The PREMIER: The officer had instructions next day, and I believe he is arranging to put in 50 trees.

Vote put and passed.

Vote—Literary and Scientific Grants, etc., £8,780—*agreed to.*

Progress reported.

House adjourned at 12.38 a.m.

Legislative Council,

Wednesday, 27th October, 1920.

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

PRIVILEGE—PARLIAMENTARY ALLOWANCES BILL.

Debate resumed from the previous day on the following motion by the Hon. A. Lovekin—

That the words uttered by the Hon. Sir E. H. Wittenoom as recorded in "Hansard," dated 5th December, 1919, constitutes a breach of the privilege of this House.

Hon. Sir E. H. WITTENOOM (North) [4.34]: After listening to the remarks of Mr. Lovekin yesterday, I think all members will agree that the hon. member lost no time in bringing his grievances before the House. It occurred to me that the old sayings, the precepts of youth, must have vanished from his mind—precepts such as "Let not the sun go down upon your wrath" and "Time softens all things." These, apparently, he has overlooked, although he has not forgotten during his absence in many lands that his first duty when he came back would be to bring his grievances here and submit them to hon. members.

Hon. A. Lovekin: The Standing Orders compelled me to do it.

Hon. Sir E. H. WITTENOOM: I stand accused of a breach of privilege of this House. The position I am in is that I must either justify what I have said in the words for which I have been accused of a breach of privilege of the House, or receive censure at the hands of hon. members.

Hon. A. Lovekin: Not at all.

Hon. Sir E. H. WITTENOOM: Because it is plainly put forward that "The words uttered by the Hon. Sir E. H. Wittenoom as recorded in "Hansard," dated 5th December, 1919, constitute a breach of privilege of this House." Hon. members have to say either that the words do constitute a breach of privilege, or that they do not. Therefore the position I have to take up is that those words which I used at the conclusion of last session must be justified by me or else I must abide by the censure of the House. The reasons were given in reading out my remarks from "Hansard." Those remarks were correctly reported; it was a correct statement of my speech on the evening in question. The words quoted are admitted by me. The facts of the position are as follow:—On the closing evening of last session a Bill was brought down for the purpose of increasing the salaries of members of Parliament, or rather of increasing parliamentary allowances. Everybody will admit that there was a good deal of interest and some excitement surrounding the Bill because it had been passed by the Assembly and had come to this House for decision. Therefore the ultimate fate of the Bill was in the hands of this House. It is almost superfluous to say that every member of the House, and many people outside the House took a great deal of interest in the fate of the Bill; and, naturally interest was excited outside as to what the division list to be taken that evening would show. On that afternoon an issue of the "Daily News" came out. In that issue was a statement of how it was expected the House would divide, and what would be the fate of the Bill. The "Daily News" is the property of Mr. Lovekin, and Mr. Lovekin is a member of this Council. After reading the statement in the "Daily News" it seemed to me obvious that it had been inspired by the hon. member who, as I say is the proprietor of the newspaper and also a member of the House. Perhaps other hon. members may have thought the same. I have been unable to get a copy of that issue of the newspaper, although I have tried everywhere to secure one.

Hon. A. Lovekin: I would have given you one.

Hon. Sir E. H. WITTENOOM: But I have had an extract made, and this is what appeared that afternoon. I would remind hon. members once more that interest was excited in respect of the Bill. Some people were opposed to it and some were in favour of it, but a great many were interested, and therefore naturally, everybody wanted to know how it was likely to go. And, as

said before, Mr. Lovekin is at once the owner of the newspaper and a member of the House. This is what appeared in the "Daily News" of the 5th December, 1919—

> More Salary for Members of Parliament.
> Council will pass the Bill.
> The probable Division List.
>
> It was thought up to yesterday that the attempt of a section of members of Parliament to increase their salaries would be prevented by the inability of the disaffected members to obtain a majority in their favour in the Council. Last night, however, a final whip convinced those interested that the necessary majority had been obtained—

"A final whip." A parliamentary expression very well adapted to the position. The report continues—

> —and that the £400 per annum would very soon become the legal salary for hon. members. The Bill which passed the Assembly will come before the Council today, and it will be carried, probably by 14 votes to 11.

That sounds very like authority. Someone knew what he was talking about. I am only saying what the impression would be on anybody who read that. The report continues—

> The division list will be something like this—Ayes: Messrs. Ardagh, Baxter, Colebatch, Cornell, Cunningham, Ewing, Hickey, Kirwan, Lynn, Millington, Mills, Panton, Sanderson, and Sir Edward Wittenoom. Noes: Allen, Duffell, Hamersley, Holmes, Lovekin, McKenzie, Miles, Nicholson, Rose, Stewart, and Dr. Saw. Away: Messrs. Carson, Clarke, Dodd, and Greig. In the Chair: Mr. Kingsmill.

Now I appeal to hon. members, could anybody, on an occasion like that, when excitement was on tiptoe, when it was the desire of everyone to know how matters were going, take any but the impression that the published statement was inspired by someone who knew? As the paper belonged to Mr. Lovekin, and as Mr. Lovekin was a member of the House, surely it was only natural to think that he had something to do with it.

Hon. A. Lovekin: On that you would say that a man had acted dishonourably.

Hon. Sir E. H. WITTENOOM: And on the strength of that I was under the impression that he had something to do with it.

Mr. Lovekin interjected.

The PRESIDENT: Order! The hon. member will have the right of reply.

Hon. Sir E. H. WITTENOOM: If I made any mistake I can only say that that mistake was shared by a large number of members.

Hon. Members: Hear, Hear!

Hon. Sir E. H. WITTENOOM: Because many of them came and spoke to me about it.

Hon. J. Cornell: We naturally looked to you, as being the oldest member, to preserve our privileges.

Hon. Sir E. H. WITTENOOM: That was the position at the time and, as I say, as far as one could judge from reading that published statement, there was only one conclusion to arrive at. After it had been read and discussed some feeling was expressed, indeed some little indignation was expressed that the statement should have appeared at such a momentous, important and critical time; and several members came to me, as being perhaps the oldest Parliamentarian of the House, and asked me if I would draw some attention to the matter. I did not attach a very great deal of importance to it, beyond thinking that it was going a little too far. I attached but little importance to it for the reason that I knew that all journalists like to get the first information, and I knew that the hon. member was a smart man and had always been regarded as a smart journalist and that, being a new member, he would not perhaps think it of much importance if he could give to the public a most interesting statement.

Hon. A. Lovekin: But it would have been dishonourable.

Hon. Sir E. H. WITTENOOM: I will come to the dishonourable presently. Besides, most journalists are very enterprising. They like to get first information, and I could quite understand the editor of the paper coming to Mr. Lovekin in the morning and saying, "This is a very interesting question, and there will be a division to-night. Could not you give us some idea as to how it is likely to go? Have you not been able to gather or glean anything?" What more natural than that the hon. member should answer so and so and so and so? In these circumstances, perhaps thoughtlessly and without much reflection, I came to the conclusion that the hon. member had to a large extent inspired this paragraph. Looking at the matter superficially that is the conclusion at which anyone might have arrived. Now we come to Mr. Lovekin's denial. All I have read about it was in the paper yesterday. Mr. Lovekin says that I made use of unwarrantable statements. He further goes on to say that there was no warrant whatever for any of my statements. He makes a good deal of use of the words "warranted" and "unwarrantable." He does not say, "I assure hon. members I had nothing whatever to do with it and did not inspire the paragraph." There is no full statement of that kind from him. I contend, therefore, that there is no other interpretation to be placed upon his remarks. To remove that impression we want a plain statement that he had nothing whatever to do with the paragraph.

Hon. A. Lovekin: Do you want a thief to prove his innocence before you put up a prima facie case against him?

Hon. Sir E. H. WITTENOOM: We also find that the hon. member make a great point of never having divulged a confidence.

He says that he has had confidences reposed in him time after time, and that he has suffered almost crucifixion through his having refrained from having divulged such confidences. He takes great pleasure to himself for that. But how does that apply in a case of this sort? He did not ask me, and I do not suppose he asked anyone else, for confidences, and, therefore, from that point of view, he broke no confidence. What we imagine he did is exactly that of which we accuse him. He says that I accused him of having made use of his position as a member of this House to publish opinions expressed by hon. members in the ordinary course of conversation. That is what I did accuse him of. I never accused him of any breach of confidence. I appeal to hon. members to look at the whole matter superficially, and I feel sure that they can only think as I think, in the absence of a direct denial from the hon. member. In the circumstances it is reasonable to assume that I was correct in my belief. I had two reasons for the action that I took. One reason was that as far as I could see the paragraph, I will admit, left no room for doubt in my mind as to its authenticity. It was so full of detail and so accurate that it left no doubt in my mind as to the source from which the information had come. Another reason was that as the paragraph had appeared in this newspaper, and this newspaper belonged to Mr. Lovekin, who was a member of this House, it seemed to me that, no matter what hypothesis might be put forward, one's conclusions must be that the hon. member was associated with the statement. I took up the matter because several members asked me to do so. It is perhaps fortunate for Mr. Lovekin that I did take up the matter. Had I not done so, there were one or two members who might have done it more forcibly than I did. That is all past now, and probably hon. members have forgotten it, but there was a good deal of feeling about it that night. If the matter had been taken up by one or two others, some of whom are not here now, the position might have been very different. In the statement made yesterday by the hon. member I was struck by the fact that he was exceedingly temperate. He put the case most temperately. He did not elaborate or did not go into many particulars regarding it. He read what I had said, and on the strength of that accused me of a breach of privilege, and asked the House to justify him in his statement.

Hon. A. Lovekin: I expected you to do the honourable thing.

Hon. Sir E. H. WITTENOOM: Unfortunately, subsequent to the meeting in the House on 5th December, the hon. member made some serious accusations against me. For instance, he accused me of deliberately waiting until he was out of this Chamber to take the opportunity of making the statement I did, and give him a stab in the back. Hon. members will know that on that evening members were constantly coming in and going out the Chamber. While I was speaking there were about six members standing outside the door. How was I to know whether Mr. Lovekin was in his place or not? I will read to the House some of the letters which have been sent to me on this matter by the hon. member, letters which I consider are most unjustifiable. I will leave hon. members to judge for themselves. What I did was done because I thought it was my duty, not only to myself but to hon. members. The position I took up was such that no one could very well accuse me of doing anything that was not right and fair. The first letter I am going to read was written from Parliament House on the 6th December. I think the occurrence took place on the 5th December. Mr. Lovekin's letter to me is as follows:—

> Sir, after your friendly chat with me at Parliament House on Thursday last—

I wish to draw special attention to the words "friendly chat," because they show that there was no malice about the matter, and that I had no intention at the time I spoke to Mr. Lovekin of ever saying a word, because I had not then seen the article. The letter continues—

> —it is needless to say I was astounded on perusing the "West Australian" to find remarks attributed to you (as per cutting herewith) for which there is no foundation whatever. My amazement was the greater because, although I was in the Chamber for quite nine hours yesterday, you apparently took advantage of my temporary absence in the early hours of this morning to launch a charge of dishonourable conduct against me.

This statement did not come out until the third edition of the paper in the evening. I ask hon. members to say how many hours of the sitting elapsed after that time.

