and therefore the Council's amendment cannot be discussed.

Mr. MANN: Do you wish me to move in the matter?

The CHAIRMAN: No, amendment No. 3 cannot be dealt with. I simply rule it out of order.

Resolutions reported. A committee consisting of Mr. Panton, Hon. G. Taylor and Mr. Mann drew up reasons in respect to amendment No. 3. Reasons adopted and a message accordingly returned to the Council.

House adjourned at 8.30 p.m.

Legislative Council.

Thursday, 12th December, 1929.

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 undermentioned Bills:—

1, Companies Act Amendment.
2, Cremation.
3, Licensing Act Amendment.
4, Reserves (No. 2).
5, Agricultural Bank Act Amendment.
6, Redistribution of Seats Act Amendment.

QUESTION — WORKERS' COMPENSATION AND GOLD MINING INDUSTRY.

Hon. E. H. HARRIS asked the Honorary Minister,—1, For each respective year, 1925-26, 1926-27, 1927-28, 1928-29, since the proclamation of the Third Schedule of Section 7 of "The Workers' Compensation Act, 1925," as applied to the Gold-mining Industry—(a) what number of employees were insured? (b) what number of employees were compensated? (c) what was the total amount of premiums received? (d) what was the total amount of compensation paid? (e) what was the amount of excess of income over expenditure? 2, What number of employees are now in receipt of compensation?

The HONORARY MINISTER replied: 1, (a) Not available. Premiums are computed on wages and salaries paid. (b) Not readily available, but the claims arising in each year were as follows:—1925-6 (about two weeks only), 1; 1926-7, 27; 1927-8, 27; 1928-9, 19. (c), 1925-6, nil; 1926-7, £25,907 1s. 3d.; 1923-8, £32,786 18s. 8d.; 1928-9, £33,672 13s., (d) 1925-6, nil; 1926-7, £1,497 15s. 9d.; 1927-8, £6,230 5s. 9d.; 1928-9. £8,064 14s. 1d. (e) The excess of premiums over compensation payments amounted to £76,569 17s. 4d. This amount has been carried to reserve to meet unsettled and anticipated claims. 2, Seventeen.

SITTINGS—ADDITIONAL DAY.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I move—

That the House at its rising adjourn until Friday, 13th inst., at 4.30 p.m.

I do not think it will be necessary to utilise the power given by this motion, for, if possible, I should like to close down this evening.

Question put and passed.

MOTION—MINING REGULATIONS, AMENDMENTS.

To Disallow.

Debate resumed from the 5th December on the following motion by Hon. J. Nicholson:—

That the amendments to Regulations under "The Mines Regulation Act, 1906," published in the "Government Gazette" on the 15th November, 1929, and laid on the Table of the House on the 26th November, 1929, be and are hereby disallowed.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.36]: In reply to Mr. Nicholson, I shall state the position from the point of view of the Government as briefly as I can, and rely upon the mover of the motion to consent to its withdrawal. It was a surprise to me to find that such a motion had been tabled. Time and again, members of this House, including Mr. Nicholson, have professed to be in deep sympathy with the unfortunate miners who become victims of a disease which they have contracted in the course of their daily work. It has been urged that consolidated revenue should be drawn upon heavily in order to relieve those who have been stricken down as a result of their employment in so unhealthy an occupation. And I must say that it has been more than lip sympathy. The members of the Legislative Council have lived up to their professions. They cheerfully passed the third schedule of the Workers' Compensation Act which made provision for the payment of compensation to those miners who had contracted in the industry diseases by which they became incapacitated. They have done what they could to deal with the effects, and therefore it is a matter for surprise that a member who has hitherto interested himself on behalf of the miners, should find fault with the Government for doing something towards attacking the cause. The regulations to which objection is raised do attack the cause. Their aim is to prevent or minimise the occurrence of miners' diseases. Take regulation 46 which reads—

Rock-Boring Machines: A District Inspector of Mines may by notice in the record book prohibit the use of any rock-boring machine which in his opinion causes dust which seriously and materially endangers the health of workmen. Dry percussion machine drills shall not be used in mines, except in shafts and winzes.

What is the object of that regulation? The object is plainly stated; to prohibit the use of any rock-boring machine which in the opinion of an inspector causes dust which seriously and materially endangers the health of workmen." Surely that is a good thing to do—a humane thing to do. It may be a great power to place in the hands of an inspector, but health inspectors have also great powers, and in no instance perhaps, is the necessity so grave as it is in the case under review. The use of dry percussion machine drills is specifically prohibited, except in shafts and winzes, and that is the result of the experience of the Mines Department. Mr. Nicholson also seeks to secure the disallowance of Regulations 47, 48 and 49 which deal with "ventilation of dead-ends," "work in hot places," and "firing underground." It may be thought that the Minister for Mines in framing these regulations has done so purely on his own initiative, and without reference to the views of the experts of his department. That is not so, and I will read a report on the subject from Inspector Phoenix dated 31st July, 1928, and another from the State Mining Engineer:—

In my reports and verbally during inspections I have made a practice of pointing out where conditions are or are likely to be unsatisfactory in respect to phthisis-producing dust, and have indicated what steps ought to be taken to ameliorate these conditions. Tabulated results by the Konimeter method of sampling the underground atmosphere show that dust after firing is extremely bad, yet both the employers and the employees have shown little desire to have any regulation of the conditions of firing to control the formation of dust. I am of opinion that only good can result in facing the present position and ascertaining what conditions are unsatisfactory and how best they can be improved. The remedies to my mind are simple. They consist of use of safer types of axial water-feed rock drills, dilution and removal of dust by copious air-currents in development ends, and regulation of times and methods of firing. If these can be accomplished we shall have mines that will be free from phthisis-producing or dangerous dust. The medical examination of miners has been progressing steadily throughout the year. Although the percentage of tuberculosis is high it must not be forgotten that we had, at the beginning of the year, over 500 men that have been in the industry be-

tween 21 and 30 years. It is such men who are still mining that make the percentage high, they being especially liable to contract tuberculosis. These mines can be made safe from dust point of view. It is only a matter of co-operation and a willingness by all parties to face facts. The remedies are simple and can be applied without much inconvenience or expense. Dr. Collis, in a lecture at the Carnegie Institute of Technology, referred to experiments which showed how tubercle bacilli multiply in tissues damaged by silica, but not by any other minerals. "These experiments conclusively prove," he said, "that silica dust exerts its harmful influence by passing into solution and re-acting chemically upon the lung tissue." Miners' Phthisis: The prevention of miners' phthisis is a subject of supreme importance that has medical aspects on which I am not in a position to report fully, but there are some matters I would like to mention briefly. There is evidence that conditions with regard to dust prevention and dust laying have improved, but a further improvement must be made before we can eliminate silicosis from our mines. There must be no slackening of vigilance and unremitting effort on the part of the mine officials in combating this disease, but I have had cause to complain of laxity in certain instances. Although steady and slow progress has been noted, we have a long way to go to reach the stage of finality. Regulations that will embrace measures to prevent accumulation of dust will tend to help to eradicate miners' phthisis. Such proceed upon the assumption that injury to a citizen by this disease is an economic injury to this State, entailing reparation for the past and amendment for the future. Liability for industrial diseases may be looked upon as a portion of the cost of production that should be a charge upon industry. It is apparent that a first duty is to prevent damage to its workmen by any disease due to the industry. The capacity to bear the burden is, however, an important factor. Tuberculosis has been a notifiable infectious disease in West Australian mines, and it will be possible to compare at no distant date the rate of occurrence of tuberculosis amongst working miners in comparison with persons of other occupations.

Rock Drills: Rock drills in development ends are particularly liable to cause rapid charging of the air with particles of fine dust unless water is used skilfully and in adequate quantity. Tubular steel drills should be used with a flow of water through them to the cutting edges, but great care must be taken not to allow any air to pass through the drills with the water, as then it becomes impossible to prevent escape of fine dust in the air bubbles. The dust is very fine and not perceptible by the senses of the operator who goes on inhaling it without knowing his danger. I have met with instances where the tube fitted in the machine to lead the water to the drill has been found to be out of order, resulting in production of an escaping fog of atomised water, which tends soon to raise the humidity of the air at the face to a state of saturation, with constant extreme discomfort to the men working there. The supply and use of a machine defective in this way should be prohibited by regulation under penalties.

Then there is a report from the State Mining Engineer, dated the 6th November of this year, which was subsequent to the gazettal of the regulations, but before any action was taken in this House in the direction of disallowance. The State Mining Engineer reports—

> There is not the least doubt in my mind that conditions underground are gradually being improved. I regret very much, however, that I saw plenty of evidence of carelessness of the men relating to making use of facilities provided for keeping the air as free as possible from dust and fumes. On several occasions during visits to development ends in various mines, venturis had been installed but were not working and the atmosphere was dust-laden. In each of these instances, compressed air was turned on and in the course of a short time conditions gradually improved and soon became good. Their invariable excuse for not having venturis in operation was "someone must have turned the air off." Similarly I saw dry ore being shovelled or handled underground and causing excessive dust, when hoses provided for the purpose of wetting the ore had not been used. I would like to state that in other cases the men concerned paid particular care to making full use of facilities provided for the betterment of conditions. I would also like to draw attention to the fact that the General Manager of the Lake View and Star group has taken steps to stop promiscuous firing underground. He has told his tributers that firing should only be done in the hours prescribed and any tributer who disobeyed this rule would lose his tribute. I feel certain that his attitude in this matter will have a particularly beneficial effect upon conditions underground.

These reports are a complete justification of the action taken by the Minister for Mines and endorsed by the Executive Council. Any Minister who hesitated to take the necessary action would be unworthy of his position. Surely, in the interests of humanity, every reasonable precaution ought to be insisted upon to prevent the spread of a disease that is sending men to early graves and leaving so many widows and orphans. We have it on the authority of the State Mining Engineer that the General Manager of the Lake View and Star Group had already taken steps to prevent one of the worst evils—promiscuous firing underground—and failure by tributers to obey his instructions leads to forfeiture of their tributes. I have said that great powers are given to the inspectors under the regulations, and it may be de-

sirable that those powers should not be autocratically exercised, but should, if objected to, be subject to review. The Minister has therefore agreed that if these regulations are allowed, he will table a regulation giving a right of appeal to the Minister in regard to rock drills. That assurance should meet the objections raised by Mr. Nicholson.

HON. A. LOVEKIN (Metropolitan) [4.51]: Unfortunately we cannot amend regulations and we have either to disallow them or accept them. That being so, in this instance I suggest to hon. members the advisability of disallowing those under discussion. Since this matter was brought before the House by Mr. Nicholson, some of us have had a conference with several of the leading mine managers of the State. They are opposed to the regulations as they stand, and gave us their reasons, which I shall try to place before the House. I recognise that we must first have regard to the health of the men working in the mines. To my mind, money should not count where the health of the men is concerned. Assuming the health of the men can be conserved, then we can look, secondly, to the interests of the mining industry itself. It is our duty to safeguard that industry if we can, especially as we recognise it is in a parlous condition to-day. The mine managers told us that there is already ample power under the existing law to take the necessary proceedings against any mine manager if he is endangering the health of the men by the methods adopted in his mine, if he is allowing overheating due to temperature, of if there is any excessive dust in the mine. They say, "In our own interests we endeavour to conserve the health of the men, and we try to eliminate dust as far as it is possible for us to do so. We try to keep down the temperature as far as is humanly possible."

Hon. J. R. Brown: And you believe all that!

Hon. A. LOVEKIN: One manager gave us an account of the dust particles disclosed in the respective tests made by the inspector and by the staff of the mine. The dust particles were much fewer in the result of the test conducted by the staff of the mine, than were disclosed in that carried out by the inspector. They objected to the regulation dealing with rock-boring machines, which reads—

> A district inspector of mines may, by notice in the record book, prohibit the use of any rock-boring machine which, in his opinion, causes dust which seriously and materially endangers the health of workmen.

Hon. members will see that it is the opinion of the inspector as against that of the mine manager, and that applies to any rock drill that may be in use. It is conceivable that there may be a rock drill operating to-day in a mine and an inspector may want to change it. All that is necessary is for the inspector to place an entry in the record book to the effect that the drill in use is inimical to the health of the workers, and it must be taken out. If any such drill is in use and it endangers the health of the workmen, the inspector can take proceedings under the existing law.

Hon. J. Cornell: But a mine manager cannot put in a boiler and work it, unless the inspector says it is all right. That applies to a new boiler; why should it not apply to these machines?

Hon. A. LOVEKIN: It is unnecessary to impair the interests of an industry that is already in a parlous condition. A mine manager should be allowed to put in any boiler he pleases. The test is the same as with any boiler used in town. The test is as to whether it is safe, and is equal to the work demanded of it. What has it to do with an inspector whether the machine is of one type or of another?

Hon. J. Cornell: Suppose a miner was working a Leyner drill, and it happened to be faulty. Should not the inspector have the right to make an entry in the record book, setting out that the drill should not be used?

Hon. A. LOVEKIN: That is a different thing. This regulation refers to the type of machine. I contend it has nothing to do with the question at all. The manager should say what tools he requires for use in his mine. If he is worth his salt, he will keep in touch with the class of tools manufactured throughout the world, and he will purchase the best available for his requirements. Under this regulation the inspector will dominate the whole position, and will be able to condemn an implement of which he knows nothing.

Hon. J. Cornell: If a particular type of machine is condemned in South Africa, should it be used here?

Hon. A. LOVEKIN: I do not know very much about the details of mining, and the hon. member should not press me from that standpoint. I am dealing with general principles, and we have had some very stupid inspectors from time to time.

Hon. J. R. Brown: Who are they?

Hon. A. LOVEKIN: Very stupid inspectors!

Hon. J. R. Brown: Name them.

Hon. A. LOVEKIN: I once had something to do with a newspaper. We had a number of linotype machines. Anyone who has seen a linotype machine knows that there is an arm that comes down from the top to pick up the type, take it back, and distribute it in the magazine. A stupid inspector inspected our linotype machines and decreed that the arms had to be fenced in. It was obvious that if such a thing were done the machines could not work at all. The inspector compiled a report and set out that the arms were dangerous to the men. In consequence, we got the Chief Inspector and the Minister to come along and inspect the machines for themselves. When they got there, I said to them, "The inspector says this arm is dangerous to the men. Let us put that to the test. Here is my arm; I will place it across the path of the arm of the machine. The men will set the machine going, and you can see what will happen." The machine was started up and the arm came down. All that happened was that it stopped the machine; it did not hurt my arm at all. Yet the inspector reported that the arm was dangerous to the operators. Had that stupid inspector had his way, we might have had to stop the machines altogether, merely because of the action taken by an inspector who knew nothing about the business. The mining industry is important. So long as we provide sufficient protection under the Act to conserve the health of the men, that is all that should be necessary. I contend the mine managers should be able to say what machinery they require, and to determine what is most suitable for the class of ore they are dealing with. The mere putting of a notice in the record book that a rock-boring machine in use was, in the opinion of the inspector, causing dust that seriously and materially endangered the health of workmen, with the result that the machine would have to be taken out, would not be right. The mine managers told us that they had been carrying out experiments with some of the machines that had been installed, with the result that they were minimising the dust nuisance, which was now almost a negligible quantity. Why should an inspector, merely because he is prejudiced against a particular type of machine, put such a notice in the record book and object to the use of that machine? I would not object to that if there were no other provisions, but there are provisions already in the statute by which if an inspector is not satisfied with what the mine manager is doing, it is open to him to prosecute, just as he would do under the suggested regulation, and the mine manager would have a chance to defend himself in the proper way.

Hon. J. Cornell: The amending regulations provide that an inspector can stop work in any part of a mine that is not safe.

Hon. A. LOVEKIN: That is a different thing altogether. It is wrong to interfere with an industry, especially an industry upon which so much depends. Here is another regulation—

> In all mines where compressed air is used underground it shall be compulsory for the manager to instal Venturi blowers or other appliances or means which, in the opinion of the district inspector, are equally efficient in all dead-ends.

Why should the opinion of the inspector prevail over that of the mine manager whose job it is to run the mine to the best advantage? All the mine manager has to do is to see that he does not infringe the Act and that the mine does not become saturated with dust. He can be prosecuted and fined under existing conditions, just as it will be possible to prosecute him under this proposed regulation.

Hon. J. Cornell: Why have an umpire in a cricket match? That is a simple illustration.

Hon. A. LOVEKIN: In the case of a cricket match there is no other court of appeal, but in connection with mining there is an appeal. There can be a prosecution, and a properly constituted court will hear the case, and there the mine manager will have the opportunity to defend himself. But there is no appeal from the decision of an umpire in a cricket match. Here is another regulation—

> In all cases where employees are required to work in hot places underground, where 6-hour shifts are worked, they shall, after a period not exceeding three calendar months be transferred to work in one of the coolest portions of the mine for a period not exceeding three calendar months.

The coolest part of a mine might be just where there is no work being done. What is to be done with the men then? Pay them for doing nothing?

Hon. J. Cornell: The strong room is the coolest part of a mine.

Hon. A. LOVEKIN: What the mine managers tell us is that the men themselves object to this provision because the moment an attempt is made to shift the men, they go to another job where they can get a 6-hour shift, notwithstanding that there also it might be hot. I do not endorse the view held by Mr. Williams that all the mining managers are thieves and vagabonds. I believe them to be reputable men and they would not make the statements attributed to them unless there was good foundation for those statements. This regulation I have just read will very much hamper the working of a mine. The next regulation which deals with firing underground, says—

As far as is reasonably practicable, firing underground shall be restricted to the end of each shift,

There is no objection to that, because it is the practice, but the regulation goes on to say—

and no workman shall continue to work in the track of the fumes and dust created by such firing.

The mine managers are competent men and they want to know what is the track of the fumes.

Hon. J. R. Brown: It shows what they know about mining.

Hon. A. LOVEKIN: I am prepared to take their views against those of the hon. member. They showed us by diagram the track of the fumes and convinced us that it was impracticable to apply this regulation. When there is an up-current and a down-current in the various drives and by-ways of a mine, anyone with common sense will know that it is quite impossible to take a man out of the track of the fumes. Within a very short distance all the solid particles go off and the gases remain. In their own interests and for the benefit of their workers, the mine managers carry out the firing either at the end of a shift or during crib time. There is one other regulation—

By omitting the words "not more than 10 feet in height," in Regulation 45.

The mine managers say this will involve them in considerable expense as under the present method of working, they go up. They may be making a rise of 100 feet and they go up, 10, 20, or 30 feet, and take out so much stone. The stone comes down; it is falling and it would materially add to the cost of working if the regulation were put into effect.

Hon. J. Cornell: What about the men there?

