has not been able to secure registration under our Act. Although the Bill does not go as far as the union itself wants, there is the difficulty that the other unions ask that Parliament should agree to go only as far as the clause suggests. The position to-day is that if a union applies to have its constitution altered—it may be to take in a section of workers that previously it did not cover—the registrar solely will deal with that matter. It may be that the union wants to embrace a body of workers already catered for by another organisation, and once the registrar gives his decision there is no appeal against it. We are providing in the Bill that in such a case there shall be an appeal from the registrar to the president, and the president's decision shall be final.

Hon. G. Taylor: That will be heard in court before the president.

The MINISTER FOR WORKS: In such cases, where the union applies for a widening of its scope of activities, other unions likely to be affected should receive notice. It may be that a union at present registered desired to extend its scope and embrace workers already catered for by another union. The registrar might hear the case and the other union, whose members are sought by the new organisation, might know nothing about it. There is no obligation on

the registrar to notify the union, and there is neither power nor right for representatives to appear and to be heard.

Hon. G. Taylor: Have there been any cases under those conditions?

The MINISTER FOR WORKS: Yes. In cases of that kind we are asking that the unions interested should be notified and be given the right to make representations to the registrar. Then, if there is an appeal from the registrar to the President of the court, the case can be stated in open court. The next clause is the most important of all. It is the clause that warrants the Bill being introduced so urgently at this hour of the session. The Full Court recently gave a decision interpreting the position where an agreement was made a common rule and it has created a most extraordinary state of affairs. The employers, the unions and the court have represented to me that the existing position is impossible and that the law should be amended at the earliest opportunity. Briefly stated, the Full Court's decision means that once an agreement has been made and declared a common rule, it continues in perpetuity. There are no means of retiring from it, altering it, or amending it.

Hon. G. Taylor: It stands for all time.

The MINISTER FOR WORKS: Yes, a kind of Kathleen Mavourneen. I doubt whether the Full Court itself really appreciated the purport of its decision. However, the effect has been pointed out from the bench of the Arbitration Court and by the Employers' Federation in their publication, and the unions also have made representations to me. We want to encourage the making of agreements. We want parties to come to terms and fix agreements wherever possible, but it is useless to expect one or two firms, or even the leading firms, to make agreements with unions and have them registered if their competitors in trade are not to be bound by similar conditions. When agreements are made it has always been a condition that both parties should combine and apply to the court to have the agreement made a common rule, so that uniform conditions might apply throughout the industry. In view of the Full Court's decision the Employers' Federation state they will be very chary of entering into agreements of any kind, the unions say they will not regard agreements with favour, and the court has said that it cannot conceive of any circumstances in which it would be likely to make an agreement a common rule. The Bill provides that once an agreement has been made a common rule, it shall be an award. Then the position will be the same as if the Arbitration Court had delivered an award.

Mr. Davy: Did not the Full Court decide more or less that it was so?

The MINISTER FOR WORKS: No; it made the position very complicated. The President of the Arbitration Court has pointed out that, so long as the judgment of the Full Court stands, he cannot conceive of any circumstances in which the court would make an agreement a common rule. Consequently, it means that there is no way of altering, amending, or retiring from an agreement that has been made a common rule; it continues forever. It is not like an award, the parties to which may make application to the court to secure a variation. It has been held that, an agreement being in existence, no alteration can be made because it is impossible to have a dispute while an agreement is current. Not so with an award. When an award has expired, the parties are free to negotiate and ask the court for an amendment, alteration or extension, as may be thought fit. In essence, the amendment will make no difference to the position that obtained prior to the declaration of the Full Court. The interpretation previously observed was that an agreement could be made a common rule, and could be altered or varied in the same way as an award. We are seeking by this clause to revert to the position that existed prior to the Full Court having given its judgment. The next provision is that the President of the court shall be a judge of the Supreme Court. I think it was the intention of Parliament, when the previous measure was passed, that the President should, to all intents and purposes, be a judge of the Supreme Court, having the same status and enjoying the whole of the privileges.

Mr. Davy: The same tenure of office.

The MINISTER FOR WORKS: Yes, everything that goes with a judge's position should be his.

Hon. G. Taylor: Really, to give him security.

The MINISTER FOR WORKS: He was to be a judge of the Supreme Court, giving his time to Arbitration Court work.

Mr. Latham: Would not it mean that he would be called upon to do Supreme Court work?

The MINISTER FOR WORKS: No, his time would be fully occupied with the work of the Arbitration Court.

Mr. Latham: You will have to make provision to that effect.

The MINISTER FOR WORKS: There is no doubt his time would be fully occupied with the work of the Arbitration Court. He would be appointed for that purpose.

Hon. Sir James Mitchell: What difference does it make?

Mr. Latham: He is not "Your Honor" but "Mr. President."

The MINISTER FOR WORKS: There is a difference, whereas it was intended that there should be no distinction whatever. This was not the original proposal of the Government. We did not want to be bound down even to appointing a lawyer; we desired a free hand to appoint the best man we could find, but Parliament stipulated that he should be a man qualified to be a judge of the Supreme Court. The office of President of the Arbitration Court is a most important one. In order that it may command the respect and inspire the confidence of the community, it should be invested with all the dignity that a judgeship of the Supreme Court carries.

Mr. Davy: Has not he got it?

The MINISTER FOR WORKS: I do not think so.

Mr. Davy: I think he receives exactly the same respect.

The MINISTER FOR WORKS: There has been a distinction drawn, as the hon. members knows, by judges of the Supreme Court.

Mr. Davy: But he is not a judge of the Supreme Court. He might be highly suited for the presidency of the Arbitration Court, but not for a Supreme Court judgeship.

The MINISTER FOR WORKS: One of the reasons why we desire this is that, under the present system, industrial magistrates deal with certain matters, and any appeal from them goes direct to the Full Court. We think it desirable that the Arbitration Court viewpoint should be heard in the Full Court. At the moment there is no one understanding the arbitration viewpoint able to represent it to the Full Court. I doubt whether we would have had the chaotic position that has arisen out of the Full Court's decision had the Arbitration Court viewpoint been represented on the appeal.

Hon. Sir James Mitchell: I suppose it was a matter of interpreting the law.