> Of course I cannot allow such to go unchallenged. I shall be glad therefore if you will let me know (a) whether the "West Australian" report is correct, and, (b) whether, if correct, you will divest yourself of your Parliamentary privilege and repeat the statements publicly, so that I may be given a chance of defending myself against so unwarranted a stab in the back. Yours truly, A. Lovekin.

My reply to this was on the 9th December—

> Dear Sir, I am in receipt of your letter of the 6th inst., in reference to a statement made by me in Parliament at its last sitting. "Hansard" will, of course, furnish a correct transcript of my remarks. I made the statement in a perfectly frank spirit. I was naturally surprised, like other members, to find your newspaper forecasting the probable division in connection with the Parliamentary Allowances Bill, and I merely took occasion to draw the attention of the House to what appeared to me to be an unusual proceeding. If the forecast had been one which was

given as the result of public utterances of members, the position would have been different, but so far as I am aware members had not made any public pronouncement of their views. To draw the attention of the House, therefore, to such a matter is, I think you will admit, the right and privilege of every member, and had I not done so, other members would have acted, and I would not question your right in similar circumstances to do likewise. I believe, however, in being perfectly fair, and if the statement is not correct and I have your assurance to this effect, then I am quite prepared to make the necessary explanation and withdrawal at the first opportunity after the House meets again.

Hon. A. Lovekin: I said in the first letter "without foundation." You forgot that.

Hon. Sir E. H. WITTENOOM: My letter continues—

> I would, however, take this opportunity of pointing out that in your letter you obviously impute to me that when making my statement I took advantage of your temporary absence from the Chamber. I would ask you to treat me with like fairness, as I am prepared to treat you, and to accept my assurance that such is not the case, and therefore that you will withdraw this imputation. I have no control over the coming and going of members, and I was compelled on the occasion in question to avail myself of the opportunity of addressing the House when the occasion offered. As a matter of fact, prior to my actually speaking on the subject, I had risen about the same moment as another member—

That was Mr. Duffell—

> —who secured the floor in advance of me, otherwise you might then have been in the House. I regret that you were not present, but that was due to no fault of mine, nor, as I say, did I seek to take advantage of your absence. The matter was one affect the privilege of the members, and I cannot therefore accede to your request to divest myself of the privilege afforded to members under such circumstances. I trust that this will make my position clear to you.

After assuring him that I would make every apology when the House met, if he could give me written assurance that he had nothing to do with this, I received the following letter from the hon. member on the 11th December:—

> I have yours of 9th inst., and have now read the "Hansard" report you refer me to. You say that you "made the statement in a perfectly frank spirit and that you merely took occasion to draw the attention of the House to what appeared to you to be an unusual proceeding." I am sorry reference to the report does not bear this out. On the contrary "Hansard" discloses a malicious and unjustifiable attack upon my honour and your letter admits you were aware that you were making this attack in my absence. That I am warranted in so designating your conduct is to be seen from the "Hansard" report in question. You say that during all the years you have been in the House you "have never known of one single word being taken outside. . . ."

I am pleased to have been able to confirm that—

> "And that unfortunately an instance has come to your knowledge (referring to myself) of an exception to that rule." To be quite blunt this statement is not true, for there can be no knowledge of that which is not in esse. Then almost in the next breath you proceed, "I can honestly say, not a single soul has asked me how I intended to vote. I have not indicated by a single word what my attitude would be yet my name is included in the probable division." How I could have taken outside what you never said or indicated I fail to see. How, if there had been no "nice interchange of ideas," I could have committed such a breach of honour does not appeal to my reasoning faculties. It seems to me that, on your own showing, there could not have been any breach of good faith or dishonourable conduct, for there was nothing to disclose. Therefore, your attack was unjustifiable. Again, you disclaim that you took advantage of my temporary absence from the Chamber. You well knew, Sir, from a fact I must not mention lest I should commit the very offence you charged me with, that I was not present.

I knew nothing of the kind.

> Your letter corroborates this, for you express regret that I was not present, and you seek to excuse yourself by stating that "prior to your actually speaking, you had risen at the same moment as another hon. member who secured the floor in advance of you," otherwise I might have been in the House. May I draw your attention to the fact that only an hour or two before the delivery of the speech in question, you conversed with me confidentially in, apparently, the most friendly way, yet, having in mind your determination to launch this cowardly attack, you remained silent as to your intention and never inquired of me as to my connection or otherwise with the report. Again you have the temerity to suggest that you were compelled to speak in my absence because some other member secured the floor in advance of you. As the senior member of the House—one who has had some 30 years' experience of Parliamentary procedure—I cannot assign your action to ignorance. My limited knowledge of the practice of Parliament shows that a matter of privilege may be raised at any time and takes precedence. (See "May," ninth edition, page 288.) That you had it in mind to make this attack is to be gathered from the report. You say, "before addressing myself to

this particular Bill, I should like to refer to a breach of privilege of this House." I feel sure that had you risen to order and raised this question, the President would have given you the floor.

I did not think it was important enough to stop the business of the House for any length of time.

Unfortunately, for your sake, the President does not appear to have apreciated the purport of your remarks, due no doubt, to the exhausted condition of most members at that hour of the morning, otherwise in the performance of his duty he would have called you to order under the Standing Order which declares that "all imputations of improper motives and all personal reflections on members shall be considered highly disorderly." And further, according to my limited knowledge, complaints as to statements appearing in newspapers must be made in a prescribed manner. I cannot conceive that after 30 years' experience you did not know these things, hence I can only arrive at one conclusion, namely, that your action was a deliberate and cowardly attack upon me from behind. Such an attack is the more unjustifiable because you know from your past experience of me, dating back to the time of your Ministerial career, when you and some of your colleagues reposed confidences in me which have never been betrayed. I have received confidential letters requesting me to publish matter, which has afterwards been repudiated, and rather than disclose my authority, I have, more than once, rested under the stigma of publishing unfounded information. You know this. Yet, without having any evidence of my change in character, you are uncharitable enough to say that I "made use of my position as a member to take outside and publish opinions expressed in the ordinary course of conversation"—conversations which in your own case you aver did not occur.

I did not mention personal conversations. Now, having been struck from behind a hedge as it were—

I want hon. members to mark these words. Standing here in the middle of the Legislative Council, in front of everyone, I struck the hon. member from behind a hedge. However, this portion of the letter continues—

Now, having been struck from behind a hedge, as it were, I asked you, (a) whether the "West Australian" report was correct. You refer me to "Hansard," from which I find that the newspaper report was toned compared with your original utterance. (b) That you would divest yourself of your Parliamentary privilege and give me the only opportunity open to me of defending myself. This you refused to do. The sole redress you offer is that next session "if you have my assurance that your statement is incorrect, you will make the necessary explanation and withdraw."

Could any man go further than that? Could I have gone any further than to say that if what was attributed to one was not true I would withdraw and apologise? However, it proceeds, and mark the start of the first sentence—

This you will do in any event, and without any assurance on my part (whatever the facts may be), for you had no right to make such a statement unless you were able to substantiate it. The criminal is not called upon to answer a charge until a prima facie case is made against him. You cannot support even the semblance of such a case.

I do not know whether that is a prima facie case or not. However, to proceed—

It is a matter of much regret to me—

I regret it also—

—that I should find myself in conflict, at so early a stage of my political life with any member, more especially yourself. However much I may differ on principles with other members, it is my wish to be on friendly terms with all, and I shall strive towards that end. At the same time I would deserve to lose their respect if I remained silent under such an attack—so unjustifiable and cowardly an attack—as you made upon me during the early hours of Saturday morning last. Although I am writing strongly (and I may be well excused for so doing in the circumstances) I have no wish to create a breach such as cannot be readily healed. I therefore offer you this opportunity to make the amende honourable. If you will publish in the "West Australian" a letter over your own name to the effect that, on further consideration, you have found that you had no warrant for the statement you made in the House, that I had improperly used my position to publish opinions and conversations made privately and confidentially, and that you unreservedly withdraw the imputations you cast upon me, the matter may end. If on the other hand you fail to do so, I must be left to my own resource to defend myself as best I can. And of course you will understand that I cannot rest under such an imputation until Parliament again meets some eight months hence.

I did not think it necessary to answer that letter. In the meantime the hon. member had enlisted the sympathy and apparently secured the services of Mr. Bernard Parker as mediator, and he got him to be the means of interchanging letters and other matters between us for some considerable time. The whole of the suggestions and offers came to this, that I was to put a statement in the paper apologising for all I had done and then Mr. Lovekin was to put another state-

ment in the paper saying that he was satisfied, and then everyone would be contented.

Hon. A. H. Panton: And everyone was to live happily ever after.

Hon. Sir E. H. WITTENOOM: There is one more little aspect affecting the position. I sent this letter through Mr. Parker. This is what I said I would put in the paper, and I sent it in the envelope to them to make what use of it they liked. The letter to the Editor of the "West Australian" was as follows:—

> In your issue of the 6th inst. there appeared a report of certain remarks made by me in connection with an alleged breach of privilege, in which I referred to Mr. Lovekin and to an article which appeared in his newspaper of the previous day giving a forecast of the probable division in the Parliamentary Allowances Bill. Since Parliament adjourned, Mr. Lovekin has informed me that there is no foundation whatever for the remarks made by me in Parliament concerning him, and on this assurance I withdraw the statements I made, and express my regret for having taken the action which I did. Had Parliament been sitting I would, of course, have made the necessary explanations in the House, but as it will not re-assemble for some time, it is only fair to Mr. Lovekin to now make this statement.

This was returned to me with the words "Mr. Lovekin informs me" cut out and the words "I learn" inserted, so that instead of reading, "Mr. Lovekin has informed me," and so on, the letter would have read as though I had learnt these things. I then wrote to Mr. Parker the following letter—

> I received your letter and enclosures on Wednesday evening on my return from Geraldton. I am sorry our friend does not see his way to accept my letter. I feel I cannot go any further. Permit me to add my thanks to his for the trouble you have taken in this matter. Reciprocating your good wishes.

That was the end of the correspondence, and that is how the matter stood until the hon. member returned to this State. I have nothing more to say except that on the face of this statement when it came out in the paper, it appeared to me to be a fair deduction to draw that the hon. member had supplied the information or inspired it, or had contributed towards it in some way or another. That was a fair assumption. That assumption was shared by a large number of members of this House in addition to myself. So much was this so that they asked me to bring the matter forward so that it should not occur again. I most decidedly was under the impression that I was quite right. There the matter ended, however, until Mr. Lovekin returned. It may be that I was wrong. Could I do more than say "If you give me your assurance that you had nothing to do with it, I will withdraw, and I will write a letter to the paper to that effect and also refer to the matter in Parliament? I will do anything at all if I have done you an injury, to make the amende honourable if you give me your word that you never inspired it." I ask hon. members in all sincerity, could I do any more? I contend that in the circumstances a prima facie case was apparently made out. I had full justification for doing what I did on that occasion. It is in a sense unfortunate for the hon. member that he owns a paper such as the "Daily News"; it may be an unfortunate coincidence that the statements complained of appeared therein at a critical period when everyone was anxious to know what was to happen. The statement was very nearly correct, and it could not prevent people from coming to a conclusion on the question at issue. All I can say is that I offered the hon. member, in his own words, the amende honourable, and with these remarks I now leave myself in the hands of members of this House.

