Legislative Council,

Tuesday, 26th October, 1920.

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

ASSENT TO BILLS.

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

1, Local Authorities Sinking Funds Bill.

2, High School Act Amendment.

3, Road Closure.

PRIVILEGE—PARLIAMENTARY ALLOWANCES BILL.

Hon. A. LOVEKIN (Metropolitan) [4.40]: Before the Orders of the Day are called, I feel compelled in the circumstances to rise in order to protect myself in a manner that I have previously not had an opportunity of doing. I am sorry to have to do this after the kindness and courtesy extended to me by hon. members in connection with my long leave of absence.

The PRESIDENT: Is the hon. member rising to a point of order?

Hon. A. LOVEKIN: I am rising on a matter of privilege, and in order subsequently to move a motion. At the closing hours of last session, Sir Edward Wittenoom made a very unwarrantable statement, which seriously reflects upon me and which, if I leave it unchallenged, must necessarily impair my usefulness—whatever that is worth—as a newspaper man in this State. If there is one thing which the conductor of a newspaper must be careful of, it is that he must never betray a confidence. In the course of over 30 years' experience of journalism it goes without saying that I have had many confidences, and I do not think anyone can point a finger to me and say that I have ever betrayed a confidence. I have had confidences from the hon. member to whom I am referring, and other hon. members, and from Ministers of the Crown. I have even gone so far in this State as to withstand prosecutions and have paid the costs and damages involved, rather than give away the source of my information. It is in fact a golden rule amongst pressmen that they never give away the source of their information. If the source of one's information is given away the door is afterwards locked. The hon. member made use of these remarks to which I take the strongest exception. He said—

> Before addressing myself to this particular Bill, I should like to refer to a breach of privilege in this House. I have been a member of this House for a considerable number of years, and I have met in this House men who held opinions diametrically opposed to mine. All the years I have been here, there have been very conflicting opinions amongst the various members, but I have been able to address them all and converse with them and I have never known of one single word being taken outside, no matter what one's opinions were. Unfortunately, an instance has come to my knowledge of an exception to the rule, and I am exceedingly sorry that it has occurred. We have a new member in this Chamber who is the proprietor of a newspaper—

That is a reference to myself.

> —and I am sorry to say he has made use of his position as a member to take outside this House and publish opinions expressed in the ordinary course of conversation.

These were the words to which I take such strong exception.

> My name has been included amongst the names of other hon. members, and I take very great exception to it. If this sort of thing is to happen we must be very careful what we say and what we do. This evening a statement appeared in a journal, and the names of various hon. members are mentioned as likely to be recorded for and against this Bill.

That was the Parliamentary Allowances Amendment Bill.

> According to the paper in question, last night a final whip convinced those interested that the necessary majority had been obtained, and the paragraph goes on to state how the division will probably result. I can honestly say that when this Bill was received, and since, 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, and yet my name is included in the list of the probable division.

If the hon. member had made no mention of this I do not see how I could have taken the information outside.

Hon. Sir E. H. Wittenoom: What was the date of the issue of the "Daily News"?

Hon. A. LOVEKIN: This was on the 5th December. The hon. member goes on to say—

> If this sort of thing goes on we shall do away with all that delicate feeling and nice interchange of ideas we always felt we could indulge in without their being carried outside the House.

Then Mr. Cornell interjected, "That gentle sense of honour," and Sir Edward proceeded——

> The hon. member has put it very much better than I could, but that is what I tried to convey. Against the publication of this paragraph as to how we should probably vote, and this taking of information outside the House, I enter my strongest protest.

The hon. member has no warrant for any of those remarks. Sir Edward Wittenoom himself says that he never discussed the Bill with me; therefore I certainly could not have taken outside the House what he told me. Next, whatever information I had as a member of this House regarding the probable result of a division on that measure was certainly correct information. The information published in the newspaper was, I am sorry to say, not correct. I have never been guilty of betraying anyone's confidence, and I am perfectly certain that, as time goes on, hon. members of this House will find that I would be the very last to betray any confidence reposed in me. I have followed that course for many years, both on the ground of honesty and on the ground of newspaper exigencies. It never does for a newspaper man to betray a confidence. In the circumstances I feel Sir Edward Wittenoom's remarks very strongly. I have had no previous opportunity of referring to them, because the session closed almost immediately after they were made, and I have unfortunately been absent from the State until now. I find that under the Standing Orders I must take this course, or I lose the opportunity altogether. Therefore, I move—

> That the words uttered by the Hon. Sir E. H. Wittenoom as recorded in "Hansard" on the 5th December, 1919, constitute a breach of the privileges of this House.

The PRESIDENT: Standing Order 106 lays down this position—

> Whenever a matter or question directly concerning the privileges of the Council, or of any committee or member thereof, has arisen since the last sitting of the Council, a motion calling upon the Council to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as Orders of the Day.

According to the strict reading of that Standing Order it would not be possible for the hon. member to move, because this is not a matter of privilege which has taken place since the last sitting of the House; but as it has taken place since the last sitting so far as the hon. member is concerned, I think that, in fairness to the hon. member, the Standing Order in question need not be adhered to strictly. In the circumstances I propose to permit the motion to go on.

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

PAPERS—HERNE HILL ESTATE.

Debate resumed from the previous sitting on the motion by Hon. J. Cornell—

> "That all files relating to existing and past arrangements between the Government and the Ugly Men's Association in relation to the Herne Hill Estate be laid on the Table of the House."

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.53]: I regret that my action on Wednesday last in moving the adjournment of the debate should have been misunderstood by the hon. member who moved the motion. I think it will be agreed that it is necessary for me, as leader of the House and the responsible Minister here, to know what is being done. It would be quite impossible for me to agree to a motion for the tabling of papers without any inquiry as to whether the time was suitable, or whether it was right that the papers should be tabled. The hon. member had not spoken to me regarding the motion in any way; I knew nothing as to its merits; and I merely moved the adjournment of the debate in order that I might ascertain whether it was proper and convenient that the papers should be laid on the Table. I have since made inquiries, and from them I find there is no objection whatever to tabling the papers, and accordingly I have no opposition whatever to offer to the motion.

Hon. J. CORNELL (South—in reply) [4.54]: I accept the explanation of the leader of the House. I regarded the motion as a formal one, and owing to an oversight I did not intimate to the leader of the House, otherwise than through the Notice Paper, that I proposed to move it. I have only one object in asking for the papers. Certain statements have been made to me in connection with this matter, and only by recourse to the file can the truthfulness or otherwise of those statements be determined. I understand that it is a custom of this House that when files are once laid on the Table they remain there for the whole of the session.

The Minister for Education: Unless discharged by motion.

Hon. J. CORNELL: I have no desire that these papers should remain on the Table for the whole of the session. I shall go into the file as speedily as possible, and then it can be returned to its proper place.

Question put and passed.

BILL—BUILDING SOCIETIES.

Further Recommittal.

On motion by the Minister for Education, Bill recommitted for the purpose of further considering Clauses 4, 18, and 19.

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

The CHAIRMAN: Before the Committee proceeds to further consider Clause 4, I have to state that owing to the striking out of the words "or leasehold" in line 7 of this clause, consequential amendments have been made in Clauses 18, 19, and 24.

Clause 4—Purposes for which societies may be established:

The MINISTER FOR EDUCATION: I move an amendment—

That after the word "freehold," in line 7, there be inserted "or leasehold."

I do not intend to take up the time of the Committee in arguing the point, and I want to assure Mr. Duffell that it is not a case of win, tie, or wrangle. I move the amendment because I think it is my duty to allow the House to express an opinion. In the first place, when the striking out of the words "or leasehold" was raised, it was defeated by what seemed to me an overwhelming majority on the voices. Subsequently the Bill was recommitted, and a division was taken on the same question. Had that division been taken in a representative House, I should not have taken the course I am now adopting. However, the division was taken in a House comprising only 11 members; and it does not seem to me right that the House should reverse its decision with only so small a number present. Mr. Holmes has suggested that the Government desire the words "or leasehold" to remain, because Government property erected on leaseholds may then be improved by the expenditure of building society money. That consideration never entered into the minds of the Government at all. I have no personal feeling whatever on the question. I see no reason why a building society here, like building societies in the Eastern States and elsewhere, should be prevented from lending money on leasehold security.

Hon. J. DUFFELL: I regret exceedingly that the leader of the House has reopened this question. Instead of only 11 members being present on the occasion of the division, there were 13 members.

The Minister for Education: The division was six against five; that is 11.

Hon. J. DUFFELL: Yes; and Mr. Ewing was in the Chair, and the President was outside. So it is rather misleading to say there were only 11 members present. Prior to the tea adjournment 19 members were in the House. I had requested the leader to allow me the privilege of bringing this matter forward earlier in the evening, but owing to circumstances since explained by the Minister that could not be done. I contend, however, that the reasons which I gave on Wednesday last in moving the deletion of the words "or leasehold" were acceptable to the majority of members then present. I still am of opinion that the insertion of those words in the clause would make it a dangerous provision. If those words are reintroduced, there will be nothing to prevent some future society from using this very provision for the purpose of undermining the stability of existing building societies, by laying itself out to grant mortgages on the security of leasehold properties. The interpretation of "leasehold" includes "any tenure of land, not being freehold." In that sense there can be no certificate of title to such property which would give to a society advancing money any stability of investment. If the Minister were prepared to set a period to the lease there would be something of a tangible nature, but without that provision there is no tenure at all. No society operating in Perth to-day is prepared to lend money on leasehold. The Minister promised to obtain information on the point, but instead of that he brought along a letter from the Solicitor General which might mean anything or nothing. I hope a majority of members will confirm the action of those who carried the division.

Hon. A. SANDERSON: I am going to assume that all those who voted against the amendment the other night will again vote against it, and that those who voted in favour of it will repeat their vote. I appeal to those who were not here when the division was taken to say that the course the Minister is pursuing is a dangerous one. If this were a matter of importance, or one in which the Government were deeply interested, and if it could be established that the amendment was carried on a snatch vote, the Minister would have good grounds for attempting to reverse the decision of the Committee. The whole of the argument of the Minister is, not a comparison of the merits of leasehold as against freehold, but that the amendment was carried on a snatch vote. If the Minister is going to pursue this manner of conducting business, this going back on our tracks, it will lead us into difficult and dangerous country. I ask those who were not present when the division was taken to be very certain indeed before they reverse the previous decision of the Committee. The Minister should remember that if he introduces this sort of thing, we can practice it just as well as he can.

The Minister for Education: It has been done frequently.

Hon. A. SANDERSON: On what ground?

The Minister for Education: On similar grounds.

Hon. A. SANDERSON: Even if that be so, it is a very bad practice indeed. With the numerous Bills to come before us, it will be quite impossible to get through our business if we feel that it does not matter whether we are here or not because we can at any time reverse previous decisions. Personally, I assure the Minister that if this is going to be done I shall not feel called upon to be so close in my attendance. To reverse a previous decision on a comparatively unimportant matter, and for no better

reason than that only a certain number of members took part in the division, is an impossible way of doing business. As to the merits of the question leasehold versus freehold, it will be remembered that the second mortgage proposal was struck out because it was considered dangerous. Building societies will now be prevented from advancing money on second mortgage. Why? In order to protect the shareholders. Now it is a question of whether we shall allow building societies to advance on leasehold security. That is the point at issue. At least one society, if not several, is already advancing on second mortgage. We are going to stop that because we think it is dangerous to the shareholders. At the same time, it is proposed that we shall permit them to advance on leasehold when, as a matter of fact, not any society in this State thinks it safe to advance on leasehold. Whenever possible I support the Minister on questions of procedure, and therefore I confidently make a strong appeal to him on this occasion not to follow the procedure he has entered upon; and I appeal to those who were not present when the division was taken not to reverse the decision of the Committee in a matter in which the Minister himself says he has no feeling whatever.