The MINISTER FOR WORKS: There are so many ways of interpreting the law and, as a matter of fact, one of the Full Court judges took a very different view from that which he held when he was adjudicating in the Arbitration Court. After having been away from the arbitration work for some time, his views had evidently changed materially.

Hon. Sir James Mitchell: But you wiped out the provision in the old Act that the President was to be a judge of the Supreme Court.

The MINISTER FOR WORKS: That confined us to the selection of one of three men.

Hon. G. Taylor: One of four.

The MINISTER FOR WORKS: That is so. We had to chose one of the four, and the hon. member knows that the whole of the four were virtually on strike against undertaking Arbitration Court work.

Mr. Davy: But the vital objection to the old system was that you had to appoint a judge.

The MINISTER FOR WORKS: Not at all. One of our most important objects was to secure a man who would give the whole of his time to the work, make a study of it, and regard it as his business. That has led to good results. The next clause of the Bill proposes a pension for lay members of the court after they have served a term of 12 years.

Hon. Sir James Mitchell: To be paid by the Crown or by the people who use the Court?

The MINISTER FOR WORKS: Who pays their salary now?

Hon. Sir James Mitchell: The Crown, of course.

The MINISTER FOR WORKS: Quite so. They occupy a judicial position, one of the most responsible positions in the land, and a man who takes the work seriously for 12 years surely has done good service for the State.

Hon. Sir James Mitchell: Many others do not get pensions.

The MINISTER FOR WORKS: I should like pensions to apply to Ministers of the Crown and members of Parliament.

Mr. Latham: I am wondering why you propose to start with the lay members of the Arbitration Court.

The MINISTER FOR WORKS: We have to start somewhere. Later on we may be able to extend the principle.

Hon. Sir James Mitchell: I think we had better wipe out the lay members; they are not of much use.

The MINISTER FOR WORKS: I venture to say that one of the lay members, who, speaking from memory, has given about a quarter of a century's work to arbitration, has done yeoman service in the interests of industrial peace. He has done really wonderful service in more ways than one. When a man bears the responsibility of that office, and takes the work seriously, as he must do if he is going to occupy the position for 12 years—he can be removed at the end of three years by the interests responsible for his being sent there—it is not asking too much that he should be provided with a pension. It is essential that anyone who occupies a judicial position should be assured of an element of independence. It must be so to secure the best that a man can give.

Hon. Sir James Mitchell: They are not judges in the broader sense; they are partisans.

The MINISTER FOR WORKS: They are not partisans in every sense.

Hon. Sir James Mitchell: Yes, they are.

The MINISTER FOR WORKS: The hon. member has had evidence to the contrary on more than one occasion. He knows that the lay members have differed from applications made by the interests who have appointed them, and some of the issues were important ones, too. I need only remind the hon. member of the mining case quite recently, which clearly indicated how seriously the lay members of the court take their work. They are not on the bench merely to urge the claims which may be advanced by one side or the other, regardless of whether they believe in those claims. The House will agree that the decisions of the Arbitration Court are far-reaching, affecting as they do the standard of living and the whole economic life of the people. There is no body of men whose decisions mean so much to the people of the State and the industries of the State as do those of the Court of Arbitration. The President of the court is provided for, in that his position carries pension rights.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR WORKS: The next alteration proposed by the Bill relates to the position that arises when there is a stoppage of work and the organisation involved is not a registered body. Under the existing law the Arbitration Court has power to summon a conference, and then to cite the case into court in the event of an unregistered body being involved and a stoppage of work occurring. But under the Act as it stands every individual connected with the dispute is a party to the case; and, rightly speaking, the court would have to summon every individual to appear before it, attend the conference, and be referred to the court if no agreement can be reached. That position usually arises in connection with the A.W.U., who are not able to register, and therefore cannot appear before the Arbitration Court except upon a stoppage of work. The Bill provides that the court shall have power to declare representative defendants, to select from amongst those involved in the dispute representative men and summon these to a conference, and name them as parties if the case is referred to the court. That provision will get over the necessity for citing every individual concerned. However, the Bill also provides that each individual concerned shall have the right, if he so desires, to appear before the court and state his viewpoint. The provision merely facilitates the hearing of cases, and will save the time of the court when dealing with such disputes. The Act now provides that if while the court is investigating a case or conducting an inquiry into a dispute an agreement is reached by the parties, that agreement may be adopted as the court's decision and registered as an award; but that course is open only if the agreement is arrived at during the progress of investigation or inquiry. Should an agreement be reached before the court has begun to investigate or inquire, the court cannot adopt that agreement as its decision and make an award by consent, as it were. In consequence, there has been a deal of sham fighting on one or two issues between the parties with a view to getting before the court, and then saying, "We have reached an agreement," the agreement thereupon be-

ing recorded as a decision of the Arbitration Court. The Bill overcomes that difficulty by providing that if an agreement is reached at any time after the case has been referred into court, the court may adopt such agreement and make an award, by consent, in its terms.

Hon. Sir James Mitchell: That is, of course, with the approval of the President.

The MINISTER FOR WORKS: The agreement is reached, and then referred to the court. Thereupon the court, if it deems fit, may make an award by consent. That is now a Commonwealth provision.

Hon. G. Taylor: It is rarely done.

Hon. Sir James Mitchell: Discrepancies may arise in that way.

The MINISTER FOR WORKS: The Arbitration Court is there to see that everything is perfectly in order. The court is given wide powers as to all agreements before registering them, or making them common rules. The same provision applies to decisions of boards and other subsidiary tribunals; the court has a ruling hand over them to ensure that they are in conformity with the court's general policy. The provision in the Bill merely does away with the need for sham fighting in order to get a dispute before the court.

Mr. Sampson: The object is the elimination of imaginary disputes?

The MINISTER FOR WORKS: Yes.

Hon. G. Taylor: There are no imaginary disputes.

The MINISTER FOR WORKS: Amongst the subsidiary boards which can now be set up is the demarcation board. Hon. members will recollect my pointing out, when the previous Bill returned from another place with amendments, and a provision in this respect was insisted upon, that if the two parties of workers involved in a demarcation dispute each appointed a representative and the employer also appointed a representative, and those three representatives were to agree on a chairman, or, failing agreement, the chairman was to be appointed by the court, and if the majority decision of such a board carried the day, obviously in those circumstances it was the employer who decided the issue. Whichever representative of the workers the employer's representative voted with, must naturally win.