Hon. J. CORNELL (South) [5.10]: Before the motion is put I would like to offer a few remarks. It was believed by some members, and hoped by others, that this incident would have been forgotten, or at any rate that no reference would have been made to it. I think that in the interests of the hon. member who has moved the motion, it would have been better for him to have let it go at that.

Hon. A. Lovekin: Let it go and take no notice of it?

Hon. J. CORNELL: I do not rise to champion the cause of our old friend Sir Edward Wittenoom, because, if my memory serves me rightly, the temper of the House on the evening he made the remarks complained of, was such that he gave the correct interpretation of them. Having expressed this view, there was no need for reiteration on that point. That is probably the reason why some hon. members who followed Sir Edward Wittenoom on that occasion did not refer to the matter, but if Mr. Lovekin takes the trouble to read "Hansard," he will find that members other than Sir Edward referred to the matter on that occasion and added their full testimony and approbation in support of what Sir Edward had said. Had the circumstances been such that the customs of the House or the privileges of members generally had been assailed, you, Sir, as one of the oldest members and one who has been elevated to the high and honourable position of the Presidentship, would have taken the necessary action to safeguard the privileges and prerogatives of this House. Whatever our political opinions may be, they can only be one on the question of our privileges and prerogatives. It would be a complete answer to the charge now preferred against Sir Edward Wittenoom that no member took exception to the remarks uttered by that hon. gentleman. On the other hand, members

gave their silent approval to the remarks he made, and saw no necessity for referring to them at all. In these circumstances I contend that on that occasion the House itself, if any breach of privilege was committed, was equally to blame with Sir Edward Wittenoom. Supposing you, Sir, in your high and honourable position, were to take Arrogance by the hand and ride rough-shod through the Standing Orders and a majority of the House agreed with you, that would then become the opinion of the House, and I claim that on this occasion the House was with Sir Edward Wittenoom. I have no desire whatever to lecture the hon. member who has seen fit to launch this motion of censure. Personally I am inclined to the opinion that if there were any justification for a vote regarding an abuse of privilege, the position should be reversed, and the accuser should be ranged here to answer a charge of breach of privilege, and not the person at present accused. There is one aspect of the question upon which I desire to touch and on which I think I can make out a case for the consideration of members. I am prepared to absolve Mr. Lovekin from the charge of being the author of the paragraph which appeared in the paper, but he cannot shed the responsibility for the publication of the paragraph. He could no more shed this responsibility than could a manager or a commanding officer evade the responsibility for the acts of his subordinates. It would have been infinitely better, it would have met with the approval of the House and it would have been an easier way out if the hon. member on his return had made a plain statement that, though, the article to which exception was taken had appeared in the paper over which he exercised control, he personally was not responsible though, being in control of the paper, he must accept the responsibility for the acts of his subordinates.

Hon. A. Lovekin: And leave this in "Hansard"!

Hon. J. CORNELL: Yes, and it will stay there. If the hon. member had adopted the course I suggest, nothing further would have been thought of the matter. It is improper to impute motives, but I feel satisfied that this motion can meet with only one fate, namely that Sir Edward Wittenoom will be exonerated with honour and that Mr. Lovekin will emerge with notoriety. The gravamen of the charge is contained in the fact that the statement made by Sir Edward Wittenoom was made during the absence from the Chamber of the hon. member. Who was responsible for Mr. Lovekin's absence? That was his affair and not the affair of any other member of this House. He was elected to attend the Chamber, and so long as he conformed with the Standing Orders, it was no business of the House whether he took his seat or not. On this occasion he was absent. I have no desire to pry into the affairs of the hon. member's personal or public business; but so far Mr. Lovekin has not given any reasons for his absence.

Hon. A. Lovekin: It was two o'clock in the morning.

Hon. J. CORNELL: I decline to take advantage of the hon. member's interjection; he will have an opportunity to reply at the proper time. I have taken the trouble to glean some facts regarding this matter. I know the active interest which the hon. member took in the business of the House from the moment he entered it, and I well remember his very active interest in this measure. Judging by the accuracy of the division as published in his paper, either the hon. member or the person responsible for its publication was not a bad judge. If the person concerned directed his activities to the sporting world, and proved as accurate in his forecasts as in this instance, I would advise members not to censure him but to follow him.

Hon. A. H. Panton: And buy the "Daily News."

Hon. J. E. Dodd: Are the tips in the "Daily News" generally right?

Hon. J. CORNELL: The hon. member has taken exception to the fact that these words were uttered during his absence. If members turn to "Hansard," page 2038, they will find that at 11.42 p.m. the Minister for Education moved the third reading of the Appropriation Bill. Just a few lines higher up in the report of the debate there is a division recorded and Mr. Lovekin took part in that division. About three lines still higher up, Mr. Lovekin acted as teller in another division. At 11.50 p.m. Mr. Miles moved an amendment to the Appropriation Bill, and only three more lines intervened before the recording of the division, and Mr. Lovekin voted in that division. At 11.56 p.m. the leader of the House rose to move the second reading of the Parliamentary Allowances Bill. Members would naturally infer that the only reason which would call an hon. member from the Chamber at that hour of the night would be illness or urgent private business. Throughout the report of the second reading debate on the Parliamentary Allowance Bill there is not a line, a comma, or a note of interrogation to indicate that Mr. Lovekin was not in the Chamber. Mr. Lynn referred to this now celebrated statement; Mr. Millington did likewise, and, as is usual with myself, I referred to it also. The vote on the second reading was taken at 2.30 a.m. Practically the only portion of the forecast which was at fault was that Mr. Duffell was numbered with the noes, and Mr. Dodd was not mentioned with the ayes and, in point of actual fact, Mr. Duffell paired with Mr. Dodd. At 2.30 a.m. one of the absentees from the list, Mr. Greig, rose to oppose the second reading. Mr. Greig's remarks occupied less than half a page of "Hansard." Then the division on the second reading was taken and there is a very clear indication that Mr. Lovekin was not absent inasmuch as he acted as

teller for the noes. Just as there is a missing link in the Darwinian theory, so is there a missing link in the chain of evidence.

Hon. A. Lovekin: Does the hon. member say that I was present?

Hon. J. CORNELL: I only desire to state that within three minutes of the Minister proceeding to move the second reading of the Bill, Mr. Lovekin took part in a division and at about 2.33 a.m. he acted as teller for the division on the second reading. If my memory serves me aright, at an earlier period of the evening there was a decided feeling of hostility with regard to the statement in the "Daily News" which led to the moving of this motion of breach of privilege. It might have been expected that Mr. Lovekin, holding the views he did on the question of members' salaries, would have placed himself above that powerful though at times erratic and unreliable organ, and have given personal expression to his views in this House, but we cannot find one interjection from the hon. member. The hon. member is always courteous in this House, and though it is contrary to the Standing Orders to offer interjections, the hon. member does at times indicate his views by way of interjection and in a manner which sometimes assists the speaker, but at other times destroys the thread of his argument. On this occasion the hon. member was absent. It seems extremely improbable that before the session closed some member did not convey to Mr. Lovekin the effect of the statement made by Sir Edward Wittenoom and supplemented by other members.

Hon. A. Lovekin: I tell you now that no one did so. I saw it for the first time in the paper next morning.

Hon. J. CORNELL: That being so, I suppose the only reason was that it occurred in the wee sma' hours of the last sitting for the session, and that there was a desire to let the bad past bury its dead.

The PRESIDENT: I would point out to the hon. member that his remarks during the last few minutes have been scarcely bearing upon the motion.

Hon. J. CORNELL: I apologise, Sir, I have just about reached the end of my tether. I merely wish to point out that when the Bill reached the Committee stage subsequently, Mr. Lovekin moved amendments and voted in the divisions. To my way of thinking the only question for the House to decide is—"Did Sir Edward Wittenoom on that occasion commit a breach of privilege, and if he did so were the reasons which actuated him sufficient cause for so doing." I say undoubtedly that the reasons were sufficient. I have already stated that a matter of this kind had never come under my notice since I have occupied a seat in Parliament, and probably the same thing can be said of every member present. While I am prepared to absolve Mr. Lovekin from any personal interest in this affair, I am not prepared to absolve him from the responsibility for what appears in his journal. If the temper of the House had been taken at the time, and if that night had not been the last one of the session, Mr. Lovekin himself would undoubtedly have appeared before this honourable House instead of our old and esteemed friend who was only expressing the opinions which were in the minds of all members on that occasion.

On motion by Minister for Education debate adjourned.

QUESTION—VENEREAL DISEASES, COMPULSORY EXAMINATIONS.

Hon. J. E. DODD asked the Minister for Education: 1, How many times has the Commissioner of Public Health taken action, as the result of secret information, to enforce medical examinations upon persons supposed to be suffering from venereal disease? 2, How many persons have been notified by medical practitioners or departmental officers that they must be examined? 3, How many were females? 4, How many of the females compulsorily examined under the provisions of the Health Act were found to be infected? 5, Does the Health Department consider the provisions of the Act in relation to venereal diseases are operating successfully? 6, When was the last report of the Health Department issued, and what period does it cover?

The MINISTER FOR EDUCATION replied: 1, In 40 cases, since the Health Amendment Act of 1915 came into operation, has the Commissioner of Public Health served notice under Section 256, Subsection 1, but in no case has it been necessary for him to cause a person to be compulsorily examined. Of these 40 cases, five were lost sight of, six had themselves medically examined and produced negative evidence, in two cases the conclusion was unsatisfactory, and one is still pending. In the remaining 26 cases, the persons concerned, after receiving the notices, caused themselves to be examined, were found to be infected, and placed themselves under medical treatment. 2, The 40 persons referred to in the answer to question 1. 3, Forty. 4, None were compulsorily examined. Of the 32 cases which were medically examined, all arranged for this in their own way, and made their own choice of medical practitioners. Twenty-six were infected. 5, Yes. 6, The last published report was for 1917, issued in 1918. The report for the years 1918 and 1919 is in the hands of the Printer and should be published in a few days.

QUESTIONS (2)—IMMIGRANTS FROM OVERSEAS.

Period to 1st September, 1920.

