Legislative Assembly.

Wednesday, 24th November, 1920.

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

QUESTION—WHEAT POOL AND LEGISLATIVE ASSEMBLY MEMBERS.

Hon. P. COLLIER asked the Premier: 1, Were any members of the Legislative Assembly owners of grain placed in last year's wheat pool? 2, If so—(a) what are the names of such members; (b) what quantity was owned by each?

The MINISTER FOR MINES (for the Premier) replied: 1, Yes. 2, T. Walker, J. McCallum Smith, Sir H. B. Lefroy, M. F. Troy, J. Mitchell, J. Gardiner, H. E. Hickmott, R H. Underwood, T. H. Harrison, F. T. Broun.

QUESTION—RAILWAY OFFICERS, GREAT SOUTHERN RAILWAY CO.

Mr. WILLCOCK asked the Minister for Mines: Was any agreement, arrangement, or understanding entered into with the Great Southern Railway Company, on the taking over of their railway, in regard to pension rights for the employees of the company who were taken into the Government railway service?

The MINISTER FOR MINES replied: No.

QUESTION—RAILWAY PASSENGERS STRANDED AT WOOROLOO.

Mr. CHESSON asked the Minister for Railways: 1, Is he aware that several persons, both women and men, who were visiting their friends at Wooroloo Sanatorium on Sunday last were left behind at Wooroloo railway station owing to the breakdown of a motor that takes passengers from Wooroloo railway station to the Sanatorium? 2, Will he cause an inquiry to be made, as this train is virtually an excursion train for the benefit of persons visiting their friends at the Sanatorium, and as the delay of the train for another five minutes would have avoided the inconvenience? 3, Will he take steps to prevent similar inconvenience being caused in the future?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Inquiries will be made. 3, No undertaking can be given which would involve a departure from the times laid down in the published schedule.

QUESTION — PARLIAMENTARY DINING ROOM STEWARDS.

Mr. JONES (without notice) asked the Minister for Mines: Is the deputy leader of the House aware that the sittings of this House on Fridays will mean at least six hours being added to the working week of the dining-room stewards, and is he prepared to recommend an increase of wages commensurate with the increase in the working week?

The MINISTER FOR MINES replied: I suggest that the hon. member submit his question in the proper quarter.

BILL — PRICES REGULATION ACT AMENDMENT AND CONTINUANCE.

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

ANNUAL ESTIMATES, 1920-21.

Report from Committee of Ways and Means adopted.

BILL—LICENSING ACT AMENDMENT CONTINUANCE.

Second Reading.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [4.38] in moving the second reading said: This is a very short Bill to continue the operation of the Licensing Act Amendment Act, 1914. This Act gave the Governor power by proclamation to limit and fix the hours during which licensed premises in any licensed district or any portion thereof may be lawfully open for the sale of liquor, the effect being that in an emergency, when it is desirable, the hours during which liquor may be sold in any district or locality may be restricted by proclamation. The Act in question has been continued yearly ever since, and the object of the present Bill is to continue it until the 31st December, 1921, and no longer. I move—

That the Bill be now read a second time.

Hon. W. C. ANGWIN (North-East Fremantle) [4.40]: If I mistake not, the Act which this Bill proposes to continue was introduced upon the outbreak of war, for the purpose of giving the Government power to restrict, if necessary, the sale of liquor in certain districts where there were fairly large

foreign populations, and where consequently there was a possibility of disturbances. The war is now over, but there is an inclination on the part of Governments to continue war emergency legislation in peace time. By far the better course would be to put the original Act in proper order, rather than continually bring down Bills of this nature. We are faced now with a position when it is dangerous to condemn or even criticise a Government in Australia. Possibly measures of this kind may be necessary during war time; but, I repeat, the war is over and people should be encouraged to believe that their Governments now intend to act as though conditions were normal, which they are. A Bill now before the Federal House, and somewhat similar in nature to this one, represents one of the most disgraceful measures ever introduced into any Parliament. The tendency of such legislation is to maintain a feeling which has existed during the last five or six years, a feeling which we should endeavour entirely to dispel in order that we may again become a united people. I do not know that the Act which this Bill proposes to continue has ever been put into operation.

The Attorney General: Yes, it has; and it ought to be permanently on the statute-book.

Hon. W. C. ANGWIN: I believe the Act has been used once or twice on the goldfields. Whether it was used as intended, however, I am not sure.

Mr. Munsie: I do not think it was ever used for the purpose for which it was intended.

Mr. Underwood: I believe it has been used in Perth.

Hon. W. C. ANGWIN: I presume that would be during the time the soldiers were coming back. However, it has been used very rarely indeed, and it should now be done away with, and the parent Licensing Act should be so amended as to coincide with the views of the people.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—SALE OF LIQUOR REGULATION ACT CONTINUANCE.

Second Reading.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [4.45] in moving the second reading said: This is another short continuance Bill. I recognise the force of the views of the member for North-East Fremantle on these continuance Bills, but it is not always possible in the last session of a dying Parliament to bring in such Bills as he desires. It is very desirable that the present "nine to nine" hours should be continued until we have another opportunity for making them permanent, if we so desire. Under the Sale of Liquor Regulation Act, assented to in 1916, "nine to nine" were the hours fixed for the sale of liquor in the metropolitan area and in the agricultural areas. It did not apply to the goldfields, where they had a poll. The effect of the Bill is to continue the "nine to nine" in the metropolitan area and in the agricultural areas until the 31st December, 1921, and no longer. Hon. members are fully acquainted with the Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—RAILWAYS CLASSIFICATION BOARD.

Second Reading.

Debate resumed from 28th October.

Mr. WILLCOCK (Geraldton) [4.49]: Since the Bill was introduced three or four weeks ago the Minister, I understand, has conferred with the Railway Officers' Association with the result that the most serious objection the Association had to the Bill has now been removed. The Minister has agreed with them that if the board is to be of any effect whatever, its decisions must be final. That having been agreed to by the Minister, the greatest objection to the Bill disappears. However, there are some smaller matters in the Bill which it will be necessary to amend in Committee. The most urgent matter is that, having given the board power to deal with most things in connection with the railway service, the board should have power to deal with any dispute likely to arise. Under Clause 15 many other matters may be considered and determined by the board. But many other matters not specifically referred to in that clause may arise, and in order that they also should be brought under the jurisdiction of the board it will be necessary to add a general provision to the clause in the direction I have indicated. The Minister, in moving the second reading, seemed to have grave objections to questions of promotion being decided by the board. While the question of classification may be important, that of promotion also has an important bearing on the services of employees.

Hon. W. C. Angwin: You think the board should take control?

Mr. WILLCOCK: No, but many persons consider they have a right to occupy certain positions.

The Minister for Mines: It is the same old story. They asked for 100 per cent. and, not getting it, are dissatisfied.