Hon. Sir James Mitchell: Who pays?

The MINISTER FOR WORKS: Frequently a demarcation dispute has nothing to do with payment. The only demarcation board set up so far, I believe, has been in the iron trade, where all the workers are on one rate of pay. A demarcation dispute is generally a matter of jealousy between different classes of workers. I pointed out, as I have mentioned, that the decision of the board must at all times rest with the representative of the employer. The Bill proposes to alter the position by leaving the decision with the chairman. The parties to the dispute are simply to appear and state their case. That is to say, the representative of each section of the workers and the representative of the employer would state their respective cases. They have to elect a chairman; and if they do not agree on one, the court steps in and appoints the chairman. The Bill proposes to leave the decision with the chairman, however he may be appointed. I think that will appeal to all members as a fairer provision than is furnished by the existing law. There will be no voting on the case; the chairman will decide. If a blacksmith says, "That is my work," and an engineer says, "No, it is mine," and if they squabble, and if there is an employer's representative sitting with them, obviously whoever the chairman votes with must win the case.

Hon. Sir James Mitchell: I do not know why the employer has a representative there. It does not matter to him.

The MINISTER FOR WORKS: No; but that is the provision inserted in the measure by another place. It is a provision that has proved unworkable and unfair. The next amendment proposed by the Bill relates to the common rule, and also has reference to the definition of "industry." The amendment proposes to get back to the position which the Arbitration Court occupied prior to the Full Court's decision on this particular point, and really adopts the position which has been taken by every industrial tribunal throughout Australia. Our Full Court's decision has not only reversed the Commonwealth Court's decision, but also the decisions of all the State courts. As a result the position has become highly involved. The amendment is matter for debate in Committee. As I say, it restores our Arbitration Court to the position it occupied up to a few months ago. The existing Act provides for boards of reference, which I steadily try to encourage, and provision for which I have included in all

industrial agreements made by the Works Department. In those circumstances any dispute is to be referred quickly to a board, instead of resorting to all the paraphernalia of appealing to the Arbitration Court and submitting evidence. However, it appears that under the Act boards of reference are possible only where an award exists, and are not admissible in cases where only industrial agreements exist. Though boards of reference are included in all the industrial agreements of the Works Department, strictly speaking they are illegal. We want to bring that position within the law. Boards of reference have done good work, rendered quick decisions, and given general satisfaction.

Hon. Sir James Mitchell: Will the board sit on the job?

The MINISTER FOR WORKS: The board is generally appointed from persons on the job.

Hon. Sir James Mitchell: Suppose it were a job at Pemberton?

The MINISTER FOR WORKS: We have had boards of reference wherever a little dispute has cropped up.

Hon G. Taylor: Right on the job?

The MINISTER FOR WORKS: Right on the job.

Mr. Kenneally: That sounds like job control to the hon. member interjecting.

Hon. G Taylor: No; quite different.

The MINISTER FOR WORKS: It is a long way from job control. Another little difficulty has cropped up in connection with the period of time after which a decision of the Arbitration Court can be reviewed. The present provision is that after a lapse of 12 months either party can apply to the court for a review of the decision, thus reopening the case; but doubt exists as to whether at the end of 12 months, if there has been a hearing and the decision has not been given for three or four months, the parties have not to continue for another calendar year from the end of the first calendar year before they can again approach the court. The question is whether a case can be re-opened only at the end of each calendar year. There is a doubt in the court's mind as to the strict interpretation of the Act in that respect. The Bill provides that at any time after the expiry of a year, either party can apply to the court to have an award or agreement reviewed. When the decision is given, it stands for 12 months from the date of the decision. Then an application for review can again be made and the decision will stand for another 12 months from the date of its delivery. That is the course that it is proposed shall be followed in the future. That will get away from the difficulty that has arisen through the strict reading of the Act, which has been construed to mean the end of each calendar year. The courts have actually followed the practice we suggest, but there has been a doubt as to the validity of their action, should it be tested in the courts. The Bill will also give the same power to enforce the decisions of the subsidiary boards set up under the court, as exists for the enforcement of the decisions of the court itself. Hon. members will remember that there is always an appeal from the decisions of boards—whether it be the demarcation board, the apprenticeship board, or any other such body—to the court, and the court itself is the final arbitrator. While the provisions for the enforcement of the decisions of the court are clearly set out, it is certainly not clear whether the provisions apply to those of the subsidiary tribunals, and the Bill will make that definite.

Hon. Sir James Mitchell: There does not appear to be anything right in connection with the last measure we dealt with.

The MINISTER FOR WORKS: History shows that it has worked fairly well.

Hon. G. Taylor: Then why the need for all these alterations?

The MINISTER FOR WORKS: I do not say the last amending Act worked as well as it would have, had I got all that I wanted.

Mr. Thomson: You got a good deal.

The MINISTER FOR WORKS: That is so, and the measure has worked fairly well.

Hon. G. Taylor: Then had we not better leave well alone?

The MINISTER FOR WORKS: I am merely asking the House to get back to where we were before the decision of the Full Court upset the practice that had been followed by the Arbitration Court. Another provision in the Bill seeks to alter the Act, which at present sets out that when action is taken against an employer for paying less than the prescribed rate of wages to an employee, the court, in addition to inflicting a penalty, "may" award the wages due to the employee.

Hon. G. Taylor: Is that not done now?

The MINISTER FOR WORKS: Yes, but the Act says that the magistrate "may" award the wages that should have been paid to the employee. Magistrates have not interpreted the section in the way we intended.

Hon. G. Taylor: You intended them to interpret the "may" as "shall."

The MINISTER FOR WORKS: Yes. The Government's intention was that the wages due should be paid as a debt. An extraordinary argument was advanced by one magistrate who said, "I will not allow my court to be turned into a debt-collecting tribunal." That is what we intended the court to be; we intended that if wages were due to an employee, the wages should be awarded him. Another magistrate said that if he inflicted a fine on the employer, he considered that sufficient penalty, without imposing upon the employer the obligation to pay back wages.

Mr. Mann: Then you intend to take civil and criminal proceedings under one information.

The MINISTER FOR WORKS: I want to get wages due paid to the employee as a debt. It is no penalty to say that the wages due to an employee shall be paid by the employer. That is merely payment of a debt. The magistrate has the right to say what penalty he shall inflict, but I contend without hesitation that if wages are due, they should be paid as a debt.