Hon. J. CORNELL asked the Minister for Education: 1, How many immigrants have

arrived in Western Australia from overseas for period 1st January, 1920, to 1st September, 1920? 2, How many came from (a) the British Isles, (b) other countries, and what countries? 3, How many were—(a) married men, (b) married women, (c) single men or widowers, (d) widows or single women, (e) children? 4, How many were discharged soldiers, and in what forces did they serve? 5, How many were nominated? 6, How many paid their own fares? 7, How many had their fares paid by—(a) the British Government, (b) other Governments, (c) the Western Australian Government? 8, Are there any records that show the aggregate amount of capital possessed by each immigrant on landing in Western Australia, if so, what are the approximate amounts? 9, Did any land without capital, if so, how many, and how many were married men with wives and families? 10, Was any monetary advance made per immigrant by the British or other Government, if so, to how many, and what is the approximate amount? 11, Are there any records that show the various avocations given by each immigrant, if so, what are they and can they be verified? 12, Do representatives of organisations, other than Government representatives, meet immigrants on arrival at Fremantle, if so, what organisations, and for what purpose? 13, How long are immigrants housed and cared for by the Government after arrival, and what is the approximate cost per head? 14, On arrival in the State or on discharge from the receiving home, does the Government only take the responsibility of placing immigrants in employment on farms or elsewhere; if not, does any outside organisation do so, and if so, what is the name of the organisation? 15, When placing immigrants in employment in country districts, are they supplied with railway warrants, if so, are all such warrants issued by a Government official, if not, who has been given this authority? 16, When placing immigrants in employment in country districts or employment elsewhere, is every precaution taken to ascertain that the wage paid is a fair remuneration and commensurate with the ruling rate? 17, Have any immigrants selected land for period 1st January, 1920, to 1st September, 1920, if so, how many, and what is the approximate acreage? 18, Have any immigrants purchased improved or virgin farms from sources other than the Government for period 1st January, 1920, to 1st September, 1920, if so, how many, and what is the approximate acreage? 19, What are the conditions other than those set forth in the Discharged Soldiers' Settlement Act, under which immigrants are asked to select land, and are they given any special consideration not allowed to the ordinary land settler? 20, When an immigrant is placed in employment by the Government or other organisation, are any records kept which show —(a) the full period of employment, (b) his leaving the employment he has been placed in for other employment, (c) his dismissal or loss of employment through illness or other causes, if so, how many immigrants placed in employment for period 1st January, 1920, to 1st September, 1920, are now seeking employment? 21, What is the approximate cost per immigrant to the State for period 1st January, 1920, to 1st September, 1920? 22, Have the Federal Government borne any of the cost of landing immigrants in Western Australia, if so, what is the proportionate amount?

The MINISTER FOR EDUCATION replied: I think I should be entitled to submit that the subject matter of this question is suitable for a motion for a return rather than for the asking of a question. However, as I have no doubt that the information desired by the hon. member is available, and as it will be of value, I shall obtain it and let the hon. member have it as soon as possible.

Period from 1st October, 1920.

Hon. J. CORNELL asked the Minister for Education: 1, How many immigrants have arrived or are expected to arrive in the State from overseas for period 1st October, 1920, to 1st December, 1920? 2, Are there any records that show how many came or are coming from—(a) the British Isles, (b) other countries, and what countries; if so, what are the figures? 3, Are there any records that show how many are —(a) married men, (b) married women, (c) single men or widowers, (d) widows or single women, (e) children, if so, what are the figures? 4, How many are discharged soldiers, and in what forces did they serve? 5, How many were or are nominated? 6, How many paid or are paying their own fares? 7, How many had or are having their fares paid by (a) the British Government, (b) other Governments, (c) the Western Australian Government? 8, Are there any records that show the aggregate amount of capital possessed by a number of immigrants? If so, what are the approximate amounts? 9, Are there any records that show the number of immigrants who have no capital? If so, what are the approximate figures? 10, Is any monetary advance being made to any of the immigrants by the British or other Governments? If so, to how many and what is the amount allowable to each individual? 11, Are there any records that show the various avocations given by each immigrant? If so, what are the relative figures, and can they be verified? 12, What is the approximate cost for immigrants to the State for period 1st October, 1920, to 1st December, 1920? 13, Are the Federal Government bearing any of the cost of landing immigrants in Western Australia for period 1st October, 1920, to 1st December, 1920? If so, what is the proportionate amount?

The MINISTER FOR EDUCATION replied: My reply to the preceding question applies also to this one.

BILL—HEALTH ACT CONTINUATION.

Read a third time, and passed.

BILL—CITY OF PERTH ENDOWMENT LANDS.

Received from the Assembly, and read a first time.

BILL—BUILDING SOCIETIES.

On motion by the Minister for Education, Bill recommitted for the purpose of further considering Clause 3.

Further Recommittal.

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

Clause 3—Interpretation:

Hon. J. DUFFELL: I move an amendment—

> That the words "'Leasehold' includes any tenure of land not being freehold" be struck out, and the following inserted in lieu:—"'Leasehold' means land (not being freehold) held for any period not being less than 21 years."

My reasons for this amendment were given fully in my speech on the second reading. The definition of "leasehold" in this clause appears to me a weak spot in the Bill. The Minister for Education, when I drew attention to the matter, promised to obtain for me certain information as to why the definition in the Bill should be retained; but that information has not been forthcoming. It cannot be denied that the Committee have dealt with this measure in a spirit of great caution; indeed, the chief object of the Committee has been caution. I previously moved the recommittal of the Bill for the purpose of securing the deletion of its leasehold feature. On a division my amendment to that effect was carried. But the leader of the House, in anything but a friendly spirit, moved for a further recommittal of the Bill on the ground of the thinness of the House which carried my amendment. The hon. gentleman moved the reinsertion of the words deleted; and, as showing the spirit of caution which still dominated the minds of hon. members, I may point out that though the leader of the House brought all his guns to bear against the decision previously arrived at, the Committee were equally divided. Notwithstanding that I used all my power of persuasion to get the leader of the House to give some further information with regard to the leasehold feature of the measure, he has absolutely failed to do so. He has merely done his level best to force through the leasehold feature of the Bill as it stood originally. The period of 21 years mentioned in my amendment will, I think, meet all purposes.

The MINISTER FOR EDUCATION: Mr. Duffell's statement that I mustered all my forces against his amendment as a figment of his imagination. I never made any attempt to influence any member's vote on that matter. I told the Committee that it was a matter of indifference to me how the vote went. It is highly disorderly, I submit, for Mr. Duffell to question the wisdom of the majority of the House in deciding that the Bill should be recommitted. It is not a matter for me, or for the hon. member, to say whether a Bill shall be recommitted, but a matter for the House; and such a decision of the House is no more open to question by the hon. member than is any other decision of the House. The hon. member persists in accusing me of having promised him some information and of not having got it for him. The information I promised him and got him is that in the Imperial Building Societies Act and in the Building Societies Acts of the Eastern States and New Zealand, this provision appears at the present time, and that all the Parliaments of those countries have considered it sufficient to leave the directors of building societies to decide what security they will lend money on. Since it seems to be the desire of a number of members that the Bill should contain some definition of the word "leasehold," I am not averse to the insertion of such a definition so long as it does not spoil the purposes of the Bill. The definition proposed by this amendment would, I think, cut out certain securities that should not be cut out. For instance, there is the free homestead, which is limited to a term of seven years but secures to the holder the right to the fee simple. Then there is the conditional purchase lease, of which the term is only 20 years, but which in its turn carries the right to fee simple. There are also holdings in town sites on the goldfields, such as residential blocks, in which no term is expressed. Although they are not freehold, they are held for unlimited periods. If any definition of "leasehold" is required—I contend none is required except what is in the Bill—I would be quite prepared to accept an amendment in these terms: "'Leasehold' includes any tenure of land (not being freehold) held for a term of not less than 21 years, or, if for a lesser term, with the right to extension of not less than 21 years, or to acquire the fee simple." An amendment of that kind would, I think, cover the position. If the hon. member is prepared to withdraw his amendment, I will submit this one. If he is not so prepared, I must ask the Committee to vote against his amendment.

Hon. A. SANDERSON: I am afraid the atmosphere is not calculated to help us in considering this important matter. It is a matter into which no heat need be imported. I do not wish to go back on the decision of the House, but are we or are we not going to protect members of this building society? The whole method of introducing the Bill has been slovenly. It had not been fairly considered before being brought down to this Chamber. I do not blame the leader of the

House for that, but he must accept a certain amount of the responsibility. The whole scope of the Bill, and the amendment, is to protect members of the building society, and I do not think the amendment protects them sufficiently. Is the 21 years' lease a sufficient protection? It does not err on the side of safety. It is about the narrowest limit we could get. If we cannot get anything else, however, we must accept that period. Coming to the proposal of the leader of the House, we may ask whether it is reasonable to expect that on an important and intricate point, that an amendment such as the one he proposes, should be accepted off hand this afternoon. The attitude of the leader of the House can be explained when it is said that he is representing the Government—the biggest landlord in the country. We should fix our minds on the question of the protection of the shareholders of the building society. The hon. gentleman referred to the English law and to the laws of the other States. I tried to urge that argument in connection with second mortgages, but failed. It was brushed aside because, it was said, "What have we to do with the other States?" Now the leader of the House says that this is in the English Act, and in the Acts of all the other States.

The Minister for Education: And New Zealand.

Hon. A. SANDERSON: So far as the English position is concerned, it can be brushed aside owing to the complexity of the leasehold system as against freehold there. With regard to the law in the Eastern States I would like to have the opportunity of looking it up, not that I question the statement of the leader of the House, because I have no doubt he got the information from the legal advisers to the Government.

The Minister for Education: I got it from the Solicitor General.

Hon. A. SANDERSON: The position in the Eastern States is nothing to that which exists in New Zealand. You cannot on one day brush aside what the position is in the Eastern States and on the next day, for the purpose of your argument, say that such a thing takes place there and therefore we can have it here. Let us find out whether the Eastern States have been advancing their money on leasehold for a period of 21 years. With regard to the proposal suggested by the leader of the House, I would not brush it aside off hand. It should be fairly considered, but it is impossible for us this afternoon to give it the consideration it should receive, and brush aside the proposal of my colleague in order to accept it.

Hon. Sir E. H. WITTENOOM: This question should be easily settled by those who are interested. In most of these cases there are boards of directors and shareholders, and the evidence of those people should be obtained to tell us what class of leasehold they want as security. That then would be embodied in the Bill. I know nothing whatever about this kind of security, but if hon. members were to ask me what sort of security was wanted by the Western Australian Bank I would be able to tell them. Those who are most interested, the directors or managers of these institutions, should be able to give incontestable evidence of the class of security they require. Is there no way of getting that information and thus saving what seems to be an interminable discussion which is leading to nowhere?

Hon. J. DUFFELL: Is it feasible to think that a building society will lend its funds upon a lease extending over seven years? Whilst I am pleading for the deletion of the definition of "leasehold," as it appears in the Bill, I am reminded of an occasion when the leader of the House moved to report progress no fewer than three times on one clause of the Land Tax Bill, and as the result of his persistent debate, he got a sufficient number of members to support him on that occasion, and the clause which he debated so much was carried, though it was afterwards proved that he was wrong. Whether or not he knew it was wrong, I cannot say.

The MINISTER FOR EDUCATION: I must protest against this. The hon. member has said that I made representations and that he does not know whether I knew that they were wrong when I made them. I must insist on the hon. member withdrawing.

The CHAIRMAN: I ask the hon. member to withdraw.

Hon. J. DUFFELL: I withdraw. I was going on to say that in the following session the Minister had to bring down a Bill to undo the wrong done on that earlier occasion, a Bill to provide for a refund of moneys wrongfully collected as land tax. My reason for mentioning this is that it is just possible the Minister may be again leading us in the wrong direction. The definition he proposes would be entirely out of place in the Bill. I am most anxious that no future society shall have power to prejudice the existing societies.

Hon. J. NICHOLSON: The hon. member is overlooking an important factor in regard to leasehold. Moreover, the amendment which has been suggested by the Minister will attain Mr. Duffell's object much more effectively than the amendment now under consideration. Conditional purchase leases are granted for terms up to 20 years. Such a lease, held by a man who is looking after his property, is an improving asset every year, and so a C.P. lease is much better security after ten years than at the beginning of that period. Even banks advance money against conditional purchase leases. Why, then, should the holder be deprived of the right to get a loan for improvements? Yet, if such a lease had only five or ten years to run, it would be excluded under the amendment. In seeking

to protect the shareholders, Mr. Duffell would exclude deserving people from the benefits offered by building societies.