Hon. A. J. H. SAW: I go a step farther than my colleague. He objects to the Minister recommiting the Bill, but he does not object to Mr. Duffell's having recommitted the Bill and having had this clause again considered after it had been dealt with in Committee. This clause was fairly fully debated on the first occasion, and it was carried on the voices in a fairly large Committee. I took a small part in that discussion but, unfortunately, I was not able to be here after tea to record my vote when the Bill was recommitted. On previous occasions, taking the stand that it is not cricket, I have protested against the recommital of Bills for the purpose of re-considering minor clauses and getting a snatch vote in a thin Committee. I have invariably voted against the recommittal, no matter what my vote might have been on the clause.

Hon. J. Duffell: That is pretty strong.

Hon. A. J. H. SAW: Well, that is my view. I say that to recommit a Bill on a minor clause after that clause has been fully considered, is not cricket. I should, if necessary, adopt the same attitude here; but it is not necessary, as I both spoke and voted in favour of "leasehold" remaining in the clause. However, that is comparatively unimportant. What are important are the questions whether leasehold property is good security and, if so, is there any reason why a building society should not be allowed to advance money on such property. The question of the second mortgage is merely a red herring drawn across the trail. Second mortgage is not, as a rule, good security, because the first mortgage may foreclose, there may be a forced sale and the property mortgaged may be sold for a very small sum. So far as I can see, there is an absurd prejudice against leasehold property on the part of financial houses, and they will not advance money on it. The owner of leasehold property finds it difficult to finance the erection of a building. I am speaking now on behalf of the University which has a large area of endowment land, and which that institution is not allowed to sell. The only way in which that land can be developed is either by the University finding the money and developing it, which everyone knows is impossible, or by leasing it. We have tried that and have not succeeded, the reason being that the financial houses have an absurd prejudice against leasehold, no matter what the terms of the lease may be. In every other country leasehold property is continually being dealt with.

Hon. J. J. HOLMES: I understand that the leader of the House moved to insert the words which were struck out at the last sitting. I take up an attitude which is different from that which some hon. members adopt; I think the rules of the House provide for the recommittal of a Bill even when it reaches the third reading stage. Dr. Saw has spoken of a snatch vote being taken, but sometimes, in a thin House, some one might unconsciously get in an amendment which the House would want to reverse. I do not care how often a Bill is committed or recommitted, so long as we get a reflex of the opinion of members and get what is best. The leader of the House is in charge of the Bill, and I put it to him that if he were to define in the Bill what a leasehold is, the trouble would be overcome. I do not mean a 99 years' lease, but I do not mind some definition of leasehold. I do not want speculative people to buy an area of land, say 20 miles from Perth, and let it on a 10 or 20 years' lease to enable them to start their own building society. Such a thing would end in chaos. It has been done elsewhere and we may find it done here also. Building societies, we know, will not advance on leasehold, because they do not look upon it as good security. Dr. Saw says that financial institutions have an absurd prejudice against leasehold. Why? Because they know it is not good security, and it is certainly not good security for trust money, and that is what societies are handling. Therefore they should not be allowed to advance trust money on anything in the shape of a lease. Under the Bill, almost anything in the shape of a sheet of paper between two persons, would constitute a lease. We are told that it is not being done, and it is not likely to be done, but Clause 19 provides that a building society which has been advancing trust money on second mortgage shall be allowed to complete their obligations. I want "leasehold" defined or struck out, so that in a year or two's time we shall not find that some society has advanced money on leasehold. The right way to handle the subject is to define on what leasehold building societies can advance. If we do that we shall know where we are.

The MINISTER FOR EDUCATION: It is no part of my duty to put up amendments which I do not think are necessary. But there is no reason why any other member should not recommit the Bill for the purpose of reconsidering the clause and putting in a definition of "leasehold" that he may think fit. For my purpose the definition which appears in the Bill is all that is necessary. With regard to Mr. Sanderson's remarks, I do not propose to use any arguments at all. I simply take the course that I have taken, that I consider it my duty to give the House an opportunity of expressing an opinion which must be taken as the opinion of the House. The striking out of the words "or leasehold" was done on recommittal, and it was the reversal of a previous decision of the Committee. It is always desirable that amendments which are sent forward to another place should be sent forward with the authority of the House. If we decide in one way and then decide in another way by a much smaller vote we do not put forward the fully expressed opinion of the House.

Hon. Sir E. H. WITTENOOM: I intend to confirm the vote I recorded the other day and oppose the insertion of the words "or leasehold," for the reason that I consider that as the money being dealt with is invariably trust money, great care should be exercised in the investment of it. With regard to the small numbers who voted here the other day, that is the cause of the Bill being recommitted now. I do not want it to go forward that because we had a thin House members are neglecting their business. It is nothing of the kind. The leader of the House would be well advised, between the 20th September and the 20th October, not to attempt to try to do much serious business in the House, because at that particular time of the year the agricultural shows are being held throughout the country, and the people in the country regard it as important that their representatives should attend those shows. They consider that the attendance of members at those shows is as important as their attendance in Parliament. It is well, therefore, not to let it go forth that because members are attending to the business of their constituents in other directions, they are neglecting their parliamentary duties.

Hon. J. CORNELL: As one who spoke on the recommittal of this clause, but who did not vote, I wish to inform the Committee that if the Minister will give an assurance to make leasehold something definite, I shall support the insertion of the words "or leasehold." Freehold is well known and needs no definition, but leasehold means anything and may mean nothing. The object of the Bill is to enable people to build homes with the assistance of building societies, not to enter into business, and as one who is desirous that everybody should have a home, I am also desirous that any legislation that has that object in view should be so framed as to give a specific title to that home. In the past in Western Australia, with all our goodness and badness, we have countenanced that which has so many evils behind it in Great Britain. We do not want it here. We have numerous brands of leaseholds and the Bill does not define what is a leasehold. I only know two forms of tenure that are worthy of consideration in the building of a home, one is freehold and the other Crown leasehold. I will support any amendment that will extend this leasehold to Crown leasehold with some semblance of reasonable tenure. I suggest that the amendment be agreed to and that the interpretation clause be amended and made to read something like this, "Means Crown leasehold having fixed tenure of not less than 21 years." If hon. members think that period too short it can be made longer.

The MINISTER FOR EDUCATION: I would throw out the suggestion that if the amendment I have moved is rejected and the words "or leasehold" are struck out, that finishes the matter so far as I am concerned; but if the words are inserted I suggest that when the notice appears on the agenda paper to-morrow for the adoption of the report, some hon. member should move to again recommit the Bill to reconsider the definition of leasehold. In the meantime any facility that any hon. member requires to draft a clause will be afforded him.

Hon. J. E. DODD: If the course taken is in the direction the leader of the House suggests, I will vote with the Government on this Bill. The question of leasehold is a wide one, and should be limited in some way or other. It is the duty of those opposing, or seeking to oppose the leasehold principle, to define it. If that is done, I shall probably support them. I take the view that we have leaseholds to-day in connection with the workers' homes scheme, and those workers' homes constitute as good an investment as any in Western Australia. In addition to that, there are a number of leaseholds in mining towns and in some instances there are leaseholds and freeholds in the one street, a position which I have always objected to. I do not believe in the dual system as it exists now. Supposing at some time we had a gold find in the Darling Ranges. Leaseholds there would be as safe as in the city of Perth. To my mind a leasehold is as good as freehold, and if the building societies desire to extend their work to the leasehold system, they should be permitted to do so. On the question of the recommittal, such a step is quite in accord with the Standing Orders, and unless some attempt is to be made to pack the Committee, there can be no objection to a recommittal at any time. I can understand the sensitiveness of those objecting to a recommittal, because I remember when a Bill I was in charge of was recommitted, I took exception to the step because I believed the Committee was packed on that occasion. In

this instance, if there is no such possibility, I can see no objection to recommittal.

Hon. A. SANDERSON: It is unnecessary to speak about the recommittal because members have already made up their minds on that question. Dealing with the position regarding leasehold, however, I should like to know what the leader of the House proposes. He is not going to assist in changing the leasehold definition, and has distinctly told the Committee as much.

The Minister for Education: I see no necessity for it.

Hon. A. SANDERSON: Exactly. This is a Government Bill.

Hon. A. H. Panton: The Minister is satisfied with it.

Hon. A. SANDERSON: There are three different views advanced. The leader of the House is quite satisfied with the leasehold definition and wants to put it back in the Bill. He says, in effect, to members like Mr. Cornell and Mr. Dodd: "You put in an amendment, if you wish to define leasehold." This is because both those members are opposed to the attitude of the leader of the House.

The Minister for Education: Not at all.

Hon. A. SANDERSON: I think so.

The Minister for Education: Mr. Dodd says that he will support me in this instance.

Hon. A. SANDERSON: If I understand Mr. Dodd and Mr. Cornell aright, they are agreeable to have a leasehold system from the Crown on a 999 years lease, I presume.

Hon. J. Nicholson: No, it is a 21 years lease.

Hon. A. SANDERSON: I am under the impression that Mr. Cornell said that he would accept a 21 years lease or more from the Crown, but not from a private party. If those hon. gentlemen could have their own way, there would not be any freehold land in this country. They are quite right, of course, from their point of view, but we, who are opposed to them, should not permit ourselves to be misled. The definition of leasehold in the Bill, with which the leader of the House says he is satisfied, is about as wide as it can possibly be. I hope the Committee will not agree with the view of the leader of the House and put those words back.

Hon. J. NICHOLSON: When the Bill was previously recommitted, I voted against the word "leasehold" being struck out. I have heard nothing during the discussion on the proposal for the second recommittal to alter my previous opinion. I think it would be of advantage to members of the building society if they had the power which is given here. I see no objection to some limitation being placed on the word "leasehold" if any member is disposed to move in that direction. In every building society, as in every financial institution, the directors, who are elected by the members and not by any outside persons, are individuals who hold the confidence of the members because of their business acumen and capacity. Those directors must be given credit for business experience. Then, looking at our financial institutions, why should we not curtail the powers of those bodies and the mortgage societies, and various other commercial institutions of the sort? In the Eastern States there are larger societies than those that are here, and those societies have full power not only to advance against leasehold but also to advance against personal property.

Hon. J. Duffell: That is, only in accordance with an Act of Parliament.

Hon. J. NICHOLSON: It is absolutely not in accordance with an Act of Parliament.

Hon. J. Duffell: But they are covered by an Act of Parliament.

Hon. J. NICHOLSON: They are not covered by an Act of Parliament. They are societies formed for the purpose of advancing money on security, and what covers them is the memorandum of association in which the powers of the company are set out. Of course, there may be a few who do not come within that category, but, speaking generally, that is the position. It is quite a common practice to advance against the security over cattle, sheep, and various other things.

Hon. J. E. Dodd: And on pastoral leases, too.

Hon. J. NICHOLSON: Yes, on all classes of leases, and second mortgages as well. These societies are created for the benefit of those participating in their operations and not for the benefit of the directors. If the directors make fools of themselves, they are sure to be ousted from their positions in double quick time by the shareholders. That being the case, I cannot see why the power to advance against leasehold should not be as readily given to these building societies as it is given to other mortgage societies. I will support the view I previously expressed and will vote in favour of the word "leasehold" being reinstated.

Hon. J. DUFFELL: If anything were required to substantiate the remarks I made earlier in the discussion regarding leaseholds generally, I think the comments of Mr. Nicholson have supplied it. He stated that powers were vested in a board of directors to deal with funds entrusted to their care. Following that line of argument, I ask hon. members if the powers conferred under this Bill should enable a board of directors to lend trust moneys on a valueless security, to all intents and purposes, in the form of leasehold properties? It is no good coming along later after a wrong has been committed by any board of directors—and it has to be remembered that no board is infallible—with the explanation that the board simply acted upon the powers given to them under this Bill. I hope members will adhere to their previous decision and delete the word "leasehold."

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

Ayes	9
Noes	9
A tie	0

AYES.

Hon. R. G. Ardagh	Hon. J. Nicholson
Hon. F. A. Baglin	Hon. A. H. Panton
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. Cornell	Hon. E. H. Harris
Hon. J. E. Dodd	(*Teller.*)

NOES.