Mr. Davy: The only difficulty is that it is not left to the discretion of the magistrate as to the terms of payment. Sometimes the payment of the back wages may be unjust to the employer.

The MINISTER FOR WORKS: One magistrate refused to award back wages at all.

Mr. Davy: The only instance I know of is that in which the magistrate ordered the back wages to be paid at the rate of so much per week.

The MINISTER FOR WORKS: The Bill states clearly that the payment of back wages can be made by way of instalments. I doubt if the magistrate has that power under the Act to-day.

Mr. Davy: It is not in the discretion of a magistrate to say how the employer shall pay the back wages.

The MINISTER FOR WORKS: Surely the employee should be paid the money due to him.

Mr. Davy: Certainly, but it might be very unjust to order the employer to pay the back wages in one sum.

The MINISTER FOR WORKS: I agree with that contention, but I object to the statement made by the magistrate that he would not allow his court to be made a debt-collecting tribunal. I also object to the statement of another magistrate that it was penalising the employer to order the payment of wages due to an employee. There is no warrant for regarding the payment of back wages as a penalty; it is merely justice in awarding the payment of such a debt. The Bill provides that in addition to any penalty that the magistrate may impose, he shall award the wages due, but shall have discretion so that time may be given within which the employer may pay the debt. Then again, while there is a maximum penalty provided in the Act for the breach of an award, there is no maximum provided for a breach of an agreement. That might lead to a much more substantial penalty being imposed for the breach of an agreement than could be imposed for a breach of an award. The Bill therefore, sets out that the maximum penalty for a breach of an agreement shall be the same as that provided for the breach of an award. It has happened that when the Arbitration Court has dealt with matters on its own motion the court desired certain information and has not been able to obtain it except through the parties themselves. That has particular reference to inquiries relating to the basic wage. It has happened that the parties have not supplied all the information desired at the moment by the court, and the powers of the court to secure that information of its own volition are doubtful. We should allow the court to satisfy itself with all the facts and information obtainable. If that were done, it would enable the court to arrive at a more sound judgment, and we should certainly facilitate the operations of the court in that direction. I remember an instance in which a member of the court, in commenting upon the manner in which a certain case had been presented, said, "You bring your case into court as though you were wheeling a barrow load of bricks; you tip it out in court for us to sort out and come to a decision. You have not arranged your facts or given us the information that we require in order to arrive at a sound decision." The Bill pro-

vides that when the court moves, on its own motion, to inquire into any matter, the court shall be clothed with all the powers of a Royal Commission. I do not think there can be any objection to the Arbitration Court securing information. When dealing with the application in the gold mining industry some time ago, the court decided that it could not grant any increase in the wages of the miners on the information before it, and the court also refused to apply the increase in the basic wage to the mining areas. The court was asked by the parties to conduct certain investigations, but the court had not power to do so. As a result, the members of the court put it to the parties that there was power under which they themselves could apply for an order for discovery to get the information desired. I do not think there can be any logical objection to the court securing all the information and facts necessary to arrive at a just decision. The more the truth is laid naked before the court, the better it will be for all concerned.

Mr. Teesdale: The trouble is that the naked truth has been laid before the commercial world as well.

The MINISTER FOR WORKS: I do not know of one instance in which, when the court has been asked to treat information tendered as confidential, that request has not been observed.

Mr. Teesdale: You cannot answer for everyone on the board.

The MINISTER FOR WORKS: But this applies to the court. The members of that tribunal have always treated information as confidential when urged to do so, and it is only right that that course should be followed. I cannot see any objection to that phase of the Bill. In fact, the only source for regret should be that the court has been called upon to decide important matters without all the facts and information at its disposal. Some difficulty has arisen in connection with the apprenticeship provisions of the Act and hon. members will recollect that here were complaints some time ago regarding the lack of encouragement for apprentices in the building trades. The employers, on the other hand, contended that they could not guarantee permanency of employment to apprentices. They pointed out that they might have a contract to-day, but it might cease to-morrow and then they would not have any work for the apprentice and could not therefore accept the obligation involved to take the apprentices on for five years. To overcome that difficulty, we provided the apprenticeship board, and the youths were apprenticed to the board and the board in turn farmed the lads out to the contractors. Thus when one contractor finished his operations, the boy on the job was sent to another contractor, and so he was kept in employment. That scheme has worked very well and we have a number of apprentices in all branches of the building trades now, and the lads are making first-class tradesmen. That has been extended in other directions. Money has been made available so that the examination of apprentices can be conducted at the Technical School. The examinations have been in progress, and instead of the examiners having to travel from job to job to see the boys at work, the lads are brought to the Technical School, where the examiners set them their tasks and see them at work. Under the present system the boy is apprenticed to the board and the board enters into an agreement with the employer. There are two documents, and while power exists for an agreement between the employer and the board to be cancelled, there is no similar power to cancel the agreement between the apprentice and the board. There have been cases in which that was desirable. And that is not limited to the apprentices and the Apprentices Board, but applies equally to apprentices and their employers. Recently the men in a workshop objected to a given boy, who was obnoxious to everybody. The employer wanted to dismiss him, and the court wanted to cancel the indentures, but there was no power to do it. Eventually the employer had to erect a little work cubby expressly for this boy who was so objectionable to the other employees. The Bill provides power for the cancellation of indentures in certain circumstances, for the right of appeal to the court, and for the decision of the court to determine the matter. There is only one other provision to which I would refer. It deals with the power of the court, when it has fixed in any award a starting time and a knock-off time, to declare that they shall apply to all those working in the industry.

Mr. Davy: This is an old friend.

The MINISTER FOR WORKS: Yes, the hon. member will recognise it. We have attempted it before, and now we are making another endeavour. We can put forward evidence that it is right and desirable. It

is all very well to say that an individual should be allowed to work all hours to benefit himself, so long as he is not injuring other people; but to give him the right to carry on when actually he is doing a disservice to others, is another issue altogether.

Mr. Davy: It is a wonderful thing to tell a man how long he shall work.

The MINISTER FOR WORKS: Is it right to say to some men, "You have to knock off at a certain hour," while allowing their competitors to work all hours? That is anything but reasonable and fair, and it reflects on the conditions and general arrangements the court may embody in their decision. There are in the Bill one or two other small items, but I have given the main provisions of the measure. I move—

That the Bill be now read a second time.