Mr. WILLCOCK: The officers merely say that in regard to promotion they should have an opportunity for placing their cases before the board, and the board should be able to recommend that certain persons should have promotion. If this were adopted the Commissioner, or the Minister, to whom the appeal will be taken, would then be in full possession of the facts. I would not suggest that any and all employees in the service should have the right to go to the board and claim certain positions, but decidedly if promotion be given to an officer junior to another officer who has expected the same promotion, the senior should have the right to place his claim before the board, so that the board might make a recommendation to the Commissioner. For years past it has been the policy of the Railway Department to allot black marks, to fine and reprimand employees, but there has not been a general policy of giving credit or encouragement. An officer of merit should be able to go before the Commissioner and draw attention to his merit. At the present time the Commissioner can appoint any man in the service to any particular position, regardless of qualification.

The Minister for Mines: The Government did that, and Parliament approved of it.

Mr. WILLCOCK: We are progressing a little. Employees in an industry are at last securing a say in the conducting of that industry. When a man has certain qualifications for a job, those qualifications should be considered by the board, and the board should be able to make recommendations. If, on appeal, the Commissioner or the Minister decides that the man recommended by the board shall not have the position, well that will be the end of it. There might be in the service a most excellent officer so placed as to have no opportunity whatever for displaying his ability. Such a man might be left in the one position all his days. That, of course, would make him dissatisfied, and in the end he might leave the service for no other reason. There are many questions in regard to railway work which the board should be asked to decide upon, seeing that they are there for the purpose of settling disputes. There are the questions of probation, condition of cadets, uniforms, season tickets privileges—these and many other things should be referable to the board. The board will take the place of the Arbitration Court. The railway unions have been before the Arbitration Court three times during the last two years, and have had the whole of their conditions discussed and awards given. If the railway and tramway officers are to surrender their rights to go to the Arbitration Court, they must have some tribunal to appeal to.

Hon. W. C. Angwin: They should be privileged to go to the Arbitration Court, the same as anybody else.

Mr. WILLCOCK: Then the Bill will not appeal to you at all.

Hon. P. Collier: Is there any obstacle in the way of their getting to the Arbitration Court?

Mr. WILLCOCK: It is claimed that if they do go to the Arbitration Court the Arbitration Court will have all its time engaged with railway matters. The board will be a board of experience and will have special knowledge of railway working. Negotiations for the securing of such a board have been proceeding for the past three years. The officers have been to the Arbitration Court two or three times, and have been told that they cannot get a classification, that a special board is required for such a purpose. The Bill provides for the appointment of that board.

Hon. P. Collier: But the Bill goes beyond the power to classify. It fixes the minimum and maximum wage.

The Minister for Mines: It covers everything except actual appointment and dismissal.

Hon. W. C. Angwin: You cannot dismiss without the Bill.

Mr. WILLCOCK: They have been trying for two or three years to get a tribunal to fix up the industrial conditions of the railway and tramway officers, and the board proposed to be established under the Bill will, I hope, be a solution of the difficulty.

The Minister for Mines: They have been backing and filling the whole time.

Mr. WILLCOCK: If officers surrender their right to go to the court, they must have a tribunal with some authority.

Hon. P. Collier: Will the decision of this board be binding and final?

The Minister for Mines: Yes.

Hon. W. C. Angwin: It is putting the board above Parliament.

Mr. WILLCOCK: There is nothing more drastic in the Bill than is contained in the Public Service Act.

The Minister for Mines: There is a provision in the Bill which declares that the decision must be approved by Order-in-Council. The Government must take the responsibility of approving or rejecting a decision of the board.

Mr. WILLCOCK: If certain privileges have been given to one section of the public service, it is reasonable to ask that those privileges be extended throughout the service. One matter in the Bill which the union desire to have amended is in regard to Clause 15 which sets out that the board shall have jurisdiction to classify all salaried persons in the service of the railways except heads and sub-heads of branches. "Sub-head" may mean anything. The Railway Department is like any other Government department; there are many officers who could be called sub-heads. What is wanted is a definition of the term.

The Minister for Mines: We have agreed to insert a definition.

Mr. WILLCOCK: Then I need not stress the point. With the reservation that I shall, when the Bill is in Committee, suggest some amendments, I shall support the second reading.

Hon. W. C. ANGWIN (North-East Fremantle) [5.5]: This is another Bill which is usurping the powers of Parliament. The Bill goes much further than even the Public Service Act. It not only provides for a board to deal with railway officers' grievances, but it provides that the board can appoint a dozen other boards if it so desires. It will have the power to refer a matter to any person or persons for report. The position is that the powers of Parliament have been given away to the Commissioner of Railways. Parliament has decided that the Commissioner shall have full control over every person whose salary is under £400. Of course we can criticise the Commissioner on his Estimates and we have the power to reconsider many of his decisions, but what power have we over a board such as the one it is proposed to appoint?

Mr. Willcock: What power have you over the Arbitration Court in regard to wages?

Hon. W. C. ANGWIN: The Arbitration Court deals with the porters on the railways; the court has the power to fix wages and hours of labour, but beyond that it has no further power. The Bill gives the board it is proposed to appoint power to deal with everything. The Commissioner's powers only extend so far as the officers are concerned. I am opposed to Bills of this kind. Provision should be made to compel officers, equally with the porters and others, to go to the Arbitration Court to settle their differences, and if the Arbitration Act does not give that power then we should amend it accordingly. We are pampering too much to those who hold official positions and we are not looking after the man who is on the lowest grade. We should regard all persons in the railway service as being equal, and where the law is good for the labourer, it should be good for the officer. So long as the Arbitration Court exists, let the lot go there. That is the policy I was sent here to advocate and that is the policy I shall support.

Hon. T. WALKER (Kanowna) [5.10]: I agree with the remarks of the member for North-East Fremantle (Hon. W. C. Angwin). It might be wise, if, instead of this Bill, we had a Bill to give the Arbitration Court authority to deal with the officers of the railway service. I do not like the Bill as it stands, because it does not give the full power that the Arbitration Court would have, to deal with all the grievances that might be submitted to it. We are getting too much in the habit of relegating everything to boards. We are whittling away the responsibility of Ministerial control in almost every measure we are passing. Responsible Government is passing out of existence in British communities, especially in the younger communities, but there is one phase of government that is always separated from the Executive and that is the species of government that comes under the heading of judicial. We appoint civil, criminal, and arbitration courts and even commercial courts, and although we have not these last named here, they exist in other parts of the world to deal with special phases of grievances and to relieve the executive from what really originally was their function of administering justice through every channel. The creation sought to be made by the Bill before the House is really another tribunal. It is a tribunal that will have to take evidence and arrive at a determination. It is, after all, of a similar nature to the arbitration and other courts. The Government are choosing to introduce the Bill for the purpose of creating a subsidiary court, a court which is to be concerned chiefly with the grievances that arise in the course of employment in the railway service. If that be so, I do not see that we should even limit the court, if it be a court. If we grant that power, why not give it power in full? Why make some exceptions that the proposed court will not be able to deal with? That is the only point I am at variance with, assuming that we are creating a court. We are sterilising it in some respects. We allow the classification to be taken out of the hands of the Commissioner and we allow appeals from classifications. But when it comes to any special appointment, or the exercise of discretion, it is proposed that the court, or the board, shall have the power to deal with it. There is generally someone who can specially, through some agency, ingratiate himself into the goodwill of those who have the power to make an appointment, and ignore the passing over and the putting into the background of others with like qualifications and even longer experience, and, therefore, possessing longer training and preparation for that particular post. It is by such means that we create what is most undesirable in the service, namely, friction and discontent. If we are to get the best out of our men we must get them to work with a sense that they are being justly and fairly treated, and feel they will all be rewarded according to their faithful service and the exhibition of those qualities that fit them for the particular posts which may become vacant. We can then expect good, faithful and loyal service. If we are out to seek a particularly active, might I almost say wire-pulling servant, who through all kinds of side agency is able to get into the good graces of whoever can confer a privilege, then we must expect discontent. We must also expect that there is likely to be not only simmering dissatisfaction, but occasionally open revolt. We have had, I believe, one or two cases which came very near that point. I