Hon. A. LOVEKIN: The mine managers say also that the drills are worked with a water supply which is under a pressure of about 400 lbs. to the square inch, and there is practically no dust. Unless we get some authoritative contradiction, we should not hamper the mining industry any further than it is already hampered by all sorts of conditions that are imposed on it, conditions that are not wanted. I admit that the first thing is the preservation of the health of the men, and the mine managers tell us that that is conserved by the existing law; also that no more can be done even if the suggested regulations are put into force.

Hon. J. Cornell: We do not wish to prosecute the mine managers; it creates an unfavourable atmosphere.

Hon. A. LOVEKIN: The hon. member suggests that we do not want to do our duty. I would prosecute them quickly enough if I were an inspector of mines and I found a manager conducting operations so that the health of the men was being undermined. I would consider that I would be only doing my duty, and that is what inspectors are there for, not to hamper or impede the work of the managers. I have tried to place the position before hon. members as well as I have been able, and I hope the regulations will be disallowed so that the industry will not be hampered any further.

HON. H. STEWART (South-East) [5.10]: I propose to show a different aspect of the question in the light of opinions recently obtained from South Africa as regards suitable drills, and I intend to quote the views of distinguished scientists. In India, there is a very big gold mine, British-owned and managed, which was in existence before I was born. This mine is in Mysore. The constitution of the rock is such that the whole of the mine can be worked dry. There are no cases of miner's complaints there.

Hon. J. Nicholson: Do they work it dry?

Hon. H. STEWART: They probably use wet drills or water for other purposes; but it is a dry mine, and there are no cases of miner's disease.

Hon. J. Cornell: Because there is no silica.

Hon. H. STEWART: There is silica and there are other constituents as well.

Hon. J. Cornell: Another Richmond in the field.

Hon. J. R. Brown: Anyhow, what has that to do with the regulations?

The PRESIDENT: Order!

Hon. H. STEWART: I propose to deal with the matter without unduly taking up the time of the House by showing different aspects of the question. Take, for example, proposed Regulation 49, which says—

> As far as is reasonably practicable, firing underground shall be restricted to the end of each shift, and no workman shall continue to work in the track of the fumes and dust created by such firing.

The intention of that is perfectly right. What is the effect of the track of the fumes and the dust? It abolishes all work in the track of fumes and dust without limitation. The regulation is very badly worded. Then proposed Regulation 48 is not worth the paper it is written on as a means of regulating the practice it is sought to regulate. The British Association for the Advancement of Science met in Johannesburg this year, and amongst many distinguished scientists in attendance was Dr. Haldane, who is a member of the Royal Society of Great Britain—an honour attained only by the foremost savants. On the 2nd August he read to the Sections of Engineering and Physiology a paper on the prevention of silicosis by dry mining methods, and another paper treating problems associated with mine ventilation. Dr. Haldane is an expert biologist and physiologist, and he has interested himself in these questions for years. Not only has he contributed papers to the "Journal of the British Association," but in 1918, when the treatment of miner's phthisis was an extremely live subject on the Rand and methods of prevention were being discussed, he wrote from an English university putting up certain proposals. That communication was published in the "Journal of the Chemical, Metallurgical and Mining Association of South Africa." The association was no new creation even as far back as 1903, when I was in South Africa and was a member of that body. The most distinguished gold-mining engineers, and also the most distinguished engineers in other branches of mining, meet at the rooms of the association and there discuss the problems of their profession. Those discussions are considered by engineers throughout the world as authoritative, and as of special importance in that they convey the keen criticisms of assembled colleagues. Dr. Haldane's paper shows that he seriously questions the extent to which wet mining reduces miner's disease. He writes—I am quoting from page 54 of the "Journal of the Chemical, Metallurgical and Mining Society of South Africa"—

> The avoidance of silicosis: I was from the first keenly in favour of wet methods—

That is to say, prior to 1918—

> —and, like many others, thought that they would so much reduce dust inhalation as to abolish the dust danger entirely. Experience has, however, not borne out this anticipation; for there is still a good deal of silicosis after long exposure, in spite of all the watering and all precautions. In other respects, moreover, the keeping of everything wet has not been an advantage. There seem to be reasons for suspecting that tubercular infection occurs more readily under wet conditions; and, though this is much less serious, the wet conditions make ankylostomiasis infection easily possible, unless rigorous precautions, difficult with natives, are enforced. But the main objection to wet methods is that at great depths the wet-bulb temperature becomes so high that only a limited rate of work is possible, and it is thus no longer practicable to work what would otherwise be quite payable ore.

On page 55 he says—

> First of all I think that shafts, inclines, and open levels should, as far as practicable, be left or kept dry.

That is a suggestion for modifying the dry process. On page 58 the following passage occurs—

> It seems to me that there is at present every reason for concluding that the dust danger in Rand mines could be overcome by the use of dry methods; and the question whether this is not so has, owing to the trouble from the moisture of the warm air, now become a very vital one as regards the future prosperity of the goldfield. Great strides have been made by applying wet methods. Nevertheless the difficulty of continuing with wet methods has become greater and greater with increasing depth, and the success obtained has been by no means complete, even when temperature difficulties have not come in. I think that still greater success could almost certainly be obtained with dry

methods, and that dry methods would have the additional advantage, not only of increased comfort to miners and probable diminution of ordinary tuberculosis and ankylostomiasis risks, but also of allowing mining operations to be pushed to much greater depths than at present.

Those are opinions expressed by a scientist who has been interested in the subject for many years. To show that he does not stand alone in his opinions, I shall quote from a paper contributed to the same society by Dr. Mavrogordato, on deep mine ventilation. Dr. Mavrogordato some years ago experimented at Oxford with a view to determining the effect dust has on animals. He is well known for his investigations into that question. Generally, he is a man of great experience and of high authority. On page 62 of the journal in question he writes—

Silicosis-producing industries that do not use water to the extent of seriously influencing the saturation of air with moisture do not produce many cases of this disease that take on the rapidly disabling progressive course at an early stage. A large proportion of our cases do take on the rapidly disabling progressive course at an early stage. Rapid progression is due to infection with organisms superimposed on simple silicosis. In our case as elsewhere the dominant infective organism is the tubercle bacillus.

The next sentence is printed in italics—

Dust alone will not make tuberculo-silicosis. Our "Hazard" is tuberculo-silicosis—a different kind of disease from simple silicosis, and the dust-count is not an adequate measure of this hazard, because one cannot resolve differences of quality into differences of quantity. As long as the dust-count is accepted as the measure of the hazard any reduction in the count is acceptable, regardless of the measures by which such a reduction is secured.

The effect of the foregoing is that if one does not take into account the humidity of the atmosphere, one is ignoring an important factor in the problem.

Infection with organisms is immensely facilitated by moist surroundings, because the organisms concerned must be able to live and maintain their virulence outside the body, and their ability to do so for any length of time depends upon moisture.

On page 63 Dr. Mavrogordato says—

The fact that Witwatersrand miners get miner's phthisis is due to dust. The fact that tuberculosis plays its part early in the phthisis of the Witwatersrand is related to (a) the tuberculised native mining population, (b) the moisture enabling the tubercle bacilli let loose to live and maintain their virulence, (c) the presence of water droplets facilitating the entry and re-entry of virulent tubercle bacilli into the body. The dust-count is a measure of the dust hazard; it is an inadequate measure of the tuberculosis hazard. Our hazard is dust-tuberculosis.

On the same page he states—

If we consider "type" of silicosis, there seem to be grounds for striving to modify our underground hygiene. Water lays dust at the price of being every other kind of a drawback to health, comfort and efficiency of the miner.

I have read enough to show that the highest authorities are not prepared to dogmatise where these regulations dogmatise and say that only wet drills shall be used. Speaking as one who has worked in four different portions of the British Empire controlling mines subject to mining inspectors, I say that mining inspectors have great powers, and ought to have great powers, in order to protect the miners. As regards the employment of coloured people in mining, the South African mine manager has to be just as careful as the mine manager in any Australian State, by reason of the liability to being brought to book in the event of serious or fatal accident. In that case the South African mine manager is, equally with the Australian mine manager, exposed to the danger of attempts to sheet the responsibility directly home to him. Mine managers are well aware that upon the occurrence of a fatal accident no stone will be left unturned to bring home to them a charge of manslaughter. It follows that mine managers do not feel always perfectly happy in their positions, no matter how great the care they exercise on behalf of the employees. I take no exception ordinarily to the great powers possessed by mining inspectors. In my experience those powers have been used with discretion, and with due regard to the welfare of the miners and the working of the mines; but in the light of what I have quoted, it seems to me that the regulations here in question are hardly judicious. In any case, they are too drastic, having regard to recent opinions expressed by the highest authorities on the cause and growth of miner's disease. If, in opposition to what I have read, the department were in a position to affirm definitely which rock drills are both suitable and safe, they should name those drills, and renewals of drills should be of that type. If an individual

type of rock drill is inefficient, it is the duty of the inspector to report the fact straight away, in the same manner as he reports any other weakness that may be pointed out to him, or that he may discover for himself, in mine workings.

Hon. H. Seddon: Do not you think these regulations will apply in that way?

Hon. H. STEWART: I do not think they are meant to apply in that way. In any event, the clear intent of a regulation should be self-evident. A regulation should not be in such general terms that those concerned in administering it, could place a broad interpretation upon it. Those who are charged with observing the regulations as well as those who have to administer them should know exactly what they mean. Recently we read that no less an authority than Lord Hewart had made a suggestion that the Parliaments of Great Britain and other parts of the Empire should investigate this particular question, and determine whether there was not too great a tendency towards beaurocratic dominance, through the passing of regulations that had the effect of law, and which placed in the officers of departments charged with the administration of various Acts, such wide powers as were not intended by the Legislature. Rather than have one regulation too general in its wording and open to extremely broad interpretations, it would be better to have two or three regulations more definite in their verbiage. If that were done, all concerned would know exactly what was intended. If the Mines Department have made inquiries and have ascertained definitely that a certain type of rock drill is the best from the standpoint of both drilling and the health of those who handle the machine, it would be fair enough if the departmental officials gave due notice of their opinion to the mine managers. I have received a letter from Mr. Frank A. Moss, who is a well known mining man, and I propose to read it to the House. I have not seen any mine managers regarding this question; I have taken the regulations as I found them. Mr. Moss wrote as follows—

> In connection with the amendments and alterations that the Minister for Mines is asking to be made in the mining regulations, especially the proposal to prohibit the use in mines of percussion machine drills except in shafts and winzes, I would like to place before you our experience while we were working the Sand Queen-Gladsome mine recently. We tried all the latest drilling machines now on the market using water or hollow steel drills, and also, under the supervision of the makers' representatives, we installed the very latest machine for sharpening drills, at a cost of over £400. Notwithstanding all this, we were forced back by the hardness of the rock to use the percussion machine drills with solid steel drills. We propose resuming operations at the mine in January next, employing about 60 men and using large-sized percussion machine drills with solid steel drill, boring only wet holes in the stopes as well as in the drives and winzes, but if Regulation 46 is amended as asked, prohibiting the use of percussion machine drills, and is to be put into operation, it would mean using only hammer machine drills with hollow steel, and these will not bore the hard rock of the mine to be of any value economically.

There were two enclosures in the letter from Mr. Moss. The first reads as follows:—

> I notice in the report of the Legislative Council proceedings on the mining regulations, on the 6th inst., that Mr. Williams made certain interjections about the knowledge of the subject. I think Mr. Williams knows as well as anyone that in certain parts of some of the Kalgoorlie mines the rock is too hard for anything but percussion machine drills and solid steel, and also that right throughout the Sand Queen-Gladsome mines all the rock is too hard for hammer drills or wet steel.

Hon. E. H. Harris: That is applicable to some parts of the Gwalia mine too.

Hon. H. STEWART: The other enclosure was a copy of a telegram from Mr. Brinsden to Mr. Moss. The telegram read as follows:—

> Referring to debates in House yesterday, could you tell members that tributers are doing well, chiefly as they are permitted to mine pillars of ore left, that companies hesitate removing, and the inspectors are more lenient with tributers in their interpretation of the regulations.

Hon. E. H. Harris: That is very interesting.

Hon. G. W. Miles: Yes, they are more lenient with the tributers.

Hon. H. STEWART: There is another regulation that may have an effect, at any rate economically. We must keep in touch with advances made in research work and in various investigations. Regulation 45 reads—

> Rises not more than 10ft. shall not be made in any mine unless the sanction of the district inspector of mines has first been obtained.

That regulation was brought into force on the 28th April, 1926. It was one of the provisions made to reduce work in dusty conditions and so promote the health of the workers. That represents increased ex-

pense, because winzes will have to be sunk where otherwise rises would have been put in. Generally it means additional expenditure in opening up mines and in working stopes. In the light of the information I have given, hon. members will probably agree that it opens up the whole question as to whether regulations should be agreed to, which go to the extent of those now under discussion. On the other side of the question, it is merely fair to state there is the phase relating to miner's diseases. Mr. Cornell, Mr. Seddon and other goldfields members have stressed that point, and I support them. So far, the industry has not been called upon to make any contribution towards the compensation of those suffering from miner's diseases, either silicosis or tuberculosis with silicosis. When Parliament decided to pass that legislation, hon. members were dealing with the aftermath of 30 years' operations in the industry. We do not desire to do anything to hamper the industry, but it seems to me that nowadays, if any mines that are opened up are worked on a profitable basis, provision should be made whereby all the profits should not go to the shareholders, but some proportion should be set aside to relieve the general taxpayers from financial liabilities incurred under legislation passed for the protection and assistance of those suffering from miners' diseases. The mining companies should do everything possible to prevent the further spread of those diseases and keep in touch with the latest methods adopted for achieving that end. On the other hand, we should not give effect to regulations that do not represent the latest and most approved mining practices, that can be relied upon and are unquestioned.

HON. J. NICHOLSON (Metropolitan—in reply) [5.41]: I recognise that the speeches delivered by the Chief Secretary and other hon. members representing goldfields constituencies served to express the views of those who support the regulations and who, I feel sure, desire to see that the fullest measure of protection possible is given to the miners so that there may be as great a diminution as possible in the occurrence of diseases such as those that have caused such devastation in the ranks of the men employed in the mining industry. Strange to say, those are just the views that commend themselves to the men at present in charge of the mines in Western Australia. I think the Minister and those who have supported him will acknowledge that there has been a willingness displayed on the part of the management of the various mines, to do everything calculated to diminish the diseases contracted in the industry. That being so, we have identical objects in view. On the other hand, the industry has been confronted with regulations dealing with matters that are of importance. Some of the phases affected by the regulations have been pointed out by Mr. Lovekin and Mr. Stewart. The views expressed by Mr. Stewart, I am sure, have impressed themselves upon members who represent goldfields constituencies. Because science shows clearly that whatever the views may have been in the past as to working with the wet drill, Dr. Haldane's report, and that of the other scientists quoted by Mr. Stewart, indicate that instead of the wet drill allaying troubles, it is probably a fruitful source of disease, particularly tuberculosis. If the use of the wet drill is going to create that serious condition, surely some weight should be attached to the views of those scientists who have studied the subject for years past. However, the whole question between us seems to have been narrowed down very finely indeed. It is simply whether an autocratic authority is to be given to the mines inspectors, or whether the determining force regarding the plant and machinery to be employed is to be the mine management. Under this regulation clearly the autocrat, if I may so term him, in regard to the machinery to be employed will be the mines inspector. That point has been overlooked by certain members. Under existing regulations full provision is made for the keeping down of dust. If a mine manager offends by allowing men to work in places which are too full of dust, he can be prosecuted under the Mines Regulation Act. Provision has been made by the use of the Konimeter to enable inspectors to decide whether or not working places are too dusty. If the percentages of dust allowed are exceeded, the mine management can be prosecuted. It is not at all a question of the machines used; it is a question of allowing men to work in places which are too dusty. If mine managers were to employ machines that produced excess dust, they would speedily resort to the use of other machines which would produce less dust in their operations. It is not a ques-

tion whether one form of drill or another form of drill is to be used. This Regulation 46 leaves it entirely to the determination of the mines inspector as to the class of drill to be employed, and excludes from use the dry percussion machine drill. Mr. Stewart has pointed to the experience at Sandstone of Mr. Moss, who has been engaged in mining for many years. It was found necessary for him to use the dry percussion drill; but under this regulation his mine will have to be closed down. Is that going to be of advantage to the mining industry? Rather will it be most harmful to the industry and to the men also. If Mr. Moss were to continue to work his mine with the dry percussion drill, the inspector would take precautions to see whether the operations were creating undue dust, and if so he would prosecute Mr. Moss. I am informed that no further cases of silicosis have occurred since 1925, when the permits were issued to men who wished to go on with mining work. If that is so, it would seem to indicate that the regulations have been carried out very thoroughly. Mr. Phoenix's report suggests that he has overlooked a very important fact in regard to that position, and it also shows that he has not given consideration to those views expressed by Dr. Haldane and others on the position in South Africa and the combating of silicosis by means other than the use of the wet drill. The Minister held that Mr. Phoenix's report was a complete justification. I cannot see in that report anything whatever to justify Mr. Phoenix being placed in the position of supreme autocrat, as he would be under the regulation.

Hon. J. R. Brown: He leans rather to the mine managers than to the men.

Hon. J. NICHOLSON: I don't say so. The suggestion was made by the Minister, and also in another place, to reserve the right of appeal to the Minister from any determination of the mines inspector. But I am advised that would be quite inadequate; for if the authority is left in the hands of one officer, naturally any Minister must be guided more or less by the views represented to him by the officer in charge There could be only one proper authority to appeal to, and that would be some independent board that would not be influenced by the report of an officer. Such a board would view the matter from every standpoint and would come to a decision quite apart from opinions expressed and reports submitted. It is not really the function of a mines inspector to determine the class of machine to be used, but it is his duty to see that men are not allowed to work in places containing more dust than is permitted. The mine managements are taking every means possible by the use of modern plant to improve ventilation and reduce temperature. Therefore I cannot see that this regulation would be beneficial. On the other hand, probably, it would be destructive of the mining industry. I do not think it necessary to repeat the points mentioned by other members. Mr. Lovekin has dealt with various views which were represented to him and to me, for I was present with him at the time. The strong opposition expressed by the mine managements to these regulations is indicative that they foresee a very serious position as to the working of the mines. I hope members will oppose these regulations and support my motion. That will give opportunity to the Minister to review the whole position and frame regulations which will more effectively safeguard the position than does the present regulation, and at the same time protect the industry and probably place in other hands the authority which it is now proposed to give to a mines inspector. Mr. Cornell said that in every mine the boiler requires to be inspected. I would remind the hon. member that the two cases are not parallel.

Hon. J. Cornell: And if the boiler is faulty, it is condemned.