Hon. E. M. Clarke	Hon. E. Rose
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. G. W. Miles	Hon. J. Duffell
Hon. J. Mills	(*Teller.*)

The CHAIRMAN: I give my casting vote with the ayes in order to give a further opportunity to consider the clause as originally introduced.

Amendment thus passed.

Hon. J. DUFFELL: I suggest that progress be reported to give an opportunity to add a further definition of "leasehold."

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

The MINISTER FOR EDUCATION: It would be better if Mr. Duffell moved to recommit when the report comes up for consideration at the next sitting of the House.

Bill again reported with a further amendment.

MOTION—MUNICIPAL CORPORATIONS ACT, TO AMEND.

Rating on unimproved values.

Debate resumed from the 20th October, on the motion by Hon. J. E. Dodd—

> That this House is of opinion that the Municipal Corporations Act, 1906, should be amended to allow for rating on the capital unimproved value of land.

to which the Minister for Education (Hon. H. P. Colebatch) had moved an amendment—

> That all the words after "that" be struck out and the following words inserted in lieu—"A complete investigation, including the ascertaining of unimproved values in municipal areas, be made by the Government with a view to determining the desirableness or otherwise of amending the Municipalities Act, 1906, to allow for rating on the capital unimproved value of land."

Hon. J. E. DODD (South—on amendment) [5.50]: I regret that the leader of the House has moved the amendment, because it will convey a very wrong impression outside the House and mostly to those who are the electors of this House. Those who were here in 1917 will remember that I moved a motion to inquire into the question of land values taxation. The motion, which will be found in "Hansard," page 2061, reads—

> That in the opinion of this Council an inquiry should be instituted by the Government to test the efficacy of extending the principle of land values taxation in order to relieve the burden on industry, reduce railway freights, and to more effectively deal with the repatriation of soldiers.

That motion was not debated in the House; it was moved, and was numbered amongst the slaughtered innocents. For the Government three years afterwards to ask the House to agree to inquiry being made will cause the matter to be grievously misunderstood outside. I submit that the municipal councils themselves are best qualified to make any inquiry which might be necessary. The municipal councils almost unanimously have resolved in favour of rating on the capital unimproved value of land. The Minister made a point regarding the limit. In the Bill which I introduced and which was ruled out of order, the limit was fixed at 6d., but it was not necessary to retain that limit. The limit was fixed at that figure because the Government in the City of Perth Endowment Lands Bill now before another place, have fixed 6d. as the limit up to which the council may rate on the unimproved value of the land. The Minister for Education referred to the Beverley road board and to the incorporation of the town of Beverley, and said that the Beverley road board had had to fall back upon the annual or the improved value for rating in the Beverley townsite. That is easily understood. Right through Australia and in New Zealand, the shire and road board rating is lower than the town rating. The same thing pertains here. No road board is allowed to rate to the same extent as a municipal council, and consequently the road board found that the limit fixed for the Beverley townsite was not sufficient, and that more could be obtained by the other method. This is doubtless the reason why the Beverley road board decided to rate on the improved value. If the limit were fixed in the Municipalities Act the same as it is fixed in the Road Districts Act, the limit for unimproved land values taxation would be 3¾d., whereas a road board can rate only up to 3d. Probably if road boards were allowed to rate up to 3¾d. on the unimproved land values, the Beverley road board would have found it sufficient with which to carry on. Right through Australia and in New Zealand, in all the local governing bodies outside of the municipalities, the limit is very much lower than is the case in the municipalities. I suggest that if the Government introduced a short Bill giving the councils the right to adopt this system of rating, provision could easily be made that the councils should raise not more than the equivalent of what is being raised under the annual rating system.

That was done in New South Wales and in New Zealand. When the Act was passed in New Zealand, provision was made in order to give the councils time to find out how they stood. Max Hirsch in "Land Values Taxation in Practice" writes—

> Provision is made for adjustment of rating powers given under previous Acts to the Act of 1896 by fixing equivalents. Thus a rate of 1s. in the pound on the annual value under former Acts is to be considered equal to ¾d. in the pound on the capital value under the Act of 1896. The adjustments are to be made so that the rates on the unimproved value shall be such as to produce as much as, but not more than, the rates under the Rating Act, 1894.

This might easily be done here seeing that there is such a desire on the part of local authorities for this system of rating. If it is adopted it will undoubtedly mean that we shall have a much more accurate valuation than we have at present. For the Commissioner of Taxation or the State Treasurer, or anyone else to assert that £18,000,000 is the unimproved value of land in Western Australia, is absurd. I am quite satisfied that if a proper valuation were made my contention would be verified. The capital cost of the construction of our railway system is about £18,000,000, and to say that our unimproved land values are only equal to the cost of our railways is to decry the State. To my knowledge there are scores of blocks in Perth assessed for taxation at £100, which blocks have a selling value of £150 to £200. The Minister stated that the adoption of rating on the unimproved value would most likely lead to depreciation of land values. That contention is correct. It will not so far as municipal rating is concerned, but when it becomes a general principle it will undoubtedly lead to depreciation with regard to speculative land values. It will not affect the use-value of land, it may affect the speculative or selling value; but what 95 per cent. of the people require is the use-value of land. The rental value is certainly the more stable, and as years go by and this principle is brought into operation, we will be forced to rate on the rental value, and not on the unimproved capital value. It has been said that a tax of 1s. in the pound would destroy the selling value or the rental value of land altogether. I am not so sure about that. Accepting the basis on which our pastoral leases are taxed, namely, twenty times the rental value, a rate of 1s. in the pound would undoubtedly take away the value of the land. I want to know who is going to fix that rate. Who will say that this is a true basis? In Queensland and in other parts of the Commonwealth, people are paying up to 1s. 5d. on the capital value of land. We cannot fix a basis such as we have fixed in regard to our pastoral leases. That is only a convenient rate for taxation purposes. Another matter that will have to be faced in the future in regard to unimproved land values taxation is that of hotel rating. There is no doubt that the State or the municipalities should receive at all events a part of the site value of the land on which hotels are erected. All that the State receives from a hotel is the value of the license, which varies from £40 to £100. The site value of some of our hotels runs into enormous figures. I advise the leader of the House to look into that aspect of the situation and see if some scheme cannot be devised whereby a part of this site value, which at present is going largely to the big brewery corporations, cannot be secured to the State. Hotel licensees have to pay huge sums as ingoing in addition to the rental of the premises. Leaving out the question of depreciation, interest, and so on, the difference between that ingoing and the amount the licensees pay is largely the site value. It is time the Government or the municipalities sought to secure some of this site value. Mr. Holmes stated that a man with a block of land worth £1,000 is paying as much as the man with a block worth £1,000 on which he has erected a house worth £1,000. Surely there is nothing wrong in that position.

Hon. J. J. Holmes: It is an argument in favour of the present system.

Hon. J. E. DODD: Why should not a man with an unimproved block worth £1,000 pay as much as the man who has a similar block but upon which he has erected a house worth £1,000? The man with the house is causing money to circulate to the extent of the £1,000 which he has spent on the house, and is giving employment in the State and helping our industries and business people by the amount that he has spent in building and other materials. If this man lives in the house he pays for lighting, gas, and other conveniences, and also uses the trams, and by this means is helping the State. The man with the unimproved block worth £1,000 should pay more than the man who has improved his block. The leader of the House has pointed out that it is rather a rare combination for a man to erect only £1,000 house on a block of land worth £1,000, and that it would be more likely the man would erect a £6,000 house on such a block. Were he to do so, he would have to pay something like £50 a year in rates, while the other man, on the system of rating to be brought in next year, would pay something like £12 6s. Under next year's rating a man with a £100 block would pay £1 5s., but let him put up an £800 or £900 house on it, and according to the system of rating he would have to pay somewhere between £8 and £9 a year. In South Perth, for instance, he would have to pay in the region of £9. Why should a man who owns the £100 block and holds it for a rise and to get the enhanced value of it, pay only £1 5s., and force the municipal conveniences to the outskirts of the town, while the other man, who has

improved his £100 block, has to pay £9 a year?

The PRESIDENT: I would ask hon. members to confine themselves to the discussion on the amendment.

Hon. J. E. DODD: I thought I was replying to the arguments used in connection with the whole motion.

The PRESIDENT: The hon. member has the right to reply on the main question.

Hon. J. E. DODD: Then I shall have an opportunity later on of doing so. I hope the amendment will not be carried, because I believe it will place us in a false position. Two years ago we decided that we would not further discuss the matter—at all events an opportunity was not given to us of doing so. At a later date a motion was carried in favour of land values taxation as applied to railway freights. Last year the House resolved that road boards should be compelled to rate on the unimproved land value basis. Now, in the last session of this Parliament, when the local governing bodies have asked that this principle should be approved, we are asking that an inquiry should be made to determine the desirability or otherwise of this system of rating. What will be the inevitable inference that will be drawn? I am not willing to place the House in a worse light than that in which it already stands. There will be the general elections in March, and we do not know what kind of Government we shall have in power then. We may have a Liberal Government or a Labour Government or a Country party Government. Here is a chance for the Government to say, "We are anxious to carry out the wishes of the people who sent us here," that is the ratepayers who are paying their rates to the various municipalities. It is significant that road boards, who are elected by the land owners, and most of the members of which are also land owners, should ask for this system and continue to work under it. In very few instances have they ever sought to rate on the other system, to do which they have to apply to the Minister for permission. I think there are only four bodies in Western Australia who have gone back to the old system. Probably they have done this because they are not allowed to impose high enough rates. I wish to read a letter I have received and an extract from another letter, showing the opinions of some of the municipalities on this question. The municipality of Albany wanted certain amendments made in the Municipal Corporations Bill. I wrote and told them I did not feel inclined to put in any of those amendments, because we were only dealing with one issue, namely, the unimproved land values. The reply from Albany is as follows—

> I am instructed to thank you for your favour of the 25th ulto. re amendment to the Municipal Act, which was submitted to this council at their last meeting. In order not to prejudice the prompt passing of your amendment re rating on unimproved values, in which you have our fullest support, it may be as well to omit the other amendments from your Bill and deal with them later.

That is the opinion throughout the country. Many of the town clerks around the municipal area asked me to do my utmost to get the Bill through. Here is an extract from a letter I have received from the town clerk, Sydney—

> Further referring to your communication of the 22nd September last, I have the honour to inform you that the system of rating on the unimproved capital value of the city of Sydney has been in active operation since the 1st January, 1916. Prior to that date the revenue of Sydney was raised by the levy of rates upon the dual systems, namely, the rental or assessed annual value at 1s. 9d. in the pound, and 1½d. in the pound on the unimproved capital value of the land. The one value system of rating has proved to be both convenient and effectual, and can be recommended to any large city for adoption.

The Town Clerk, Sydney, also states—

> This land tax under certain arrangements and agreements between the Government and the city council was transferred over to and administered by the Sydney Municipal Council in the year 1909, and remained as a separate charge against the ratepayers until the year 1916 as stated previously, when the annual value of rating was suspended and the whole of the rates were charged upon the unimproved capital value at 4d. in the pound, which gave approximately the same revenue as the dual, rental and unimproved capital value rating at 1s. 9d. and 1s. 1½d., respectively.

I hope the leader of the House will allow his amendment to drop and the motion to be carried. The Government can bring in a small Bill if they desire. I am satisfied that it would be in their interests if they did so, and that it would show that this House does not always stand in the way of reform legislation.

Hon. J. DUFFELL (Metropolitan-Suburban) [6.10]: I do not say the amendment is brought forward with a view to shelving this matter until a later session, but I do say it is extremely unwise on the part of the leader of the House to move in this direction, when we remember that in 1904 the late Mr. Daglish moved in the very direction indicated by the amendment. Mr. Daglish sought information from all the local governing bodies as to the amount it would be necessary to levy to give an amount equivalent to the general rate of 1s. 6d in the pound under the improved land value system. Bearing that in mind, I can only think that the leader of the House has brought this amendment forward for the purpose of shelving the motion.