cannot see why that particular province of appeal should be closed down in this measure, if we are to have the Bill at all. I agree with the member for North-East Fremantle (Hon. W. C. Angwin) that we should make a court to which all should go, the civil servants, the railway employees and all the rest. Since we have chosen to make an exception in the case of the teachers, the civil servants and now the railways, we must be satisfied with the subsidiary courts when they are created.

The Minister for Mines: To all intents and purposes they are the same court.

Hon. T. WALKER: They have really the same functions to perform.

The Minister for Mines: That is the point.

Hon. T. WALKER: I will admit that.

The Minister for Mines: The whole difficulty to-day in regard to industrial disputes is that no one set of individuals can hear all cases. So long as you get the same basis upon which they can all act, that is all right.

Hon. W. C. Angwin: This will cost three times as much as the Arbitration Court.

The Minister for Mines: I do not think so.

Hon. T. WALKER: If we could so enlarge the scope and the personnel of the Arbitration Court as to deal with all these cases, it would be infinitely preferable, and a Bill based upon those lines would receive my hearty support. If we cannot get that, and if this is to be considered a sort of railway branch of the Arbitration Court called by the name of a board, then I object to the limitation of its functions.

The Minister for Mines: What limitation?

Hon. T. WALKER: That in the case of a man appointed over the head of those with like qualifications——

The Minister for Mines: That is impossible and you know it.

Hon. T. WALKER: I do not know that it is.

The Minister for Mines: It is absolutely impossible.

Hon. T. WALKER: I say if we do not do something towards meeting it we cannot get satisfaction even when the Bill is passed.

The Minister for Mines: You would not get it then.

Hon. T. WALKER: We should be more likely to get it, and there would be but little room for complaint. Why should not a man who feels that he has been ignored and has been superseded by someone, as I have put it, who has special aptitude in ingratiating himself either with the Commissioner or those immediately surrounding him on his advisory staff, have some tribunal to go to if he sees this individual getting ahead of him when he himself is deserving of recognition? Why should not those who are, so to speak, denied their chances of promotion, have the right to be heard? It is only a matter of hearing after all.

The Minister for Mines: They have that right now.

Hon. T. WALKER: No.

The Minister for Mines: Yes, they have.

Hon. T. WALKER: The railway services are asking that there shall be an appeal against special appointments. Is not that their contention, and do they not say that this does not meet their requirements? It is a special thing that I desire to emphasise. That is the one point. I cannot see what injury would be done either to the prestige of the Minister or the responsibility of the Ministry if that point were conceded. It is a matter of hearing, taking evidence, and a proper tribunal adjudicating upon the facts submitted. There can be no wrong in that in connection with any difficulties which may arise in the course of employment.

The Minister for Mines: Why not do this so far as members of Parliament are concerned, namely, that the defeated candidate should be given an opportunity of coming before an appeal board to show that he had better qualifications than the successful candidate?

Hon. T. WALKER: There is no analogy between the two cases. We are speaking of a court, and we are deciding what jurisdiction it shall have, what powers of hearing, and what can be admitted. The evil of the Arbitration Court up to date has been that it cannot take cases of this kind. It has not the scope to deal with them. The railway people have tried the Arbitration Court, and have been advised through the spokesmen of that court to ask for a board and they have asked for one. The board in effect is granted with the limitation I am now dwelling upon. The removal of that limitation would do no harm. It would still leave the power to Ministerial action where there is Ministerial responsibility. The board would take evidence and would not permit a superior officer, the Commissioner himself, or his immediate subordinates, to have their ex parte say without question or review. It would bring the whole facts into the full light, and then everyone who perused the facts could judge as to the merits of the case. But this is denied to them in the case I have mentioned, and I should like to know why. There is no loss of dignity. Once we grant a court to hear appeals, we cast away the dignity of autocracy or despotism, and our right to be the one determining factor. Why make this limitation here? I know from personal acquaintance with some of the officers that this limitation will cause severe friction, not merely a ripple of friction but a deep-seated friction. In some instances they have taken up a case as between one officer and another. It is their duty to protect and defend and assist to their utmost all officers equally. There is no favouritism amongst the officers, for they are all equally members of the union. When they take up a case for a special officer who they think has been slighted and ignored, and passed over for another who has had more influence, they

have had facts upon which they could rely. Why should they not be allowed to have their protests heard, and the facts supporting such protests presented and dealt with by the board if they desired? Where is there any violation of responsibility?

The Minister for Mines: Where does any remain?

Hon. T. WALKER: It all remains.

The Minister for Mines: How?

Hon. T. WALKER: The Commissioner is responsible to the Minister and the Minister to Parliament.

The Minister for Mines: If you did that he would not be.

Hon. T. WALKER: Undoubtedly he would, in the same way as he is responsible in regard to classification. If we are going to fight over the full responsibility of the Minister, the Minister must take the responsibility of the classification.

The Minister for Mines: But they want it to be mandatory.

Hon. T. WALKER: But we are yielding on that principle, and once we have whittled that away, we are straining at a gnat and swallowing a camel. If we have done that we are creating a court which will decide as between employees amongst themselves and the employees against the employers. Why put the court in fetters, why not trust it? It is part of our government after all and that is where the responsibility is. The same principle applies to all our courts. It is judiciously as much a part of the government of the country as is the Executive. We are creating a subsidiary court.

The Minister for Mines: Why not give the court the right to fix rates and charges?

Hon. T. WALKER: The court has to rely upon evidence and evidence can always be refuted. We can criticise the conduct of any court in this Assembly. This Parliament is the highest court, and yet we can criticise it if its decisions are against the evidence.

The Minister for Mines: How can you criticise it?