On motion by Mr. Davy, debate adjourned.

BILL — PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

In Committee.

Resumed from the 14th November; Mr. Lambert in the Chair; The Premier in charge of the Bill.

The CHAIRMAN: Progress was reported upon Clause 4, in Subclause 5 of which Mr. Davy had moved as an amendment, that after "by" in line 15 the words "any public servant or" be inserted.

Mr. DAVY: I hope the Premier will accept these harmless little words. They would not do anybody any harm. All we are asking is that a man be entitled to take his own appeal to the board if he cannot get that appeal conducted for him by the Civil Service Association. As the Premier has had his own way in four other amendments moved to this clause, he might let us have our way in this.

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

Ayes	15
Noes	19
Majority against	4

AYES.

Mr. Angelo	Sir James Mitchell
Mr. Davy	Mr. Sampson
Mr. Doney	Mr. Stubbs
Mr. Ferguson	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Maley	Mr. North
Mr. Mann	*(Teller.)*

NOES.

Mr. Chesson	Mr. Millington
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. Rowe
Mr. Coverley	Mr. Sleeman
Mr. Cowan	Mr. Troy
Mr. Cunningham	Mr. A. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. McCallum	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Barnard	Miss Holman
Mr. George	Mr. Panton
Mr. Richardson	Mr. Lutey
Mr. Brown	Mr. Marshall
Mr. J. M. Smith	Mr. Johnson

Amendment thus negatived.

Clause put and passed.

Clause 5—Amendment of Section 7:

Mr. DAVY: This clause contains the real principle to which certain members have objected. It wipes out Section 7 of the principal Act and puts into the hands of the Civil Service Association the novelty of exclusively representing public servants before the appeal court. I must protest against the principle embodied here. It is in the highest degree unjust to appoint a court to deal with the grievances of individuals and then compel those individuals first of all to prove their case before another body. It should be sufficient that the appeal go direct to the appeal board. Then there is the risk that two public servants may have grievances that are really competitive grievances. It is quite impossible for any one person to represent the conflicting interests of two people before the same court at the same time. We ought not to put this vicious principle on the statute-book.

Mr. THOMSON: I move an amendment—

That in line 15 the word "shall" be struck out and "may" inserted in lieu.

Hon. Sir James Mitchell: The two words might mean the same thing.

Mr. THOMSON: Not in this case. Officers who desire to appeal direct to the

board should have the right to do so. The executive of the association or union may take the view that the officer had no right to be dissatisfied. Some members of it may indeed benefit by the officer remaining where he is. I object to a man being deprived of the right to go direct before the tribunal. I have received a communication from the association supporting the Bill, but that does not affect my views. In the Federal service an officer was kept back for many years. Others were passed out of his department for unsuitability, but they all received promotion. He was kept back. It suited those above him to retain him there because of the excellence of his service.

The Premier: That is an old story.

Mr. THOMSON: It is a true one. If the Premier doubts the truth of this one, I will substantiate it for him to-morrow. I am not going to render it more difficult for a man to improve his position by giving my vote for this clause as it is. In a warehouse a man does not approach his employer through his union. If he wants a rise, he goes direct to his employer. Government officials should have the same privilege. The clause as it reads is not fair to the officers of the service.

The PREMIER: The gentleman referred to by the hon. member is not a stranger to us. We have met him in every walk of life, particularly in the Government service. We all know the man who says he has been denied promotion because he has been carrying his boss on his back. The boss will not recommend him for promotion because he cannot do the job himself. The other fellow is doing all the work, and is the only one who can do it, and he is being penalised for his efficiency. We find people like that all through the public service.

Mr. Thomson: And very often their statements are correct.

The PREMIER: I have not found one in a dozen to be correct. Nearly always there have been other and substantial reasons why no promotion has been given. There are more men in the service who have received promotion without justification than there are those who have been retarded without justification. I have known officers who have been round pegs in square holes. We have been unable to get rid of them, and they have been promoted in order to get them out of the way. In effect, they have been kicked upstairs.

Mr. Mann: That would be done to the detriment of some genuine case.

The PREMIER: That happens more often than does the converse. I could name some of these officers but will not do so. The clause will not work any injustice. We have of recent years progressed very much in the direction of collective bargaining. All matters relating to wages and conditions of employment are now handled by the organisation on the one hand and the employer on the other.

Mr. Thomson: Not in the case of the individual.

The PREMIER: The warehouse case cited by the member for Katanning does not arise under this Bill. There is nothing to prevent an officer going direct to the Public Service Commissioner and asking for a reclassification. He has to accept the Commissioner's decision, but in the case of a re-classification has a right to appeal to the board. In the case of a warehouse an employee would have to accept the decision of the boss.

Mr. Davy: The officer would have to get the permission of the association to go before the board.

The PREMIER: I think it is quite right. The Public Service would not have an appeal board but for this organisation. There was no appeal board prior to the existence of the Civil Service Association, and it was in being for many years before it secured the appointment of that board. No individual would suffer hardship through being obliged to go through the organisation in a matter of this kind, seeing that it won for him the right of appeal. There are some officers who are not members of the association, and who would not have the right to go before the board. Members generally can say whether it would be an injustice to compel these officers to join the association in order that they might have that right.

Mr. Davy: Suppose the association refused to allow them to join, as it has power to do?

The PREMIER: I do not know that any element of competition could arise between one officer and another.

Hon. Sir James Mitchell: In the matter of appointments there might be a clash.

The PREMIER: The appeal board has very little to do with appointments. I cannot conceive of the association refusing to

take the case of any individual before the appeal board:

Hon. Sir JAMES MITCHELL: In whose interests is the appeal board established, that of the association or of the officers? Surely it is in that of the association more than it is in the interests of the officers.

The Premier: I think the paramount right is with the association. One officer may do damage to 20 others.

Hon. Sir JAMES MITCHELL: He could not damage the interests of anyone. There is a very wide range between the high salaries and the low ones. Is it right that the Under Secretary for Lands should be compelled to be a member of the association?

Mr. Davy: And perhaps submit his appeal to the executive before it could go to the board.