Hon. J. E. DODD: Last night I said that when a definition of leasehold was submitted to the Committee I would support it. We now have two definitions before us, and I earnestly ask Mr. Duffell to withdraw his in favour of that submitted by the Minister.

Hon. J. Duffell: If hon. members consider that the amendment suggested by the Minister will better suit the case, I will withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That the following be added to the interpretation of the term "leasehold":—"held for a term of not less than 21 years, or if for a lesser term, with the right to an extension for not less than 21 years, or to acquire the fee simple."

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

Bill reported with an amendment.

BILL—PUBLIC SERVICE APPEAL BOARD.

Second Reading.

Debate resumed from the previous day.

Hon. J. E. DODD (South) [6.10]: The Bill is certainly an important one. I would go a long way to secure reasonable contentment in the public service, but I believe we are not going to get any such reasonable contentment, nor that efficiency which we should have, while the present housing conditions of the service remain. Even now, with the stringency of the money market and the existence of the deficit, it would pay the Government to provide for the public service up-to-date offices instead of the rabbit warrens in which they are working. It would tend not only to the good of the officers, but also to the general efficiency. It has always been a mystery to me how the Public Service Act could have been passed by those who were practically employers of labour. I have always failed to understand why conditions should be applied to the public service which are not applied to all parts of the Government service. Also I have failed to understand why the conditions of the public service are not extended to all the workers in the State. What is good for one should be good for all. When employers of labour have passed such legislation they should apply it to their own industry, and the Government should apply the same conditions to every branch of the public service. If I move an amendment to the Bill it will be in the direction of applying the conditions of the public service to every Government employee in the State. Why should a fettler, a man working hard on the Government railway lines, not be entitled to the same holidays as are public servants? Again, why should such a man, after working 20 or 30 years, not be entitled to a retiring allowance? Surely it is not believed that he has a better chance of saving against his old age than has the average public servant! Moreover, why should the locomotive drivers not be entitled to long leave, just as are other public servants? If there is on earth one employment more nerve-racking than another it is that of the man who has the lives of the public in his hands day in and day out, and by night as well. Yet there is no long service leave for the locomotive driver; indeed, until very few years ago there was no short service leave for him either. Can anybody tell me why such a man should not be entitled to all the consideration extended to a clerk working in an office? I fail to understand why employers of labour who have passed this legislation should oppose legislation for the amelioration of the conditions of workers of all classes. I ask Mr. Panton, who has lately been engaged in a case on the Golden Mile, whether or not in his opinion the men working under goldfields conditions are not entitled to the privileges conceded to public servants?

Hon. A. H. Panton: They are entitled to more.

Hon. J. E. DODD: Any man who knows the conditions of work up there and who has sufficient courage must say that the men working there are deserving of the same privileges as are enjoyed by men working six or seven hours a day in offices. I do not believe in levelling down, but I am a firm believer in levelling up, and I think something might be done in the direction I indicate.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. E. DODD: I wish to draw attention to what has taken place in South Australia in connection with the mining industry. An agreement has been entered into by the management of one of the mines, which at one time was looked upon as absolutely the worst place for men to work in that there was in Australia, but which to-day is one of the best. The management have entered into a voluntary agreement whereby the miners have been given a week's holiday every year. We are marching forward when employers are willing to do that. If the Bill is carried it will save Cabinet an immense amount of time. We found, when the Labour Government were in office, that the claims of civil servants took up a great percentage of the time of Cabinet. We had a number of claims that dealt with matters 20 years old. Meeting after meeting of Cabinet was held to settle claims made by civil servants in regard to allowances and various other matters. I cannot see why the civil service should not be allowed to go to the Arbitration Court in the same way as any

other body of employees. The Arbitration Act is of course not open, because the civil servants are specificially left out of it. I am not prepared to say that the civil service should have exactly the same rights as industrial unions. The civil servant is fortified and protected by a special Act of Parliament in respect to many matters such as privileges, continuity of service, retiring allowance, and so on. Nevertheless I think an amendment in the direction of allowing the civil servants to go to the Arbitration Court could be drafted, and that it would lead to better results than the system laid down in this Bill. There is a clause which provides that the Association shall elect a representative to the Board so long as not less than 85 per cent. of members of the civil service are members of the association. I am inclined to disagree with the clause and support the contention raised by Mr. Panton. I believe in unionism and always have done so, and I am still a unionist. Wherever possible we should support organised bodies. We cannot suppress unionism. I do not think any member wishes to do so. The best way to handle the position is to meet the unionists within reason. If the Government will amend the Bill in the direction I have indicated they will give more satisfaction without doing harm to anyone. I would make this reservation. As I have said, the civil servants are fortified by a special Act of Parliament. If the civil service association were given the sole right of electing a member or members of these boards, a reservation should be made that their rules should not provide for political action. I take precisely the same stand to-day as I have taken almost throughout my career in labour matters, that is, that where there is compulsion upon people to belong to a union or if the union alone takes a case, there should be no compulsion on the part of any member to contribute to political funds. There is an additional reason for this reservation in the case of the civil servants, and I may deal with that at some later period. We might reasonably ask that at least 55 per cent. of the service should belong to the association. That would give them the necessary majority. The Bill at present provides for 85 per cent. Reference has been made to individual appeals, I think in Clause 8. It is provided that persons concerned in or entitled to be represented on an appeal or a matter before the board, may be represented by counsel, solicitor, or agent. I was under the impression, when I thought this matter out, that the Government had made no other provision. I had not the Bill before me until I came to the House. I now find that they have made other provision in Clause 7, which will go far towards meeting the objection I am trying to bring forward on the subject of individual appeals. I ask the Government to consider this matter first of all because of the injustice and inequity of Subclause 5 of Clause 8. This affects not only the civil service association, but also individual civil servants as well as the country. Hon. members will probably recollect what took pace during the civil service appeals in 1912 or 1913. The Labour Government when in power then, carried an amending Bill giving the civil service the right of appeal and these appeals were heard before a judge. I think this represented the most tragic farce that I ever came across. The board of appeal was constituted by the Labour Government. There was a judge sitting at the head of the appeal board, and there was all the expense attached to the employment of the services of a judge, merely to hear individual appeals from civil servants. I am sure hon. members will recollect the tragic farce of Mr. Rooney, of the Claremont Training College, and Mr. Robertson, both educated men, who were fighting each other in an endeavour to show that the position of one was better than that of the other. This fight lasted for three or four days, and represented one of the most tragic things that I ever saw. That experiment should be sufficient to show that the individual appeal should as far as possible be cut out of this Bill. I agree with Mr. Panton that we are going to have a continuous court. We cannot under this Bill have anything else. There will be a Supreme Court Judge as chairman and two other persons, and sometimes four others, hearing these appeals. In one case the hearing will probably last three or four days, and in another case it may be an appeal of a civil servant on £200 a year occupying the time of the board for a whole day. What is this going to cost the country? If the leader of the House would obtain information in regard to the number of appeals that were heard during the time I refer to, as well as the cost of hearing those appeals, and give it to us in his reply, I am sure it will astonish the House. The leader of the House, I have no doubt, will be courteous enough to get that information for the enlightenment of hon. members. I am only too anxious to help the Government in regard to this Bill. I am also anxious to settle this matter once and for all, and make the civil service, as the Minister for Education asks, a contented body. I was not aware until I came to the House that provision was made in Clause 7 for the association to group into classes persons or employees, and have their cases heard together. I think that is a good clause. The only alteration I would make is that it should be compulsory for the cases to go through the association, with the reservation I have made. If ordinary workers wish to cite a case it has to be done through their own organisation. Why not do the same in the case of the civil service? Several instances readily occur to mind where groups of officers can be taken before the appeal board at the one time: head teachers, for instance, and the teachers in the different grades, the clerks in one grade, the engineering staff, and so on, right through. If they were taken in groups before the board,

it would mean much saving of money to the country and also to the civil service as well, to say nothing of the time which would be saved in addition. It is very hard for an individual to appear before a board, but to be confronted by a solicitor makes it far more difficult. It would be far better if collective bargaining, or grouping, were made compulsory. In all earnestness, I ask the Minister to consult with his colleagues and see if something cannot be done in this direction. Regarding the employment of a solicitor before the board, if it were merely a matter as between the Civil Service Association and the Government, I would not take very much exception to it. I would prefer an agent other than a solicitor, although, of course, it is possible that a solicitor may shorten the proceedings instead of lengthening them. It is not a very important matter provided we have collective bargaining. The proposal by the Hon. Mr. Panton that one of the under secretaries should conduct the case for the Government is altogether unreasonable. We might just as well ask that the secretary of a union should appear for the employers as to ask that an under secretary should represent the Government. An under secretary is a civil servant himself and undoubtedly his leanings would tend towards those of the civil service.

Hon. A. H. Panton: The civil servants do not say that.

Hon. J. E. DODD: To ask the Government to agree to an under secretary being the advocate on behalf of the country, is to my mind asking far too much. I think the Government could be represented by an agent and I would give the civil servants exactly the same opportunity. Another matter of much importance is the question of the strike. I do not know in these days whether the fixing of any penalty is of use. Such penalties are never enforced and they might just as well be wiped out. If the Government were prepared to enforce penalties, it would be a different matter, but no Government appear willing or able to do that, and perhaps, in fairness to all parties, it would be just as well to wipe out the penalty clauses altogether. As to strikes being an effective weapon in the hands of the employees, it has to be remembered that it is double-edged, and it is not always a weapon which gives to the men making use of it, what they require. I have been through more strikes than most members in this House and strikes have not always been successful. I remember one where we came out of the strike unsatisfactorily and in the case of the big Broken Hill strike, it would have been far better if we could have gone to arbitration. There will be always two opinions on this vital question of striking, but I do not see that the penalty clauses will do much good. They may be of some little help in restraining the hot-heads who may be in the service, but otherwise they are not of much service. The Bill is essentially a Committee Bill and we may possibly make it more serviceable at that stage. In the meantime I would earnestly ask the Minister to see if something cannot be done in the direction of allowing civil servants, provided the organisation represents the majority of the service, to take their cases through the Civil Service Association. If that is done, there will be a great saving of money to the country. If that is not done and individual appeals are allowed, I am as sure as I am sitting here that we will have a continuous court and a lot of money will be wasted. I support the second reading of the Bill.

Hon. A. J. H. SAW (Metropolitan-Suburban) [7.50]: I support the second reading of the Bill. I believe it is calculated to heal the wrongs of the service. Unlike some members who have spoken, particularly Mr. Panton, I trust and believe that the Bill will prevent a repetition of the recent regrettable strike of civil servants.

Hon. A. H. Panton: Why pick me?

Hon. A. J. H. SAW: Because the hon. member's remarks on the subject were pertinent. The hon. member is a believer, according to an interjection made in reply to Mr. Sanderson, in compulsory arbitration. That is to say, he is a believer in compulsory arbitration for the other fellow.

Hon. A. H. Panton: I did not say so.