Hon. T. WALKER: We can more than criticise it. We can take action. This Parliament can do everything to remedy an injustice and a wrong in reference even to these boards. Where are we doing any injustice in allowing those who have been slighted in a serious manner by allowing them to have their cases heard? Let us have their cases heard. Let them have a voice at all events. No good has ever been done in any department of government by a suppression of the truth or of speech.

The Minister for Mines: There is no other section of the community in regard to whom members of Parliament are so able to voice a protest in Parliament as in the case of the civil servant.

Hon. T. WALKER: It is certainly a misfortune that it has been done in some cases; and that men in the employ of the Government have a great advantage over workers outside. It is a pity that it is so, but every modern form of government is class government.

Hon. W. C. Angwin: Under this Bill we are making the class distinction greater.

Hon. T. WALKER: I contend that if we establish this board its operations should not be fettered in order that it may be in a position to do justice to the service.

Hon. P. COLLIER (Boulder) [5.31]: It may be true, as asserted by some members, that the appointment of a board as proposed under the Bill will not be a departure from the principle of arbitration. I hold that Parliament, particularly during this session, has proceeded along entirely wrong lines. We are setting up boards with power and jurisdiction to determine the rates of wages and conditions of employment in particular industries. This has been done with regard to the public servants, and now it is proposed to do it for the railway officers. Is it that our present Arbitration Act has been found wanting regarding its powers to deal with matters brought before it by the different sections of the employers or employees? If that be so, then the Act should have been amended. There should be only one wage-fixing tribunal in this State. We complain about industrial unrest and disturbances from time to time in the industrial arena. We hear complaints that men have ceased work and that there is friction between employer and employee. How can we expect it to be otherwise, when one day we set up a board which ignores the Arbitration Court, and when we have a number of bodies as separate tribunals fixing wages which have no regard to the factors which have guided the other tribunals in wage-fixing? That is where the clash is apparent. From time to time we have men satisfied up to a certain point with the award delivered in their particular industry. They become dissatisfied because other conditions or rates of wages are obtained by another section which constitute an improvement upon those they have obtained at an earlier stage. We are asked where is the difference between arbitration and these boards? It has been suggested that they are really one and the same thing. The difference should be apparent to everyone. The difference is great and fundamental. The Arbitration Court when dealing with an application for increased wages and improved conditions would always have in mind as the one body dealing with such matters the need for some degree of consistency running through the different awards. They would not hear an application to-day and give an award which would be at variance with an award delivered say last Monday to another section in which much the same work was covered. To that extent the Arbitration Court greatly minimises the cause for friction. It is not sufficient to say that if all these bodies went to the Arbitration Court that tribunal would be crowded with work and would not be able to cope with it. That is no argument. If one

judge in the Arbitration Court is not sufficient to deal with the whole of the cases, then a deputy judge can be appointed, and if one deputy is not sufficient, a second deputy judge can be appointed.

The Minister for Mines: How would you get uniformity then?

Hon. P. COLLIER: The deputy judges would be members of the Arbitration Court, and they would have access to the records of the court and would proceed along similar lines to those already laid down. When we have a tribunal set up with Mr. Canning, P.M., say, as chairman, that gentleman will not take into consideration factors which guided the Arbitration Court in making an award last week. We may have another gentleman set up in some other portion of the State on another board to fix wages and working conditions who does not take notice of either the factors guiding Mr. Canning and his board or yet the Arbitration Court, and the factors guiding that tribunal. Each of these boards would proceed along the lines which appealed to the members respectively, and it is easy to see that there would be a total lack of consistency in the decisions. So long as there is inconsistency, so long will there be disruption in the industrial arena. The remedy is not in the appointment of so many boards. We know that the officers in the Railway Department are engaged in a class of work which compares with work done by many men in the public service. Under this Bill we set up a board which will deal with the wages and the working conditions of railway officers, and side by side with that we will have another board dealing with the public servants, although the class of work done is largely on all fours. The chairman of the Public Service Appeal Board will decide with the other members of that tribunal in accordance with the evidence and facts which appeal to his and their judgment, and so will the Chairman of the Railway Officers' Board. Each will do so without regard to what may be determined by the other board. This means that we will have no uniformity whatever. It is a hundred to one that when the decisions of the two boards are announced men who are doing similar work will receive rates in the public service and the Railway Department respectively which will be at variance. We will find that dissatisfaction will be created, and the members of that branch of the public service which happens to receive the lower rates will appeal to get the higher rate.

Mr. Underwood: That means that we will always have something coming along.

Hon. P. COLLIER: The fact remains that we are not doing justice to the Arbitration Court. Day after day we hear complaints and read protests in the Press by employers and other prominent public men regarding employees going on strike, or refusing to go to the Arbitration Court. That kind of thing is encouraged by members of Parliament, who to a certain extent are responsible for such things being possible, seeing that these different tribunals are being set up from time to time. If Parliament put its foot down and said that arbitration is the policy of Western Australia as adopted by both employer and employee; if Parliament insisted that should there be defects in the machinery of arbitration these should be remedied and the Act made more comprehensive, then both the railway officers and the public servants, as well as other bodies seeking increased wages and improved conditions, would necessarily have recourse to the Arbitration Court. We are weakening the hands of the Arbitration Court in the eyes of the public. There is no uniformity and people are refusing to go to the Arbitration Court. They insist even upon a board with statutory powers, such as is sought to be set up under this Bill.

Mr. Underwood: They think they will get something better.

Hon. P. COLLIER: The Arbitration Court is set aside. If Parliament said that everyone must go to the Arbitration Court it would assure uniformity in decisions, and the conflicting decisions which give rise to so much dissatisfaction would be removed. We have an amending Arbitration Act Bill before the House at the present moment.

Mr. Davies: How do you regard the appointment of a judge by the Federal Government to deal with the Commonwealth public servants?

Hon. P. COLLIER: The Federal Government are making the same mistake as we have been making.

Mr. Underwood: They only propose to make this mistake; they have not yet made it.

Hon. P. COLLIER: What has been the result of the decision of the new judge who gave an award in the Federal court? The whole Commonwealth has been set on fire so far as the public service is concerned.

The Minister for Mines: That was because you had different judges.

Hon. P. COLLIER: It is because we have entirely different tribunals. I am not prepared to say so far as the State is concerned that our Arbitration Court would not have time to deal with all employees who seek the aid of that tribunal. There is an impression abroad that the Arbitration Court has been responsible to a considerable degree for the industrial disputes during the year, because it could not cope with the work. That is entirely erroneous. There is not the slightest shadow of foundation for that impression.

Hon. W. C. Angwin: I was told when in Melbourne that it was a thousand times better to go to the State court than to the Federal tribunal.

Hon. P. COLLIER: The State court has not been responsible for any industrial dispute, and it has had ample time on its hands during the present year to deal with all the cases which have gone elsewhere in addition to those which have been taken before it. Even

if this were not so we could get over the difficulty by appointing another deputy judge. The present Arbitration Court advised the railway officers to ask for a board. Why was that? The court said it had not the power to classify the officers. We have an amending Arbitration Act Bill before us now. Could not that aspect be dealt with?