The PRESIDENT: The hon. member must not impute motives.

Hon. J. DUFFELL: I withdraw the remark. If the leader of the House desires the information indicated by his amendment, I would inform him that it is obtainable from the file to which I have referred. I see no reason why the Government should further delay this matter, having regard to the expression of opinion recorded by members of this Chamber on a previous occasion as to rating on unimproved land values. We carried a motion here, which was sent to another place, but there the matter ended. It will certainly be an end to the matter now if the amendment is carried. In the circumstances I have no alternative but to oppose it.

Hon. A. SANDERSON (Metropolitan-Suburban) [6.12]: I entirely disagree with the attitude adopted by my hon. friend. If we accept this amendment, we tie the hands of the leader of the House and the Government in a much more efficacious manner than if we merely passed the motion. The Government are going to disregard both, but are more likely to take notice of the amendment moved by the leader of the House than they are of the motion. While I am prepared to support Mr. Dodd through thick and thin, I would ask hon. members to consider whether it would not be better, from the point of view of attaining the object we have in view, that of getting this principle through eventually——

Hon. J. E. Dodd: The Labour Government decided to bring it in in 1914, but could not get it through.

Hon. A. SANDERSON: The hon. member must accept some of the responsibility for that. I feel strongly tempted to support the leader of the House, because if we passed his amendment, we shall be able to tie this to his tail and see if he carries it through. If the hon. member thinks I am deserting him by supporting the amendment, I will go back to his side, but I am strongly of opinion that he would be well advised to support the amendment and throw the responsibility upon the Government.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES (North) [7.32]: The amendment meets with my entire approval. In fact, the amendment coincides with the views which I expressed when Mr. Dodd's Bill was before the House. I then expressed my readiness to give the municipal councillors, who are seized of the facts, the power to rate under any system. There are already two systems. If it is thought desirable that the councils should have a third system, very well; I have nothing further to say on that subject. The point has been raised, however, that the municipalities throughout the State desire this amendment. In answer to that argument I have to say that the municipalities are like any other corporate or unincorporated body or combination—always anxious to obtain all possible powers. That disposes of the argument that the councils desire this third system. We have evidence that some councils do desire it, but we have also distinct evidence that those councils which have the option of adopting this system do not, in fact, adopt it. That is something which calls for refutation. I refer more especially to the Beverley road board. I know that road board pretty well. If the departmental records were searched, it would be found that the Beverley road board for years past have been the best conducted road board in the State; and yet we find that that road board, having had the opportunity of applying this system to the township of Beverley, have not done so. We are told that because this system of rating on unimproved values can be applied to road boards, it should be applied to municipalities. With me that argument carries no weight at all. We have a sewerage system in Perth, and a tramway system in Perth, and a system of water supply; but would hon. members argue that those systems, because they can be applied to large municipalities such as Perth, can equally be applied to road boards? I think the answer is no. Where it suits a road board to rate on the unimproved value, say in the case of men holding thousands of acres alongside the railway line, some of them improving their properties and some allowing them to lie in a virgin state, let the road board apply that system. But it would be absurd to apply that system in a city where the eyes of the land have been picked out, where the corner blocks carry magnificent buildings, a city to which the transport system of the State brings people from all districts. Another point is that what the motion proposes represents a distinct departure from our usual system of taxation, which is that those who can pay shall be made to pay. If Mr. Dodd would adopt that system in general, I would be entirely with him in this matter; however, it would mean making the whole of our taxation system apply irrespective of the individual's financial position. Of course Mr. Dodd is not prepared to do that. With all due respect, I think he has got an idea into his head that this is a perfect system of land taxation. I am equally convinced that it is not. The principal reason why I support the amendment is that the carrying of it means that the House will be given the information which it should have before it fixes a maximum rate. We have fixed a maximum general rate of 2s. 6d. in the pound, I believe. I am not prepared to vote for such a Bill as Mr. Dodd introduced until I know what rate we shall have to fix under that measure in order to get an equivalent of the general rate of 2s. 6d. now obtaining. The amendment, I say, will give us that information. Mr. Sanderson has said that this is a matter for the ratepayers to decide for themselves. The ratepayers can do what they like, so far as

I am concerned, after we have fixed a maximum rate. This House and another place must fix the maximum rate which the municipalities can impose. One important point I wish to mention is that a Bill to amend the Municipalities Act was introduced in another place by the Hon. W. C. Angwin last session, and was carried there. Mr. Angwin has had many years' municipal experience, both as a councillor and as mayor of North Fremantle; and his views might be expected to coincide with Mr. Dodd's. But Mr. Angwin *did not introduce this system of rating on* unimproved value into his Bill.

The Minister for Education: He could not do so.

Hon. J. J. HOLMES: I was told that at the time, but Mr. Angwin has since informed me that that was not the reason. He told me that as a private member he could have done it but did not do it. I am inclined to think that Mr. Angwin's experience has satisfied him that the system of rating on unimproved land values is not one that can be advantageously adopted by municipalities.

Hon. J. E. Dodd: To me Mr. Angwin expressed his regret that he did not introduce that feature into his Bill.

Hon. J. J. HOLMES: As regards Mr. Sanderson's point, that the ratepayers should decide the matter, my opinion is that they would not know much about the proposal put before them by way of referendum. Some of our single tax friends would put the matter to the ratepayers in this way, "Are you prepared to pay a 6d. rate, or are you prepared to pay a 2s. 6d. rate as at present?" That is about all the ratepayers would know concerning the matter, and naturally they would vote for the 6d. rate in preference to the 2s. 6d. A further point which has been raised refers to the political aspect of the matter, in view of the general election pending. I have always taken up the position that this is a non-party House. I do not care what party may be in power, my duty as a member of this House is to support any legislation I consider satisfactory, and to oppose any that I consider undesirable. I understand from the Crown Law Department that if a Bill such as suggested by the motion should be carried, it would necessitate the amendment of half a dozen existing Acts, among them that which governs water supply. We know that rating for water supply in cities and towns is now on the annual rental value. I am prepared to give municipal councils the option of adopting the proposed system of rating, but before I give them that option I require information which will enable me to estimate what maximum rate will be necessary under the new system in order to bring in an amount of money equivalent to that raised under the two existing systems of rating. I shall vote for the amendment.

Hon. G. J. G. W. MILES (North) [8.41]: I oppose the amendment, which I regard as entirely unnecessary. Mr. Holmes argues that we require further information dealing with the matter; but if the amendment is defeated and the motion is carried, the necessary information will be obtained by the Government before they bring in a measure such as that suggested. I hope the amendment will be defeated and the motion carried.

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

Ayes	.. .. ..	9
Noes	.. .. ..	7
Majority for	..	2

AYES.

Hon. E. M. Clarke	Hon. J. Mills
Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	*(Teller.)*

NOES.

Hon. J. E. Dodd	Hon. A. H. Panton
Hon. J. Ewing	Hon. A. Sanderson
Hon. E. H. Harris	Hon. J. Duffell
Hon. G. W. Miles	*(Teller.)*

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

BILL—PUBLIC SERVICE APPEAL BOARD.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [7.47] in moving the second reading said: This is certainly one of the most important, if not the most important, Bill the House will be called upon to deal with during the present session. I do not propose to speak at any great length in regard to the principle embodied in the Bill, because I am going to assume it will be recognised that it is desirable there should be some satisfactory method of settling differences that arise between the Government and their employees. At the present time outside employers and employees have their Arbitration Court, a tribunal which, although it does not always seem to meet the case, is at any rate a tribunal by which disputes between employers and employees can be settled. Whatever opinions hon. members may hold in regard to the Bill, I think it safe to say that they recognise the necessity for contentment in the service and that there should be some method by which disputes between the Government as an employer and the public servants as employees may be settled. If that is the case, the merits of the Bill depend entirely upon whether or not the tribunal which it sets up is a satisfactory tribunal or otherwise. For that reason it may fairly be said the Bill is chiefly one for consideration in Committee. If we accept the principle of the Bill there is little need to urge members to vote for the second reading; it becomes particularly a Bill for

discussion in Committee. There is nothing new in the principle of a public service appeal board. Under existing legislation two public service appeal boards are already established. The first of these was provided under the Public Service Act of 1904. It has jurisdiction in matters of discipline as regards punishment, fines, dismissals, etc. It is not intended that this board, which is established under Section 51 of the Public Service Act of 1904, and whose powers and privileges are set out in Sections 47, 49, and 50 of that Act, shall be disturbed by the Bill; it will not be interfered with unless and until the Public Service Act of 1904 is amended in that regard. A further appeal board of a different nature was established under the amending Public Service Act of 1912. Section 6 of the Act of 1912 provides that whenever an appeal is from a proposal of the Public Service Commissioner, or of the Public Service Commissioner acting in conjunction with assistant commissioners, relating to the classification or reclassification of officers, the chairman of the appeal board shall be the President for the time being of the Arbitration Court constituted under the Industrial Conciliation and Arbitration Act of 1902 in place of the Public Service Commissioner, who is chairman of the appeal board established under the Public Service Act of 1904. The chief trouble in regard to this second appeal board has arisen by reason of the fact that it was thought at the time by the public servants that this second appeal board, with the President of the Arbitration Court as chairman, would have power to deal with appeals against salaries; but when the first case was brought before the board with a view to testing that point, the board held that it had no power to deal with salaries, but only with classifications. The result was that an officer was frequently asked whether he had any fault to find with his classification. When he replied, No, that he was satisfied with his classification but was discontented on the score that he was being paid on the lower rung of his classification instead of, as he thought he deserved, on a higher or even on the highest rung of that classification, the board held that as he did not complain of his classification there was nothing which the board could investigate, the board having no power to determine salaries. Teachers in the Education Department have had no appeal board of any kind, and if a teacher was dissatisfied with a decision given by an inspector in regard to the imposition of a fine or anything of that sort, some means of settling the resultant dissatisfaction had to be provided, for which there was no statutory authority. In many cases it has been necessary to appoint someone to re-try the case heard before an inspector. There was no satisfactorily defined method by which teachers dissatisfied with penalties imposed upon them by inspectors could appeal. And they had no appeal board in regard to salaries or classification. I think it will be agreed also it is highly desirable that as far as possible there should be uniformity in dealing with all public servants, that all public servants should have a similar right to ventilate their grievances and secure redress. For that reason the Bill provides alike for the members of the public service and for the teachers in the Education Department. This board also has power to deal with anomalies, grievances arising out of the interpretation of Acts by the Public Service Commissioner or the Minister for Education. Moreover, temporary men and wages men employed continuously over long periods had no right of appeal to either of the existing boards. Another matter that was the cause of many complaints was the question of pensions under the Superannuation Act. The Superannuation Act, an old Act passed in 1871, made certain provision under which persons who served the State in an established capacity were entitled, after a certain period of service, to superannuation. Under the loan policy which was initiated in 1894 a great many men were employed on loan works. It was considered that their employment would be temporary, that when the loan work for which they were particularly engaged was completed the necessity for their services would cease; and so they were not employed on what was known as the permanent staff. But as a matter of fact, many men so employed have continued in the service for periods ranging up to 27 years, and are still officially regarded as temporary hands. The Public Service Act took away the right to any allowance under the Superannuation Act from any officer appointed after the passing of the Act of 1904. There are a great many cases of those people who have been continuously employed over a long period of years, but it is contended that because they were not in the permanent public service they were not serving the State in an established capacity before the passing of the Act of 1904, and consequently are not entitled to superannuation. That has given rise to a great deal of discontent, and is one of the matters which a satisfactory tribunal is required to settle. Also, as the Title indicates, the Bill takes away the right to strike which the public service previously enjoyed if not satisfied with their conditions. When the Industrial Conciliation and Arbitration Act was passed, those persons to whom the Act applied were forbidden to strike, and penalties were imposed on them if they did strike. But the public service were specifically excluded from the operations of that Act. They did not receive its benefits, and therefore they were not subject to its penalties. Consequently the Arbitration Act did not make it an offence for the public service to strike; indeed they were specifically excluded from the definition of "worker" as it appeared in the Act. Of course, it is obviously most undesirable that public servants and teachers should strike, and I think it is entirely equitable, when we provide them with a tribunal for the settle-

ment of their grievances, that we should take away from them the privilege of striking and make it an offence for them to strike. The Bill, naturally, deals with three main principles. The first is to whom the right of appeal to the board shall apply, the second is how shall the board be constituted, and the third is with what matters shall the board be authorised to deal. The Bill starts with a definition of public servant. For an understanding of paragraph (a) of Subclause 2 of the interpretation clause, it is necessary to turn to Section 4 of the principal Act, defining "officer" as follows—

> *Officer means and includes* all persons employed in any capacity in those branches of the public service to which this Act applies.