Hon Sir JAMES MITCHELL: The officer controlling a department cannot be in favour with everyone. No one knows who will be the representative of the department on the executive. The Premier proposes that everyone shall be compelled to join the association, otherwise they are to have no right to appear before the appeal board. Everybody should have the right of appeal. I have a letter from the secretary of the association who tells me that if I have any doubt about the intent of the particular proposal he will be ready to explain it to me at a personal interview. I have no objection to granting the secretary of the association or anyone else an interview. Anybody can approach a member of Parliament and supply him with information. I do not suppose any hon. member would refuse to see the secretary of an association or any body to discuss a matter of public importance. Mr. Stevens points out also that the matter had received the most careful consideration of a selected committee assisted by a legal practitioner, and that it also had his own unqualified endorsement. As the matter concerns the officials, I do not propose by my vote to submit every official in the service to the control of this organisation.

Mr. Davy: Why the necessity for it?

Hon. Sir JAMES MITCHELL: We have no right to say that they must take their cases to the court. Why are they so keen about it?

Mr. Davy: Because they say Judge Northmore suggested it.

Hon. Sir JAMES MITCHELL: That cannot be the reason. I do not know that the amendment will achieve what the hon. member wants. It will not help him because there is no provision in the Bill to enable civil servants to approach the court individually. It is wrong altogether to ask the House to agree to the clause.

Mr. LATHAM: We have always opposed compulsory unionism and this is compulsory unionism. There is no doubt also that this carries away the political belief of the individual.

The Premier: Not at all.

Mr. LATHAM: If we strike out "shall" it will then be optional for the members of the service who desire to approach the board to do so without doing it through the association. This legislation is far more advanced than it ought to be at the present stage of affairs. Let them approach the board through the association if they so desire.

Mr. SAMPSON: The clause is undoubtedly wrong in principle. The rights of the individual should not be taken from him and he should not be denied the opportunity to approach the court without having to do so through the association. It is not only wrong in principle but it is tyrannical and I am amazed that such a measure should be brought down for the approval of the House.

Mr. DAVY: I have often wondered how may good unionists believe in compelling people who do not want to join a union, to belong to it.

Mr. Kenneally: You know an organisation that does.

Mr. DAVY: I wonder which it is! Come on.

The CHAIRMAN: Order! I do not want any cross-examination of members here.

Mr. DAVY: I suggest that the whole of the clause should go out, and I propose to vote in that manner. No case has been made out for this new principle.

The Premier: It is a very old principle in many walks of life.

Mr. DAVY: I do not know of it in any walk of life. I suppose I had better read the mind of the member for East Perth and conclude that his interjection just now referred to lawyers. I have so often explained that there is no association of lawyers and that the State for the benefit of the victims of lawyers, insists on certain qualifications

being possessed by lawyers. I do not know of any qualifications required for members of the Civil Service Association except membership of the service.

Mr. Corboy: It involves passing an examination to get into the service.

Mr. DAVY: It is the passing of examinations and the approval of the court that determines whether a man shall be a lawyer or not. Here we want to compel people to join a private association and say to them, "If you refuse to join and if you refuse to pay the annual subscription, and if they will not have you as a member we shall deny to you certain rights." If the member for Yilgarn can tell me any similar instance in any other walk of life I will join with him in wiping out that other vicious principle. There is no suggestion that the introduction of this provision to the statute-book is going to benefit anyone except perhaps the secretary of the association by strengthening the association. This will not advance the case of anyone. As the association claims to have 95 per cent. of the members of the service, what could the other 5 per cent. do in the way of black-legging? If one had to make a choice between the compulsory measure supported by the member for Swan and this compulsory measure, it could be said that the measure of the member for Swan had at least on little merit.

The Premier: Yes, a merit that was going to cost a large number of people a considerable sum of money they would not be compelled to pay in other directions.

Mr. DAVY: That is so, and I still disapprove of that measure, but it did pretend to try to help a certain section of people, and probably it will help them at the expense of the rest of the community. It was at least well-intentioned.

The CHAIRMAN: Order! I do not think the hon. member had better proceed along those lines.

Mr. DAVY: Very well. I will conclude by saying that in the clause I cannot find the slightest trace of any good intention.

Mr. KENNEALLY: I hope the amendment will be defeated. It would not give the right of appeal to an individual and no other portion of the Bill would give that right.

Mr. Thomson: Then we had better strike out the clause.

Mr. KENNEALLY: It may appeal to members opposite, who invariably represent the employers——

Hon. Sir James Mitchell: We do not represent a section.

Mr. KENNEALLY: We are entitled to our opinions as to whom members opposite show by their actions they represent.

Mr. Davy: Is the hon. member entitled to accuse members of this side of representing only the employers? I ask for a withdrawal of the statement.

The CHAIRMAN: The hon. member may take exception to the statement, but I do not think the Standing Orders require any withdrawal.

Mr. Davy: It appeals to me as an insult to say that I come here to represent the employers only.

The CHAIRMAN: Will the hon. member indicate under which Standing Order he has a right to ask for a withdrawal?

Mr. Davy: If you do not consider it a reflection on me and on other members——

The CHAIRMAN: The member for West Perth takes exception to the statement. Does the member for East Perth withdraw?

Mr. KENNEALLY: No, because it was not meant to be offensive. Some people are prepared to accept the full advantages of collective bargaining, and yet give none of those advantages to employees in industry. The very principle now being opposed is already in operation.

Mr. Latham: We believe in it, but we do not believe in making it compulsory.

Mr. KENNEALLY: Perhaps if it were a wheat pool——

Mr. Latham: We do not believe in compulsion there.

Mr. KENNEALLY: Under the Railway Act, provision is made for an appeal board and every appeal goes through the union, even though members have the right to make individual appeals.

Mr. Davy: That union is so efficient through the hon. member's activity that it gets every employee as a member.

Mr. KENNEALLY: Like the union to which the hon. member belongs. While the Railway Appeal Board investigates appeals against punishment, this clause deals with appeals against classification. Classification affects the whole of the service and, if we do not adopt this system, individual appeals might prove detrimental to the vast majority of the public servants.

Mr. Thomson: If an individual thinks he has a just claim, why should he be debarred from appealing.

The Premier: Because he might do injustice to a large body of public servants.

Mr. Thomson: That is for the board to decide.

Mr. KENNEALLY: If we are to have uniformity and contentment in the service, we must realise the principle of collective bargaining and that being so, it must apply to the classification of the service.