Hon. J. NICHOLSON: But this is not dealing with a faulty boiler. That is where the regulation is entirely defective; it does not provide for such a condition at all. Anyhow, no question is raised by the inspector as to the type of boiler used. I emphasise that point. I say we should leave it to the mine management to instal whatever class of machine they like, for they are the best capable of determining the type of plant that should be employed by them. If they infringe the regulations, and allow too much dust to be created, proceedings can be taken against them. So in their own protection they would require to instal another machine.

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

Ayes	16
Noes	9
Majority for ..	7

Ayes.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. A. Lovekin	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
	(Teller.)

Noes.

Hon. J. R. Brown	Hon. E. H. Harris
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. Seddon
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	*(Teller.)*

Question thus passed; the regulations disallowed.

BILL—CRIMINAL CODE AMENDMENT.

Assembly's Message.

Message from the Assembly received and read, notifying that it had agreed to Amendments Nos. 1 and 2 made by the Council, but had disagreed to Amendment No. 3.

In Committee.

Hon. J. Cornell in the Chair; Hon. A. Lovekin in charge of the Bill.

No. 3. Insert a new clause to stand as Clause 3 as follows:—3. Subsection (3) of Section 187 (as amended by the Criminal Code Amendment Act, 1918) is hereby amended by the deletion of the word "six" appearing in the third line of said subsection and the substitution of the word "nine."

The CHAIRMAN: The reason given by the Assembly is that the amendment was ruled out of order by the Chairman of Committees as being beyond the scope of the Bill.

Hon. A. LOVEKIN: I move—

That the amendment be not insisted on.

The intention was to extend the time in which a prosecution could be made from six months to nine months. As that involves the Police Act and the Justices Act as well as the Code, perhaps it would be as well to allow the matter to remain in abeyance and not risk a dispute with another place at this late stage of the session.

Hon. E. H. Harris: Do you agree with the viewpoint expressed?

Hon. A. LOVEKIN: I am not permitted to reflect on another place. If such a ruling were given in the Parliament of Utopia Unlimited, I think it would be regarded as stupid, though I express no opinion on what has happened in this instance. The Bill is an open measure to amend the Criminal Code. A clause has been inserted affecting the Criminal Code and has been ruled out of order. Still, I do not think it worth while at this stage to pursue the question.

Hon. J. NICHOLSON: If this had been a Bill to amend a certain section of the Code, you, Mr. Chairman, would have been the first to object to the amendment because we know how adept you are at dealing with such matters. I do not like the idea of accepting the ruling.

Members: Hear, hear!

Hon. J. NICHOLSON: It is inconsistent with what is proper. However much I desire to assist the passage of the Bill, we would be establishing a precedent by not insisting, and that would be quite wrong.

Members: Hear, hear!

Hon. J. NICHOLSON: If the ruling is not wrong, I want to know the reason.

Hon. A. Lovekin: There is no means of challenging the ruling.

Hon. J. NICHOLSON: We might ask for a conference and allow another place to consider the matter. The amendment is quite in order.

Hon. A. Lovekin: There is no doubt about that.

Hon. J. NICHOLSON: The amendment is within the scope of the Bill and the Title. We should insist on the amendment, unless it be competent to move for a conference.

Hon. Sir Edward Wittenoom: Put the Bill out altogether.

Hon. A. Lovekin: There is no procedure for challenging a ruling.

Hon. J. NICHOLSON: Then what about reporting progress in order that the position might be considered?

Hon. E. H. Harris: You could ask the Chairman to leave the Chair.

Hon. A. LOVEKIN: I ask that progress be reported and leave asked to sit again.

Hon. J. J. Holmes: Why report progress?

Hon. A. LOVEKIN: I would sooner finalise it.

Hon. H. Stewart: Yes.

Hon. J. Nicholson: What, let it go?

Hon. C. F. Baxter: No.

Hon. J. J. HOLMES: If we do not insist on the amendment, we shall be establishing a precedent, especially as the amendment is quite in order.

Hon. Sir EDWARD WITTENOOM: I shall help members to insist on the amendment with a view to getting the Bill thrown out. In all my life I have never seen such an absurd Bill. If a man commits murder and is insane, that should be an additional reason for hanging him.

Hon. C. F. BAXTER: If we do not insist on the amendment we shall show weakness and create a precedent that may prove highly dangerous. We should stand firm on this question.

The CHAIRMAN: I do not want to enter into the discussion, but the reason given would seem to indicate that the Chairman here does not know his business. The procedure I have always adopted is that when a Bill seeks to amend a specific provision in a statute, I allow no amendment other than to that specific part, but where the title is general, as it is in this instance, I have always allowed amendments generally. Since I have been Chairman of Committees, numerous similar amendments have been made and sent to another place, and no such objection has ever been taken before.

Question put and negatived; the Council's amendment insisted on.

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

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

Assembly's Amendments.

Bill returned from the Assembly with seven amendments which were now considered.

In Committee.

Hon. J. Cornell in the Chair; Hon. G. A. Kempton in charge of the Bill.

No. 1. Clause 4, Subclause 3.—Strike out the words "appointed by the said mayor" and insert in lieu thereof the following words: "elected by the council of the municipality."

Hon. G. A. KEMPTON: I move—

That the amendment be agreed to.

In the first instance it was decided that the mayor should appoint two trustees, and although I was not quite in favour of the proposal, it was decided at a conference of the Returned Soldiers' Association, the old committee and the municipal council that that should be done. Therefore it was included in the Bill. I am quite satisfied the proper method is for the appointment of the two trustees to be left in the hands of the municipal council.

Question put and passed; the Assembly's amendment agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

No. 2. Clause 4, Subclause (3).—Strike out the words "appointed by him, fill such vacancy by the appointment," and insert in lieu thereof the following words:—"elected by the said council, fill in such vacancy by the election."

No. 3. Clause 4, Subclause (3).—Add to the subclause the following words:—"Either or both of such trustees may be a councillor or councillors of the said municipality."

No 4. Clause 4, Subclause (4).—Strike out the proviso.

No. 5. Clause 4.—Insert the following subclause to stand as Subclause (5):—"The Governor may, at any time, exercise the powers of the said council or the said executive under this section if such council or executive shall fail to make any necessary election."

No. 6. Clause 8.—Strike out the words "majority of."

No. 7. Insert a new clause to stand as Clause 11:—"The trustees shall present to the council of the said municipality annually a financial statement certified by the town clerk or auditor, and a report of their proceedings and operations during the year."

On motions by Hon. G. A. Kempton, the foregoing amendments made by the Assembly were agreed to.

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

BILL—MINER'S PHTHISIS ACT AMENDMENT.

Recommittal.

On motion by Hon. E. H. Harris, Bill recommitted for the purpose of further considering Clause 3.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 3—Amendment of Section 9:

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

That the following subclause be added:—(3) By the excision of the words "not less than as prescribed" from Subsections 4a and 4b of Section 9 of the principal Act, and by the insertion in lieu thereof the words "in accordance with a scale prescribed by regulations made under this Act, but so that such compensation shall not be less than that provided."

My object is to safeguard the interests of men afflicted with miner's complaint, and provide for a continuity of compensation. The men now receive compensation at the will of the Government. We are thus afforded an opportunity to provide that this shall be done by regulation. Once the regulation has been gazetted, it will amount to an amendment of the statute. I have no desire that the rates of compensation already being paid shall be reduced. I want these to go on as before. If the scale is gazetted, the afflicted will be safeguarded, and a greater degree of satisfaction will exist than at present prevails.

The Honorary Minister: I have no objection to the amendment.

Hon. C. B. WILLIAMS: I take it the amendment refers to men who are now provided for under the Act. Does the hon. member refer to the rates that are now being paid?

Hon. E. H. HARRIS: The Act of 1925 provides that afflicted persons shall receive from the Department of Mines compensation not less than that prescribed by the scale of relief in force at the commencement of the Act, under the rules of the Mine Workers' Relief Fund. The scale to which I have drawn attention, and is at present being paid, is that which I desire to see continued. When the original Bill was drafted, it was laid down that the Government would compensate those persons until employment had been found for them. After the Act had been put into operation it was found that once the Government had provided employment, their obligation to the individual ceased. When it was realised how unfair this was to afflicted men, it was decided to insert the word "unless" in lieu of the word "until." From that day in 1925 the Government were called upon from time to time to pay compensation according to the scale. By my amendment the present scale will be continued without alteration.

Hon. C. B. WILLIAMS: The amendment does not go far enough. I move—

That the amendment be amended by the addition of the words "for, at the commencement of this Act."

Hon. E. H. HARRIS: Let me read the clause as it would read if my amendment were inserted. It is as follows:—

If the Principal Medical Officer certifies in writing that a person whose name is registered is or has become unable to work at any suitable employment, compensation under Section 2 shall cease to be payable, but such person shall be entitled to receive from the Department of Mines compensation in accordance with the scale prescribed by regulation made under this Act, and such compensation shall not be less than that provided by the scale of relief in force at the commencement of this Act under the rules of the Mine Workers' Relief Fund Incorporated.

I think Mr. Williams will now see that it is not necessary to add the words he has suggested.

Hon. C. B. WILLIAMS: I will withdraw my amendment on the amendment.

Amendment on the amendment by leave withdrawn.

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

Bill reported with further amendments and the report adopted.

Third Reading.

Read a third time and returned to the Assembly with amendments.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Assembly's Message.

Consideration resumed from the previous day of the Assembly's Message notifying that it had agreed to Nos. 3 and 5 of the amendments made by the Council; had disagred with Nos. 2 and 4 for the reasons set forth in the schedule annexed, and had agreed to No. 1 subject to an amendment.

In Committee.

Hon. J. Cornell in the Chair; The Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on the Assembly's amendment on the Council's amendment No. 1. The Council's amendment was to delete Clause 2. To that the Assembly agreed, subject to the following amendment—

Strike out the word "delete" and insert "amend" in lieu thereof, and add the words, "by adding to proposed subsection (3) the words "the term shall not include scaffolding of less than 8 feet from the horizontal base, unless used in connection with the erection, alteration, addition or demolition of a building." Consequential on the above amendment, insert a new clause, to stand as Clause 5, as follows:—"Amendment of Section 25.—Section 25 of the principal Act is amended as follows:—1. By adding to subsection (1) the words 'with respect to all scaffolding exceeding 8 feet from the horizontal base.' 2. By adding to paragraph (c) of subsection (2) the words 'and regulating the inspection and use of scaffolding of less than 8 feet from the horizontal base, if used in connection with the erection, alteration, addition or demolition of a building.'"

The CHIEF SECRETARY: Last night I moved that we report progress with the object of being sure as to the effect of the amendment made by the Assembly on the amendment made by the Council. I am now in a position to say that the amendment made by the Assembly restores Clause 2 in its entirety and, of course, adds the modification, "the term 'scaffolding' shall not include scaffolding of less than eight feet from the horizontal base, unless used in connection with the erection, alteration, addition or demolition of a building." I move—

That the Assembly's amendment be agreed to.

Hon. A. LOVEKIN: As the Chief Secretary said, it is intended by the Assembly's amendment to retain the whole of Clause 2 with the addendum of the proposed subsection 3. It means that it will be necessary to inspect all scaffolding, even though it be less than eight feet in height; for the 8-feet restriction applies only to the erection, alteration, addition or demolition of a building. We have to remember that people all over the country are putting up bits of scaffolding for shacks and buildings constructed from native timber. They should not be subject to scaffolding inspection which, under the regulations, means insistence upon the use of sawn timbers. In a country such as this the thing is not practicable. We would do well to hold to the Act as it stands and exempt all scaffolding of not more than 8 feet in height from the horizontal base. I hope we shall insist upon the amendment we ourselves made.

The CHIEF SECRETARY: Many buildings in the country less than 15 feet in height do not come under the Scaffolding Act, but almost every building in the metropolitan area, if it has a chimney, comes under that Act.

Hon. J. NICHOLSON: I have turned up a South Australian Act of 1907 dealing with scaffolding. There the limit is 16 feet from the horizontal base.

The Chief Secretary: That Act has been amended; there is no limit at all there now.

Hon. J. NICHOLSON: I am informed that this is in force in South Australia to-day. And there they exempt steps and benches and planks used for painting or papering and for the riveting of iron.

The Honorary Minister: That was over 20 years ago.

Hon. J. NICHOLSON: I am told it is in force to-day. I think Mr. Lovekin is right in pleading for the height of 8 feet beyond the horizontal base.

Hon. H. STEWART: In the erection of a one-storeyed house, because of the chimneys, it is necessary to submit to an inspection of the scaffolding. The Chief Secretary uses that as an argument for the deletion of these words "eight feet." I do not regard that as any argument at all. By implication the amendment made by the Council reinstates the definition of "gear" in subclause 1. So it would be impossible to limit the operations of inspectors to the scope mentioned in the Assembly's further amendment. The restriction of scaffolding used in connection with the erection, alteration, addition or demolition of a building, although made to apply to subclause 3, could not be operative, because under subclause 1 the inspector would have the right to inspect the gear associated with the scaffolding—which might be anything.

Hon. A. LOVEKIN: Under this, scaffolding would have to be made of sawn timber, for it is not permitted to use ordinary bush timber for the purpose. Hitherto floor boards used in the construction of a building could be utilised for scaffolding. Under the proposal, it would be necessary to cart timber specially for scaffolding, and it would have to be bolted instead of tied. What is a height of 8 feet to cavil at? One could

almost drop on his head from that height without hurting himself.

The CHIEF SECRETARY: The regulations under the existing Act would not apply to scaffolding under 8 feet high. Regulations would be framed to cover the scaffolding referred to in this Bill and would be subject to disallowance by either House. Accidents have occured on scaffolding of less height than 8 feet.

Hon. J. NICHOLSON: Mr. Williams said that the scaffolding used by a man painting his house would not be included. The principal Act shows that such scaffolding would be included. We should not impose restrictions on the use of 8ft. scaffolding which would hardly entail any particular risk.

Hon. A. LOVEKIN: Will the Chief Secretary inform us where the Act makes provision for scaffolding of 15 feet?

The Chief Secretary: Section 2 of the amending Act of 1926.

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

Ayes	7
Noes	14
Majority against ..	7

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. C. B. Williams
Hon. G. Fraser	Hon. J. T. Franklin
Hon. E. H. Gray	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. W. J. Mann
	(*Teller.*)

Question thus negatived; the Assembly's amendment on the Council's amendment not agreed to.

No. 2. Clause 4—Delete.

The CHAIRMAN: The reason given by the Assembly for not agreeing is that the clause is necessary to protect other workers.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Hon. A. LOVEKIN: This is an insidious amendment in that the inspector would call to inspect the gear. Therefore we should insist on the amendment.

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

Ayes	6
Noes	12
Majority against ..	6

AYES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. T. Franklin	Hon. C. B. Williams
	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. J. Ewing	Hon. G. W. Miles
Hon. V. Hamersley	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. E. Rose
	(*Teller.*)

Question thus negatived; the Council's amendment insisted on.

No. 4. Clause 5, Subclause (1).—Delete all words after the word "year" in line eight page three, down to and inclusive of the word "succeeding" in line ten.

The CHAIRMAN: The Assembly's reason for disagreeing is that a definite year must be stated.

The CHIEF SECRETARY: I move—

That the amendment be not insisted in.

The Bill as introduced provided that in small jobs the owner of the scaffolding should pay 5s. for every £100 or portion thereof of the aggregate cost of work of which the owner had given notice and should supply a return covering a period of a year. In order that some period should be fixed the dates for the return were made to coincide with the ordinary business year, namely from the 1st July to the 30th June. That was struck out by this Chamber. Hence it would be left to the owner to send in a return whenever he thought fit, so long as it covered the period of a year. In those circumstances it would be extremely difficult to keep a check on the contractors.

Hon. A. LOVEKIN: There are two sides to this question, as there are to most questions. The other side of the picture is that the contractor takes out a license at the beginning of December, to find at the end of December he has paid for a whole year and has had one month's run for the money.

These things all look small, but every one of them adds to the cost of building. The number of buildings constructed is not so large that the department could not grant the contractor any period of 12 months. The Council's amendment should be insisted upon.

The CHIEF SECRETARY: The Bill, in fact, gives the contractor 12 months' credit. Suppose a contract ended on the 31st May, and the year terminated on the 30th June: then the contractor would simply pay for the period over which his permit had operated.

Hon. A. LOVEKIN: If the year is divisible and the contractor need pay only for what he has actually had, what necessity is there for a definite year?

Hon. H. STEWART: Whether the words remain or are struck out, the reference is only to scaffolding as defined in the Bill.

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

Ayes	8
Noes	12
Majority against	4

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. Stewart
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. H. Seddon (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. V. Hamersley	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. E. H. Harris (*Teller.*)

Question thus negatived; the Council's amendment insisted upon.

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

PAPERS—STATE SHIPPING SERVICE.

Hold-up of M.S. "Kangaroo."

Debate resumed from the 31st October on the following motion moved by Hon. A. Lovekin:—

"That all papers relating to the latest voyage of the 'Kangaroo,' particularly with regard to the events in connection with her crew at Derby, the subsequent hold-up of the ship at Fremantle, and the negotiations that resulted therefrom, be laid on the Table of the House."

HON. G. W. MILES (North) [8.25]: At this late stage of the session I shall speak on the motion for only a few minutes. The Chief Secretary referred to the "Western Australia" having been sold at a profit of £40,000, but the hon. gentleman said nothing about the losses the ship made before she was sold.

The Chief Secretary: All those losses have been debited.

Hon. G. W. MILES: Yes, I know. They are part of the £2,000,000 of funded deficit representing losses on State trading concerns. The Chief Secretary drew a red herring across the trail when he asked the mover what he would have done had he been in the position of Minister handling the strike. I interjected at the time that the mover would have prosecuted the crew for deserting the ship. In my opinion, a prosecution should have ensued. A private concern would assuredly have prosecuted the crew, and certainly would not have altered the log entry to "absent without leave."

The Chief Secretary: The crew could not have been prosecuted.

Hon. G. W. MILES: They should have been prosecuted at Derby. By far the better course would be for the State to subsidise a private company to run a line of steamers on the coast. Then we would know the exact cost, and moreover would obtain better facilities. The hold-up of the "Kangaroo" caused considerable loss and inconvenience to the people of the North-West.

Hon. C. B. Williams: Not loss; they passed that on.

Hon. G. W. MILES: The trading community of the North lost considerably through that hold-up. I trust the Government will reconsider their policy of running ships and other trading concerns. They should get out of them at the earliest possible moment. I sympathise with the Chief Secretary on having had to handle the strike. The hon. gentleman ought not to have been placed in the humiliating position of having to receive deputations of union secretaries who spoke to him in the insolent manner disclosed by the file. The State should restrict itself to the functions of government. As regards the running of both the "Koolinda" and the "Kangaroo," it has been

brought under the notice of the Government time and again that only one brand of whisky is obtainable on board those ships, which are supposed to be run for the convenience of the public. The Licenses Reduction Board have commented on the fact.