Then, under Section 5 of the same Act a number of persons are exempt from the provisions of the Act: they are the judges of the Supreme Court, any officer of either House of Parliament, the Agent General, the Auditor General, the police force, the teaching staff of the Education Department, any officer or person appointed by the Commissioner of Railways under the Government Railways Act, 1904, or any Act amending the same, or any officer or class of officer to whom or to which on the recommendation of and for special reasons assigned by the Commissioner, the Governor declares that the provisions of this Act shall not apply. Paragraph (a) of Clause 2 takes in all officers to whom the Public Service Act applies. Then the subsequent subclause takes in a number of other officers. Paragraph (b) refers to teachers in the Education Department and who are included in the Bill. Paragraph (c) extends the provisions of the Bill to those persons temporarily or provisionally employed under Section 36 of the Public Service Act, 1904, or under Section 12 of the Agricultural Bank Act, 1906, and who have been so employed continuously for at least 12 months next preceding an appeal or application to the board; that is to say, temporary officers in the public service of 12 months standing. Paragraph (d) similarly extends the privileges of the Bill to temporary teachers, that is to say, teachers who have been employed for at least 40 weeks, which is equivalent to a year's service. There are two other classes of employees to whom the provisions of the Bill may apply. Under Subclause 2, the provisions of the Bill are applied to the sections of Government employees set out in Subclauses 2 and 3 of Clause 6—and for the purpose of convenience it is as well to refer to that clause at the present time—reads—

> Any person employed in the public service at a daily or weekly rate of wages, who is not a public servant within the meaning of Section 2 of this Act, shall be paid in accordance with any award or industrial agreement under the Industrial Arbitration Act, 1912, applicable to workers of his class, whether such award or agreement is binding on the Crown or not.

It provides, first of all, that an employee at a daily or weekly wage, shall be paid in accordance with any award or industrial agreement under the Arbitration Act applicable to workers of his class whether such award or agreement is binding on the Government or not. It goes on, if a question shall arise as to which of several awards or agreements is applicable, the decision shall rest with the appeal board, and it further provides that for those people for whom there is no award or agreement the board may deal with them just as it would deal with an ordinary public servant or teacher. Subclause 3 gives the right to a person employed at a daily or weekly wage for not less than five years, and whose duties are similar to those of an officer on the permanent staff, to apply to the Public Service Commissioner for an appointment on the permanent staff, and if the application is not granted by the Commissioner, then he can appeal on that point to the board. So that we have a wide range of public employees to whom the provisions of this Bill will apply. First the permanently employed public servant as set out in the Act, then the school teachers, and then the temporary public servant, or the school teacher of 12 months standing, men on a daily or weekly wage, the man not provided for by agreement or daily or weekly wages, and the man who after five years of service considers himself entitled to appointment to the permanent staff. The next point is the constitution of the board. That is dealt with in Clause 3. Paragraph (a) provides for the establishment of the board. It sets out how the board shall be constituted. If the appeal refers to matters with which the teaching staff of the Education Department is not concerned, then the board shall consist of a judge of the Supreme Court, who shall be chairman, one member appointed by the Government, and one member elected in the prescribed manner by the public service, exclusive of the teaching staff. If, on the other hand, the appeal relates to matters with which teachers in the Education Department are concerned, then the board shall consist of a judge of the Supreme Court, one member nominated by the Government, and one member elected by the teaching staff of the Education Department. If the appeal relates to matters in dispute common to both the teaching staff and the public service, then the board is composed of the whole of the five members, the judge acting as chairman. A proviso is inserted in regard to the board that is already appointed which reads, "Provided that that board shall be deemed to have been duly constituted under this Act." It is further provided that the board so constituted shall retire at the expiration of six months from the date of appointment. Those are the provisions of Clause 3 as they were introduced in another place. Subclauses

3, 4, and 5 were introduced in another place and the provision made by these subclauses is that in certain circumstances, instead of an election of the members of the service, or an election in the case of teachers under the Education Department by the teachers themselves, the member of the board to represent those sections shall be appointed by the Civil Service Association in the one case, and by the State School Teachers' Union in the other. The provision is—

> Provided also that if under the rules of the Civil Service Association of Western Australia membership is restricted to public servants within the meaning of paragraphs (a) and (c) of subsection 1 of section two of this Act, and persons to whom subsection 3 of section six of this Act apply, and on the 31st October prior to the date for the retirement of the elective members of the Board not less than eighty-five per centum of such public servants and persons are members of such association, the provision of paragraph (a) of subsection 2, whereby one member of the Board is to be elected by the public servants, shall not apply, and such member shall be appointed by the Civil Service Association of Western Australia.

That is to say, unless 85 per cent. of the members of the public service are members of the Civil Service Association, then the election is conducted over the whole of the public service in order to ascertain their member of the board. Similarly, if less than 85 per cent. of the teachers are members of the Teachers' Union, the election is conducted by the teachers to ascertain their representative on the board. But if 85 per cent. of the employees are not members of the Civil Service Association in the one case, or the State School Teachers' Union in the other, then the election is dispensed with, and the appointment is made by one or either of these organisations, as the case may be. Clause 4 relates to the tenure of office of members, and I think it is desirable that there should be some slight amendment in that clause because at the present time it reads "Subject to the proviso of the last preceding section." When the Bill was introduced there was only one proviso, and the matter was perfectly clear. Now there are four additional provisos, and it will be desirable to make an amendment there, or to make it clear that it is the first of those provisos that is referred to. Clause 5 provides for the appointment of deputies in the same manner as is provided for the appointment of the original members. Clause 6 sets out in detail the jurisdiction of the board, and to this I invite the special attention of hon. members. Paragraph (a), subparagraph (i) reads—

> The classification, re-classification, or salary of such public servant or class of public servants, or his or its office or offices—

The word "salary" constitutes the essential difference between this board and the board established under the Public Service Act, 1912. The board established under the Act of 1912 was merely a board to hear appeals against classification. This is a board to hear appeals against salary. Sub-paragraph (ii) reads—

> any decision involving the interpretation or application of the provisions of any Act or regulation governing the service of such public servant, or class of public servants.

This is a very important provision. There the right is given to the Minister of the department affected to appeal in a similar manner as the public servant can appeal. Paragraph (c) reads—

> To hear and determine any application by a public servant for the redress or correction of any anomaly in treatment affecting him in respect of classification, salary, or position with power to direct that any adjustment the Board may deem necessary shall, in the special circumstances of any particular case, have effect from the first day of July, one thousand nine hundred and nineteen.

It is contended on behalf of the service that there are a great many anomalies that have been allowed to continue over a long period of years, and it was the desire of the service that the board should have the power to go back indefinitely for the purpose of giving complete redress to these grievances. Hon. members will see that however desirable that might be from the point of view of the individual who claimed to have been suffering under these grievances for a number of years, it would be almost impossible from the point of view of the State. However, it was decided, and it has been embodied in the Bill that the board may, in such cases if it sees fit, go back to the 1st of July, 1919. Paragraph (c) provides—

> to determine in regard to any public servant who, on the thirty-first day of July, one thousand nine hundred and twenty, was in a class carrying a salary above £252 per annum, or in regard to the public servants in any class which on the said date carried a salary above £252 per annum, whether an allowance is necessary by way of immediate relief in view of the provisions of section nine of this Act, and to fix the amount of such allowance.

The origin of this clause was in the demand of the service before the strike for an all-round increase of thirty-three and one third per cent. The Government had made a re-classification of officers up to £252, and had also given an allowance, pending reclassification, to officers in receipt of a little over £300. The thirty-three and a third per cent. was claimed for those officers who had not been classified. The claim was a general one. When the service resumed work it was agreed by the Government that if officers receiving amounts above those to whom re-classification applied, and to whom a special

allowance was given, then if they still considered they were entitled to some special allowance pending re-classification, they should be able to go to the board and ask the board to grant them that allowance. The words "In view of the provision of section 9 of this Act" will be readily understood if members turn to section 9 of the Act, because it gives the board power in regard to the first classification of salary to make its award date from the 1st July, 1920. So that the board in proceeding under paragraph (d) has to bear in mind the fact that when the re-classification is made and an appeal has gone before the board, whatever salary is finally determined upon it shall take effect as from the 1st July, 1920. This clause compels the board to take that fact into consideration when they are asked to say whether or not an officer getting £252 is entitled to some special immediate allowance pending re-classification and appeal. Paragraph (e) provides that the board shall have jurisdiction—

> to hear and determine the complaint of any public servant of alleged victimisation by reason of the recent simultaneous cessation of work on the part of certain public servants.

That clause is inserted because when work was resumed, an undertaking was given that there should be no victimisation and it was considered right under that, that if any officer considered he was being victimised, he should be at liberty to ventilate his case before the board. To Subclauses 2 and 3 I have already made reference, in dealing with the persons who can appeal to the board. Subclause 4 deals with the important question of superannuation. In the Public Service Act of 1912, Section 83 sets out—

> The provisions of the Superannuation Act shall not apply to any person appointed to the public service after the commencement of this Act; and nothing in this Act contained shall be deemed to confer on any person whomsoever any right or privilege under the said Act.

All the privileges of the Superannuation Act were not taken away from those who were in the service before the Public Service Act was passed in 1904, and the wording of the first section of the Superannuation Act of 1871 contains the following.—

> Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent Civil Service of the Colonial Government—

It is the interpretation of the words "served in an established capacity" that has given rise to so much trouble and dissatisfaction in the past, and it is one of the matters this board will be privileged to decide. Subclause 5 merely sets out what is meant by the classification. Clause 7 outlines who shall have the right of appeal. The right of appeal lies with any public servant on behalf of himself or as representing any class of public servants, or the Civil Service Association of Western Australia on behalf of any class or group of public servants, or the State School Teachers' Union of Western Australia on behalf of the employees of the teaching staff of the Education Department. Thus, the right of appeal lies with individual employees, with any group, or with the Civil Service Association or the Teachers' Union. There is also the right of appeal by the Minister of any department affected to appeal to the board against the classification set out by the Public Service Commissioner. Clause 8 deals simply with the question of procedure. It sets out that the board may regulate their own procedure and may conduct their inquiries without regard to legal form and shall direct themselves by the best evidence they can procure or that is laid before them. The board may summon and examine witnesses on oath and call for the production of papers and documents. The Minister of a department concerned, the Public Service Commissioner and the Director of Eduction may be represented before the board, either jointly or separately, on the hearing of an appeal. Persons concerned in or entitled to be represented on an appeal or matter before the board may be represented by counsel or solicitor or other agent. Claus 9 is one to which I have referred already. It gives retrospective effect to the decision of the board when finally arrived at as from 30th June, 1920. Clause 10 is also a very important provision. It provides that the finding of the board shall be final, and effect shall be given to their decisions. It has been a fruitful cause of complaint among civil servants in the past that appeals have been made to the board, awards have been given which were favourable to appellants, and that has been the end of them. I believe cases of that kind have arisen. Under this Bill, the decision of the majority of the members of the board will be reported in writing to the Governor, and the decision will be final, and must be acted upon. Clause 11 simply provides for keeping a record of the proceedings. The most important provision under Clause 12 is contained in words "inclusive of officers of the administrative division." Section 18 of the Public Service Act, 1904, defines the administrative division. It says—

> The administrative division shall include all permanent heads of departments, and also all persons whose offices the Governor, on the recommendation of the Commissioner, directs to be included in such division.