The Minister for Mines: The Arbitration Court could never go through the railway system and satisfactorily classify the officers.

Hon. P. COLLIER: How can the board under this Bill do it?

The Minister for Mines: That is part of its duty.

Hon. P. COLLIER: I refuse to accept the proposition that the board will be able to carry out these functions any better than the Arbitration Court.

The Minister for Mines: I hope that it will be able to do the work.

Hon. P. COLLIER: I do not see how the board can do it.

The Minister for Mines: It should be able to do so.

Hon. P. COLLIER: If we give power to the Arbitration Court members of that tribunal should be able to do the work equally as well. It is important that we should have uniformity.

The Minister for Mines: We will never get uniformity except on the basic wage system.

Hon. P. COLLIER: I do not admit that you can select any three men to be appointed under this Bill who will give greater satisfaction than the three men who constitute the Arbitration Court.

The Minister for Mines: I do not deny that, but if you have different courts, then you get different decisions.

Hon. P. COLLIER: I am not suggesting that.

The Minister for Mines: No one court could do all this work.

Hon. P. COLLIER: We have no evidence of that whatever. Our Arbitration Court has not had anything to do for half the present year.

The Minister for Mines: It has been pretty busy during the past few months.

Hon. P. COLLIER: That is so; it has had two big cases, but apart from that the members of that tribunal have only dealt with small cases, and have not been fully engaged throughout the year. So far as I know they are not engaged at present.

Mr. Davies: They are engaged in considering their awards.

Hon. P. COLLIER: They can do that and hear cases as well.

Mr. Davies: Not too many.

Hon. P. COLLIER: There is no direct evidence that the court has been overloaded and that it has been working up to full pressure during the whole of the year.

The Minister for Mines: I do not say that that is the position. Suppose a number of disputes arose at the same time.

Hon. P. COLLIER: It does not take very long to deal with a dispute. The Kalgoorlie case, one of the biggest we have had, occupied a couple of weeks. The railway case took the longest of any we have had; it lasted several weeks.

The Minister for Mines: It was several weeks before the case could be got to the court.

Hon. W. C. Angwin: There is a great difference between the classes of employment there.

Hon. P. COLLIER: No other case likely to come before the court would contain such a variety of complicated questions to be decided as did the railway case. Most of the cases are disposed of in a few days. Rather than set up boards for the public service and for the railways, we should so far as possible confine them to the one tribunal, the Arbitration Court, and though I do not say that one court could deal with all the cases in the State, I think we should let it be known to all sections of employees and employers that Parliament and the people stand by the principle of arbitration as demonstrated by the Arbitration Court, and not by the principle of setting up of voluntary tribunals and others with statutory powers such as this measure proposes.

Mr. DAVIES (Guildford) [5.46]: One is bound to admit that this is a matter that should not be rushed by Parliament. Right throughout the Commonwealth, Parliaments are looking for some method by which they may allay the industrial unrest which exists. Industrial unrest exists not only in Australia, but in all the English-speaking world and in foreign countries as well. I do not agree with the Minister that the board should not have full power. If a board is to be brought into existence, it is useless to give it only limited powers. I disagree with the Minister that promotion should not be one of the things to be discussed and decided by the classification board. It is all very well for the Minister to laugh. He said that if we permitted certain things to be decided by the board, it would mean the end of popular government. In my humble opinion that is an exaggeration. All said and done, it is taking the business out of the hands of employers when proceedings are taken in the Arbitration Court. Looking back 10 or 15 years we remember that the fear of the employers was that the Arbitration Court would take their business out of their hands, and that they would have no say regarding the conduct of the business in which their capital was invested. Today we find that employers welcome the Arbitration Court and would offer almost any premium to the employees to go to the court for a settlement of their disputes. This shows what a change of opinion has taken place among employers. If we could look forward half a dozen or ten years, I daresay there would be a similar difference in the attitude adopted by the Government

who now say that the delegating of their powers to a board would be the end of popular government. I do not subscribe to that opinion. I am with the leader of the Opposition and the member for North-East Fremantle in the belief that, if possible, we should confine ourselves to one particular court. When I look around Australia I am at a loss to decide what to do for the best. Victoria has the wages board system. The Federal Parliament, headed by an industrialist like Mr. Hughes, is bringing into existence an arbitration court for Federal servants only, and he is seeking an arbitrator for it at a salary of £2,000 a year. When we look for guidance to the national Parliament in the matter of allaying the industrial unrest which exists, we find none. I believe that the existing Arbitration Act could be amended to make it much more effective. Take the question of the board of reference. After hearing the leader of the Opposition and the member for North-East Fremantle, I think it should be possible to amend the Arbitration Act and bring into operation boards of reference to which might be delegated the duty of the classification of railway officers. If the court could delegate to a competent body composed of a representative of the employees, a representative of the Commissioner of Railways, and a chairman satisfactory to both parties, the question of railway officers' classification, the board should be able to arrive at satisfactory conclusions. If such a board were brought into existence under the Arbitration Act, it would be possible to settle these differences without appointing a number of boards. I admit that there is likely to be great danger if we bring into operation a number of boards which have no relation one to the other. There is a danger that in one industry conditions will be brought about which will have a serious effect on other industries. Look at the United Kingdom. I noticed that the General Secretary of the Seamen's Union had stated that, at the port of Cardiff, there were hundreds of seamen out of work, owing to the stand taken by the coal miners of Great Britain. The railway men in the United Kingdom said that they were entitled to the same wages as the miners were getting, and so it goes on all over the country. If we bring into existence a number of boards, such a chaotic state of affairs will result that instead of allaying industrial unrest, it will be increased. It should be the desire of the Minister and of the Commissioner to bring into operation a board which will not only satisfy the railway officers, but will mete out justice to the State, and for the life of me I cannot understand why the board cannot be given full power to deal with all matters which might be brought before them. The Minister says that if we give the board power to deal with classification, we shall be taking the control out of the hands of the Minister. If the Commissioner can do one thing better than another, he should be able to put up a good case before a classification board as to his reason for appointing a certain servant to a certain position.

Mr. Underwood: Who would compose the board?

The Minister for Mines: As soon as the board give a decision, the Commissioner steps out of all responsibility.

Mr. DAVIES: The Minister has admitted during the second reading debate that in theory the appeal board is sound, but that in practice it is not. If the thing is right in theory, it is bound to be right in practice.

The Minister for Mines: Oh, no. I have a theory about you.

Hon. T. Walker: The same principle has proved right in practice.

Mr. DAVIES: If it is wrong in practice, it cannot be right in theory. The Minister must admit either the lot or none at all.

Mr. Pickering: It does not always work out in practice.