Hon. Sir James Mitchell: What is collective bargaining?

Mr. KENNEALLY: If the hon. member does not know, it is a bit too late to educate him.

[*Mr. Angelo took the Chair.*]

Mr. MANN: If the argument of the member for East Perth is sound, there is no occasion for the appeal board, because the appeals will actually be made to the executive of the association. No matter how sound or just a man's cause may be, unless he has the approval of the executive, he will be debarred from prosecuting his appeal. An individual should have the right to approach the board if the executive refused to take up his case. The Premier was half-hearted in his defence of the clause and admitted that there might be cases of injustice.

The Premier: I admitted that there might be cases that the association would not take to the appeal board, but I did not claim that a refusal of that kind would be an injustice.

Mr. MANN: I claim that it would be an injustice.

The Premier: Not necessarily.

Mr. Davy: But possibly.

Mr. MANN: If an individual considered he had not received justice from the Public Service Commissioner, surely he should have the right to approach the board.

The Premier: All our arbitration laws take away those individual rights.

Mr. Davy: But do they?

Mr. MANN: I do not think so.

The Premier: You cannot contract yourself with the boss. It is done through organisations.

Mr. MANN: Though a public servant may be a member of the association, he may be dissatisfied with the decision of the executive.

The Premier: Where would you get to if individuals did not abide by the decision of the organisation? You may as well claim the right of individual action if the executive of a political organisation refused you endorsement.

Mr. MANN: The Premier is hard pushed for argument when he advances that.

Mr. Davy: If a man is refused endorsement, what happens?

The Premier: Mostly he is left out.

Mr. Davy: He may still stand for Parliament, but you would prevent public servants from going on with their appeals.

Hon. Sir James Mitchell: Political candidates do stand and appeal to the public.

Mr. MANN: Individuals in the service should have their rights.

The Minister for Justice: It is time someone stopped the frivolous appeals.

Mr. Davy: Then this is to stop frivolous appeals?

Hon. Sir JAMES MITCHELL: The Public Service Commissioner makes a classification off his own bat, and submits it to the Government, who promulgate it through the Executive Council, whereupon it becomes law. Then public servants in some cases appeal.

The Minister for Justice: Hundreds of them appeal. In many cases it means a free trip from the country for them.

Hon. Sir JAMES MITCHELL: The Minister for Justice says he wants to prevent frivolous appeals. Really he wants to prevent appeals by public servants.

The Minister for Justice: Unless endorsed by the Civil Service Association.

Hon. Sir JAMES MITCHELL: Every individual officer ought to have the right to go to the Appeal Board. The Public Service Commissioner was appointd to protect the civil servant in his employment, and to protect the public in their employment of the civil servant. That is a good system. Beyond the Public Service Commissioner there is an Appeal Board, and we on this side consider there should be no compulsory unionism in the matter.

Mr. THOMSON: To hand over to a union the right to decide whether a civil servant's case is substantial or is frivolous, amounts to infringing the liberty of the subject. If all the railway employees have accepted their association as their representative in the matter, it does not follow that all public servants should similarly accept the Civil Service Association. The employee of a private firm could not ask

his union to urge his claim for advancement in his department. A civil servant may have spent 15 years in the service, thus getting into a particular groove. There comes a reclassification, and he considers himself unjustly treated. He states that opinion to his union. The union disagrees with him, and that is to be the end of his claim. Probably the man is disqualified for employment outside the Public Service. An employee in a wholesale warehouse need not ask his union for permission to apply for an increase in pay. He goes to the manager and makes his application. If his services are not sufficiently appreciated, he is in the happy position of being able to offer them to another firm in the same line. Thus there is no parallel between the case of the private employee and that of the public servant. I altogether disapprove of legislation of this character.

Hon. G. TAYLOR: I do not know that the amendment will get us anywhere. I shall oppose the clause.

Mr. Thomson: That will do me.

Hon. G. TAYLOR: I have every admiration for the Civil Service Association, and for any other organisation protecting workers whom it can protect. The Committee, however, would not be justified in compelling a non-member of the association to take the fence twice. It might be exceedingly difficult for him to satisfy the association that his claim was just, failing which his appeal could not be heard. The association should have the right to approach the Appeal Board on behalf of a member, but a member should not be debarred from going to the Appeal Board simply because the association do not approve of his claim. The Committee would not be justified in compelling anyone to join an organisation.

Mr. Kenneally: The hon. member is now giving more heed to the non-unionist than to the unionist.

Hon. G. TAYLOR: I am speaking of the individual right of any public employee to approach the Appeal Board. A public employee himself should decide whether he has a claim or not. At the same time, there should be machinery to prevent frivolous appeals. The Minister for Justice gave the show away when he said, "This provision will prevent frivolous appeals." The Appeal Board would not permit of frivolous appeals, whether by members or by non-members of the association. Any organisation worth its salt should be able to prove its worth to workers in the calling it exists to protect.

Mr. Kenneally: That is the old cry of the non-unionist.

Hon. G. TAYLOR: I have organised more men in unions than anyone else in the Southern Hemisphere.

Mr. Kenneally: That was when the hon. member held different opinions.

Hon. G. TAYLOR: And as a result of my efforts I found myself in a place which I do not care to remember. I want hon. members to put up a case to show that the economic conditions justify action.

Mr. Kenneally: When your party were in power, there was a case put up and the Government refused to grant an increase on account of the economic position.

Hon. Sir James Mitchell: The Government gave far more than you ever have.

Hon. G. TAYLOR: I suppose there was no election looming! All these things come down just before elections!

Mr. Kenneally: As an old dog, you ought to know.

Hon. G. TAYLOR: The amendment will not do any good and will not get us anywhere. I shall oppose the clause altogether.

Amendment put and negatived.

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

Ayes	.. .. ..	21
Noes	.. .. ..	14
Majority for	..	7

Ayes.		Noes.	
Mr. Chesson	Mr. McCallum	Mr. Davy	Mr. Sampson
Mr. Clydesdale	Mr. Millington	Mr. Doney	Mr. Stubbs
Mr. Collier	Mr. Munsie	Mr. Ferguson	Mr. Taylor
Mr. Corboy	Mr. Rowe	Mr. Griffiths	Mr. Teesdale
Mr. Coverley	Mr. Sleeman	Mr. Latham	Mr. Thomson
Mr. Cowan	Mr. Troy	Mr. Mann	Mr. Maley
Mr. Cunningham	Mr. A. Wansbrough	Sir James Mitchell	Mr. North
Mr. Kenneally	Mr. Willcock		
Mr. Kennedy	Mr. Withers		
Mr. Lambert	Mr. Wilson		
Mr. Lamond	(*Teller.*)		(*Teller.*)

Clause thus passed.