The PRESIDENT: I believe the hon. member is going rather beyond the scope of the motion.

Hon. G. W. MILES: I have no wish to offend, Sir. I think, however, that whisky has some bearing on the question. I hope the management of the State Shipping Service will see that in future more than one brand of whisky is available. Had the crew not been forced to drink the ship's brand, insubordination might not have occurred.

HON. J. J. HOLMES (North) [8.29]: We have here ample evidence of the fallacy of the Government trying to run any trading concern. The political aspect comes right into the forefront. Just on the eve of the Federal election the rank and file control the Government service and seize any opportunity they can. The most difficult part of the business to understand is the action of the responsible Minister. So far as I can see, the ship was held up at the wharf for three or four weeks. The crew were paid off, and rightly so, but no attempt was made to get another crew.

Hon. E. H. Gray: Yes, there was.

Hon. J. J. HOLMES: No attempt was made to get a crew until the Monday following the Federal elections, which were held on the preceding Saturday. There is the political significance that cannot be lost sight of! It does not matter about the men held up at Wyndham, and about people who were practically starving there and elsewhere along the coast! No attempt was made to get a crew until the Federal elections were over; on the following Monday they got busy and the ship was cleared. There is a phase that I consider is serious from the State's point of view. There were perishable goods on the ship. Those goods were required at Wyndham, and it is questionable whether the Government are not liable for damage that occurred to that cargo, or in connection with the inconvenience caused to the people in the North. They may be liable because they did not avail themselves of the opportunity to get a fresh crew and send the ship away. Had they done so, that would have relieved the Government of that responsibility.

The Chief Secretary: How do you know no attempt was made?

Hon. J. J. HOLMES: We know! I have lived at Fremantle and Perth, and I know about these things. The fact remains that there was no such attempt made. The result was a delay that should not have occurred. The people at Wyndham were in need of foodstuffs. There were the men at the Wyndham Meat Works. The season had finished, and the men were anxious to get back. Some were brought to Derby in order to enable them to return. Sugar and other goods necessary for the preservation of lives at Wyndham were carted 600 miles over a bush track. All the time the ship was held up at Fremantle, and there was no attempt, so far as we know—we will be glad to know if any such attempt was made—to get a crew and despatch the vessel. I shall say no more, except to emphasise the point that this demonstrates clearly that the Government cannot run State trading concerns, shipping or anything else, because of the political considerations that are in the forefront all the time.

HON. A. LOVEKIN (Metropolitan—in reply) [8.33]: I thank the Chief Secretary for having placed the whole file and all the information available on the Table of the House, to enable us to ascertain the complete facts. There is no doubt it was a very unfortunate strike. If anyone reads the file without feelings of prejudice, he will realise that the Chief Secretary was in no way to blame for what occurred. As a matter of fact, I believe he was away when the strike occurred and he was really thrust into the position of having to do something. He should never have been placed in that position at all. Having been placed in it, the file discloses that he did all that he could be expected to do in the difficult circumstances that confronted him. I do not agree that the Chief Secretary prolonged the trouble, or had anything to do with the continuance of the strike.

Hon J. J. Holmes: But there was no attempt to get any crew until after the Federal elections.

Hon. A. LOVEKIN: It was not the Chief Secretary's duty to call for a crew, and he should not have been dragged into the matter at all. I have read the whole file carefully more than once, and I am satisfied that when the Chief Secretary did take a hand in it, everything possible was done by him.

He acted wisely and discreetly in bringing about the end of the dispute.

Hon. G. W. Miles: But he should not have been placed in the humiliating position of having union secretaries talking to him in the impudent way they did.

Hon. A. LOVEKIN: I agree. This should not have been the job for the Chief Secretary, but once he put his neck into the collar, I am satisfied that he did all that any one of us could have done.

Question put and passed.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to Nos. 1 and 5 of the amendments made by the Council, and disagreed to Nos. 2, 3, 4 and 6, for the reasons set out in the schedule, now considered.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

No. 2.—Clause 4, Subclause (1). Delete.

The CHAIRMAN: The reason given by the Legislative Assembly for disagreeing to the Council's amendment is: Appeals by individual officers may unfairly prejudice the interests of officers generally.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Hon. H. J. YELLAND: This brings us to the crux of the whole Bill. The question at issue is whether an individual shall have the right of appeal personally or whether his appeal must go through the Civil Service Association, or the Teachers' Union. We decided this principle with no uncertain voice, and I trust members will insist on the amendment.

Hon. G. FRASER: I hope the Council will not adopt that course. In earlier discussions we placed concrete information before hon. members to show that even when this right is given, it has been used by a small minority only.

Hon. H. J. Yelland: Why penalise the minority?

Hon. G. FRASER: Why penalise the majority by giving the minority a right they should not have? If they had that privilege, one or two individuals might prejudice the rest of the service.

Hon. H. J. Yelland: Nothing of the sort.

Hon. G. W. Miles: You want compulsory unionism in the service.

Hon. G. FRASER: I have already informed hon. members that, in connection with the Commonwealth Public Service, the appeals of officers were submitted by the organisation irrespective of whether the officers were members of the union or not.

Hon. E. H. Harris: That was good propaganda.

Hon. G. FRASER: It was in the interests of the organisation itself to handle those appeals, because they could then see that individuals did not jeopardise the interests of the service.

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

Ayes	6
Noes	13
Majority against ..	7

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. C. B. Williams
Hon. G. Fraser	Hon. E. H. Gray
	(Teller.

NOES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. C. F. Baxter
Hon. G. W. Miles	*(Teller.)*

Question thus negatived; the Council's amendment insisted on.

No. 3.—Clause 4, Subclause (3). Strike out.

The CHAIRMAN: The reason given by the Legislative Assembly for disagreeing to the Council's amendment is: Appeals by individual officers may unfairly prejudice the interests of officers generally.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 4. Clause 5.—Delete.

The CHAIRMAN: The reasons advanced by the Assembly for disagreeing to this are similar to those advanced for disagreeing to amendments Nos. 2 and 3.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

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

Ayes	6
Noes	13
Majority against	7

Ayes.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. Fraser (*Teller.*)

Noes.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland (*Teller.*)
Hon. W. J. Mann	

Question thus negatived; the Council's amendment insisted on.

No. 6. Clause 7.—Delete.

The CHAIRMAN: The reason advanced by the Assembly for disagreeing to this is that the penalties in the Act are unduly severe.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

I repeat that those closely associated with industrial matters are beginning to realise that the severe penalties in the Act are not a deterrent at all. Since the penalties are being retained and not only the individual but the association also will be subject to them, I suggest there is no reason why we should insist on the existing penalty, which cludes forfeiture of all privileges including superannuation.

Hon. C. F. BAXTER: To follow the logic of the Honorary Minister, there is no need to have any courts or gaols, nor to punish anybody for doing anything at all.

Hon. G. W. Miles: We require some penalty for a civil servant who goes on strike. The Minister is out for vote catching.

Hon. C. B. Williams: Hang him!

Hon. C. F. BAXTER: Every encouragement is to be given to people to go out on strike.

Hon. E. H. Harris: As was done on the "Kangaroo."

Hon. G. Fraser: The penalty in respect of the "Kangaroo" did no good.

Hon. C. B. Williams: Did John Brown pay a penalty for creating a strike?

Hon. C. F. BAXTER: I am ready to debate that at any time with the hon. member, but we are not now dealing with Federal matters. According to the Honorary Minister's logic we need no punishments whatever. Why should we encourage people to strike? That is really what it means?

Hon. G. FRASER: I hope the Committee will not insist on the amendment. Last night I tried to point out just what this clause means. As showing how inconsistent the penalties are, we say that the fine for the association shall be £100.

Hon. G. W. Miles: No, you say that.

Hon. G. FRASER: And now you also are saying it.

Hon. G. W. Miles: No, we are not.

Hon. G. FRASER: You are going to fine the individual much more than you will fine the organisation.

Hon. J. J. Holmes: It is the individual, not the organisation, that strikes.

Hon. G. FRASER: You are going to fine the individual more than the combination of individuals. You are going to place the Public Service in a position different from that of anybody else, for you propose to make the individual pay more than the association. You are not only going to fine the individual £10, but you are going to confiscate the money he has paid into superannuation.

Hon. G. W. Miles: Quite right too, if he strikes.

Hon. G. FRASER: Take the public servant who has been in the service for 20 years.

Hon. G. W. Miles: And has been well paid for it.

Hon. G. FRASER: They do not get any more remuneration than their services are worth.

Hon. C. F. Baxter: But you benefit by strikes.

Hon. G. FRASER: I am merely pointing out the penalties you would place on an individual as against the organisation.

Hon. G. W. Miles: At the Trades Hall yesterday a resolution in favour of strikes was carried.

Hon. G. FRASER: The hon. member takes his information from the "West Australian."

Hon. C. B. Wiliams: No, he has joined up with the Trades Hall.

Hon. G. FRASER: The hon. member takes the "West Australian" for his Bible. I do wish members would seriously consider that proposal that a public servant should lose all his privileges, including his superannuation money.

Hon. G. W. Miles: That is only the same as in the past.

Hon. G. FRASER: Take a public servant who has been 20 years in the service.

Hon. G. W. Miles: You told us all about him last night.

Hon. G. FRASER: Evidently it did not sink in. The man who has been 20 years in the service, and has paid 4s. or 5s. per week into the superannuation fund, will have to forfeit the whole of that money.

Hon. G. W. Miles: If he is not loyal to his country, yes.

Hon. G. FRASER: There are two loyalties, one being loyalty to comrades.

Hon. C. F. Baxter: And to the devil with the country.

Hon. G. FRASER: Well, if the country is not prepared to treat its servants in a proper manner—

Hon. G. W. Miles: They have their appeal board. What more do you want?

Hon. G. FRASER: The appeal board is two to one. Although the Public Service have agreed to accept it, nevertheless the odds are against them all the time, for they have but one representative on the board. I hope the Committee will not insist on the amendment.

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

Ayes	6
Noes	13
Majority against	7

Ayes.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. J. R. Brown (*Teller.*)

Noes.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. J. Ewing
Hon. G. W. Miles	(*Teller.*)

Question thus negatived; the Council's amendment insisted on.

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

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th December.

HON. G. FRASER (West) [9.1]: One of the few speeches made on the Bill was that by Mr. Hamersley, who was concerned about the general elections to be held in March next and tried to connect that fact with the appearance of this Bill. If he had studied the measure closely, he would not have found in it anything that could be construed as having been included for political purposes. The amendments appear to me to be absolutely necessary, regardless of the party that might happen to be in power. I do not think the fact that the elections will be held in March next had anything to do with the decision to introduce the Bill. Mr. Hamersley referred to the amendment of Section 15 dealing with the appointment of assistant commissioners. Clause 4 provides for the appointment of an assistant commissioner, and Mr. Hamersley seemed afraid that an assistant commissionership would be made a permanent position. Again, if the hon. member had studied the Bill closely, he would have found that whereas the amendment would enable the commissioner to appoint only one assistant commissioner, the existing Act, if he required assistance, would necessitate his appointing two assistant commissioners. Thus the clause will operate in the opposite way from that which Mr. Hamersley feared. If the work necessitates the Public Service Commissioner receiving assistance, it is better to be able to appoint one assistant commissioner than to have to appoint two. Clause 4 also provides that there shall be a classification once at least in every five years. That is a wise provision. In my opinion five years is quite long enough for one classification to hold. There have been instances where, owing to the growth of a department, it has been necessary to reclassify and increase the number of officers employed. Some members consider that five years is not long enough. If there is no necessity for a reclassification at the end of five years, I take it the old classification will be retained. The clause really

indicates that there will be a reclassification in the fifth year, if necessary. Section 23 of the Act deals with examinations for entrance to the public service. Until a few years ago it was necessary for a junior who desired to enter the public service to pass a competitive examination. That examination has been cut out, and entrance to the public service is now based on the holding by the candidate of a University junior certificate. That may be satisfactory, but I am afraid the alteration might eliminate the element of competition that previously prevailed. Under the old examination, entrants could be appointed according to the order in which they passed the competitive examination, but if we accept the junior standard, there will be nothing to ensure that appointments are made according to the order in which candidates pass the junior examination. I think it would be easy for arrangements to be made with the University authorities to notify the Public Service Commissioner of the order in which candidates pass the junior examination, so that applicants for public service positions could be appointed in the order in which they had passed.

Hon. W. J. Mann: That is not always the best criterion.

Hon. G. FRASER: Perhaps not, but under the proposal in the Bill there is the danger I have pointed out, and also the risk of political influence being brought to bear in favour of some persons. I do not say that would be done, but the door would be left open for that sort of thing. Another clause deals with increments of salary and reports. The reports are known in the service as confidential reports. The clause looks innocent enough, but it offers opportunity to do an injustice to a public servant. The clause provides that after the expiration of 12 months, or prior to the officer receiving an increment, a report shall be furnished by the immediate head of the department as to the conduct, ability and efficiency of the officer. If the officer has not given satisfaction, the increment might be denied him. I suppose some members will say that that is as it should be. With that I agree up to a certain point, but it is not quite right that a man's increment should be refused him without his being notified of the intention not to pay the increment so that he might have an opportunity to answer the charge made against him. At present reports are put up against an officer without his knowing their contents. He might not be much concerned about that unless it leads to the withholding of an increment, but when that happens or is intended, the officer should be given notice and be supplied with the reasons in order that he might fight the case. If a charge is made against a man, the complainant should be prepared to step into the open and give the man a chance to answer it.

Hon. E. H. Harris: Have you employed anyone and given him the whys and wherefores for his discharge beforehand?

The PRESIDENT: Order! The hon. member will have an opportunity to speak later on.

Hon. E. H. Harris: I was merely asking a question.

The PRESIDENT: This is not question time.

Hon. G. FRASER: I do not think the hon. member would take something from a fellow-man without telling him the reason why he was taking it and giving him an opportunity to put his case.

Hon. E. H. Harris: I do not think it would be wise to give reasons.

Hon. G. FRASER: If it were not wise, it would be only fair to do so. I appreciate the temper of members at this period of the session and I did not wish to put on the Notice Paper amendments that might result in the loss of the Bill. Otherwise I would have given notice of amendments.

Hon. W. J. Mann: Let the Bill be deferred till next session.

Hon. G. FRASER: No; I want the Bill to be passed. For the sake of the few amendments I desire, I would not risk its passage by holding it up.

Hon. W. J. Mann: Your amendments would affect the measure, would they not?

The PRESIDENT: Order!

Hon. G. FRASER: No. I desire some information from the Honorary Minister regarding the proposed new Section 46a, which reads—

The PRESIDENT: Would it not be better for the hon. member to ask for the information he desires when the Bill reaches Committee?

Hon. G. FRASER: I do not think it will take long to ask for or give the information, and it is more desirable that members should have it before the second reading is passed. The proposed new sec-

tion deals with increased remuneration for acting positions and is quite clear until paragraph (b) is reached. That paragraph reads—

> When acting in a position for a period of one month or longer, the minimum value of which does not exceed his own salary, at the rate of half the difference between the respective salaries for the whole time he is acting.

I cannot make head or tail of the paragraph.

Hon. H. J. Yelland: As you were formerly in the service I thought you would know all about it.

Hon. G. FRASER: I was in the service, but I cannot understand that paragraph.

Hon. W. J. Mann: Then you had better vote to put the Bill out.

Hon. G. FRASER: If an officer's salary were as high as the minimum of the grade in which he was acting, I cannot understand how half the difference could be paid.

The Honorary Minister interjected.

Hon. G. FRASER: If there is no difference, there is no need for the clause. I hope the Honoray Minister will give the information when he replies to the debate.

HON. H. J. YELLAND (East) [9.12]: I have tried to view this measure through the eyes of a civil servant. I have been employed in that capacity, and consequently my sympathies were largely with the service while I was studying the Bill.

The Honorary Minister interjected.

Hon. H. J. YELLAND: I cannot hear what the Honorary Minister is saying.

The Honorary Minister: Your attitude towards another Bill did not point that way.

Hon. H. J. YELLAND: My attitude to the other Bill was based on principle. It centred round an interesting point on which a great number of civil servants agree with me. I realise that officers of the service play a great part in our national life. It is their duty to stand loyally behind the Government and the State. They have certain privileges that no other section of the community enjoy, and those privileges are held sacred. Doubless they constituted part and parcel of the reason that induced men to enter the service, and because those privileges may be regarded as part of the salary and conditions attaching to their employment, they have no wish to sacrifice them.

Hon. G. Fraser: What are some of the privileges?

Hon. H. J. YELLAND: They are of such importance that I fear by this Bill we are going to provide further conditions that will not be in the best interests of the State as a whole. It is his duty to stand loyally behind the State, and for that loyalty he has the privileges to which I have referred. In this Bill certain alterations have been made which are not justifiable. I say that with all respect to the loyalty that has been given to us by a large number of civil servants. But there has crept into the minds of the public a desire to belittle that loyalty and that interest which the service generally has for the State. I wish to refer to two or three principles that are contained in the Bill, and would like to ask members seriously to consider them in Committee. One of the principles is to alter the arrangement in respect to grades. It may be quite desirable to do this. If members will turn to Section 13 of the Act, or Clauses 3 and 4 of the Bill, they will find that "division, class, grade," etc., are to be omitted. Throughout the Bill there is to be a deletion of "class" or "grade." If we are to delete the system of grading in the service, I want to know why?

The Honorary Minister: The hon. member ought to know that was done years ago.

Hon. H. J. YELLAND: Clause 4 provides for a reclassification to be made every five years. Whenever there has been a reclassification, salaries have usually gone up. Under the Bill every five years there is to be a renewal of the claims for increased salary.

Hon. G. W. Miles: At least every five years.

Hon. H. J. YELLAND: It may be every two or three years, according to the agitation that arises. Classifications of the service have in the past always been on the up grade. It is possible that through depression, such as has occurred in recent years, they may be a decrease in salaries. I can visualise what would happen if there was a decrease declared throughout the service.

Hon. G. Fraser: They would not mind.