Mr. DAVIES: That might be due to the constitution of the board. I feel bound to support the second reading of the Bill, but if I had an assurance that the Arbitration Act would be amended by the provision of a board of reference with power to vary awards, I should be better satisfied. I welcome in this Bill the clause that the board will have power to vary an award during the currency of the award. One thing which more than another has been responsible for disputes in this State during the last few years, is that the board could not vary an award during its currency. In many instances, the court gave awards which extended over three years, and provision was made that after 12 months, either party might appeal to the court for a variation of the award. I have previously stated in this House, and it is a matter of common knowledge that the cost of living rose from about 26 per cent. in November last to about 56 per cent. in June last. Thus in six or seven months we had an increase of some 25 per cent. in the cost of living. Yet those unions which had awards with a currency of three years had to wait for 12 months before the awards could be varied by the court, and before the men could get justice. I welcome that provision in this Bill. The Government, having conceded it in this Bill, must certainly concede it when the amending Arbitration Bill is dealt with. Notice has already been given of an amendment to provide that awards of the Arbitration Court may be varied.

Mr. SPEAKER: The hon. member must wait until the Arbitration Bill comes forward in order to discuss that matter. I cannot permit any further discussion on the Arbitration Act Amendment Bill.

Mr. DAVIES: I am satisfied at having had an opportunity to mention the fact. Unless something transpires between now and

the taking of the vote, I intend to support the second reading of this Bill in the hope that, if we cannot give satisfaction to the whole of our employees we may at least give it to one section of them.

Mr. UNDERWOOD (Pilbara) [5.56] The leader of the Opposition has said almost all that I could say. I protest against these boards and against the delegating of the power of Parliament or of the Government to such boards. I would repeat the opinions I expressed on the Public Service Appeal Board Bill that we should have for the purpose of fixing wages, not a court, but a department, and I am satisfied that if an amending Arbitration Bill is brought in, the work could be cut down by nearly 90 per cent. We have read of the case at Kalgoorlie and of the case of the railway men, both of which showed a wearying reiteration of evidence. The court knows of this, or should know of it. If we had a department that knew of these things, it would be unnecessary to bring a lot of that evidence forward. Then we could get our department for wages-fixing to do its work in one-tenth of the time now occupied by the Arbitration Court. If the House will not accept this proposition, I still entirely agree with the leader of the Opposition that we must have one tribunal. If we get half a dozen boards each fixing wages there must of necessity be some disagreements, and as soon as the workers sighted a disagreement—I have been a worker and I wanted the best I could get for my work—they would want it rectified. As soon as this board granted something more, the next board would give something more again, and so it would go on.

Mr. Thomson: That applies to the Arbitration Court to-day.

Mr. UNDERWOOD: There should be only one court.

Mr. Thomson: But the same argument applies to the Arbitration Court.

Hon. P. Collier: It does not.

Mr. Hudson: You would get a greater degree of uniformity from the one court.

Mr. UNDERWOOD: We want one court to fix all these things, one court to decide the cost of living, the value of labour, the intensity of study required to be a successful engineer, or a member of Parliament. With one court we would get uniformity. If we continue to appoint these boards we shall have conflict. All will agree that we live in a time of transition. We have passed through a very hard period, and we are building up again. We should start now to build rightly, if we can. There is not only industrial unrest, but world unrest; and in building we should seek to build on the best lines. I feel sure that in creating these boards we are not working for unanimity in the future. I suggest to the Government that instead of bringing this board into existence—the question of the Public Service Appeal Board unfortunately is passed, although we can of course repeal it—we should appoint one court, authority, or department—it matters not what the tribunal may be called—to fix all matters relating to wages and conditions of labour. We have men in Australia who, if they are put to do the right work, can do it. There is not a shadow of doubt that we have men who can do this work, if only we as legislators tell them what we require to be done. I therefore oppose the Bill, and I trust that the second reading will not be carried.

The MINISTER FOR MINES AND RAILWAYS (Hon. J. Scaddan—Albany—in reply) [6.4]: If any reply were needed to certain statements which have been made by hon. members, it would be found in the fact that this Parliament, while directing its best attention to securing uniformity of legislation, still has been unable to secure such uniformity as regards salaried officers in the public service. During this very session we have passed a Bill creating a board to deal with the salaried officers of the public service.

Hon. W. C. Angwin: Yes, but we were committed to that board by the Government.

The MINISTER FOR MINES: I am delighted to hear from the hon. member that he is satisfied to depart from the principles he was sent here to maintain, simply because the Government have agreed to a certain course.

Hon. W. C. Angwin: The Government entered into an arrangement.

The MINISTER FOR MINES: Well, we have entered into another arrangement now, and I suggest the hon. member should also adhere to this other arrangement. The Government have entered into an honourable engagement with the officers of the Railway Department that those officers shall have the same opportunity of going before a board to classify their positions as has been given to the officers of the public service.

Hon. W. C. Angwin: Why not let the railway officers go before the same board, instead of constituting another one?

The MINISTER FOR MINES: Because that course would not be convenient. We may have our opinions as to the Arbitration Court. I have expressed mine for years past, and I still declare that there is no man living who can have a technical knowledge of all classes of work, whether with the hand or with the brain, in all classes of employment throughout the State. It is absurd to suggest that absolute unanimity and complete satisfaction can result from referring all these questions to one individual or one court. I remember that the temporary clerks in the employ of the Government, having what they considered grievances, were permitted to go before the Arbitration Court on the understanding that the Government, while not subject to

the awards of that court, would accept its award in that particular case. The court awarded the temporary clerks 12s. 6d. per day, together with certain privileges of the nature of those enjoyed by the permanent staff. The commercial clerks employed in private offices then said, "This is a magnificent move from the point of view of the under-paid and sweated commercial clerks." I may say that this occurred years ago. But when the commercial clerks got before the Arbitration Court their award was only 10s. per day, without anything like the privileges granted to the Government temporary clerks. There was immediately much discontent among the commercial clerks, and quite naturally so in the circumstances. There must be anomalies, no matter who handles these questions. The railway officers went to the Arbitration Court, and got an award with which, for various reasons, they are not contented. They then approached the Government with the suggestion that the matters in dispute should be settled by a technical board; and this will be a technical board because the assessors representing the employees and the employer will have technical knowledge of railway operations. We have officers of almost every kind attached to the Railway Department—civil engineers, mechanical engineers, and so forth, and officers possessed of the special knowledge required for the purpose of traffic operation. Those men are not merely called upon to do certain clerical work, but to carry tremendous responsibilities as regards the lives and the welfare of the general community. From that point of view, therefore, it is essential that the board which this Bill proposes to create should have technical knowledge to guide it in arriving at decisions which will affect the conditions of employment in the railway service. The Government agreed to constitute such a board, and we have appointed a magistrate as chairman. We have not too many Supreme Court judges, and for my part I have never held the view that it is the work of a judge to settle industrial disputes. Certainly half the time of one judge is given to industrial matters, which other members of the community are equally well qualified to deal with. We had simply to find a chairman who we felt would be impartial as between the State and the railway officers. Then the officers would have a representative on the board, and the Commissioner of Railways as employer would also have a representative. When the members of any particular branch of the railway service come before the board, technical officers will sit as assessors representing each side.