Hon. A. J. H. SAW: When his particular client is not satisfied, he believes he should have the weapon of the strike. While absent on active service I found that there was a very popular game among the soldiers. I believe in Australia it is referred to as the national game. Needless to say, I refer to the game of two-up. That game is illegal and I believe the reason that it was made illegal was that certain gentlemen liked to play the game with a two-headed penny.

Hon. J. Cornell: They get it when they are caught, though.

Hon. A. J. H. SAW: I will not pursue the comparison any further but leave it to members to draw their own conclusions. The service have had an appeal board before and the reason that the appeal board failed on that occasion was the narrow limits within which appeals were allowed to operate. Under that board it was only permissible for appellants to be placed in certain classifications and when they were placed in that classification, they were put on the minimum and remained there for all eternity. That is one of the greatest grievances of the civil servants and has been such during the past few years. I took an opportunity to express my opinion on the merits and demerits of the late strike at an earlier stage of the present session and I do not intend to take up time repeating it now. I believe the Bill on the whole is a good one. There are certain amendments which I will place before members when in Committee and I propose to briefly outline the purport of those amendments. The first amendment affects

the scope and jurisdiction of the board. I propose to amend Clause 6 to extend the powers of the board to review allowances as well as the salaries, classification and reclassification. The reason for that is that there are authorised allowances which civil servants enjoy at the present moment such as district allowances, travelling allowances, relief allowances, and so on.

Hon. A. Lovekin: You will have to put your amendments in several clauses.

Hon. A. J. H. SAW: The civil servants—and I agree with them—say that if the board is to determine the question of salaries, then the board should also have the privilege of reviewing the various emoluments they receive. There are certain anomalies in existence which have increased the dissatisfaction. Take the question of the travelling allowances. The present arrangement provides for a larger allowance for a man on a high salary compared with that allowed to a junior officer. The result is that when officers travel in the country and put up at an hotel, the senior officer enjoys his dinner while the junior officer has his digestion ruined by his appreciation of the fact that his allowance is such that he cannot really pay for it Another question is the matter of superannuation. It is proposed that officers to be superannuated are to be allowed to appeal to the board, dating back to July, 1919. There are certain officers who have been retired within recent years who regard themselves, and who are regarded in the service, as having been treated unfairly. It is suggested that certain of these officers —it is not proposed to go back any length of time—whose claims have been the subject of correspondence between the service and the Government, and who have been retired since July 1st, 1916, shall have the privilege of having their cases reviewed by this board. There are not a large number of them. I have a list and it shows that since July 1st, 1916, there have been 19 officers retired by the Government whose pensions have been disallowed. It is not proposed by the service that all these ladies and gentlemen concerned should have their cases reviewed because they have not all been the subject of correspondence between the Government and the service. Certain of that number are not entitled to have their cases reviewed, but some—a very few —are. They include Miss Mary Nicolay, James Delaney, Hugh Oldham, G. F. Hickson, J. E. B. Nobbs, Philip Gavan Duffy, and A. D. Cairns. These, I am led to believe, comprise the total number of cases which have been the subject of correspondence between the Government and the Civil Service Association.

Hon. J. E. Dodd: How could you limit the Bill to those you have mentioned?

Hon. A. J. H. SAW: I have read that list to show that the number is not large.

Hon. A. B. Panton: It might grow.

Hon. J. E. Dodd: I knew of cases extending over 20 years when the Labour Government were in power.

Hon. A. J. H. SAW: These cases have arisen since the 1st July, 1916.

Hon. J. E. Dodd: Well, there is that limit.

Hon. A. J. H. SAW: Yes. Some of these cases are particularly hard. There is a small revision committee of the civil service nominated by the Government to whom these cases are submitted. So far as I can see they have interpreted the Act in a very narrow spirit. There is the case of Miss Mary Nicolay who joined the public hospital in 1890. She resigned in 1893, returned to the State subsequently and engaged in private practice. In October, 1901, she was appointed relieving matron, having served in the Boer War in charge of the nurses who went from Western Australia. Including a period as acting matron in the Perth Hospital in 1903-4, she was continuously employed as relieving matron from October, 1901, until retired in 1915. She was 66 years of age when she was retired and her pension based on her last 15 years of service would amount to £37 10s. per annum. I do not think she received any pension at all. The most extraordinary case is that of Mr. Cairns who was superintendent of abattoirs. On the 8th April, 1905, Mr. Cairns, who was then in Queensland, received a telegram from the Minister for Lands appointing him to the position. He was retired as an excess officer in November, 1918, and was refused a pension on the ground that, having actually commenced duty on the 5th May, 1905, his appointment came under the provisions of the Public Service Act, 1904 which was proclaimed on the 17th April, 1905. The Government claim that notwithstanding that Mr. Cairns was notified of and accepted his appointment on the 8th April, 1905, as he actually did not commence work until the 5th May following, his right to a pension on retirement was taken away by Section 83 of the Public Service Act which came into operation on the 17th April, 1905.

Hon. J. W. Hickey: From what are you quoting?

Hon. A. J. H. SAW: From particulars supplied by the Civil Service Association. The wire notifying his appointment can be produced. Yet because between the time he received the appointment and the time when he assumed duty—he left Queensland at once —the Public Service Act came into operation and he was robbed of his pension rights. I claim that the people who made that decision interpretated the law in a very narrow and grudging spirit.

Hon. H. Stewart: Why were these people retired?

Hon. A. J. H. SAW: I do not know. These are matters which I shall bring up in the Committee stage. There is a further clause to which I wish to direct attention, and that is the one dealing with the power of appointing the representatives on the appeal board. As the Bill was originally drafted,

I believe that power was given to the Civil Service Association to appoint their nominee and to the Teachers' Union to appoint their nominee. Subsequently, the clause was altered, and as the Bill was passed by another place, it provides that the Civil Service Association must constitute 85 per cent. of the members of the public service who are entitled to be classed as civil servants. I regard the clause in the Bill as a mistake. I believe, and I am sure Mr. Panton will agree with me, that every member of a trade or of a service should link up with his respective organisation.

Hon. E. H. Harris: Would you make it compulsory?

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

Hon. E. H. Harris. Mr. Panton would.

Hon. A. H. Panton: Who said he would?

The PRESIDENT: Order!

Hon. A. J. H. SAW: The Civil Service Association at present represent something like 98 per cent. of the members of the civil service. Consequently, they have no difficulty at present in fulfilling the terms of the clause and getting the right of appointing the representative, but it is conceivable that owing to slackness of members and to the possibility of some members not being financial, their strength may dwindle below that of 85 per cent. I think it is wise to strengthen the Civil Service Association in order that they may speak with authority on behalf of their members, and it would be a pity for this House to encourage certain members of the civil service to hang back and not link up with their fellows. If they are not in harmony with the accepted policy of the association, it is their duty to go to the meeting and make their protests heard, and in that way they would exercise a considerably greater influence than by hanging back. The danger seems to be that if the Civil Service Association or the Teachers' Union have not the right to appoint the representative, there might be some slight cleavage in their ranks which might nullify the intentions of this measure. If the Civil Service Association represent a majority or, if not an absolute majority, say, 50 per cent. of the members of the civil service, and if an election were held by the whole of the civil service apart from the organisation, then the power of the organised service would undoubtedly return their nominee so that, whether we accept the view that the Civil Service Association shall appoint or whether it shall be left to the civil service as a whole to appoint the representative, the result will be the same, and the nominee of the association will be the gentleman appointed. I do not propose to take up the time of the House any longer. I wanted to outline these proposed amendments which I hope to move and I shall see that due notice is given of them before the Bill reaches the Committee stage.

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

BILL—CORONERS.

In Committee.

Resumed from the previous day. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 25—Inquests on deaths from accidents in mines:

The CHAIRMAN: The Hon. J. E. Dodd had moved an amendment, "that in line 3 after the word 'mine' the words 'or factory' be inserted."

Hon. J. E. Dodd: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. E. H. HARRIS: I move an amendment—

That in lines 2 and 3 of Subclause 1 the words "miners' association in the district or of any industrial" be struck out and the words "registered industrial association, union, or branch of a" be inserted in lieu.

The object is to provide for a wider range of representatives of industrial unions or associations who may desire to be present at the inquest.

Hon. J. CUNNINGHAM: We are at rather a disadvantage as regards the amendment. It has been pointed out repeatedly in this House that any important amendment should be placed on the Notice Paper. At present I see no good reason for carrying this particular amendment; however, it is not possible to give the amendment proper consideration upon merely hearing it read. In fact, I have failed to grasp its meaning.

Hon. E. H. HARRIS: In the province which Mr. Cunningham and I represent, there is not a miners' association, but two separate unions of miners. Were the clause carried as printed, neither of those unions would be eligible to be represented at an inquest.

The Minister for Education: Would not they come under the term "Any industrial union of workers"?

Hon. E. H. HARRIS: That is so. However, in some districts there are both union and associations. A union of workers is composed of branches, and an association of workers is composed of unions. My desire is that a union of workers should be entitled to representation at an inquest.

Hon. J. W. HICKEY: I did not regard Mr. Harris's second reading speech as altogether serious, and I do not think he is serious in regard to this amendment, which, however, may have far-reaching effects. At all events Mr. Harris should give other members interested an opportunity of considering the amendment. To me the amendment seems to conflict with itself. Progress should be reported at this stage.

Hon. A. H. PANTON: I do not think the amendment calls for any consideration. The clause is very definite as to who shall have the right to be represented at an inquest. In

every district one will find an industrial union of workers, and probably three or four such unions. Moreover, the clause provides that a majority of the workers on a mine shall have the right to be represented at an inquest; and that meets the case where there is neither union nor association. If the amendment were carried, we should possibly have unions fighting each other as to which was entitled to be represented. The clause as it stands is wide enough.

Hon. J. E. DODD: Mr. Harris might put his amendment on the Notice Paper, and no doubt it could be considered on recommittal. The clause gives the coroner power to say who shall appear at an inquest. The law is that the union or association to be represented at an inquest is the union or association to which the deceased belonged.

Hon. J. CUNNINGHAM: After hearing the remarks of hon. members I am satisfied that the clause as it stands meets Mr. Harris's requirements. I can see what the hon. member is after. There will be no difficulty as regards any small union, if the person killed happened to be a member of that union.

The MINISTER FOR EDUCATION: The clause as it stands practically reproduces Subsection 3 of Section 39 of the Mines Regulation Act, 1906. Therefore it is a provision of which we have had 14 years' experience. Now, have circumstances ever arisen in which that provision of the Mines Regulation Act has been found inadequate? If so, there would be some reason for extending the clause.

Hon. E. H. HARRIS: My point is that registered unions or associations should be entitled to representation at inquests. In some districts there are both registered and unregistered associations and unions. In such a case I say the registered union or organisation should have the right to representation at the inquest, as against the unregistered.

The MINISTER FOR EDUCATION: Having heard the hon. member's explanation, I certainly cannot accept the amendment. An accident might happen in a mine situated in a district where there was a union, and that union for some reason or other might not have registered under the Arbitration Act. Then the amendment would take away the right of that union to be represented at the inquest—a right which has always been conceded—simply because the union had not registered under the Arbitration Act. That would be an inexcusable mixing up of two totally different matters. The clause means that those associated with the man killed shall have an opportunity of being present at the inquest.