The following section—Section 19—of that Act further provides—

> The officers in the administrative division (except in the case of officers paid at a specified rate by virtue of any Act) shall

be paid such salaries as may be provided in the Appropriation Act.

It is intended that officers in the administrative division shall have the same rights of appeal as other officers in the public service, and for that reason the clause repeals Section 19 of the Public Service Act of 1904, because that clause provides that the salaries of officers of the administrative division shall be fixed by the Appropriation Act. Being a vote passed by Parliament it could not be disturbed by this board. This Bill brings the administrative division under the Public Service Commissioner for the fixing of a classification, the object being to allow the officers the same right of appeal as every other officer in the service. Clause 13 merely sets out that the classification of the teaching staff of the Education Department shall be vested in the Minister for Education. Clause 14 provides that no public servant shall be prejudiced in respect of privileges, promotion, or continuity of service by reason only of the recent simultaneous cessation of work on the part of certain public servants. The reason for that is that without it, it might be held that the public servant who might be entitled to privileges on account of length of service, had broken that service and consequently had forfeited his rights. There is provision in Clause 14 that nothing contained therein shall affect the provisions of Section 60 of the Public Service Act, 1904, which provides that when the absence of an officer is not sanctioned a deduction from his salary shall be made for the day or portion of such day during which the officer absents himself. Without that provision it might be contended that the officer would be entitled to payment for the period not worked. Clause 14 merely says that the continuity of service shall not be broken but that the civil servant shall not be entitled to payment during the period of the strike. Clause 15 makes it an offence to strike. As I said at the outset, I think that is a very proper provision. When we give public servants a tribunal to settle their grievances they should be bound by it, and should not take any other action to secure their desires. Clause 16 gives power to the board to order an appellant to forfeit a sum not exceeding £5 in case of any application or appeal which may be regarded as frivolous or unreasonable. Clause 17 provides the power to make regulations. Paragraph (a) refers to regulations necessary to carry out an election in cases where the Teachers' Union or the Civil Service Association has less than 85 per cent. of the teachers or civil servants, respectively, included in its membership. In such an event it would be necessary to take a ballot to elect the representatives on the board. Paragraph (b) prescribes the time within which appeals and applications to the board shall be made Paragraph (c) provides for enforcing attendance of witnesses before the board and for imposing a fine in the case of non-attendance of any witness. Paragraph (d) provides for the remuneration of members of the board other than the chairman, and paragraph (e) provides for all other matters arising under and consistent with the Bill. Clause 18 provides that the Public Service Act, 1904, the Elementary Education Act of 1871, and its amendments, and the Superannuation Act, shall be construed and have effect, subject to this Act.

Hon. J. E. Dodd: What was the date of the Superannuation Act?

The MINISTER FOR EDUCATION: The date was 1871. There was a small amendment to it in 1883 if my memory serves me right, but it does not affect the principle. Clause 19 is a repeal clause. It repeals Sections 10 and 19 of the Public Service Act of 1904. Section 10 of that Act provides—

> Any officer dissatisfied with any proposal of the Commissioner, either particular or general, in regard to grade affecting him, or to the classification of the work performed by or assigned to him, may, within the prescribed time after publication of such proposal in the "Government Gazette" appeal to an appeal board constituted as hereinafter provided.

That power is taken away because a different method of appeal is provided in this Bill. Section 19 of the Act is one providing that the salaries of the officers in the administrative division shall be fixed in the Appropriation Act. The provisions of Subsection 1 of Section 51 and Section 52 of that Act as amended in 1912 are also further amended under the clause as follows:—The proviso to Subsection 1 of Section 51 and the words "and may either maintain, increase, or reduce the value of the office as defined by the Commissioner in the proposal appealed from or change the office from one division to another," in Subsection (1) of Section 52, and Subsection (5) of Section 52, are omitted. Thus all provisions regarding that appeal board are deleted in this present proposal. These are the whole of the provisions of the Bill. Its aim is to create a tribunal that will be satisfactory to the service and just to the State. We must have a proper regard on the one hand to the rights of the public servants, and we must also protect the interests of the public. It is believed that the tribunal which it is proposed to establish will have that effect. It is believed that it will make for a contented service. There cannot be the least question to my mind, and probaby to the mind of any hon. member that a contented service—I do not say a perfectly contented service, because we can never have that, but a reasonably contented service—in which the members will feel that they have the means of redressing their grievances, is essential if we are to have an efficient service. I do not propose to say anything more regarding the general principles of the Bill. I have endeavoured to explain just what is in the Bill and what it proposes

to do, and how it proposes to meet the difficulties. I am satisfied in my own mind, after 4½ years' Ministerial experience, that we have in the public service of Western Australia a great many officers that any service might be proud to have. A great many men are working in the public service for less money than their talents would enable them to command outside. There is no question of that. There are a great many men who do not concern themselves with hours. Probably some do, but to a great many men the job is the one thing, and they stick to their job all the time through the whole day. I do not think that one can speak too highly of the work done by a great number of our public servants, and I say that after having a good deal of the closest connection with a number of the departments. I think it is in the interests of the State that men of that type should be encouraged to feel that their interests will be protected, and if they are entitled to anything, that there is a legitimate constitutional manner by which they can get it. The Civil Service Association and the Teachers' Union, I understand, are not entirely satisfied with the provisions of this Bill. It might be said that if we put into the Bill all that they desire, then we would inevitably do injustice to the general public. Neither one side nor the other can be the absolute arbiter of what should appear in a Bill of this nature. I believe that the Bill does reasonably satisfy the civil service, and it does represent the opinion of the Government as to what is a just and proper method of dealing with the differences which must constantly arise between employer and employee and which do arise in the public service as in private employment. I move—

That the Bill be now read a second time.

Hon. A. H. PANTON (West) [8.31]: I am inclined to agree with the leader of the House that the Bill can be better dealt with in Committee than on the second reading, but there are one or two clauses to which I would like to address myself briefly, because while I agree with the Minister that it is essential to have a contented civil service, I am very much afraid that some of the clauses of this Bill will not bring about that contentment which we so much desire. The Minister stated that if the civil service is to have the privilege of a board, they should be prevented from taking any part in a strike. Under the Arbitration Act various penalties are provided for striking, but members will agree that they are practically a dead letter. If the Minister believes that the insertion of a penal clause in any Act is going to prevent workers from using the only effective weapon which they have, namely, the right to strike, I am afraid he is leading members astray. The Bill would never have been before the House but for the effectiveness of the strike of the civil service, and I hope, and I say it in all seriousness, that the civil service or any other section of workers, will not give up the right to strike, the only weapon they possess. Not only is it proposed to deprive the civil service of their privileges if they strike, but to fine them £10 as well. I object to a Supreme Court judge being made chairman of every tribunal proposed by the Government unless it is the intention of the Government to give us many more judges than we have at present. To-day we have four judges, one of whom devotes practically all his time to the Arbitration Court. Now we are to have another judge as chairman of the civil service appeal board, and I understand that he will have two or three years of continuous work in front of him if he does anything like justice to the civil servants and the teachers. Mr. Justice Burnside made a statement in the Arbitration Court at Kalgoorlie that he goes into vacation on the 25th December and would not do any more work until the end of March.

Hon. *J. E. Dodd*: He says that every year.

Hon. A. H. PANTON: He not only says it but he takes direct action and does it. He is in the same position as the rest of the judges except one judge who attends in Chambers. For three months out of every year, we have no judge to attend to the work of the Arbitration Court and a great deal of legal work is piled up by the end of the vacation. Consequently industrial matters and the civil service appeals will have to stand over. This will cause discontent and probably a repetition of the experience in other walks of life, that employees will take other action without going to the court. This is one reason why I object to the appointment of a Supreme Court judge as chairman of the appeal board. He will not have time to devote to the work. I have a decided objection to the clause which provides that unless there are 85 per cent. of the public service in the Civil Service Association, there must be a ballot of the whole of the public service. Under the Arbitration Act it was thought fit to permit 15 persons in any one industry to form a union and secure registration of their organisation. Once they were registered it did not matter if there were 2,000 employees in the industry, they could approach the Arbitration Court. They were recognised by the court and by the Act. If this is good enough for the worker outside the public service, there is no reason why the civil service should be required to have 85 per cent. as members. The Government would be well advised to encourage the association of its employees. If they insist on 85 per cent., they will probably have several organisations springing up and causing more discontent than would result from one organisation speaking on behalf of the whole of the service.

Hon. J. J. Holmes: Will not this have the effect of forcing them all into the association?

Hon. A. H. PANTON: I think it will have the opposite effect. If the Civil Service Association and the Teachers' Union were the only organisations and no one else had authority to approach the appeal board as is the case with the individual unionist, all the public service employees would look to their association. It would be inadvisable for individuals to approach the appeal board. They should all act through the association and then there would be no necessity for a penal clause in the event of an appeal being frivolous, because officers of the association would be in a position to advise whether it was worth while going on with an appeal or otherwise. I hope members will allow the Civil Service Association and the Teachers' Union to have control in this matter.

Hon. J. E. Dodd: You will have to do away with the individual appeal.

Hon. A. H. PANTON: Yes, they should all act through the association. Parliament has placed on the statute-book an Arbitration Act which prevents the individual from approaching the court. The individual is not recognised.

Hon. A. Sanderson: Hear, hear!

Hon. A. H. PANTON: I am glad to find that I have one supporter in the House. I hope the same procedure will be adopted in connection with this Bill. There is no reason why the Civil Service Association and the Teachers' Union should be treated differently from any industrial organisation. Clause 8 provides that the board shall sit at such time and place as the chairman may appoint. If a Supreme Court judge is to be chairman of the board he will have little time at his disposal. One judge will be engaged on Arbitration Court matters. Another judge will be engaged on civil service appeals, and the other two judges will require assistance. I understand that the Chief Justice is responsible for the allotment of the work of the other judges, and the chairman of the appeal board will probably find that the time during which the appeal board can sit will be so short that the civil servants will chance the penal clause being enforced and will have another strike. If this House insists on a Supreme Court judge being appointed chairman, I hope the clause will be altered. The board should sit at such time and place as the business warrants, not as the chairman appoints. Another clause provides that persons may be represented by counsel, solicitor, or other agent before the appeal board. I contend that the words "counsel or solicitor" should be struck out. I say this advisedly because these appeals will be many in number, and if we allow either side to have counsel or solicitor, we can depend that the Minister will be represented by the best solicitor obtainable and the association or the individual will be put to the expense of defending his case. If it is good enough in the Arbitration Court for labour to appeal without counsel, it should be good enough for civil servants before the appeal board. We should not place in the hands of Ministers who have public money at their command, the right to employ counsel to plead their case to the detriment of a man who is putting up a claim for improved classification or a little more salary. If the employee has to instruct counsel, he will have very little chance of success on his appeal. I hope the House will deprive counsel or solicitors of the right to appear, as this will be in the interests of the service and of Ministers themselves. The Ministers have the heads of departments who are more conversant with the business than any solicitor could be, and the representatives of the association could plead their case quite as well as a solicitor. In the Federal Arbitration Court, once solicitors were permitted to appear, it became a question not of arbitration but of litigation, and once litigation commences before the appeal board there will not be much contentment or arbitration. I propose to move several amendments in Committee in accordance with the ideas I have outlined, and I hope members will give the association sympathetic consideration, and will so alter the Bill that it will be of some benefit to the association.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.44]: I cannot understand the hon. member suggesting that this is a Bill for the Committee stage. The essence of the Bill is the acceptance of the principle, and that surely is a matter for second reading debate. The principle of the Bill as explained by the leader of the House is arbitration. It is certainly very gratifying to find one of the young leaders of the Labour party entirely abandoning the principle of arbitration.