Hon. W. C. Angwin: You are content to leave the industrial workers under different conditions from those granted to the officers.

The MINISTER FOR MINES: Nothing of the sort. If the board is accepted by the railway officers, and is found to work satisfactorily, it will not be long before the other men in the railway service will ask for similar conditions.

Hon. P. Collier: Why not grant them similar conditions?

The MINISTER FOR MINES: I would not have the slightest objection to doing so.

Hon. P. Collier: Why make the distinction, then?

The MINISTER FOR MINES: We must make a commencement somewhere, and the Government have not yet been approached by the wages staff in regard to this matter.

Hon. P. Collier: It appears to me that all the employees engaged in similar work, such as that of the Railway Department, should be under the same tribunal as regards wages.

The MINISTER FOR MINES: Let me point out to the leader of the Opposition that the salaried staff of our railway system is something entirely different from the wages staff.

Hon. P. Collier: I know that is so.

The MINISTER FOR MINES: Taking them in the gross, the wages staff of the Railway Department should, for the purpose of having their rates of wages and conditions of employment settled, approach exactly the same body as is approached for that purpose by similar workers outside the railway service. Unfortunately that does not actually apply to-day. I have always been opposed to composite unions. An engineer in the Railway Department might be a member of the amalgamated society of engineers, and he might get an award as an employee of the Railway Department; and then, a week later, the railway porters approach the Arbitration Court for another award.

Hon. P. Collier: "One Big Union" is the remedy for that.

The MINISTER FOR MINES: "One Big Union" would only make the position worse. In my view, there are certain trades and callings in which wages and conditions of employment should apply to all alike, irrespective of whether working in Government service or in private service. The set of engineers employed in the railway workshops at Midland Junction, doing a similar class of work to that done by the employees of the State Implement Works, should not have different arbitration awards running over different periods from those governing employment at the State Implement Works. We should have "industry courts" governing all workers in the same class of employment. In fact, we are trying to do that as regards the salaried staff of the Railway Department by this Bill. We are appointing a board that will deal specifically with the railway officers, and do actually the work which the Commissioner of Railways to-day appoints highly qualified technical officers to do—namely, make a classification of the work of the salaried officers of the department. Those highly qualified technical officers are doing that work to-day instead of attending to their special duties. I believe that, by means of the board now proposed,

we shall secure a proper classification of the railway officers.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR MINES: The points I attempted to make before tea were to show that under the existing conditions it would be infinitely better to meet the wishes of those engaged in operating such a large concern as the railway system, so long as we did not vitally intrude upon principles of sound government. As the railway officers themselves submitted this request, and as they were able to show that in other places similar conditions are provided for settling matters in dispute concerning wages, salaries, and conditions of employment, it was not easy to show cause why their request should not be granted. If we can find a method by which we can have one tribunal, there can be in all cases dealing with wages, salaries and conditions of employment a uniformity of conditions satisfactory to all concerned, and the Government will be much better satisfied. If we provide for an arbitration court and then provide for a number of additional subcourts, as they might be called, we shall not have the same persons hearing all cases, and thus the difficulty will arise that in some cases we shall get a different decision on matters of vital importance in the different industries. The leader of the Opposition knows well that on more than one occasion organisations have deliberately awaited an opportunity for approaching a court at a time when it was hoped the president of that court would be someone in sympathy with their demands, and have avoided going to the court when they were not satisfied with the president of such court. The same thing applies to the Federal and State Arbitration Courts. When it was thought that the president of the Federal court would be more sympathetic than the president of the State court, those organisations have gone to the Federal court; and, on the other hand, they have approached the State court when they thought they would there get greater sympathy than was likely to be met with in the Federal court. I am afraid we may have the same difficulty in providing for a number of separate tribunals. I am sure that during the last 12 months, and I fully expect that during the next year or two, with the changing conditions and the rising and falling of prices, there will be dissatisfaction among employees and employers with the varying conditions, and demands will be made for a reviewing of decisions. If we are to allow such a court as that proposed to review its decisions, the court will be kept so busy that it will be impossible for it to deal with all the matters arising from time to time. The court we are providing here is to have a magistrate as chairman. After all, a magistrate, although not a judge of the Supreme Court, occupies a fairly substantial position. He is expected to be above suspicion—and I believe our magistrates are above suspicion. In order to avoid the piling up on Supreme Court judges of work never intended to be theirs, we are providing for this board a chairman acceptable to both parties. And in addition we are providing an innovation in the appointment of an assessor. Thus when a question affecting, say, the civil engineering section of the Railways is before the tribunal, the assessor will be one having technical knowledge of the civil engineering branch. So, too, when the question before the court affects the mechanical branch, the assessor will be one having technical knowledge of that branch. Thus we shall get a tribunal which, from the point of view of special knowledge, will be an improvement on anything we have had in the past. If the principle of the Bill is accepted, the only other point that can arise is the question of the jurisdiction of the board. In the past the practice has been that the Commissioner, through the appointment of several members of his staff, classifies the officers by going very carefully through the whole of the service and, when satisfied in respect of the work and responsibilities carried by any particular officer, fixes the classification for that position. When the existing board submits the classification to the Commissioner, the Commissioner practically must accept it, seeing that it comes from a board composed of members of his own staff. What we now propose is a technical board of officers of the department with a chairman who can do what the Commissioner cannot do. The Commissioner, compelled by the responsibilities of his office to attend assiduously to his duties as Commissioner, could not give up the time necessary to sit with the classification board and satisfy himself as to the grounds on which they have arrived at their conclusions. But the proposed chairman can do that, and so unquestionably we shall have a better tribunal for classifying the officers of the service than we have under existing conditions. The only further point that can arise is as to whether it is desirable that the decisions of the board shall be mandatory on the Commissioner and the Government. I hold the view that in respect of any concern operated by the Government on behalf of the general community, the responsibility of saying yea or nay should be carried by the executive of the people. If an award is made by any tribunal so appointed, the executive responsible to the community should say yes or no, viewing it from the standpoint of how it will affect the general community. As the member for Kanowna (Hon. T. Walker) said, although we have such a board, Parliament after all is empowered to vary to-morrow what it does to-day, and Parliament may take up the attitude of saying that the Government shall not accept the decision of the board. We may have a position arise in which the Government will tell Parliament that under the Act something has taken place which in the opinion of the Gov-

ernment should not be permitted, and will ask Parliament to take the responsibility of refusing to accept the decision, even though it might mean an amendment of the Act. While we have mandatory powers given to such a board, we cannot compel the officers of the Railway Department to accept the decision of the board if that decision be obnoxious to the officers. They can revolt if they desire, for although to all intents and purposes the board's decision will have the weight of an Arbitration Court award, there is no power on earth to compel a man to remain at work if he does not choose. And if the service is entitled to revolt against decisions given by the board, so are the public, through Parliament, also empowered to revolt.