Clause 6—agreed to.

Clause 7—Amendment of Section 15:

Hon. Sir JAMES MITCHELL: In the Act the penalties are severe and the clause proposes to reduce them. There are many civil servants who will regret the amendment of the section, because no organisation should call upon an individual to make heavy sacrifices through going on strike. It is wrong that the Civil Service, as a part of the Government, should be allowed to strike. It creates unemployment for a great number of innocent people. The Civil Service Association may desire the reduction of a penalty because it will strengthen the hands of the organisation, but it will not benefit the individual members. It is unthinkable that police magistrates and other high officials should be allowed to go on strike. It is different with men earning a daily wage.

Mr. Sleeman: You seem to be a bit in favour of strikes by those people.

Hon. Sir JAMES MITCHELL: I am not, but I can understand strikes with them as a means of rectifying wrongs. It is wrong to reduce the penalties down to the level of those provided in connection with strikes by wage earners.

The PREMIER: It must be recognised that the provision of severe penalties in Acts of Parliament has proved an utter failure. That has been demonstrated with regard to the Federal Arbitration Act. The present state of chaos in connection with the Federal arbitration laws has been largely brought about by the severity of the penalty sections introduced into Federal industrial legislation. If men feel they are suffering an intense injustice, whether rightly or wrongly, no penalty section will prevent them from taking action. It is good that right through history that has been so. It is the same in these days. I believe the trend of thought is in the opposite direction of having arbitration laws almost free, as far as possible, from severe penalty clauses.

Hon. Sir James Mitchell: Why not wipe them out altogether?

The PREMIER: It would not be possible to enforce some without penalties, but when the penalties go to the extreme, as in the section of the Act now being amended, they have not proved deterrents. While admitting all that the Leader of the Opposition has said regarding public servants going on strike, here we have in the Act an extreme penalty which sets out that civil servants may lose all the rights and privileges they have earned, including those under the Superannuation Act, and a penalty of upwards of £10.

Hon Sir James Mitchell: In the Arbitration Act there is a penalty of £500 but in the Bill it is reduced to £100.

The PREMIER: Severe penalties have not proved effective.

Mr. Davy: Because there was no one to enforce them.

The PREMIER: And the reason why they have not been been enforced is that the concensus of opinion of those charged with the administration of the law has been that it was impossible to do so. It is a mistaken attitude for any Parliament to adopt when they pass laws that are not capable of enforcement, because of the weight of public opinion.

Mr. Davy: I agree.

The PREMIER: That is why the penalty sections in the Arbitration Act have not been enforced. Whenever action has been taken and fines inflicted, those fines have not been paid in most instances and often no attempt has been made to collect them. It is running counter to the great weight of public opinion to inflict severe penalties on men because of impulsive action they have taken to improve their conditions of employment.

Hon. Sir James Mitchell: This Arbitration Bill we have had to-night imposes a penalty of £500.

The PREMIER: In the Bill before us it is not the monetary part of the penalty that is so severe; it is the forfeiture of rights and privileges earned for long years of service, and all because of a sudden impulse. We shall get better service and greater contentment when we remove this threat or whip that in the past has been held over the public servants.

Mr. DAVY: Most of us would be sorry to see the penalty contained in the parent Act inflicted in the event of a strike of public servants. At the same time, public servants, like policemen, ought to surrender their right to strike.

The Premier: Generally speaking, they have done so.

Mr. DAVY: That is so, but within a short recollection there has been a strike of public servants and another of policemen.

Hon. Sir James Mitchell: Not the police here.

Mr. DAVY: No, of course not. Although I am not going to argue against the reduction of the penalty, at the same time to reduce it now looks almost like an invitation to the public servants to go on strike. Whilst we reduce this penalty because it seems almost brutal, yet an expression of opinion that Parliament thinks public servants ought to surrender their right to strike should be given together with this reduction of penalty. When a strike takes place, frequently the prime movers are the people who are going to suffer least as a result of the strike. I should imagine the younger element, who have not adopted the full responsibilities of manhood, are loudest in their screams for direct action.

The Premier: It would be the older men, who were entitled to superannuation, that would suffer most.

Mr. DAVY: I am wondering whether the reduction of the penalty will not weaken the resistance of the older men to the violence of the younger men. I do not think we should reduce this severe penalty without reminding the public servants that they have an immense trust reposed in them, and that they cannot rush off and suspend the whole activities of the State by striking, as some other people do.

Hon. G. TAYLOR: I am not in favour of the severe penalty in the existing Act. When that Act was passed we were fresh from a public service strike, and a number of the public servants were satisfied that something severe should be contained in the Act. Even if another strike were to occur, I do not think the Government would take advantage of the severe penalties provided in the Act. It would be wise to reduce those penalties, but I hope the reduction will not have the effect of inducing the public servants to strike.

Mr. Teesdale: It is all right; their leader has gone now.

Mr. CORBOY: I am somewhat astonished at the utterances of members opposite.

Hon. G. Taylor: If you were here more regularly you would not be so much astonished.

Mr. CORBOY: Perhaps before I have finished the hon. member will be glad I am not here more often. However, I do not know that such an interjection as his cuts much ice.

Mr. Teesdale: Then pass it.

Mr. CORBOY: To hear members opposite, one would think the public service was seething with discontent, and that the only thing to prevent them from striking was to impose such penalties as would handicap them forever.

Hon. G. Taylor: You must have been discontented with the service when you left.

Mr. CORBOY: No so much with the service as with one man immediately above me. Members opposite seem to think it necessary to impose severe penalties on the public servant.

Mr. Teesdale: Why, we are waiting to vote for a reduction of those penalties!

Mr. CORBOY: I hope the Government will get the support they deserve in placing the whole thing on a proper footing.

Hon. G. Taylor: We will support it when you sit down.

Mr. Teesdale: You have the wrong text, that is all.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Read a third time and transmitted to the Council.

House adjourned at 9.42 p.m.