Hon. H. J. YELLAND: The better way to treat with such a thing would be by way of a general edict by the Government setting out a certain percentage of reduction in salaries all round. I do not say that there should be a reduction unless such is abso-

lutely necessary in the interests of economy. That should be left to a general reduction such as I have suggested. It has been done that way in the past. The Public Service Commissioner has nothing to do with the State's finances. He is not concerned with State economy. It is, therefore, not within his jurisdiction that he should be able to say that such-and-such an officer should be reduced 5 per cent., and another by 15 per cent. If reductions are to be effected we are not likely to get them on a reclassification of the service. If a reclassification is to take place every five years, and we have to rely upon our experiences over the past years, I say it is more than likely the State will be called upon to face very considerably increased expenditure upon the Public Service. I leave it to the House to say whether members think a reclassification should be made at least every five years, and that this should be the maximum and not the minimum period. I trust they will give a verdict according to their own views. Throughout the whole of our business affairs during the year, and throughout the State and the Commonwealth, there has been a great cry for economy. I ask members if they feel they should accept this maximum time of five years because of that fact. I wish now to refer to the classification of the professional and clerical division. This is to be subject to the Commissioner, and need not be submitted to the Government. It is intended to take away from the Government their say regarding appointments or classifications. The matter is left entirely to the Commissioner. The Government may have no say in any reclassification or any increase or reduction in salaries. If they object to an appointment which has been made by the Commissioner, they would have to go before the appeal board and appeal against that classification if they desired to upset it. That is not a nice position in which to place the Government. The Commissioner may fix a salary and the Government will have no say in it. Section 18 of the Commonwealth Public Service Act says that the board shall furnish reports or recommendation on all matters requiring to be dealt with by the Governor General under the Act. These are then referred to the board by the Governor General, and if he does not approve, fresh recommendations must be made. Under that Act these matters have always been referred to the Governor General in Council. I see no reason why we should depart from that position in connection with our own service. There is to be a repeal of Section 22 of the principal Act. That section says—

> Notwithstanding anything contained in this Act, the Governor may, on the recommendation of the Commissioner, fix by order the rate of salary to be paid to an officer occupying any particular office at any sum within the limits of his class or grade, and such sum shall be the salary attached to such officer while he holds such office, until the Commissioner otherwise recommends.

It is proposed to amend that by providing that the Commissioner may fix the rate of salary to be paid to any officer occupying any particular office. If an officer is brought into the service to do any particular work, such as a technical officer, and he is specially qualified for it, he should receive a special salary. In business that principle is considered to be fair and reasonable. In this case the salary that is paid and the appointment that is made are all subject to the Commissioner, and not the Governor-in-Council. That is why I object to the clause. Clause 9 repeals Sections 26 and 27 of the Act. This practically prevents any young fellow from starting from the lower grades and working up. In a private business it is customary for a young fellow to work up from the bottom, and gradually to become an efficient and responsible officer. I see nothing wrong with Clause 16, which amends Section 46. This refers to an officer taking on the work of another officer and being paid the higher salary for the time during which he is filling that position, provided he does the work efficiently. If a man is doing the higher work he should receive the extra remuneration. It is also provided that if a man does not come up to the standard, and the Commissioner is warranted in doing so, he may pay a lesser amount. The Commissioner has certain privileges which allow him to differentiate between the value of men who happen to be performing these higher duties. That, practically, is the purport of the Bill as I understand it; and I am just wondering whether in view of the lateness of the hour and the importance of the subject we are justified in proceeding further with the measure. I should very much like to go on with it. I believe that it would be in the interests of the State and of the Public Service to pass a few of the amendments which I have men-

tioned. Undoubtedly the Bill will call for considerable discussion in Committee. We are in the closing hours of the session, and I feel that it is impossible to give the measure that consideration to which it is entitled.

HON. H. STEWART (South-East) [9.32]: I have looked carefully through the Bill, and have studied the significance of the amendments it proposes. To a few clauses I should like to direct attention—clauses to which Mr. Yelland has not referred. Clause 10 deals with Section 30 of the principal Act, adding a paragraph to provide for the appointment as police magistrates of officers who have served diligently and faithfully in the office of clerk of courts or mining registrar, followed by at least four years' continuous service as acting magistrate. I do not say that there are not special cases warranting appointment, but the principle involved is wrong. It is a retrograde step to make such provisions for appointment to a technical office. The principal Act requires that police magistrates shall be legal practitioners duly qualified under the Legal Practitioners Act, 1893. I consider there should be a longer period of service as acting magistrate required by the clause.

The Honorary Minister: The provision is restricted to certain officers.

Hon. H. STEWART: I see it is limited to officers who already have not less than four years' continuous service as acting magistrates. Therefore the objection I was about to voice is not called for. In any case the matter has a personal aspect, though not personal so far as I am concerned, since I do not know even one of the officers affected. Still, it seems to me that the acting appointments were made in violation of the spirit of the Public Service Act. The provision in the Bill condones that violation. If the temporary appointments were made with the intention that they should become permanent, they were made in violation of the spirit of the Act. Moreover, such appointments constitute an injustice to persons possessing the requisite qualifications. Clause 13 proposes to amend Section 37 by taking from the Public Service Commissioner a power he now possesses. Paragraph (c) of Section 27 provides—

> The Governor may on the recommendation of the Commissioner, after obtaining a report from the permanent head, raise or lower the grading of any officer or the classification of any office.

That power represents a permanent portion of the Public Service Act. There is a Public Service Appeal Board, and it is quite conceivable that the power ought to be left to the Public Service Commissioner. In view of the right of appeal, injustice is most unlikely.

The Honorary Minister: The hon. member misunderstands the provision.

Hon. H. STEWART: I am taking the Bill as it is before me.

The Honorary Minister: That provision will not take the matter out of the hands of the Commissioner, but will leave it in his hands, just as it is to-day.

Hon. H. STEWART: When the matter comes up in Committee, the Honorary Minister may be able to throw further light on it. However, my reading of the clause is that it removes a statutory power now existing. I should also like further information concerning Clause 16, which proposes a new section to be numbered 46a. Paragraph (b) of that proposed section seems to provide that an officer may temporarily occupy a position the remuneration of which is lower than that ordinarily received by him, in which case the salary to be paid to him would be the mean between the salaries of the two positions. If that is so, I see no objection to the paragraph. I hope, however, that the Honorary Minister, having heard me on the point, will be able to furnish enlightenment during the Committee stage.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [9.38]: I do not wish to detain the House at any length in replying. If I did so, I should only be repeating myself in Committee. The remarks made by Mr. Yelland and Mr. Stewart show conclusively that they have entirely erroneous ideas as to some clauses of the Bill; and therefore it would be just as well to go into Committee, where explanations can be given. I feel sure the explanations will satisfy those hon. members. To judge from the tenor of their remarks, they do not appreciate the fact that legislation exists which renders some sections of the principal Act inoperative. Those sections should be repealed. Again, the effect of some of the amendments proposed in the Bill will be entirely different from that described by Mr. Stewart and Mr. Yelland. I

ask that the Bill be allowed to reach the Committee stage, because I feel sure that ample justification can be advanced for every clause.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 9:

Hon. H. J. YELLAND: What is the reason for the amendment here proposed?

The HONORARY MINISTER: The Public Service Appeal Board Act vested a power of classification of offices and officers in the Public Service Commissioner. The Commissioner now classifies, and his classification is published in the "Government Gazette," and officers have the right of appeal to a board appointed under the Public Service Appeal Board Act, within a period of one month. Prior to the Public Service Appeal Board Act of 1920, the Commissioner's classification was merely a proposal to be submitted to the Governor-in-Council. Officers have the right to appeal to the board against that classification, but the fact of the Governor having approved made the appeal one from the Governor to the board. It will be agreed that that is an impossible proposition. Consequently, this amendment is desired.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Amendment of Section 15:

Hon. H. STEWART: I merely wish to ask the Honorary Minister whether grading has become unnecessary because of alterations in the system. Is it now obsolete?

The Honorary Minister: That is so.

Hon. H. J. YELLAND: This is the clause on which we must decide whether a reclassification will have to be made once in every five years. The usual net result of a reclassification is an increase in the expenditure of the State. It is a question whether five years is not too short a period between classifications. If we were to extend it to seven years it would not prevent the making of a classification at the end of a shorter period if necessary.

The HONORARY MINISTER: Members, I think, will agree that five years is quite long enough. In the course of five years there are considerable movements of staff, and so if any longer period were inserted in the Bill it would probably mean hardship to a large number of public servants.

Hon. W. J. Mann: Every reclassification means a rise in salaries.

The HONORARY MINISTER: Not necessarily. It may be that officers are transferred from one office to another, and consequently should be reclassified. From the point of view of the Public Service, that is highly desirable.

Hon. J. J. Holmes: What about the point of view of the State?

The HONORARY MINISTER: From the point of view of the State it is equally desirable. In the past we have had reclassifications at varying periods; it has been left to the whim of certain people to say whether or not there should be a reclassification. Under the clause it will be necessary to have one every five years. Most of the Arbitration Court awards are limited to three years, with a right of revision after 12 months.

Hon. G. W. Miles: There is no comparison between civil servants and other workers.

The HONORARY MINISTER: However that may be, there is every comparison between the methods adopted. Surely civil servants are entitled to know just where they stand in regard to classification.

Hon. G. W. Miles: Who is running the business—the civil servants, the Commissioner, or the Government?

The HONORARY MINISTER: The Commissioner has certain powers, and nothing we can do in the Bill will take away any of those powers.

Hon. J. J. Holmes: No, but you are going to give him more power.

The HONORARY MINISTER: That is not so. The whole point is that at present there is no fixed period for reclassifications, which is not right.

Hon. H. J. YELLAND: Five years is given here as the maximum period between reclassifications. Even though it should be altogether inadvisable to have a reclassification, the Bill insists that there shall be one at the end of the five years. Every reclassification means sheaves of appeals to the appeal board. If the Government believe that a reclassification should be made every two years, they could have it done under this clause. But under the clause

even if circumstances rendered it inadvisable to have a reclassification, the Governor and the Commissioner would have no power to delay it beyond five years.

Hon. G. FRASER: To hear the hon. member one would think that after every reclassification the appeal board would be working for months. Actually they can take 200 cases in half a day, for the cases can be heard in grades or classes. There is the range of salary, and so the hearing of one case suffices for all the cases within the one range.

Hon. G. W. Miles: Is that irrespective of a man's ability?

Hon. G. FRASER: Yes, when he is on the salary grade. If at the end of five years there is no necessity for any alteration in the classification, the Commissioner will merely re-enact the whole of the classification. And as I say, even if there were sheaves of appeals, the appeal board could dispose of them all in two or three days.

Hon. J. J. Holmes: But what will it cost the State to pay all the increases in salaries?

Hon. G. FRASER: There may even be reductions in salaries as a result of reclassification. If there are increases there will not be sheaves of appeals. The five-year period between reclassifications is quite long enough. Surely at the end of five years a man is entitled to have his position reviewed.

Hon. W. J. MANN: I have learned something to-night. I never before understood that the Commissioner in making a reclassification takes the civil servants in batches of 200 and flops them through in half an hour. What kind of reclassification is that?

Hon. G. Fraser: I was referring, not to reclassification, but to appeals against reclassification.

Hon. W. J. MANN: I believe in treating cases according to their merits. Apparently this putting them through in batches is the idea of unionism: it does not matter what you do; all that matters is whether or not you are a member of a gang. Five years is altogether too short a period to elapse between reclassifications. I move an amendment—

That in line 7 the word "five" be struck out, and "ten" inserted in lieu.

The HONORARY MINISTER: I merely rise to oppose the amendment moved by the hon. member, on the ground that it is the most outrageous proposal ever submitted in this Chamber in regard to an industrial question.

Hon. H. STEWART: In the principal Act there is no provision for any reclassification, except on the instruction of the Government from time to time. We are asked to introduce a new and definite principle that the period shall be not more than 10 years. Thus any Government could give instructions for a reclassification to be made at any time. When a reclassification is made, how many increments can be obtained, and is an officer entitled to increments until he reaches the maximum?

The HONORARY MINISTER: I cannot say how many increments there would be between the minimum and maximum salaries. One clause provides for annual increments.

Hon. H. STEWART: At the time of the Civil Service strike, Mr. E. A. Mann claimed annual increments for the service in accordance with the Public Service Act. Yet the Act gave no legal or moral right to annual increments. From my recollection of the last reclassification the Press reports of results of appeals extended over months.

Hon. G. FRASER: I hope the amendment will not be carried. If we insert 10 years, the reclassification will take place in the tenth year and the range of salaries will cover 10 increments between the minimum and the maximum, instead of four or five as at present.

Hon. E. H. Harris: What authority have you for making that statement?

Hon. G. FRASER: As much authority as the hon. member has for any statement made by him on any Bill. It would be a standing disgrace if we extended the range over a period of ten years. I have quoted instances of salaries having been reduced on reclassification.

Hon. W. J. Mann: Then you do not want a reclassification every 10 years.

Hon. E. H. Harris: Were salaries reduced for everybody?

Hon. G. FRASER: For a majority. That is the only reclassification that has taken place in recent years.

Hon. W. J. Mann: If there is any likelihood of salaries being cut down, alter the period to 20 years.

Hon. G. FRASER: If the cost of living and other costs receded, civil servants would be fair enough to accept a reduction. They give good service to the State.

Hon. G. W. Miles: Some are not paid well enough, while some are too well paid.

Hon. G. FRASER: And the only way to put it on a proper footing is to have a reclassification every five years.

Hon. E. H. HARRIS: I am not much impressed by the mere statement that justice will be done if there is a reclassification every five years. It comprises only empty words. The Bill provides for one reclassification at least in every five years, and that means the Commissioner might have one every year or every month.

Hon. G. Fraser: The Commissioner will not have it more often than he can help.

Hon. E. H. HARRIS: The hon. member has not been Commissioner, and is not likely to be. I would as soon see the parent Act stand as adopt either the five or the ten-year period. I understand there is a clause in the Education Bill relating to the 5-year period, and our decision upon this matter will no doubt govern the position there. The best thing to do is to strike out the clause.

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

Clause 5—Amendment of Section 18:

Hon. J. J. HOLMES: I hope this clause will not be passed. At present the Government have some control over Public Service expenditure on salaries and reclassification. It is now proposed to leave the whole matter to the Public Service Commissioner. In view of the economic position, we cannot go on classifying the service into higher positions and automatically increasing salaries. Above all, the control of the service should not be taken from the Governor-in-Council.

The HONORARY MINISTER: The Public Service Commissioner, in his classifications, has power to place officers in various divisions. They can then appeal to the board, but the classifications cannot be subject to the Governor's approval. The clause will not deprive Parliament of any power that it now possesses in the matter.

Hon. H. STEWART: The Committee would be well advised to accept the clause. It merely says that the officers shall be placed in one division or another. That is more a matter for the Commissioner than for the Governor-in-Council.

Clause put and passed.

Clause 6—Repeal of Section 20:

Hon. H. J. YELLAND: I should like to know why Section 20 is being repealed. This refers to the appointment of officers to the technical division at special rates.

The HONORARY MINISTER: Section 20 of the Act should have been repealed when Sections 19 and 21 were repealed. For several years the Commissioner has had power to place officers in any division.

Clause put and passed.

Clause 7—Repeal of Section 22 and substitution of new section: Power to fix salary:

Hon. J. J. HOLMES: Under the Act as it stands, the Governor may fix the rates of salaries to be paid to officers. Now the Commissioner is to fix rates. The clause should be struck out.

The HONORARY MINISTER: The reason for the repeal of Section 22 is that it introduces the Governor's approval into questions of classification.

Hon. J. J. Holmes: And salary.

The HONORARY MINISTER: It is all the same. All salaries, whether fixed or not, are within the Commissioner's jurisdiction. There should be no question of the Governor's approval, because these matters are all subject to appeal.

Hon. H. STEWART: As I understand the Honorary Minister, if this clause remained, there could be no appeal. That view strikes me as hardly correct. The present position is that the Public Service Commissioner classifies the service and fixes the salaries, and that then there is the appeal to the board. Apparently it is within the power of the Government of the day to say whether a classification shall be accepted or not.

The HONORARY MINISTER: All questions of classification are vested in the Commissioner. The officer has the right of appeal, from the Commissioner's decision, to the Appeal Board. But if the Governor-in-Council is to say what the salary shall be, there can be no such appeal.

Hon. H. J. Yelland: I suppose, then, all appeals for years past have been ultra vires.

The HONORARY MINISTER: Not many persons are affected by this clause. The point is that under it the officer has the

right of appeal to the board, which right he otherwise would not have.

Hon. J. J. HOLMES: We are whittling away the authority of the Appeal Board piece by piece. I shall vote against the clause.

Clause put and negatived.

Clauses 8 to 12—agreed to.

Clause 13—Amendment of Section 37:

Hon. H. STEWART: The clause proposes to strike out paragraph (c) of Section 37. That paragraph sets out that the Governor may, on the recommendation of the Commissioner, after obtaining a report from the permanent head "raise or lower the grading of any officer, or the classification of any office." It seems preferable to leave that provision in the Act rather than delete it and leave the position doubtful as to whether the Commissioner has that power. I oppose the clause.

The HONORARY MINISTER: Paragraph (c) is to be deleted for the same reason I advanced before. The classification of the service is vested in the Commissioner under the Public Service Act, and cannot therefore, be subject to the Governor's approval. That being so, it is necessary to delete the paragraph.

Hon. H. STEWART: If that is so, the Public Service Act does not deal at all with the power of the Public Service Commissioner regarding classifications, but with appeals. It is the Act that confers power on the Commissioner and why delete the paragraph that will empower the Commissioner to do what is set out.

The HONORARY MINISTER: The power to classify is vested in the Commissioner under the Public Service Appeal Board Act and not under the Public Service Act. There is no necessity for the Governor's approval. There could not be an appeal from the approval of the Governor in Council.

Hon. H. Stewart: Which section of the Public Service Appeal Board Act provides that power?

The HONORARY MINISTER: Section 12.

Hon. V. HAMERSLEY: That hardly answers the point raised, because paragraph (c) deals with the raising or lowering of the grading of an officer, whereas the section quoted by the Minister refers only to salaries.

The HONORARY MINISTER: If the hon. member had been here and listened to the debate, he would have realised that there is no question of "grade," but of range of salary. The term "grade" is obsolete and has been deleted from the Act by the Committee already. The range of salary is fixed by the Commissioner. That question is left wholly to him and the officer affected has the right of appeal to the Appeal Board. While he has that right, it is not proper to say that the Governor shall approve. If that is the position, there can be no question of an appeal from the Governor's approval to an outside board.

Hon. J. J. HOLMES: If we delete paragraph (c) we will take away from the Commissioner the power set out. We should retain the paragraph.

The HONORARY MINISTER: I will repeat what I have already said.

Hon. J. J. Holmes: It will have no effect, so far as I am concerned.