Hon. A. H. Panton: Not at all. I have just had seven weeks on an arbitration case.

Hon. A. SANDERSON: I understood the hon. member to say that the employees would never give up the right to strike.

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

Hon. A. SANDERSON: That is not compulsory arbitration as understood in this country. I entirely agree with the hon. member and I am glad that we have one of the young leaders of the Labour party who will come forward and say that.

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

Hon. A. SANDERSON: It must be distressing to a member of the Labour party who has pleaded so long in this House for compulsory arbitration. I will leave it to them to decide between themselves. It would be a good thing if the Bill were rejected on the second reading. The cause of the Bill and the trouble with the civil service is the action of Governments during the last seven years and the promises made to the Civil Service Association. If the service had been treated reasonably and with strict consideration as to the promises made by

different Ministers and Governments, I feel certain there would never have been a strike, and the Bill would never have been brought forward. I think the hon. member is in agreement with that. I am not representing the civil service, but I would tell the civil servants that the Bill is not worth the paper it is written on so long as we have in control of the affairs of the country Governments such as we have had during the last few years. It would be a great saving to the country if this Chamber took upon itself to reject the Bill on the second reading in order to put things on a proper footing. The hon. member tells us that neither the civil service nor the wharf labourers will ever give up the right to strike.

Hon. A. H. Panton: I said they should not do so. I am not saying what the civil servants will do, for I am not speaking for them.

Hon. A. SANDERSON: I was under the impression that the hon. member had some right to speak for the civil servants.

Hon. A. H. Panton: I wish I had.

Hon. A. SANDERSON: He has given us a clear indication of the attitude he takes up. The civil servants ought not to be permitted to strike. Unless we have a contented civil service the affairs of the country will never settle down. If the leader of the House and his colleagues had been able, by reason of a better condition of the finances, to carry out the specific promises that were made in different places, both in Parliament and outside, there would never have been any necessity for the introduction of this Bill. If anyone would support me I would have no hesitation in voting for the rejection of the Bill on the second reading.

On motion by Hon. J. E. Dodd debate adjourned.

BILL—HEALTH ACT CONTINUATION.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.50] in moving the second reading said: This Bill merely continues the operation of Section 256 of the Health Act for another period of 12 months. The legislation regarding venereal disease was first passed in this State in 1915. That Act has been favourably commented upon in all parts of the world. Together with the 1918 amendment, it is referred to in one of the latest American works on the subject as being the most up to date legislation existing on this question. Section 256 is the only section with which this Bill deals. The original wording of the section precluded any action being taken unless the Commissioner received a signed statement, which signed statement he had reason to believe was correct, alleging that some person was infected with venereal disease. This requirement interfered with the taking of action in several cases which came to the knowledge of the Commissioner. It was found that persons were prepared to come to the office and make verbal statements, but were averse to attaching their signatures to any written declaration. They were especially averse when it happened, as it did in many cases, that the person whom they wanted to bring under the notice of the Commissioner was a relative. In several cases the Commissioner was convinced of the bona fides of the informant, and believed that the information given was substantially correct. But as this section was originally framed it was impossible for the Commissioner to take action under it. These disabilities were brought before Parliament in connection with the amending Act of 1918, and the section was then amended to give the Commissioner power to have persons examined whom he had reason to believe were suffering from venereal disease. This proposal was objected to by certain sections of the community but, generally speaking, I think it is a perfectly fair statement to make that the opposition to that particular section came almost entirely from those who were opposed to any sort of compulsory treatment regarding venereal disease. The amendment was carried, but, in view of the opposition to it, it was decided to limit its operation to one year from the commencement of the Act. During last year a further amendment was introduced which had the intention of making Section 256 permanent in its application. It was passed through this House in that form, but in another place there was found to be still a certain opposition to the provision, and as a compromise it was agreed that the section should remain in effect until the 31st December, 1920. The Bill now before the House continues the amendment for a further 12 months. I have no hesitation in saying that personally I would have preferred that a Bill should have been introduced on the same lines as last session making this legislation permanent. The only thing which reconciles me to the present amending Bill is that every year of our experience here, and the regard which is had for our Act in other parts of the world, strengthens our case. I have no fear that this provision in the Act will ever be dropped. Reference has been made to the fact that the general elections are coming on. Let us have the general elections. After they are over I am satisfied that Parliament will be more disposed than at present to make this feature of our legislation a permanent one. For that reason, I see no particular objection to continuing it for 12 months only instead of making it permanent at once. Mr. Dodd this afternoon gave notice of certain questions which he proposes to ask, and which will undoubtedly have a bearing on the Bill. No doubt if the hon. member desires it, the debate will be adjourned so that the questions may be answered in detail. Since the 1918 amendment has been in operation, the department has heard no single word of criticism against that section. Up to date, since the venereal

diseases legislation was first passed, about 40 cases have been dealt with. Of these 40 cases, five were lost sight of; six were able to produce evidence that they were not infected; in two cases the conclusion arrived at was unsatisfactory, because although the bacteriological examination gave negative results a suspicion still existed that infection might be present; and in all the other cases the persons were found to be infected and were placed under treatment. Of these 40 cases seven came under notice during the last 12 months, one is still pending, in one case the bacteriological examination gave a negative result and all the other cases have received treatment. There are many instances details of which I think it is unnecessary to inflict upon the House, which show how necessary and beneficial this section is. The number of cases is comparatively small, but there has not been one single complaint against the administration of this section by the Health Department. In view of that fact, the House can have no hesitation in passing the Bill. The only complaint that I can see is that the Bill does not make this a piece of permanent legislation, which I myself would have desired. I move—

That the Bill be now read a second time.

Hon. A. J. H. SAW (Metropolitan-Suburban) [8.55]: I cannot congratulate the Government on their want of courage in not introducing this Bill as a permanent measure, as they did last session. I have not heard any reason whatever why this should not be made a permanent addition to the legislation of this State. Recently a very valuable work was published on venereal disease and public health by a Colonel in the United States Army Medical Service. He did us the honour of reproducing in full the context of our Bill, and spoke of the principles underlying it with the greatest encouragement. The Commissioner of Public Health at the recent congress in Brisbane explained to congress the venereal measure in force in this State, and spoke most emphatically in favour of the Act as it exists at present. I know when the Bill was originally introduced I took exception to the anonymous informer, and moved that the Commissioner should take evidence on oath before taking action. It has to be remembered that the compulsory clauses, as originally introduced by the then Colonial Secretary (Mr. Drew), were entirely different from the compulsory clauses in the Bill as it finally left this House. As a result of the amendment, which the Colonial Secretary subsequently submitted, all the Commissioner for Public Health could do in the first instance was to call upon persons whom he had reason to believe, from information received on a signed statement, were suffering from venereal disease, to produce evidence from a medical practitioner, lady or gentleman, that they were or were not suffering from that complaint. He had no power himself to ask any medical officer to make a compulsory examination. Unless, in the event of their being proved to have venereal disease, they were neglecting treatment and wilfully infecting other people or suspected of doing so, he had no power to order compulsory detention. As the Bill finally left this House it seemed to me that the compulsory powers were so whittled down that the necessity for a statement on oath did not exist to the same extent as it did when the Bill was originally drafted. That may perhaps explain why I have to some degree recanted from the position I then took up. But there is a further reason for my recantation, and that is that the Commissioner of Public Health stated that the Act as it finally passed into law prevented his taking action owing to his being compelled to get a signed statement. I wish at once to disclaim the honour which was done me during my absence of representing me as the person responsible for the section dealing with the signed statement. As a fact, that section was drafted by the then Colonial Secretary (Mr. Drew), in conjunction with the late Mr. Jenkins; and I was not consulted in the matter at all. So that the somewhat dubious honour of what was considered to be my compromise is one which I have not deserved.

Hon. J. E. Dodd: Did not the hon. member speak strongly against it?

Hon. A. J. H. SAW: I spoke strongly against the anonymous informer; but when the Commissioner of Public Health says that he is unable to obtain a signed statement, and that thus certain sections of the Act become inoperable, I prefer to withdraw my opposition in order that the Act may have a fair chance. I am sorry indeed that the Government have not seen fit to bring in this Bill as a permanent measure. The other day I had the privilege of giving by invitation a lecture on venereal disease before the inspectors of sanitation who held a congress here. In the course of that address I referred to the dainty dish of unsavory morsels that the Government serve up to King Demos every session. Personally I am tired of discussing it. I should be very glad to think that this was the last occasion I had to rise here and talk about venereal disease.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CORONERS.

In Committee.

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

Clauses 1 to 6—agreed to.

Clause 7—Powers of coroners.

Hon. J. E. DODD: On the second reading I drew attention to this clause, and asked the leader of the House to make inquiry whether it should not definitely set out what are the powers, authority, and jurisdiction of a coroner, instead of referring to English legislation.

The MINISTER FOR EDUCATION: I brought the matter under the notice of the Crown Law Department, and it was pointed out to me that although this Bill is a consolidation of the statute law relating to coroners compiled from the Acts of the other States and the Imperial Act of 1887, it is not a code; that is to say, it does not profess to reproduce all the Common Law relating to coroners. The words to which Mr. Dodd refers are found in the Victorian Act of 1915, in the Tasmanian Act of 1913, and also in the Acts of some of the other States, as well as in the New Zealand Act of 1908. The Solicitor General expresses the opinion that it is highly improbable that any question as to powers, authority, or jurisdiction not expressly provided in this Bill will arise. Therefore, if paragraph (a) of this clause, to which Mr. Dodd refers, were omitted altogether, probably no inconvenience would result. At the same time the Solicitor General says he cannot see any objection to paragraph (a), which, should by any chance a question not provided for in the Bill arise, gives recourse to the law of England. The Solicitor General further says that there are no provisions of the Common Law relating to coroners which he considers should be incorporated in this Bill. In fact, the Bill contains all the law which, in the Solicitor General's opinion, should be put on the statute book.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Power to hold inquests without jury:

Hon. J. E. DODD: I move an amendment—

That in Subclause 1, paragraph (a), after "1902" there be inserted "or the Factories Act, 1904, and its amendments."

Provision is made that an inquest may be held without jurors in certain cases, but that there must be a jury where death is the result of an explosion or accident in or about a mine to which the Mines Regulation Act, 1906, or the Coal Mines Regulation Act, 1902, applies. In my opinion it is very desirable that the provision should be extended to factories. I believe the Minister has some information on this subject.

The MINISTER FOR EDUCATION: One of the objects of the Bill is to do away with juries where they are unnecessary. That is the tendency of the law all over Australia, and in other parts of the world as well. The Bill as originally drafted did not contain paragraph (a) of this subclause, which was inserted in another place. Before including a provision referring to factories, we should consider how small a place a factory may be. Under the Factories Act a factory may be a place where only two persons are employed.

Hon. J. E. Dodd: Or only one person under the new Bill.

The MINISTER FOR EDUCATION: Yes. Thus the amendment may defeat the object of the Bill by making jurors compulsory in cases where they would be considered unnecessary. I admit that I cannot put up any very strong case against the amendment, seeing that paragraph (a) has been inserted in this subclause. I do not agree that that paragraph is necessary. I consider that without that paragraph the Bill provides for a jury wherever required. The amendment, however, does not quite express the intention of the mover. I think it would be better if he moved that the following words be added to paragraph (a):—"The inquest is on the body of a person whose death has been caused by an explosion or accident in or about a factory to which the Factories Act, 1904, and its amendments, apply."

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I think the Bill was better before paragraph (a) was inserted. In my opinion we should strike it out and let another place reconsider it. I move an amendment—

That paragraph (a) be struck out.