Hon. A. H. PANTON: Even the amendment would not achieve what Mr. Harris desires, because all unions are registered under the Trade Unions Act if not under the Arbitration Act. Mr. Harris's amendment does not mention under which Act he desires the unions to be registered. Further, even the insertion of the word "registered" would not overcome the difficulty. There are districts, such as Lawlers, where only one mine is working, and quite possibly in such a district there is no union. However, in that case the majority of the workers on the mine would have the right to be represented at the inquest. Assume, however, that there was a registered organisation of 15 men in the district, while there were 70 or 80 men working on the mine. The majority of those 70 or 80 men might say, "We will not be represented at the inquest by the union, but by ourselves." I cannot see that it will assist us if we put in the word "registered."

Amendment put and negatived.

Hon. F. A. BAGLIN: I do not know that any facilities are given in the Bill for other sections of workers. The provision is a wise one, but it could well be extended to cover occupations such as those of wharf labourers and employees in the timber industry, in connection with both of which accidents are liable to occur.

Hon. J. E. DODD: The leader of the House at the previous sitting gave us the opinion of the Solicitor General and submitted an amendment which now appears on the Notice Paper. I will agree not to move the amendment which I have on the Notice Paper, if the Minister will give me an assurance that he will make some provision such as I desire.

Hon. E. H. HARRIS: In connection with Subclause 2, should an accident happen as the result of handling machinery, the matter will come under the provisions of the Inspection of Machinery Act, and it is highly desirable that an inspector of machinery should be present at the inquiry to examine witnesses in the same manner as an inspector of mines would be able to do had the accident happened underground. I move an amendment—

> That the following words be added to the end of subclause 8: "Or Inspection of Machinery Act, 1904."

The MINISTER FOR EDUCATION: I discussed this point with the Solicitor General and he pointed out that the provisions of the Inspection of Machinery Act apply whether there is a coroner's inquest or not, and therefore as the provisions do not expressly deal with coroners' inquests, they are incorporated in the Bill. At an inquest being held, apart from an inquiry under the Inspection of Machinery Act, an inspector under that Act would have the right to attend the inquest without special provision being made in the Bill now before hon. members. The Bill does not in any way interfere with the Inspection of Machinery Act, 1904.

Hon. E. H. Harris: You do not think it advisable to insert the amendment?

The MINISTER FOR EDUCATION: It is quite unnecessary. The Bill does not re-

peal or interfere in any way with the Inspection of Machinery Act, 1904, so that all the powers and privileges enjoyed by the inspectors under that Act still hold good.

Hon. E. H. HARRIS: On the assurance given by the leader of the House I will withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 28 to 38—agreed to.

Clause 39—Coroner may order post-mortem examination:

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

That the following be added to stand as Subclause (3): "When the Commissioner of Public Health certifies that it is necessary in the interests of public health that a post-mortem examination shall be held, the coroner shall direct any medical practitioner to make a post-mortem examination and to report thereon to the said Commissioner."

When the second reading of the Bill was being debated I then stated it was my intention to submit this amendment, and I gave reasons why I proposed to do so. At the present time there is no authority in the State for anyone to compel a post-mortem examination to be held on the body of any person who may have died from an infectious disease. The last English mail steamer which came through, landed at Colombo a person suffering from typhus. During the voyage between Colombo and Fremantle a suspicious case might have developed, the diagnosis of which might not have been clear. The patient might have died in the quarantine station and it might have been essential for a post mortem to be held to clear up the diagnosis. If the relatives raised any objection the post-mortem could not be made. This kind of thing might work irreparable harm, and the amendment I have submitted aims at giving the Commissioner of Health power through the coroner to order a post-mortem examination to be held.

The MINISTER FOR EDUCATION: I am in favour of the hon. member's proposal, but there is one point to which I would draw his attention. The purpose of the Bill so far as it relates to post-mortem examinations is to empower a coroner to order them in certain circumstances. It seems to me that that principle should not be interfered with. The coroner shall have power to order a post-mortem examination but the amendment provides that the Commissioner of Health shall be given that power. I think it should be simply a permissive power to the coroner. He can order a post mortem examination on the body of a person who has died a sudden death, and I think he should also have the power to order a post mortem when the Commissioner of Public Health certifies that it is in the interests of public health. If the hon. member will agree to alter "shall" to "may," so as to leave the power with the coroner, I will support the amendment.

Hon. A. J. H. SAW: My point is that it is the Commissioner of Public Health who should be the person best knowing whether a post mortem ought to be held. I therefore proposed to make it, on his certificate, obligatory on the part of the coroner. I did it intentionally, because a considerable delay might take place in getting the permission of the coroner if it were not ordered, and delay in these cases is exactly what one wishes to avoid. To my mind the person on whom should rest the responsibility of deciding whether or not a post mortem examination is necessary is the Commissioner of Public Health, because he is the person best able to judge of the facts. The object of putting in the coroner at all, and not giving the Commissioner of Public Health the power to order the post mortem examination, is merely to ensure publicity being given to it. I believe it should be obligatory on the coroner to comply with the demands of the Commissioner of Public Health, who is the one man who should know.

The MINISTER FOR EDUCATION: I have nothing whatever to say against the hon. member's contentions; but we have to recognise that there are certain sentimental prejudices against post mortem examinations except where they are considered necessary from the point of view of discovering whether or not some person was to blame for the death of the deceased. In going a step further and ordering these post mortem examinations, not for the purposes of the Coroners Bill but for public health purposes, I think we require to be on very firm grounds; and we would be on stronger grounds if able to say that, first of all, the Commissioner of Public Health had certified to this and then the coroner, as coroner, had ordered it. But to compel the coroner to order the post mortem examination is to introduce a purely public health provision into the Coroners Bill, and I doubt the wisdom of that. I move an amendment on the amendment—

That in line 4 the word "shall" be struck out and "may" inserted in lieu.

Hon. A. H. PANTON: In my opinion the last point raised by the Minister proves the necessity for the amendment. If there be sentimental reasons against post mortem examinations, it is all the more necessary that we should provide the compulsion contemplated by the amendment. If we convert "shall" into "may" the amendment will be useless.

The MINISTER FOR EDUCATION: If the Commissioner of Police were to go to the coroner and say, "I have strong reasons for believing that the deceased has been poisoned" there is no compulsion on the coroner to order a post mortem examination. Why, then, should we make it compulsory on him to order such an examina-

tion in the event of a similar visit from the Commissioner of Public Health? For public health purposes, the hon. member proposes, in the Coroners Bill, to compel the coroner to do something on the certificate of the Commissioner of Public Health, whereas in all other matters the power is at the discretion of the coroner. The amendment would be likely to defeat its own purpose.

Hon. H. STEWART: The illustration of the Commissioner of Police quoted by the Minister was most unfortunate, for in a case of poisoning there might easily be some convincing evidence which, not being of a technical nature, would in itself appeal to the coroner. I will support the amendment.

Hon. Sir E. H. WITTENOOM: I cannot follow the reasoning of the Minister in this. Dr. Saw has made out a very strong case, and the Minister says merely that it would be a mistake to mix up public health affairs with the Coroners Bill. It seems to me that in such a contingency as that contemplated by the amendment the Commissioner of Public Health could not carry out his duty without the assistance of the coroner, who is the proper person to undertake an inquest. I think the amendment is a very reasonable one.

Hon. J. E. DODD: I cannot support the amendment. In my opinion it is entirely foreign to the Bill. A provision such as this should be in an amending Health Bill, not in a Coroners Bill. I am not even sure that the amendment is in order. I am strongly opposed to giving too much power to any individual. The reasons advanced in support of the amendment are perfectly sound, but I do not think the amendment should have a place in the Bill.

Hon. A. SANDERSON: I entirely agree with the Minister. It seems to be the difference between a legal and a medical question. The attitude of Dr. Saw is that advantage should be taken of the coroner's court to enlarge our knowledge of medical science in order to protect public health. I agree with the Minister that this is not the place for the amendment.

The MINISTER FOR EDUCATION: I am not opposing the insertion of the clause. I recognise its value and would like to see it in somewhere, but I think if Dr. Saw succeeds in getting it in as he proposes it will not survive. The Deputy Commissioner of Public Health strongly approves of this, although he did not contemplate that Dr. Saw was going to the length of making it compulsory on the part of the coroner to order a post-mortem examination. He only thought that the coroner should be given power to order it if he thought fit, and the Commissioner thought it necessary.

Hon. Sir E. H. Wittenoom: Did the Commissioner of Public Health supply that information?

The MINISTER FOR EDUCATION: He believed that a coroner at present does not possess power to order a post mortem except in cases of sudden death and so on. He considered Dr. Saw's amendment to be most necessary, but the amendment he thought proper was one giving the coroner power to do this and not ordering him to do so. If hon. members will read Clause 6 they will see that there is a great deal in the contention that this is a coroner's Bill and not a public health Bill. The class of bodies to which Dr. Saw's amendment applies is not provided for in Clause 6. There is no reasonable cause to suspect that the person in question has died a violent or a natural death, or that the death has been sudden. It is not contemplated that inquests should be held in the case of death after a lingering illness, the cause of which cannot be determined by doctors. Dr. Saw proposes to bring within the scope of the Bill a class of body which is not contemplated at all as coming within the jurisdiction and powers of the coroner.

Hon. Sir E. H. Wittenoom: Who would hold an inquest on such a body?

The MINISTER FOR EDUCATION: There would be no inquest. It is not regarded as a proper subject for a coroner's inquest.

Hon. Sir E. H. Wittenoom: It ought to be.

The MINISTER FOR EDUCATION: I agree to support the clause so long as it does not offend against the principles of the Coroners Bill. If the coroner is to be ordered to do certain things, I think we shall be going too far. If Dr. Saw will amend this in such a way as to give the power to the coroner, I will support him.

Hon. A. J. H. SAW: After the explanation of the leader of the House I will accede to his request and withdraw the word "shall" in favour of the word "may," although I should have preferred the former word. I know what these coroners are. Mr. Dodd is inconsistent. Although he will not give these enormous powers to the Commissioner of Public Health, who is not amenable to outside influence other than that of science, I gather he would be prepared to give them to a coroner. I accept the amendment of the leader of the House. It will probably be necessary, however, to recommit the Bill for the purpose of enlarging Clause 6 with reference to the jurisdiction of a coroner.

Amendment on amendment put and passed.

Hon. J. E. DODD: I do not care who the man is, if I think he should have a certain power, I will say so. I would just as soon give extreme powers to some coroners I know as I would to the Commissioner of Public Health. I am opposed to the clause. If it goes through without another clause being amended, I will ask your ruling, Sir, as to whether it is in order.

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

Clauses 40 to 51—agreed to.

New clause.