The HONORARY MINISTER: The present Act provides that the Governor may, on the recommendation of the Commissioner after obtaining a report from the permanent head, raise or lower the salary or classification of any office. Section 12 of the Public Service Appeal Board Act, 1920, sets out—

> Notwithstanding any provision of the Public Service Act, 1904, to the contrary, the classification of offices and officers under the Public Service Act, 1904, and the fixing of the salaries of officers, inclusive of officers in the administrative division, shall be vested, and as from the 30th day of June, 1923, shall be deemed to have been vested in the Public Service Commissioner, acting alone or in conjunction with assistant commissioners, subject to an appeal to the board under this Act.

When the classification is made and approval given to it by the Governor, an officer cannot have an appeal against that approval to an outside board. It could not be done. The Committee have agreed to the same thing in other clauses. It is simply repeated here, and is a very necessary amendment.

Hon. H. STEWART: I want to thank the Minister for having pointed out the section in the Public Service Appeal Board Act, which I had missed. This clause we are dealing with is of no practical use. Section 12 of the Act gives the Commissioner that power.

The Honorary Minister: It gives the officers the right of appeal.

Hon. H. STEWART: That is so. The logical thing to do is to pass the clause. Then everything will be complete. It can do no harm to leave this in, because it is of no practical use; in effect it has been repealed.

Hon. H. J. YELLAND: After all, the Government pay the salaries and have no say in it at all. What would happen if the Government objected to a classification that had been made and said it was impossible to pay the increases? Could they go to the appeal board and appeal against the classification? We are just making the Commissioner a king.

The CHIEF SECRETARY: There can be no appeal against a decision of the Executive Council. Once it passes the Executive Council it is law. There was a reclassification made by a previous Government and as the Minister for Education I followed the course they had taken. The reclassification was made and was presented as a regulation. It went before the appeal board and was ruled out of order, because it had been approved by the Executive Council. The president of the appeal board said the reclassification could be made by the Minister and not gazetted as a regulation; because once it became a regulation it would be law, and so it would be impossible for the appeal board to vary the classification. Consequently we had to make a new classification. It was made in my name; it was not gazetted and it did not go through the Executive Council until it had been submitted to the appeal board. So the teachers were in a position to appeal. On the previous occasion, when the Mitchell Government were in power, the classification went through the Executive Council and no obection was raised. Eventually Mr. Justice Draper ruled that there could not be an appeal against a decision of the Executive Council.

Hon. H. J. YELLAND: I do not think the Chief Secretary grasps the situation. The position is that the Commissioner can make a classification and the officers classified may go to the appeal board if necessary. If, on the other hand, the Government were to raise an objection to that classification, what opportunity have they for rejecting it? Can they turn it down holus bolus, or must they go to the appeal board and put up their case?

The CHIEF SECRETARY: The Government have every opportunity, because the Minister makes the classification; that is to say, the classification is reviewed by the Minister. I am speaking, of course, of the Education Department.

Hon. J. J. Holmes: Oh, well, this is the Public Service we are considering.

Hon. H. STEWART: Under Section 12 of the Act the Public Service Commissioner has power to make a classification against which the officers can appeal to the appeal board. But in the Education Department the power to order a reclassification lies with the Minister for Education. In the Public Service that power has been given away, and everything is left to the Commissioner.

The HONORARY MINISTER: The Public Service Commissioner is in the same position in the Public Service as is the Minister for Education in the Education Department. Power has been given to the Commissioner to make a reclassification, and the officers have the right to appeal. So, as I say, it is necessary that these words should be cut out.

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

Ayes	8
Noes	11
Majority against ..	3

AYES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. G. Fraser	Hon. H. Seddon
	(Teller.)

NOES.

Hon. J. Ewing	Hon. E. Rose
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. V. Hamersley
Hon. J. Nicholson	*(Teller.)*

Clause thus negatived.

Clauses 14, 15—agreed to.

Clause 16—Increased remuneration for acting position:

Hon. H. STEWART: Is paragraph (b) meant to cover an officer who temporarily occupies another position of lower value than his own position?

The HONORARY MINISTER: No; it does not mean a reduction of salary, but it may mean an increase of salary. This would only apply where the position was

carrying a higher salary than that of the relieving officer. Of course, the minimum salary might be lower, but the actual salary might be higher.

Hon. H. STEWART: The Minister's explanation was necessary to make clear the intricacy of the position. An officer might be drawing a higher salary than the minimum of the next classification, but if he was relieving an officer receiving higher than the minimum, he might thus be brought to a higher salary than his own and would then get 50 per cent. of the difference.

The Honorary Minister: Yes.

Clause put and passed.

Clauses 17 to 20—agreed to.

New clause:

Hon. J. T. FRANKLIN: I move—

That the following be inserted to stand as Clause 20:—"A section is inserted in the principal Act, as follows:—83a. Females when appointed to positions in the Public Service shall receive equal pay, and shall have the same rights of promotion as males."

I think members will agree that for equal work and ability, there should be equal pay, no matter who is doing the work. It might be said there will be no chance of females obtaining employment in the service if the new clause be agreed to, but I do not think that will happen. A number of females in the service can receive up to about £250 only, and if they are doing extra work they are entitled to about £48 extra, but beyond that they cannot go. There are older women who have been for many years in the service. They are the mainstay of their parents or sisters and brothers. Because of that fact they have had no opportunity to get married. I commend my suggestion to the Committee.

The CHAIRMAN: I am sorry to have to inform Mr. Franklin that I understand the Act which this Bill proposes to amend, the Public Service Act, 1904, does not specifically provide for any definite salary for males or females, the salaries of which are fixed, subject to appeal, by the Public Service Commissioner. It is well known that males in the Public Service do receive a greater salary than females. That being so, the effect of Mr. Franklin's amendment, if agreed to, would be to bring about an appropriation of consolidated revenue, which the Legislative Council is not permitted to do. I cannot, therefore, accept the amendment which is out of order.

Hon. J. T. Franklin: If I had known that before I would have saved the time of the Committee.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. J. Nicholson, Bill recommitted for the purpose of further considering Clauses 10 and 15.

In Committee.

Clause 10—Amendment of Section 30:

Hon. J. NICHOLSON: This clause proposes to add a new paragraph to Section 30 which deals with clerks or mining registrars and those who have had four years' continuous service as acting magistrates. There are men in the Crown Law Department who should also be taken into consideration, and should be allowed the same opportunities as are accorded to clerks of courts or mining registrars. I move an amendment—

That after the word "registrar" the words "or Crown Law Department" be inserted.

The Honorary Minister: Is there anyone in the Crown Law Department in that position?

Hon. J. NICHOLSON: I think there is one officer.

Hon. J. J. Holmes: There may be several some day.

The HONORARY MINISTER: I do not know of the case referred to by the hon. member. This clause can apply only to those persons who have been specified. The officers concerned have had not less than 40 years service in the State. The clause cannot apply to any other men because there are none others who have this qualification.

Hon. A. Lovekin: This amendment is not within the scope of the Bill.

The HONORARY MINISTER: All those who are acting magistrates are covered by this clause.

Hon. E. H. Harirs: Is every person who comes within the scope of the clause acting in the capacity of a magistrate?

The HONORARY MINISTER: In the original draft of the Bill the period was

five years. This was amended to four years, so that every one of these men, occupying such a position, might be brought within the scope of the Bill.

Amendment put and negatived.

Clause put and passed.

Clause 15—Repeal of Sections 40 and 41:

Hon. J. J. HOLMES: Why have these sections to be repealed? Section 41 deals with the promotion of officers from a lower grade to a higher one upon passing certain examinations. We want intelligent public servants, and if we do away with these examinations, how are we to ensure that we shall continue to get intelligent public servants?

The HONORARY MINISTER: Sections 40 and 41 are entirely unnecessary, as their provisions do not apply to the present system of classification in divisions. The system of higher and lower grades mentioned in those sections was used only in the first classification of 1905. It has never been used since. Consequently there is no need for the two sections in question.

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

Ayes	9
Noes	10
Majority against ..	1

Ayes.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. Stewart
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. G. Fraser	Hon. H. A. Stephenson
Hon. E. H. Gray	(*Teller.*)

Noes.

Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. A. Lovekin
	(*Teller.*)

Clause thus negatived.

Bill again reported, with further amendments, and the report adopted.

Third Reading.

Read a third time, and returned to the Assembly with amendments.

BILL—MINER'S PHTHISIS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read, notifying that it had agreed to the amendments made by the Council.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Assembly's further Message.

Message from the Assembly received and read, notifying that it no longer disagreed to the amendments made by the Council.

BILL—APPROPRIATION.

Second Reading.

Debate resumed from the 3rd December.

HON. A. LOVEKIN (Metropolitan) [11.18]: At this late hour of the session I fail to see that any good purpose would be served by speaking to this Bill at length. For a number of reasons it is not desirable to amend the measure in any way. We may get some further information from the Chief Secretary; but during the session we have, I think, had ample opportunities to get all the particulars we want. Accordingly I shall not take up the time of the House any further than to say that I support the second reading.

HON. E. H. HARRIS (North-East) [11.19]: The Estimates make reference to loans under the Mines Development Act, and, inter alia, include a rebate of roughly £45,000 for water. They also allude to loans of boring plants and to prospecting, thus foreshadowing expenditure in those directions during the coming year. Boring, or rather the want of it, has attracted much attention on the Eastern Goldfields for some time past. Quite recently the conference of Goldfields Local Bodies carried a resolution urging the Minister for Mines to instal a permanent boring plant for work at the north end of the Golden Mile. May I quote briefly from the correspondence with the Minister. On the 30th September last, Mr. Simpson, the Secretary to the Confer-

ence of Goldfields Local Bodies, wrote to the Minister as follows:—

Deep Boring: I beg to acknowledge the receipt of your letter of the 27th June, re the above matter. Same was considered at a meeting of my conference held on the 25th instant, when I was directed to inform you it is contended that one or more diamond drills should be continually in operation at various places along the northern end of the Golden Mile. Delegates to the conference also contend that the department should purchase and use its own drills. On the 21st June, 1928, you wrote this conference that you were considering the advisability of obtaining drills and working them departmentally. Has any action been taken in this regard?

Unless a reply has been sent recently, none has been received. I take this opportunity of drawing attention to the matter, because the local bodies on the goldfields, and people associated with the mining industry, consider there is sufficient warrant for at least one drill to be continuously working on the north end of the Golden Mile. That could be done instead of the Government hiring machines, as they have in the past. Perhaps they are not very anxious to start another State trading concern! If this suggestion were adopted, it would be an appropriate contribution by the Mines Department to the further development of the North End. That clearly indicates the position as it is viewed on the fields. I regret that the pressure of work with which we have been confronted during the last few days, has not enabled us to deal with the Bill before, so that the Chief Secretary could have had an opportunity to confer with the department and be in a position to make a statement regarding this phase of mining.

Hon. V. Hamersley: If a rich shoot of ore were discovered as the result of the boring, would that mean the Government would start a mine?

Hon. E. H. HARRIS: I do not think they would do that, if we may judge from what happened when boring was conducted previously. In most instances where reefs were located, the ore was fairly low grade. In the Tindall district, near Coolgardie, a few bores were put down with favourable results, and tracts of country were taken up.

Hon. V. Hamersley: By the men who did the boring.

Hon. E. H. HARRIS: No. The ground was available, but for some time no one made any application for it. The idea entertained by those who have been advocating boring at the North End, was that if any lodes were located, it might encourage some people to take up the ground and work it. There is a reference in the schedule to an amount for the School of Mines experimental plant. That is a subject in which the students and officers attached to the department are keenly interested. They want a better experimental flotation plant. I do not know whether the provision is for further work in connection with the flotation process, which is being relied upon to solve the problem of cheaper costs in the mining industry. The present means of conducting experiments will allow of only small quantities being dealt with at one time. What is required is plant that will enable a continuous process to be carried out on a larger scale than is possible now. I understand this matter has been discussed with the department, and we are anxious to learn whether the reference in the Bill means that further money is to be spent during the coming year. Such expenditure is certainly considered necessary. Another matter I wish to refer to relates to the railway system in the northern goldfields. For some years we have had six trains per week out of Kalgoorlie, and seven trains per week from Kalgoorlie to Perth. That programme does not allow of a train leaving one night and going through to the northern goldfields. The recent alterations in the service, extending as far as Southern Cross, permit of the running of seven trains, and it is claimed that by a slight alteration regarding the train crews and with little additional expense, the service could be run with seven trains per week each way. Under the existing system of running seven trains to Perth and six back, it means that the empties have to be brought down from time to time. On the other hand, if the system were arranged so that there would be seven trains per week each way, the department would not be faced with that inconvenience and expense. They would be able to run a service to the northern fields direct, the train leaving Perth on Sunday night, joining up with the Monday train, and going right through to Leonora. There appears to be an opportunity now to put such a scheme into operation at practically no expense. That would be a provision that would be much appreciated by the people in the far-distant fields. In September last, I asked questions regarding the geological report that had been compiled by Dr. Stillwell, whose services were made

available by the Commonwealth Government for the purpose of conducting a geological survey of the East Coolgardie goldfields. The Minister said that the report was in the hands of the printer, and would be available for distribution as soon as practicable. The report should prove to be valuable, and many mining men are anxious to secure a copy. It is now some months since we were informed that the work had been put in the hands of the printer, and if the Government could expedite the publication of the report, their action would be appreciated. I would like to say a few words regarding the position under the Third Schedule of the Workers' Compensation Act. After paying the premium of £4 10s. per cent. for a while, those interested in the gold-mining industry complained to the Government that it imposed great hardship and pressed heavily on the majority of the mines, seeing that they were not paying dividends. Their finances were fairly low. As the result of the appeal, the Government generously decided to assist the mining industry for the time being, by paying the premiums under the Third Schedule. They came to the rescue of the companies to the extent of £54,308, which was advanced from the trust account that had been established for assistance to the mining industry from the Disabilities Grant provided by the Commonwealth Government. From the information gleaned during the debate on the Miner's Phthisis Act Amendment Bill, and from the replies to questions recently asked concerning operations under the Miner's Phthisis Act and the Workers' Compensation Act, a rather remarkable position regarding the finances of the State Insurance Department was disclosed. It was shown that the premiums received from 1925 to 1929 amounted to £92,367, whereas the compensation paid amounted to £15,797, thus disclosing an excess of premiums over compensation paid of £76,570, or, roughly, 17 per cent. of the premiums were paid away in compensation. Administration costs were practically nil, and the major portion of the excess money has been utilised for building up a fund under the Workers' Compensation Act.

Hon. J. Nicholson: Are the two sections amalgamated?

Hon. E. H. HARRIS: Which two?

Hon. J. Nicholson: Miner's phthisis and workers' compensation.

Hon. E. H. HARRIS: No. Frequently we have advocated in this House that a consolidating measure should be introduced. While I stressed that point at an earlier stage, I want to draw the attention of hon members to the fact that out of the hundreds of men taken from the mines, about 74 only were compensated under the Workers' Compensation Act. It will be remembered that the private insurance companies would not undertake risks under the Third Schedule, because of the extremely hazardous nature of the business. The State Insurance Department was established in order to shoulder that risk. Now we find from the information given by the Minister last night that the Troy amendment to the Act in 1925 was not given effect to. The men did not come within the scope of the Workers' Compensation Act. They were paid and compensated under the Miner's Phthisis Act. The position was this: The Government felt impelled, as it was compulsory for the mining companies to pay under the Third Schedule a premium of £4 10s. per cent. for every man they had working in their mines, to accept responsibility for the payments. The Government were the only people who were aware that the premiums would come in and the payments could not be made from that fund, because the men were receiving their compensation under the Miner's Phthisis Act. The Government, although aware of that, are continuing to extract from the mining companies the £4 10s. per cent. for a liability which really is not there. Because of the legislation we have passed, the liability does not come within the scope of that Act.

Hon. J. Nicholson: They are virtually exempt from that liability.

Hon. E. H. HARRIS: Yes. The Government should review the rate that has to be paid. What is the use of making mining companies in straitened circumstances pay £4 10s. per cent. when, roughly, the risk is about half that amount? It is only extorting money from the mining companies. The Minister for Mines has made it perfectly clear that the disabilities grant, from which the Government have been drawing this money, is just about exhausted. I suggest that as soon as that fund has gone the Government should consider reducing the premiums charged under the Third Schedule. Under that schedule alone the Government have accumulated a fund amounting to £73,569. If the employees in the mines are not within the scope of the Workers' Compensation Act, but are paid from the Miner's Phthisis Act—really from

Consolidated Revenue—the Government should give consideration to the amount and thereby relieve the companies, who at present have to pay under the Third Schedule. There are other items I wished to touch upon, but at this late hour I will not detain the House any further.

HON. W. J. MANN (South-West) [11.35]: There are one or two matters to which I feel I must refer. I will deal with them under the heading or title, "Necessity for a general scheme of economy, not only on the part of the Government but also on the part of Government officials." Later I will endeavour to prove that certain Government officials, through their mistakes, have been the cause of considerable loss to the State. But first I want to refer to group settlement expenditure. Last year the expenditure from loan fund was £739,971, and the amount provided on the Estimates this year is £540,000, or a reduction of roughly £200,000. We realise that that decrease had to be, and we are glad to know the groups are advancing so rapidly as to allow of a cut in the expenditure. But on the other hand there has been a substantial increase in the overhead costs here in Perth. The staff is identical with that of last year, notwithstanding which there is an increase of £738 in salaries under one head, and of £940 under contingencies, or a total of £1,678. That ought not to be. If the expenditure on the scheme is decreasing and the staff remains stationary while there is an increase of £1,678 in salaries, there must be something radically wrong. When the men on the groups learn that, there will be quite a noise and they will be clamouring for increases in other directions. I do not know why these increases have been granted—possibly they were granted by the Public Service Commissioner—but whatever the reason, the cost to the State is the same and the public have to pay. I spoke of the necessity for economy amongst Government officials. Last week-end I was invited to Group 98 at Northcliffe, being assured that there was something there for me to see. I was taken in a motor car over a road that cost many thousands of pounds to build, but along which there is now not a single cottage. However, I found no fewer than 120 rolls of 30-inch pig netting valued, I understand, at over £3 per roll, lying where it had been deposited at least three years ago. It was all exposed to the weather. Some of it was quite in nocent of a brand. It might have belonge to me, to the Government, or to anybod else; there was nothing to indicate who th owner was. Portion of it was in a plac where there was a cutting through a sand hill and was partly covered with drift sand Portion was hidden away in scrub and quit a number of rolls were hidden amongs bushes in a swamp nearby. I have men tioned this matter to the Minister for Land I should like to know how much wire ther was in the first place, because I am give to understand that for a considerable tim the dump has been decreasing. While w were there we saw fresh motor tracks lead ing to the dump, and doubtless some of th wire had recently been taken. There wa roughly not less than £400 worth of stu that had been there for three years, and have since ascertained that its presence wa within the knowledge of some of the officer connected with the scheme. I am not blam ing the Minister, because he cannot g everywhere and see everything. He has t rely on his officials. In these days whe rigid economy is being preached and th Government have to husband their resource and watch the expenditure of every penny such a case should be ventilated, and th employees concerned should be made to rea ise that part of their business is to preven waste and to conserve the stock and chat tels of the country in a proper manner.