Hon. J. E. DODD: The two provisions regarding the Mines Regulation Act and the Coal Mines Regulation Act were inserted because in all inquests touching deaths that have occurred about a mine many considerations creep in, and if there is one thing we need to be careful of it is that all regulations in regard to any industrial Act shall be carried out in their entirety. In connection with a mine there are a thousand and one things operating which do not operate in the case, say, of a man who has been knocked down in the street. The same may be said in regard to factories. We have reduced juries from 12 members to three, and the Bill provides for ordinary inquests being held without a jury at all. But when we come to accidents under the various industrial Acts it is very necessary that juries fully conversant with those regulations should be empanelled. If it is necessary to have juries on inquests dealing with deaths that have occurred in mines under the Mines Regulation Act, it is also necessary to have juries on inquests touching deaths that come under the factory regulations.

Hon. A. LOVEKIN: If a fatal accident occurs in a mine and it is necessary to have a jury on the inquest, provision is made in paragraph (b) of Subclause 2 for any person, knowing the circumstances leading up to the death of the deceased, calling for a jury.

Hon. A. J. H. SAW: The objection to Mr. Lovekin's argument is that paragraph (a) of Subclause 1 makes it necessary to have a jury in certain cases, without anybody having to demand it. If the provision is struck out, the compulsion will no longer obtain. I prefer Mr. Dodd's proposed amendment.

Hon. J. NICHOLSON: There is a great deal to be said in favour of the amendment. We must recognise that frequently accidents which take place in or about a mine or a factory may be of such a character as to render a jury unnecessary. If paragraph (a) is allowed to stand, then in those cases it will be compulsory to have a jury at the inquest. Subclause 2 provides quite sufficient safeguard.

Hon. J. E. DODD: It should not be an obligation on anybody to demand a jury in the cases specified. The empanelling of a jury should be compulsory.

Hon. E. H. HARRIS: Almost invariably in accidents in factories or in mines it is essential that a jury should be empanelled. I agree that no relative of the deceased, nor any other person, should be called upon to demand a jury. How many such people would know that they were competent to demand a jury? I oppose the amendment.

Amendment put and negatived.

Hon. J. E. DODD: I move an amendment—

That after "accident" in line 2 "(1)" be inserted; and that after "applies" in line 4 the following be inserted: "(2) In a factory to which the Factories Act, 1904, and its amendments apply."

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

Clause 10—agreed to.

Clause 11—Proceedings at inquests:

Hon. J. E. DODD: I move an amendment—

That the following be added to stand as paragraph (d) of Subclause 3: "If he came by his death by negligence or omission of any person to comply with the provisions of any Act or regulations governing the industry in which he was employed."

I stated pretty fully on the second reading why I thought this was necessary. It is provided that the objects of the inquest shall be to determine who the deceased was, how and when and where he came by his death, and if he came by his death by wilful murder or manslaughter. That does not go far enough. In a mine accident it might be said that a man came to his death in a certain way, but it is necessary to go further and find out the remote cause of the accident as well as the immediate cause. Some coroners take a restricted view of the matter, while others take a wide view, although I must admit that a majority are desirous of finding out the actual cause of death. If we insert the amendment which I have given notice of, the coroner will be given power to make inquiry into the actual cause of death. In connection with the Boulder fatality of some years ago, reference to which I made on the second reading of the Bill, the coroner found that the accident was really caused by some fault in the engine. The coroner in that instance conducted an exhaustive inquiry and it saved the country—it certainly saved the unions—some thousands of pounds. In clause 12 which relates to fires, it is provided that the inquest must prove the actual origin of the fire. That is what we want in connection with the clause under discussion.

The MINISTER FOR EDUCATION: I do not think the amendment is necessary. In regard to the case Mr. Dodd has cited, the jury were able to do certain valuable work because they carried that work to a conclusion, and the hon. member seems to think that they did their duty in spite of the Act. I contend they did only what was their duty. The Bill casts upon coroners and juries the duty of probing a matter to the very bottom and the amendment will not carry the position any further.

Hon. J. E. DODD: I am not anxious to press the amendment. My experience is that at times the coroner has stated that the inquest was only to inquire into the cause of death. However, if the Crown Law Department are satisfied that the amendment is not necessary, I have no desire to labour the matter. I ask permission to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 12—agreed to.

Clause 13—Evidence to be put into writing:

Hon. A. LOVEKIN: I suggest that the clause be amended to provide that the coroner, in addition to putting the evidence into writing, "may cause the evidence to be put into writing." As the clause stands the coroner must take down the whole of the evidence, whereas if he employed a shorthand writer or an amanuensis considerable time would be saved.

The MINISTER FOR EDUCATION: There is a good deal in the point of the hon. member, but I would point out that it is necessary to have the depositions signed. If a shorthand writer is employed to take notes of the evidence, the notes will have to be transcribed, and there must be a subsequent sitting so that the witnesses may attend to sign the transcript of the evidence given by them. The coroner when taking down the evidence himself is expected to exercise some discretion as to what is essential to write down as evidence. If an amanuensis is employed the inquest will proceed very slowly. For practical purposes the best course is for the coroner to take the notes and for the witnesses to sign those notes immediately afterwards.

Hon. J. NICHOLSON: A shorthand writer would not take question and answer at an inquest; he would take the evidence in narrative form and would do it in a quarter of the time that it would take the coroner. The inquest would thus proceed much more rapidly and the witness could attend on the following day to sign the depositions and the coroner could sign them afterwards.

The Minister for Education: Would the verdict have to wait until the following day?

Hon. J. NICHOLSON: Yes, if the inquest lasted a day.

Hon. A. J. H. SAW: The procedure outlined by Mr. Lovekin will result in a loss instead of saving of time. At the present time a medical man gives evidence and the coroner takes down so much of it as is essential, and before leaving the court the medical man signs the depositions. Under Mr. Lovekin's arrangement the medical man will have to attend on the following day to sign the depositions.

Hon. A. LOVEKIN: The coroner would perhaps write 30 words a minute while the shorthand writer would take the evidence at the rate of perhaps 120 words a minute, and the witness instead of being in the box for three hours would be there for only an hour. It would not take half an hour next morning to read over the depositions, and they could then be signed. This procedure would save the time of the coroner and the jury, and expense to the country. I move an amendment—

That after "writing" in line 2, the words "or cause to be put in writing" be inserted.

Hon. J. NICHOLSON: I support the amendment. It is the practice in the old country for the depositions to be taken by shorthand writers.

Hon. A. LOVEKIN: In the year 1883 I did this very work myself in South Australia, and I know that there was an immense saving of time and cost to the Government.

Hon. E. H. HARRIS: It would be of great advantage to have the evidence taken in shorthand particularly in the case of technical evidence. I have had experience both of fast and slow coroners and agree that the saving of time would be considerable. At the same time I think that if it is necessary for witnesses to come back the next day to have their evidence read, it would be impossible for any jury to give a verdict before having the signed statements of witnesses before them. The expense involved in keeping juries and witnesses would be considerable.

The MINISTER FOR EDUCATION: One question that strikes me is that there is an obvious advantage in having a witness's evidence read over to him before he leaves the box. That is the present practice, and under the suggested system the whole of the witnesses would be examined and then later in the day or on the following day they would have to come forward to have their evidence read over. That would be a distinct departure from the present convenient system, apart from which it is quite possible that witnesses might be in the court listening to further evidence given and it might lead to hedging on the part of some. It seems to me that is not so satisfactory a method as the one at present adopted.

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

Clause 14—Order of coroner to hold inquest or another inquest:

Hon. J. E. DODD: I move an amendment—

That Subparagraph (ii) be struck out.

The provisions of the paragraph which enable a court or a judge to order a coroner to pay costs incidental to an application are altogether too drastic. Paragraph (b) sets out that where an inquest has been held by the coroner, by reason of fraud, rejection of evidence or other irregularities, and it is deemed necessary that in the interests of justice another inquest should be held, the court may, as set out in the paragraph, order the coroner to pay the costs of such proceedings. The powers and jurisdiction of the coroners are not set out in this Bill and therefore the coroner may not know what his jurisdiction and powers are. If there is any fraud attaching to such an act, it can be dealt with by the Attorney General in other directions, including the striking off of the coroner's name from the list of coroners.

The MINISTER FOR EDUCATION: I agree that the provision is a drastic one, but it is a penalty that can only be inflicted by a judge. I am prepared to leave that power in the hands of the judge. It would only be used in extreme cases.

Hon. J. E. Dodd: You deal with fraud under the criminal law.

The MINISTER FOR EDUCATION: Yes, that is so. In this case the judge may think that the fraud will be dealt with adequately by ordering the coroner to pay the costs

Hon. A. LOVEKIN: I support the amendment. The provision in the Bill is altogether too drastic. Take the case of a coroner who may refuse to hold an inquest, which he is empowered to do. The Supreme Court, for some reason or other, finds that he is wrong and the judge may compel the coroner to pay costs for exercising his discretion as permitted by the Bill.

The MINISTER FOR EDUCATION: In such a case I am still prepared to leave it to the judge to say whether it is a matter for which the coroner should pay the costs or not.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 24—agreed to.

Clause 25—Inquests on deaths from accidents in mines:

Hon. J. E. DODD: I move an amendment—

That after "mine" in line 3 the words "or factory" be inserted.

The MINISTER FOR EDUCATION: I went into this matter with the Solicitor General and I am inclined to think that good purposes might be served by inserting a clause that would have the same relation to accidents in factories as Clause 25 has regarding mines generally, and Clause 26 has regarding accidents in coal mines. I do not think that the amendment suggested by the hon. member would achieve his object, and I have had a clause drafted to stand as Clause 27. It is rather lengthy, and while I do not suggest that the hon. member should withdraw his amendment, I propose that we postpone further consideration of the Bill, and I will have the clause I refer to placed on the Notice Paper for to-morrow. I also understand that it is the intention of Dr. Saw to submit an amendment to give coroners power, on the certificate of the Commissioner of Public Health, to order a post mortem examination in cases of death from infectious diseases. I suggest to him that he might also have his amendment placed on the Notice Paper for to-morrow.

Progress reported.

House adjourned at 9.57 p.m.

Legislative Assembly,

Tuesday, 26th October, 1920.

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

QUESTION—SLEEPER SHIPMENTS FROM ALBANY.

Hon. T. WALKER asked the Minister for Works: Are the State Saw Mills supplying sleepers for shipment to Java and loading same by any steamer or ship at Albany?

The MINISTER FOR WORKS replied: No.

QUESTION—BASIC WAGE IN THE GOVERNMENT SERVICE.

Hon. T. WALKER asked the Premier: 1, Is the basic wage of 13s. 4d. paid as a minimum to all employed in each and every branch or department of the Government service? 2, If not, why not?

The PREMIER replied: No. The matter is now in the hands of the Assistant Commissioner specially deputed to handle such problems, but a decision has been delayed through this officer's illness, necessitating another temporary appointment.

ASSENT TO BILLS.

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

1, Local Authorities Sinking Funds.

2, High School Act Amendment.

3, Roads Closure.

BILL—CITY OF PERTH ENDOWMENT LANDS.

Report of Committee adopted.

ANNUAL ESTIMATES, 1920-21.

In Committee of Supply.

Resumed from the 21st October; Mr. Stubbs in the Chair.

Department of Colonial Secretary (Hon. F. T. Broun, Minister).

Vote—Office of Colonial Secretary, £11,043:

The COLONIAL SECRETARY (Hon. F. T. Broun—Beverley) [4.35]: There has been practically no change in this department's Estimates since last year, with the exception that the Government gardens which formerly were controlled by the Colonial Secretary have now been transferred to the Premier's Department. The increase of £11,717 is due almost entirely to the increased rates which have had to be paid and the high cost of stores, and the general all round increase in the cost of administration. The total expenditure last year was £250,261 and the revenue collected was £71,889. The net cost of the department therefore was £178,370. The anticipated revenue this year is £78,309, which is £6,420 in excess of last year's figures. The net cost of the department this year is estimated at £5,295 more than that of last year. Considering the greatly increased cost of everything, and the large field of the work of the department, the figures must be considered satisfactory. Recently there has been a change in the administration of the department. During last year, after 34 years of service, the Under Secretary, Mr. North, was retired on account of ill health. In the period of his service Mr. North proved himself to be a most loyal