The MINISTER FOR EDUCATION: I move—

That a new clause be inserted to stand as Clause 27 as follows:—"With respect to every inquest on the body of any person whose death may have been caused by an accident in or about a factory, or a 'building' within the meaning of that term in 'The Inspection of Machinery Act, 1904,' the following provisions shall apply:—1, The coroner may view the scene of the accident, and, when the inquest is held by a coroner with a jury, if a majority of the jury so desire, the coroner shall arrange for the jury to view the scene of the accident; and the occupier of the factory or building, as the case may be, shall afford the coroner and the jury (if any) the facilities that an occupier or owner is required by the Factories Act, 1904, and the Inspection of Machinery Act, 1904, to afford to an inspector. Any occupier of a factory or of a building as aforesaid who fails to comply with the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding £50. 2, In this section 'occupier' includes any agent, manager, or other person acting, or apparently acting in the general management or control of a factory or building as aforesaid; and 'inspector' means an inspector of factories or an inspector of machinery appointed under the said Acts respectively."

Hon. J. E. DODD: I question whether this covers what is required. What I wanted was to have applied to inquests held under the Factories Act exactly the same provisions that will apply in the cases of inquests held under the Mines Regulation Act as set out in Clause 25.

The MINISTER FOR EDUCATION: I move—

That further consideration of the new clause be postponed until after the consideration of the schedules.

Motion put and passed.

Schedule 1—agreed to.

Schedule 2:

Hon. J. E. DODD: There is an unnecessary number of forms in the schedule. The form under the heading of recognisance of jurors at an adjourned inquest, and that referring to record of recognisance could be bracketed together with the form for a juror's summons. The proclamation of adjournment is also ridiculous in some of its wording. If we take the specimen findings, we also notice a great number of unnecessary words. For instance, in one case the specimen finding states that "the said A.B. accidentally came by his death and not otherwise." I cannot see the necessity for the words "and not otherwise." I ask the leader of the House whether he cannot see his way clear to knock out some of these forms. A lot of them which we have in Government documents are quite unnecessary and should be removed.

The MINISTER FOR EDUCATION: I have already discussed this matter with the Solicitor General. He takes the view that there is not a form in this schedule that is not required. At times the language is archaic, but he says that this is the language which has always been employed and apparently he does not feel inclined to start reconstructing any of these schedules. I can assure the hon. member that I do not feel inclined to reconstruct them.

Hon. J. E. Dodd: Why not let them die a natural death?

The MINISTER FOR EDUCATION: I admit that some of the provisions, such as that referring to people departing home, are extraordinary, but I do not know that they cause any practical inconvenience. Now that the hon. member has drawn attention to the matter I take it that it will be considered. But I ask that this point should be considered: We have a lot of legislative work, and the Parliamentary Draftsman is an exceedingly conscientious and hard-working officer. He works night and day.

Hon. A. Sanderson: Who is the Parliamentary Draftsman?

The MINISTER FOR EDUCATION: Most of the work is done by the Solicitor General. I do not know any man who is more conscientious and hard-working than the Solicitor General, and if we expect that in addition to drafting Bills he shall go through these schedules and modernise the language, it will be necessary to have someone to assist him. Probably it would prove a saving if we could provide that assistance, but we have not got anyone for the work.

Hon. A. J. H. SAW: My sympathy goes out to the policemen who have to deal with the spelling of some of the words. It reminds me of a story of a policeman who found a dead horse in Castlereagh-street. He went to the police station and reported the matter. The sergeant instructed him to write a report, and, after hesitating for a while, the policeman asked the sergeant how to spell "Castlereagh." The sergeant took no notice, nor did he take any notice of a second request for the information. Finally the sergeant burst out," "Do you expect me to teach you spelling? Get on with your job." Then the policeman left the station and returned a little while later and said, "I have moved that horse; it is now in Pitt-street."

Hon. Sir E. H. WITTENOOM: Are timber mills included within the definition of a factory?

The Minister for Education: I do not think so.

Hon. J. E. Dodd: They come under the Machinery Act.

The Minister for Education: Certainly they are not included in this measure.

Schedule put and passed.

Progress reported.

BILL—TREASURY BONDS DEFICIENCY.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.18] in moving the second reading said: This is a Bill on similar lines to measures with the same title that have been introduced during previous sessions. We always hope that the time will come when it will not be necessary to introduce Bills of this sort. I do not think that there can be any difference of opinion upon this point, that while there are deficits there must be some orderly method of dealing with them. The proposal in this instance is to fund the deficit for the financial year 1919-20 which amounts to £668,244. The measure follows exactly the same lines as previous Bills. Authority is asked to raise £690,000, which is £21,776 in excess of the deficit for the year, and that increase over the actual deficit is in order to meet possible discount and costs on the flotation of the money. There was a similar provision in the previous measures. Authorities to fund the deficits have been previously granted as follows: In March, 1917, the amount authorised was £1,500,000 on account of the deficit for the year ended 30 June, 1916. In February, 1918, the authority was for £650,000 to meet the deficit as at 30th June, 1917. In January, 1919, the amount was £750,000 to meet the deficit to 30th June, 1918. In December, 1919, the amount was £680,000 to meet the deficit to 30th June, 1919. The amount of bonds issued and loans floated have been as follows:—Raised in London, £2,353,500, and locally, £540,005, making a total of £2,893,505. The deficit as at 30th June, 1920, was £4,086,705. The deficit actually funded as at 30th June, 1920, was £2,807,633. Discounts and expenses of flotation amounted to £85,852, and the amount standing to the debit of the deficiency account in the Treasury books at 30th June last was £610,827. It may be of interest to members to point out that the bonds issued under the Treasury Bonds Deficiency Acts of 1916 and 1918, and the second Treasury Bonds Deficiency Act of 1918 amounted to £1,114,000 at 5½ per cent., £550,000 at amounts varying from 4½ to 6 per cent., and on £123,500 the interest was 5½ per cent., The total amount still to be funded is £610,827, which has not been funded on the authority of the previous Bills, and £668,224, making a total of £1,279,051. That, added to the amount already issued, makes a total of £4,086,000 being the amount of the deficit as it stood at 30th June, 1920. There is a balance of previous authorities granted amounting to £686,495, and these authorisations will give a complete authorisation for funding the deficit to 30th June, 1920. The original Act provided for interest being at the rate of 6 per cent. This was amended by the Treasury Bills Act Amendment Act of 1916, and power was given to fix the rate as thought fit. That power extends for two years after the termination of war, but for no longer. The original Act also provided for a sinking fund sufficient to redeem the bonds in 30 years. The Treasury Bonds Deficiency Act, 1918, (No. 2), gave power to suspend this provision for such time as was deemed necessary, and the contributions to the sinking fund in respect of the Tresury Bonds under this Act have not since been made. There is also provision that any surplus in excess of £50,000 in any one year is to be applied to the redemption of deficiency bonds. But that provision, I am afraid, will not come into operation, and is not likely to, for some years to come. I do not think that there are any other points of interest in connection with this Bill. The general financial position will be discussed when the Appropriation Bill comes up in two or three weeks' time. I move—

That the Bill be now read a second time.

Hon. Sir E. H. WITTENOOM (North) [9.26]: I regret to say that I have to take the strongest exception to having these Bills continually submitted to us year after year to fund the deficit. I sat here with surprise and noticed the confident, cheerful tone in which the leader of the House remarked that year after year we were presented with these Bills to fund the deficit. Instead of feeling almost ashamed to make such a statement, he appears quite cheerful in informing the House that such was the position. Surely the Government should be able to estimate somewhat nearer the mark the amount of revenue they want. We cannot take any exception to the Bill, and we cannot oppose it, for the simple reason that we agreed to the Budget last year. Under the Budget the Government indicated that they anticipated a deficit of so much. Since then, I understand, the Government have congratulated themselves upon the fact that the deficit was not as much as anticipated. Surely six or seven men constituting the Government should have sufficient brains and intelligence to estimate the amount of money they want for the current year. In the first place, no Government has any right to spend more money than they receive. If they anticipate spending more money, they should make provision and find that money. They should know where it is to come from, and take the necessary steps to raise it by taxation or other means. To go on year after year and publish to other parts of the world that poor old Western Australia funds a deficit every year, is a matter I view with extreme regret. The reply may be made that other places do the same thing, and have deficits just as we

in Western Australia have. We can understand deficits during the war, and in the exceptional circumstances that operated until the last few years, but the Estimates should be reasonably close to the anticipated expenditure, and should certainly be nearer than, as in this case, producing a deficit of £600,000. It has been stated, and no doubt we shall be reminded again of the fact, that other States have deficits. There is one State that does not have deficits and that is Victoria. To show the contemptuous manner in which they refer to places which cannot manage their finances satisfactorily, I shall read an extract from a paper.

Hon. H. Stewart: From which paper?

Hon. Sir E. H. WITTENOOM: The "Australasian." It states—

> With such a deplorable story being told in the monthly financial summaries from States in which the Caucus party is now, or recently was, in power, it was fitting that Victorians should be reminded that during the past three years there have been surpluses in this State, and that for five years taxation has not been increased. Unlike other States and the Commonwealth, Victoria has, under a Nationalist Ministry, been living within its income, and actually reducing its loan indebtedness. By its generally sound management of the finances, the Ministry has justified its tenure of office, and its claims are greatly strengthened by its administration generally, and by the new programme which Mr. Lawson outlined. Encouragement of country industries, economy in something more than name, the vigorous development of the Morwell scheme, soldier settlement, and improvement of the port of Melbourne are promised by a Ministry which has already proved itself by performances.

Incidentally the paper goes on to make remarks of this nature with which I do not associate myself—

> Above all there will be that regard for the interests of the community as a whole that is in such marked contrast to the openly declared policy of the Caucus to wage war on the community for imagined benefits that may be gained for a class.

Hon. J. W. Hickey: That was just before the election.

Hon. Sir E. H. WITTENOOM: Yes. We ask the Government to try to do away with these deficits and to endeavour to see that the estimates of revenue are something like comparable with the expenditure. We cannot oppose this Bill, because we have already agreed to the Appropriation Bill embracing the estimates which anticipated the deficit, and we shall shortly be asked to agree to another such measure which anticipates a deficit of £400,000, but that is a matter to be considered at a later period. I shall have something more to say when the Appropriation Bill comes before the House.

On motion by Hon. A. Sanderson, debate adjourned.

House adjourned at 9.34 p.m.

Legislative Assembly,

Wednesday, 27th October, 1920.

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

QUESTION—BUTTER, PRICE.

Mr. LUTEY (for Mr. Green) asked the Premier: 1, Is it a fact that the price of Western Australian butter has been reduced recently by the Prices Regulation Commission to 2s. 8d. per lb. in the metropolitan area? 2, Has a reduction also been ordered by the Commission in the Eastern Goldfields district, and, if not, why has not the goldfields public participated in the benefit of the falling rate?

The PREMIER replied: 1, Yes. 2, Yes; the price of butter in the Eastern Goldfields districts has been reduced to 2s. 8d. per pound plus actual cost of transportation from metropolitan area.

QUESTION—PUBLIC SERVANTS AND TEACHERS.

Pay Deductions for Strike Period.

Mr. O'LOGHLEN (for Mr. Munsie) asked the Premier: 1, What is the total of the amounts advanced by the Government to civil servants and teachers for the period during which they were on strike? 2, At whose request were such advances made? 3, Do the Government propose to deduct these amounts from civil servants and teachers' salaries? 4, If so, will he give the following information: (a) The authority for making the deductions; (b) are deductions to be made without giving the right of appeal to the appeal board; (c) the date from which the deductions are to commence; (d) how long will the Government continue to make the deductions. 5, Is he aware that instructions have been issued to deduct 19 days'