Hon. E. Rose: Are you sure it was Gov ernment property?

Hon. W. J. MANN: I am certain I might go further. The dump is rathe famous because some years ago quite number of bags of superphosphate wer dropped there and allowed to remain unti they rotted and the contents were blow or carted away. At a later date a fresh consignment was taken to the spot, bu someone in authority gave instructions fo it to be removed. My statement could b corroborated by Mr. Harris, who was with me and saw it, as well as by a number o other people who saw it. It was Stat property that, on the word of the chairma of the Group Advisory Board, had bee there prior to his appointment, and whe I made it my business to mention it to him he was aware of its existence. He it wa that issued instructions for it to be con veyed into Northcliffe, put into store an made available.

Hon. E. Rose: What about the machinery and implements at Busselton?

Hon. W. J. MANN: They are all in the group store yard, but it would be possible for anyone to steal the wire to which I have referred. Even at the time of my visit we saw roughly £400 worth of material lying there. Heavens only knows how much was dumped there originally! Gradually it has been removed. I feel certain that had its existence been known to some people not far from this House, there would have been a few motor lorries on the spot without loss of time.

Hon. E. Rose: Was it sheep-proof netting?

Hon. W. J. MANN: It was 2½-inch mesh, a strong heavy wire.

Hon. J. R. Brown: Did not you take any away?

Hon. W. J. MANN: We did not, but others had been there before us because we saw the tracks and the marks showing where rolls of the netting had been moved. I told the Minister for Lands of my intention to mention the matter. He knows the position well. Let me say to some of those people who were a little fearful about group settlement generally, that a great portion of the money spent on the scheme has been justified, and that we are beginning to see results. I had some figures supplied me showing that the number of cans of cream received last week from the Margaret River groups into the Busselton butter factory over the Flinders Bay-Busselton line totalled 837, of an estimated value of at least £1,500. That represents only one section of group settlement. Four or five years ago, or even less, I do not suppose that five cans of cream went to the factory from that locality. It is worthy of record that official figures give the number of cans of cream on that one section as 837 for the week.

HON. H. STEWART (South-East) [11.47]: I desire to make a few remarks regarding one of the public utilities. My excuse is that I took up some time of the House in moving a motion to secure the tabling of certain files. I refer to railway catering. Since the files became available, we have been so busily engaged with more important work that I have not had time to make a thorough examination of them. If only the file for the preceding period were available I think very good cause could be shown for the appointment by the Government of a Royal Commission to inquire into railway catering, which, as Mr. Cornell stated—and I can bear him out—is the worst in the world. Even the files reveal some peculiar things. I picked up a file at random to-night and on looking through it found something I had not seen before. I happened to open File 511/28 dealing with railway refreshment room leases, and in the list of refreshment rooms and restaurant car lessees one name that figures largely is that of T. Gorman who, I understand, is of the firm of T. Gorman & Co. At Chidlow, where there have been many complaints regarding the refreshment room, the company pay an annual rent of £1,100 for premises valued for insurance at £380. We have heard many complaints regarding what is being done there. The matter concerns the Commissioner of Railways and the travelling public. There is no political significance about it. It is purely a matter of railway administration. I find on the file a letter from the Avon Valley District Council, W.A. Division, of which the President is Mr. W. Williams, and the secretary, Mr. J. Tankard. It is written at Northam on the 2nd June, and is as follows:—

> Hon. J. C. Willcock, M.L.A., Minister for Railways, Perth: Dear Sir: Re railway refreshment stalls, we are in receipt of yours of the 18th May, and note contents of same. This will be dealt with at our next meeting. In addition to mine of April 30th, I am instructed to point out to you that whereas Mr. Gorman and local tenderers were asked to give a price for a basket right only on Northam station, which had the appearance of meaning no alteration in the arrangements for the successful tenderer, the department will be erecting a booth for Mr. Gorman so that his employee can sleep and work on the station. Mr. Knapp's tender of £100 was for the basket right, as it had been previously understood. Hitherto, as there has been no building on the station in which he could cook his wares, he has been renting premises close to the station and off railway property. Mr. Gorman's tender was so much in advance of Mr. Knapp's, being £180, as to suggest that he had information from sources closed to Mr. Knapp, that in future, accommodation for the tenderer would be provided on the station.

I would repeat that I found this letter by opening the file at random.

Hon. W. J. Mann: Do you mean the refreshment room company or the garage company?

Hon. H. STEWART: I do not know of any garage company. I am referring to

the firm of T. Gorman & Co., caterers to the railway department. The writer of this letter is raising a principle with the Minister for Railways. He goes on to say:—

We would be obliged if you would institute an inquiry into the names of the shareholders composing Mr. Gorman's company, as disclosing a possible source of his information, and when doing so forward us a list of the shareholders for our satisfaction. Once more impressing the need for a searching inquiry into this matter, and trusting you will see its urgency from the point of view of the good name of the Labour Government, Yours faithfully, J. Tankard, Sec.

If any member is interested and will look up the Brunswick file he will find that another alteration was made in the conditions of Gorman's contract. The Minister for Railways took upon himself to direct that in future cases he should be advised. It must have been a serious matter when the Minister saw fit to take up that attitude.

The Chief Secretary: Do you think it fair to indulge in this criticism at the 11th hour?

Hon. H. STEWART: I am not criticising the Government. Nothing I have read could be construed into conveying that meaning.

The Chief Secretary: There is no opportunity for me to reply unless I adjourn the House until to-morrow.

Hon. J. J. Holmes: He is paying the Minister a compliment, and saying that he intervened.

Hon. H. STEWART: The Chief Secretary has misinterpreted my remarks. I am giving the Minister for Railways credit for protecting the interests of the taxpayers. If the Press have gained a wrong impression from my remarks I hope they will correct it. I am indulging in no adverse criticism of the Government, of the Minister, or of the Railway Department. I merely repeat what I said before, that the catering arrangements are not satisfactory to the travelling public. I am not going to advance anything that will mean the adjournment of the House until to-morrow. There is no adverse criticism in my remarks. The letter I have read indicates that contracts with the Commissioner have been altered. I am not calling into question any member of the Government, or their administration. The matter is within the control of the Commissioner. It is not one of Government policy. Next I come to the Great Southern file, dealing with the last contract. This shows that a communication was put up by the successful tenderers, Messrs. Gorman and Co., to the Commissioner, saying that the running of the buffet car on the Buntine line was unpayable, and suggesting they should be allowed to run it on the Great Southren line. They asked if they could take off the car running to York, when they would be able to lower the tariff. They were permitted to do that. They lowered the tariff, and also lowered the scale of the meals, by providing a cold collation instead of a dinner. That may be satisfactory to the travelling public because they get a cheaper meal, and one that is less elaborate. I think the value is about the same as it was, but I do not think the action taken will appeal to the public, particularly in the holiday season, as they go down the Great Southern. Unless the Commissioner gets an adequate quid pro quo, when he calls for tenders, they should not be altered. Many instances could be quoted where that has been done. I am disappointed to find that since the notice of the new contracts has been given, there is nothing incorporated in the new time tables to show what will be provided, as laid down in the new contracts. Such information is given in most time tables published elsewhere, but the practice has been discontinued here of recent years. These time tables should indicate to the travelling public what will be provided for them under the contracts not only on the dining cars but by way of light refreshments. It is eminently desirable that the travelling public, particularly the women and children, and young people generally, who do not know their way about, should be able to learn exactly to what they are entitled from the caterers, and see that they get it. On the Chidlow's Well refreshment room file, I find there is a clause in the contract laying down the tariff for breakfast, lunch and dinner, and the conditions of service. It says:

All light refreshments shall be of the best quality, and must be sold at prices not exceeding those ruling in the district in which the refreshment room is situated. Fresh milk in all cases shall be served.

It is satisfactory to have such a provision in the contract. Many people will, however, bear me out when I say that it would not be possible for women or children to get a

glass of fresh milk at Chidlow. The contract also says:

Filtered water shall be provided by the lessee free of charge to any passenger. Tobacco may be sold at any refreshment room, with the exception of the rooms at Perth and Fremantle. It shall be of approved brands, of the best quality, and shall be sold at prices not exceeding those ruling in the district in which the refreshment room is situated.

I fail to see, particularly bearing in mind the complaint voiced by Mr. Cornell regarding liquid refreshments, why tobacco and liquors should not be covered as well, and provision made that they should not be sold at prices exceeding those current locally. In consequence of what I have seen and the position disclosed in the files, I feel that there is necessity for some alteration, and certainly a remedy is required. If more satisfactory conditions do not prevail when Parliament meets next session, I shall take an early opportunity to have the papers laid on the Table of the House.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [12.1]: On three occasions I placed the Appropriation Bill high up on the Notice Paper to give hon. members an opportunity to speak. I had to ask some hon. member on each occasion to move the adjournment of the debate, because no one would ask questions or indicate his desire for information. I had hoped that questions would be asked but, of course, I realise that many were asked when the Loan Bill was dealt with. I replied to many of them. Some were asked when the Bill was dealt with in Committee, and I promised I would supply the information later on when the Appropriation Bill was under consideration. I have that information now and I will give it to hon. members. When speaking in Committee on the Loan Bill, Mr. Seddon said—

According to the Auditor General's report, an adjustment has been made in connection with the General Loan Fund, which is overdrawn by £1,283,000 odd. The adjustment is made by using the balance of trust funds not invested. I take it that is the usual procedure, and that the money referred to in this clause will be used to reimburse the trust funds.

The overdraft in the General Loan Fund was £1,218,284. This was brought about by the reduction in borrowing, and consequently a saving in interest. The rate of interest on overdrafts is not as high as the rate of interest on loan money. I have already explained that. The overdraft was financed from the Trust Fund, including £400,000 advanced by the Commonwealth, which is the usual procedure. Upon loans being raised under the authority of the Bill, or in respect to the unraised balances of previous Loan Acts, the fund will become adjusted. While discussing the Loan Bill, Mr. Stewart drew attention to certain amounts being reappropriated in the Third Schedule, and referred to these as though actual expenditure was being authorised. This is not so; the actual expenditure can only be authorised by the Loan Estimates. Wherever there remains a balance on a loan authorisation covering a work which has been completed, and where further funds are not required, a transfer to some other work is made, and a further Loan authorisation obviated. As the amount in question was originally authorised by Parliament, Parliamentary sanction is necessary to make the transfer. In the case of the trading concerns referred to, money is from time to time asked for on the Loan Estimates to cover minor additions to plant, etc., and authority must exist to provide the funds necessary to meet this expenditure. Regarding the Metropolitan Markets, the funds for which have been provided by the Government, it will be necessary to have authority to meet expenditure, should further extensions or improvements be required. This transfer does not, however, authorise such expenditure. So far as the Leighton-Robb's Jetty railway and Fremantle road and railway bridge are concerned, only a change of title is made, the position in other respects being unaltered. The original authorisations were as is set out in the Second Schedule, namely, "Perth-Fremantle Deviation" and "Fremantle Road and Railway Bridge." As the scheme put forward by the Engineer-in-Chief for the work covered by these authorisations has somewhat altered the original proposals and changed the titles, this transfer is necessary to bring them into line with the new proposals. No actual expenditure is authorised. If there is any further information hon. members desire regarding items in the schedules, I shall be prepared to answer their questions. There are 70 items in the schedules, and I shall be able to give information in connection with any one of them.

Question put and passed.

Bill read a second time.

Remaining Stages.

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

Read a third time and *passed.*

BILL—FREMANTLE CITY COUNCIL LANDS.

In Committee.

Resumed from the previous day: Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 1—Short Title (partly considered):

Clause put and passed.

Clause 2—Fremantle City Council authorised to surrender control of town lot 598:

The HONORARY MINISTER: When last the Bill was before the Committee I asked that progress be reported in order that I might be able to give to members information they desired. On a previous occasion we proposed to insert in another Bill what is now in this Bill, but the amendments were ruled out of order. Hence the necessity for this Bill. The Fremantle City Council holds lot 598 in trust for municipal purposes. The council wish to transfer the land to the Kindergarten Union. The land has been lying unoccupied for some years and the local branch of the Kindergarten Union, if they can obtain the title, are prepared to erect a school building worth £1,000. The council are willing to transfer the land in fee simple for that purpose.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Fremantle City Council authorised to sell portion of Fremantle town lot 1508:

The HONORARY MINISTER: The Fremantle City Council holds this land in trust for corporation yards. But they desire to transfer portion of it to the Fremantle Municipal Tramways and Electric Lighting Board as a site for a substation. It is proposed to transfer this area at a price to be mutually agreed upon, for the tramway undertaking comes within the joint control of the Fremantle City Council and the East Fremantle Municipal Council. There is no departmental objection.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment and report adopted.

Third Reading.

Read a third time and *passed.*

BILL—ROADS CLOSURE (No. 2).

Recommittal.

On motion by Hon. A. Lovekin, Bill recommitted for the purpose of further considering Clause 6. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

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

Hon. A. LOVEKIN: The clause relates to the closure of Marquis-street and other streets for the purposes of the Market Trust. There has been a good deal of objection on the part of the public to the closing of this street, and of the barricaded roads running through to the West Perth subway. I have been asked by a number of people to see to it that there is some protection for the public before this transfer is made. The other day I interviewed the town clerk, who undertook to get into touch with the Market Trust, which he did. Apparently the two bodies have come to an understanding, subject to the approval of the City Council, which will meet next Monday. The arrangement that has been entered into will not come within the scope of this Bill. Indeed, this Bill will be altogether wrong if the arrangements be given effect to. If we have a little delay to-day through striking out this clause, no harm will accrue, and the public will be able to see whether justice is being done to all concerned. The arrangement entered into states that the Market Trust are prepared to transfer to the council sufficient land to widen Market Place to 9 feet from Wellington-street to the West Perth subway on the following conditions:—

(a) The existing 50 feet of bituminous road to be taken over from the Trust by the Coun-

cil when same has been passed by the Main Roads Board as satisfactory; the council to be responsible for its future maintenance. (b) The Trust to contribute a maximum amount of £150 over a period of three years as its contribution towards the cost of any regrading of the said road, which may be necessary when the road is being constructed to its full width by the council, including adjustment of any approaches to market roads which may be rendered necessary by such re-grading. (c) The buildings upon the unmade portion to remain the property of the Trust, together with any rents accruing therefrom. (d) The council to give at least three months notice of its intention to construct the road to its full width in order that the necessary arrangements may be made by the Trust in respect to the cancellation of tenancies, demolition of buildings, etc.; that the offer be accepted.

If we are going to pass this Bill we should put into it what the respective rights are. If members will strike out the clause the matter can stand over until it has been finalised between the two bodies. Next session the necessary Bill can be brought forward, and the whole thing put upon a business basis. No harm will be done in the meantime. The public will also be given a chance to say whether they are satisfied or not. The matter is an important one for the whole of the people of the metropolitan area.

The HONORARY MINISTER: I hope the clause will not be struck out. Mr. Lovekin has given the Committee the contents of the proposed agreement between the two bodies. Whether that is agreed to or not by the council at the next meeting it will not affect the position that we desire to bring about under this Bill. The streets which have been mentioned have been resumed for years, and have been closed.

Hon. J. Nicholson: The land was resumed adjoining the roads.

The HONORARY MINISTER: The roads were resumed under the Public Works Act, and have been closed for years.

Hon. J. Nicholson: You do not want them closed a second time.

The HONORARY MINISTER: It was thought that the power to close the roads should be given by means of a separate Bill. The Titles Office contend that Parliamentary sanction should be obtained before they issue a title. Mr. Lovekin has not given all the information in his possession. There is no difference between the council and the Trust. Mr. Lovekin has been advised of this.

Hon. A. Lovekin: Pardon me, I have not.

The HONORARY MINISTER: The undertaking given by the Trust is acceptable to the committee of the City Council, which is recommending it for approval on Monday night. In view of this there is no need to make any provision in the Bill.

Hon. J. J. Holmes: But the Titles Office will not issue a title.

The HONORARY MINISTER: They are not prepared to issue one until the Bill is passed. Mr. Lovekin received a letter from the Town Clerk. I should be obliged if he would read it. He has been advised there is no further need to delay the passage of the Bill.

Hon. A. Lovekin: It says the arrangements are not finalised.

The HONORARY MINISTER: In view of the fact that this land has been resumed for years, that no inconvenience is caused to anyone, and that an arrangement has been made between the bodies which will be satisfactory to them, and that if this Bill is not passed considerable inconvenience will be caused to the Market Trust, it would be foolish on the part of this Committee to hold up the Bill, merely because the agreement has not been incorporated in it.

Hon. J. Nicholson: It could not be so incorporated.

The HONORARY MINISTER: Mr. Lovekin thinks it should be incorporated in a Bill. There is no need for that. No good would be achieved by delaying the passing of the measure, particularly in view of the letter Mr. Lovekin has received from the Town Clerk.

Hon. A. LOVEKIN: I have received the following letter from the Town Clerk, dated 10th December:—

> Re Road Closure Bill, I have discussed the question of the closing of roads in the market area with the Lord Mayor and members of a sub-committee, and this morning we interviewed the Market Trust on the matter. Our negotiations are not yet finalised, but we have received a proposal from the Market Trust which, with some verbal amendments, the Council is prepared to accept. We do not desire, therefore, to delay the passage of the Bill through the House any further. I return you herewith the plan showing the streets affected.

When I spoke to the Town Clerk he said the Legislative Council could rely on the Market Trust and that things would be all right. However, my view is that more than the Metropolitan Market Trust and the City Council are concerned in this matter—namely, the great body of the public who

use the road and who must have some access to the subway. The accessible way should be in this Bill. The trust should not be permitted to put up a barrier and close the road, as was done until a public outcry arose. However much the City Council may trust the Metropolitan Market Trust, this is not a business arrangement; and certainly it is not fair to the public. The clause should be deleted.

Hon. H. A. STEPHENSON: I was surprised to learn that Marquis-street had been closed for some considerable time. For the last 16 or 17 years I have had two bulk stores in Marquis-street, and have never known that thoroughfare to be closed. It is one of the widest streets in the area.

The Honorary Minister: It was resumed years ago.

Hon. A. Lovekin: What power was there for that?

Hon. H. A. STEPHENSON: The Public Works Act. I am sure the closing of the street will seriously affect various wholesale firms in the vicinity. Perhaps we had better stay our hands until we ascertain that everything is fair, square, and above-board. For the moment we do not know where we are as regards the closing of that thoroughfare.

Hon. J. T. FRANKLIN: The Government resumed all that area years back. Eventually the property was handed over to the Waterworks Board. However, the old roads in the neighbourhood will have to be closed for the convenience of the Metropolitan Market Trust and for that of the public. As mentioned by Mr. Lovekin, the trust did once place a chain across Marquis-street, and people coming out of the subway ran into the chain. I understand from Mr. Bold and my solicitor that the City Council are prepared to hand over to the trust as has been stated. The matter cannot be finalised until Monday. In the event of the Bill not being passed, will there be any interference with the trust's operations? There is really no necessity for the clause. While I desire to support Ministers in their efforts towards progress, I must bear in mind the interests of the citizens as well. If I give my support to the clause now, possibly councillors in their wisdom or ignorance may on Monday night come to a different conclusion. I believe the proposal to be submitted by the Market Trust will be satisfactory, but there is the possibility that the Perth City Council will not accept it. Some finality should be reached before the roads are closed so that the Perth City Council and the Market Trust will be in agreement regarding the new road. The trust propose to hand over about 90 feet of the roadway, but the Council will have to make another 50 feet, on the understanding that the road already made is put in a proper state of repair. On the advice of the City Engineer, the council is not prepared to take over the road in its present condition. If the Honorary Minister will assure me that the deletion of the clause will not interfere with the operations of the trust, no harm is likely to arise from deferring action.

The HONORARY MINISTER: The area vested in the trust includes the roads mentioned in the Bill. The land was resumed under the provisions of the Public Works Act, and the roads mentioned were closed.

Hon. H. A Stephenson: But the markets are not within 150 feet of Marquis-street.

The HONORARY MINISTER: The markets are in close proximity to that street. The point is that all the streets mentioned are within the area vested in the Market Trust, and that area extends beyond Marquis-street.

Hon. H. A. Stephenson: If the roads were closed when the land was resumed, why the necessity for including the provision in the Bill?

The HONORARY MINISTER: It was considered advisable to secure Parliamentary sanction. Action was taken under the Public Works Act, but it was considered advisable to secure Parliamentary sanction through the Bill now before us. As to Mr. Franklin's request for an assurance regarding the position of the Market Trust, I can inform him that the trust will be put to considerable inconvenience if this matter is left over until next session.

Hon. A. Lovekin: Why?

The HONORARY MINISTER: I cannot say definitely why, but I presume for business reasons. The agreement to be arrived at will be satisfactory to all parties concerned.

Hon. A. Lovekin: We are not opposing this; we are merely asking for a little time.

The HONORARY MINISTER: And I have assured members that the trust will be put to considerable inconvenience if this

clause is not agreed to. The Town Clerk's letter has indicated to hon. members that there is now no reason why the clause should not be agreed to.

Hon. J. NICHOLSON: Mr. Franklin has indicated to us that the clause is attended by some little difficulty. No doubt the trust desires to be in the position of handling effective titles to the leases, and the officials of that body have found that, without Parliamentary sanction to the clause under discussion, the Titles Office cannot issue them. In the circumstances, the trust may not be able to deal with the land vested in them or to enter into leases. The rights of the public are the main consideration, but had the Perth City Council met earlier and arrived at a decision enabling Mr. Franklin to give us the necessary assurances regarding the attitude of that body, we might have been prepared to take a risk.

Hon. J. T. Franklin: May I explain that, so far as I am able to judge, the council will accept the proposal to be advanced by the trust, but the whole question is still in the air until the council meeting on Monday night. I honestly believe that the proposition will be accepted

Hon. J. NICHOLSON: In the circumstances, I do not see how we can agree to the clause until we know that finality has been reached.

The Honorary Minister: The only effect of that will be that the trust will not be able to get the titles to the land until the legislation is passed.

Hon. J. NICHOLSON: That is unfortunate, but I do not see how we can help it.

The HONORARY MINISTER: The trust are getting the consideration to which they are entitled because they are using this road, and for the most part they have access to Marquis-street. If we are going to hold up this proposal for seven or eight months, very great inconvenience will be caused to the Market Trust, because they will not be able to complete the business they have in hand. There has been a conference between the parties, and they have arrived at an agreement which the Lord Mayor says he expects the City Council will sanction. In view of the fact that the town clerk is so well satisfied as to write to Mr. Lovekin, "There is now no need to delay the passage of the Bill," I cannot see that there is any such need. The land has been resumed for some years past, and the streets have been closed by notice published under the Public Works Act.

Hon. A. Lovekin: Then you did not want the Bill.

The HONORARY MINISTER: The Titles Office say they want it. I think we should agree to the Bill as it stands.

Hon. J. T. FRANKLIN: There is one way out of the difficulty: that is that in the event of this House agreeing to the closure of this street, the Government could give an assurance that the Act will not be proclaimed until the arrangement pending between the City Council and the Market Trust is completed. That would be a satisfactory way out of the difficulty.

Hon. A. LOVEKIN: We cannot legislate on those lines—passing an Act of Parliament and asking for an assurance that the Act will not be proclaimed until a satisfactory arrangement has been arrived at between the City Council and the Market Trust. Have the public no interest in this at all? The proposed agreement may not be satisfactory to the public. It is the public that have to be considered.

Hon. J. J. HOLMES: It is a very serious thing to close any public road. No road can be closed, except by Act of Parliament. So it is of no use the Honorary Minister saying this road has been closed by notice under the Public Works Act. On the proposal to close any road, the first question is as to whether the local authority is satisfied. In this instance the local authority is not yet satisfied. The only thing to do is to delete the clause and then, if in the meantime a satisfactory arrangement is arrived at, we could put it through early next session.

Hon. G. FRASER: I understand the difficulty is to provide access to the subway. When the other streets are closed, both Marquis-street and Dyer-street will afford that access. Instead of deleting the whole of the clause, we might amend it so that all the streets proposed to be closed, except Marquis-street and Dyer-street, be closed, leaving those two streets to be dealt with after a satisfactory agreement between the City Council and the Market Trust has been arrived at.

Hon. J. NICHOLSON: In another clause of the Bill provision is made regarding some

land in Nelson-crescent. This case is not unlike that. In view of the necessity to enable the Metropolitan Market Trust to go ahead with their business, this clause should be amended. In it a similar provision could be made to that in Clause 2, so that this will be subject to a proclamation, which could be delayed. It would get over the difficulty and facilitate the Market Trust getting a title after the proclamation is made, and subject to satisfactory arrangements with the City Council being arrived at.

Hon. J. T. Franklin: If that could be done legally, the matter could be settled on Tuesday next.

Hon. J. NICHOLSON: If we could get from the Minister an assurance that no proclamation would be issued until satisfactory arrangements were made with the council, it would be all right. The Minister could give us that assurance.

Hon. A. Lovekin: What about the public? Have they no say in this?

Hon. J. NICHOLSON: I take it the hon. member is satisfied about the road.

Hon. A. Lovekin: The memorandum says they have to provide something else.

Hon. J. NICHOLSON: The plan shows that access would be given to the sub-way street from Wellington street along the road that exists and across which chains were placed.

Hon. A. Lovekin: That is not the arrangement in the memorandum.

The HONORARY MINISTER: It is proposed to widen Market Place to 99 ft. from Wellington-street to the West Perth sub-way. The existing 50 ft. of bituminous road is to be taken over from the Trust by the council when the road has been passed by the Main Roads Board as satisfactory, the council to be responsible for its future maintenance. Then follow the conditions read by Mr. Lovekin. I cannot say any more on the subject. I am advised that whatever decision is arrived at by the council cannot affect the position. The land has been resumed under the Public Works Act and the streets have been closed by proclamation. The difficulty is that the Metropolitan Market Trust cannot get a title, and thus important business is held up. If we hold up the trust for another six months or more in the face of the assurance we have received, we would not be doing the right thing.

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

Ayes	..	..	8
Noes	..	..	11
Majority against		..	3

AYES.

Hon. C. F. Baxter	Hon. E. H. Gray
Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. C. B. Williams (*Teller.*)

NOES.

Hon. J. T. Franklin	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. J. Ewing
Hon. J. Nicholson	(*Teller.*)

Clause thus negatived.

Bill again reported with an amendment and the report adopted.

Third Reading.

Read a third time and returned to the Assembly with an amendment.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

No. 1 Clause 4—Strike out the word "five" in the last line of the clause and insert the word "ten" in lieu thereof.

The CHAIRMAN: The Assembly's reason for disagreeing to the Council's amendment is that 10 years is regarded as an unreasonably long period without a statutory reclassification.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Hon. J. J. HOLMES: The reason given by the Assembly is that the period is unreasonably long. Ten years is the maximum. If the Government like, the reclassification can be held every ten months. We should insist upon the amendment.

The HONORARY MINISTER: If we say that the reclassification can be held every ten years, it is an incentive to the powers that be to defer the matter as long as possible up to that period.

Hon. E. H. Harris: Who would defer it as long as possible?

The HONORARY MINISTER: Any Government might do so.

Hon. E. H. Harris: Would your Government do so?

The HONORARY MINISTER: Except this Government. In all other cases, where matters of this kind are dealt with by tribunals, the period is no longer than three years, and there is always the right of review after 12 months. It is unreasonable to give any Government the right to defer the matter for 10 years.

Hon. W. J. MANN: I hope we shall insist upon the amendment. I know of a five-year award in the Federal arena. That is not an isolated case.

The Honorary Minister: It is an isolated case.

Hon. W. J. MANN: I know of two which have been arranged within the last 12 months. It is not mandatory upon the Government to wait for ten years.

The Honorary Minister: But it will leave a loophole.

Question put.

The CHAIRMAN: I intend to give my deliberate vote with the "Ayes," for the reason that I think a 10 years period is altogether too long.

Division taken with the following result:—

Ayes	10
Noes	9
Majority for ..	1

AYES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. A. Stephenson
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. G. Fraser	Hon. E. H. Harris
	(*Teller.*)

NOES.

Hon. J. Ewing	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. J. Nicholson
Hon. E. Rose	(*Teller.*)

Question thus passed; the Council's amendment not insisted on.

No. 2. Clause 7—Strike out clause:

The CHAIRMAN: The reason given by the Assembly for disagreeing is that the question of classification has been vested in the Commissioner by Section 12 of the Public Service Appeal Board Act, 1920.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Question put.

The CHAIRMAN: I intend to record my deliberative vote with the "Ayes."

Division taken with the following result:—

Ayes	10
Noes	10
A tie	0

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. A. Stephenson
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. G. Fraser	Hon. E. H. Gray
	(*Teller.*)

NOES

Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. Stewart
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. C. F Baxter
	(*Teller.*)

The CHAIRMAN: The voting being equal, the question passes in the negative.

The Council's amendment thus insisted on.

No. 3. Clause 13.—Delete.

The CHAIRMAN: The Assembly's reason is that the question of classification has been vested in the Commissioner by Section 12 of the Public Service Appeal Board Act, 1920.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

The power being already vested in the Public Service Commissioner, it would be simply ridiculous to allow those words to remain in the principal Act.

Question put.

The CHAIRMAN: I intend to record my deliberative vote with the "ayes."

Division taken with the following result:

Ayes	10
Noes	9
Majority for	1

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. A. Stephenson
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. H. Seddon
	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. J. Ewing	Hon. H. Stewart
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. E. H. Harris	Hon. G. W. Miles
Hon. J. J. Holmes	(*Teller.*)

Question thus passed; the Council's amendment not insisted on.

No. 4. Clause 15.—Delete.

The CHAIRMAN: The Assembly give the following reason:—

Sections 40 and 41 unnecessary, as the provisions do not apply to the present system of classification.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

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

BILL—TRANSFER OF LAND ACT AMENDMENT (No. 2).

Returned from the Assembly without amendment.

BILL—EDUCATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th December.

HON. H. J. YELLAND (East) [1.28 a.m.]: The provisions of this amending Bill are simple, and the Minister has acted wisely in keeping the measure back until the House had dealt with the Bill relating to the Public Service. The present Bill relates to the provision which has already been so fully debated on the other Bill—reclassification once in every five years. Since that principle has been accepted in the other measure, I feel that we have no option but to pass this Bill, which is practically parallel.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [1.29 a.m.]: The position is as stated by Mr. Yelland. I have been holding this measure back in order to learn the fate of the particular clause in the Bill relating to the Public Service. The present measure, even if passed, will still be dependent upon the fate of the other measure elsewhere. If that other Bill does not pass another place, the present Bill will not become law.

Question put and passed.

Bill read a second time.

Remaining Stages.

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

Read and third time and transmitted to the Assembly.

Sitting suspended from 1.33 to 2.17 a.m.

BILL—ROADS CLOSURE (No. 2).

Assembly's Message—Request for Conference.

Message from the Assembly received and read notifying that it disagreed to the amendment made by the Council.

The HONORARY MINISTER: I move—

That a conference with the Legislative Assembly be requested, that at such conference the managers to represent the Council be Hon. A. Lovekin, Hon. E. H. Gray and the mover, and that the conference be held forthwith in the President's room.

Question put and passed.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment insisted on by the Council.

BILL—EDUCATION ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—LAND AGENTS.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on amendments Nos. 5 and 11 insisted on by the Council, and stating that if a conference were agreed to, the Assembly would be represented by three managers.

The HONORARY MINISTER: I move—

That a conference be agreed to, that the managers for the Council be Hon. J. Nicholson, Hon. C. F. Baxter, and the mover, and that the conference be held forthwith in the Council Committee room.

Question put and passed.

Sitting suspended from 2.24 to 4.10 a.m.

Conference Managers' report.

The HONORARY MINISTER: I have to report that the managers have met and have failed to agree. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—ROADS CLOSURE (No. 2).

Assembly's Further Message.

Message from the Assembly received and read notifying that it agreed to the holding of a conference, and had appointed the Minister for Lands, Mr. Davy and Mr. Kenneally as managers, the Speaker's room as the place, and the time forthwith for the holding of the conference.

Sitting suspended from 4.18 to 5.25 a.m.

Conference Managers' report.

The HONORARY MINISTER: I have to report that the managers of the Council met the managers of the Assembly and agreed to recommend that Clause 6 should stand, with the addition of the following proviso:—

Provided that this section shall not come into operation until proclaimed.

The managers came to that decision on the assurance of the Minister for Lands that the section would not be proclaimed until an agreement between the City Council and the Market Trust for proper access to the subway should be completed. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

Hon. J. NICHOLSON: Should we not go into Committee on this?

The PRESIDENT: It is not customary.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the recommendation of the conference managers on the Roads Closure Bill (No. 2).

ADJOURNMENT—CLOSE OF SESSION.

Complimentary Remarks.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.30 a.m.]: I move—

That the House at its rising adjourn until Tuesday, the 14th January, 1930.

In submitting the motion I wish to say a few words before we disperse to our various ways. I desire to thank you, Mr. President, for the great courtesy, consideration and kindness you have extended to me throughout the session. Your forbearance and sympathetic interest have smoothed my difficulties and lightened my task in fulfilling the responsibilities of my position. Moreover, in sitting under your presidency, I realise that I have been been advantaged in the presentation of business because of the unusual gifts which come to your aid in the discharge of your presidential obligations. Mr. Cornell, as Chairman of Committees, has been conspicuous by the skill he has exhibited in unravelling involved amendments made to clauses of Bills. I wish to congratulate him on the very earnest and capable manner in which he has fulfilled the functions of his office, and thank him for his indulgence to me. I desire also to express my thanks to the Clerk, and the Clerk Assistant, for their careful attention during the session. On many occasions they have voluntarily helped me, and when I have sought assistance they have been at my side with all that I desired to enable me to continue my work. Another section worthy of my gratitude is the "Hansard" staff. The chief of the staff and his able colleagues have favoured me with full and reliable

reports of the discussions and thereby facilitated my efforts at answering questions and replying to points of criticism. From my point of view the "Hansard" staff have been faultless during the session, and I say unhesitatingly I have been exceedingly well served by them. All the officers of the House, even the youngest of them, have performed their parts satisfactorily, and I wish to thank them warmly for all they have done. Before resuming my seat, I express the hope that all will enjoy the approaching Christmas season, and I trust that in the New Year fond hopes will be realised and good fortune will come the way of all.

HON. H. J. CORNELL (South) [5.40 a.m.]: I thank the Chief Secretary for the compliment he has paid me regarding the manner in which I have discharged the duties of Chairman of Committees. Sometimes the unexpected happens. In case it does, I wish members to know that I am grateful for all their courtesy and kindness towards me in my capacity of Chairman. I have ever had only one object in view, namely to be fair, and the attitude of every member has helped me in that direction. I desire also to extend a full measure of thanks to the Clerk and the Clerk Assistant, to "Hansard," and to the staff generally, right down to the snowy-headed boy, for the kindly consideration they have at all times extended to me, and their help to make my stay in this House for a matter of 18 years what it ought to be, congenial.

HON. V. HAMERSLEY (East) [5.42 a.m.]: We have come to the end of our labours in the 13th session of the State Parliament. I desire to express my appreciation of the great kindness that has been extended to all members of the House by the Chief Secretary and the Honorary Minister. I endorse the remarks the Leader of the House made regarding yourself, Sir, "Hansard," and the officers of the House generally. We have gone through the session in a very amicable spirit. The debates have left no bitterness behind them. We have had an excellent lead, from the Chief Secretary and his colleague and had to live up to it. We felt at the start of the session that very few measures would be brought forward, but as so often happens we found ourselves working under great stress towards the end. It is pleasing to know that we have at last terminated our labours. I join heartily with the Leader of the House in wishing you, Sir, and all members a happy Christmas and a prosperous New Year, and to express the hope that the New Year will bring you all that which you would desire, and the best you could wish for, on behalf of yourselves and your families.

THE PRESIDENT [5.45 a.m.]: Mr. Hamersley has already mentioned, and it is perhaps well to emphasise, that this is the close of the 13th Parliament of Western Australia. I have been a member of the State Parliament for some 22 years, but never have known a Parliament in which a better tone has existed than in this one, and where there was a more genuine desire on the part of all parties and all members to work in co-operation for the good of the country. I thoroughly appreciate the extremely kind remarks which have been made about myself. If I have achieved success it has been due entirely to the consideration extended to me by members. One and all have assisted me in what I had to do, and I feel they were as anxious as I that the business of the House should be conducted on proper lines. I should like also to acknowledge the assistance that has been rendered to me by the capable officers of the House, and to reciprocate the remarks which have been made by the Leader concerning the "Hansard" staff. To all members and the officers and "Hansard" staff generally, I wish to say I sincerely hope they will have a Merry Christmas and a prosperous New Year.

Question put and passed.

House adjourned at 5.47 a.m. (Friday).