Hon. W. C. Angwin: You know that neither the Government nor Parliament would revolt against such a board appointed under an Act of Parliament.

The MINISTER FOR MINES: I am not so certain about that. It would depend upon the grounds for revolting. I do not believe the officers of the Railway Department, men almost exclusively professional, who make railway operations their study in life, are likely to revolt unless it be found impossible to continue working under the conditions. So too, no Government would revolt against any such decision unless they were certain that Parliament would accept such a revolt. And the same thing applies to the men. So, whether the provision is there or not does not count a row of pins. If the men choose to revolt they can, and on the other hand, the same choice is open to Parliament. The Victorian system is much on the same lines as laid down in the Bill. We took this provision, dealing with the Order-in-Council bringing an award into operation, from the Victorian measure. But on inquiry it was found that there had not been a single occasion on which the Government had refused to accept the decisions.

Hon. W. C. Angwin: That is what I say.

The MINISTER FOR MINES: After all, the power of doing these things must remain with Parliament, and the executive are responsible for asking Parliament to take action. If a system could be devised by which we could have entire satisfaction in the railway service, it would be an undoubted blessing, but I know of no method of dealing with matters affecting the conditions of employment and rates of wages and salaries paid to such a huge staff which would give entire satisfaction. The same may be said in respect of promotion. Members of the public service have been retired and have appealed to three different forms of inquiry: an inquiry by the Public Service Commissioner, an inquiry by the appeal board, after which the public servant, not satisfied with those inquiries, has brought his case to Parliament and had it further inquired into by select committee.

Hon. W. C. Angwin: You must remember that the same man was sitting as chairman of each inquiry.

The MINISTER FOR MINES: No, that is not so. There is only one policy in regard to the control of business undertakings, and that policy is that if a man is capable of rendering better service to the community than anyone else, we should be able to choose him and put him in the position where he can render that better service. We have built up a close corporation, and even in the railway service a man from the wages staff may after years of training be promoted to the salaried staff.

Hon. W. C. Angwin: If they come under the proposed board it will be possible to do that.

The MINISTER FOR MINES: That will be an advantage. Much of the work done by the salaried staff of the railways is similar to that carried on in the public service generally, yet there is an objection to transferring a man from the railways to the public service, and vice versa. It should be possible to take a man from one service and give him a position in the other. With regard to the question of promotion, we have laid down the method that shall be followed. We provide as a rule that merit and efficiency shall be the guide. No other method is sound. If a man employs himself diligently and thus makes himself better fitted to fill a higher position, we should be able to take him from the lower rung of the ladder and put him on a higher one. We say to the Commissioner that he is to control the railways not only from the point of view of economy but also from the point of view of public safety, and the greatest responsibility of the Commissioner is that of the safe running of the railways. I am not concerned about officers being paid £200 or £400 a year, but I am concerned about the Commissioner carrying the responsibility of declaring whether Tom Jones by diligent application to his duties is the man who would best fill a position having regard to the safety of the public.

Mr. Willcock: The Commissioner delegates his authority to someone else.

The MINISTER FOR MINES: Yes, to some one who, he is satisfied, can carry the responsibility satisfactory to the Commissioner.

Hon. W. C. Angwin: Do you not know that the responsibility of the Commissioner only rests on those receiving below £400 per annum?

The MINISTER FOR MINES: Will the hon. member declare that Ministers are not responsible for their administrative acts because they can only do certain things with the consent of Parliament? The Commissioner of Railways is in exactly the same position. He is given certain powers, but as far as officers receiving over £400 per annum are concerned he must obtain the approval of Executive Council. He must select men who will carry out their duties

satisfactorily. I do not know of a single occasion when the Government have refused to accept his recommendation so far as officers are concerned.

Hon. W. C. Angwin: I will say no more.

The MINISTER FOR MINES: I know that the Government have refused to grant increases in salary because funds were not available, but only to-day we are beginning to wake up to the fact that if we are to retain men in the service we must pay them. I have evidence in the West Australian "Railway Gazette," which is published in the interests of the men in the service, of the case of an officer who left the service because of the slow method of promotion, and who is now receiving double what he would have got had he remained here. He got tired of waiting and went away.

Mr. Johnston: The best men are leaving the service every day.

The MINISTER FOR MINES: I told the Railway Officers' Association that in my opinion and also in that of the Crown Solicitor, that to take from the Commissioner the responsibility which he holds, we would have to amend the Railway Act. The Bill does not propose that. Its object is to establish a classification board to deal with salaries and hours of employment. There will be occasions when evidence will be submitted to show that someone has been overlooked who should not have been overlooked. But it has never been shown that there has been anything in the nature of favouritism or unfair treatment. I was surprised at the attitude adopted by some hon. members. I expected that opposition to the Bill would have been on the lines that we did not entirely meet the wishes of the railway officers. Those officers who go into the service do so knowing what the conditions are, and they are not entitled to expect different treatment, remembering that the employment is permanent and that whatever happens they will be carried on. The position outside the service is very different from that. We have in the State service built up tremendous privileges that are not enjoyed by the man outside, and until such time as the position of the man outside can be brought to something approaching that of the man in the service, we have no right to heap up additional privileges at the expense of those who are employed outside. Who would suggest that the Arbitration Court should direct Mr. Hamilton, the manager of the Great Boulder, to engage a man at a certain rate of pay for rock drill work, and that he should also put Tom Jones on that rock drill and put someone else in the place of Jack Warwick, the underground manager? We have gone as far as we can go by saying that, so far as the conditions of employment in the railway service are concerned, the tribunal we propose to set up is given full power.

In Committee.

Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. WILLCOCK: I move an amendment—

That in the definition of "accredited representative" in line 3, the words "any member of" be struck out.

In Victoria it is found that the representatives of the union put up a case in regard to certain conditions and half a dozen disgruntled officials put up an entirely different case. We thus have a board dealing with a certain thing from two different points of view, which is not of very much use to the board. My amendment will prevent much confusion and will make things better all round. It will also prevent people coming before the board with different sets of arguments to apply to the same set of conditions.

The MINISTER FOR MINES: I did not know of the difficulties mentioned by the hon. member. If the railway officers discovered that this would work detrimentally to their interests, they should have advised me. I believe that the words in this definition are taken from the draft submitted by the railway officers. We have met them fairly reasonably in this matter and they might have let me know about this before. The railway officers have an organisation embracing the whole of the salaried staff. I believe there is also an organisation of civil engineers which would be interested in all such matters which came before the board. Will the hon. member say that because those civil engineers are in the minority they should not be allowed to have an accredited representative appearing before the board when technical matters affecting them are being brought forward for decision? In view of the different classes of work in the Railway Department all sections should have a fair opportunity of presenting their cases. Whilst I am not prepared to accept the amendment without evidence which would justify me in doing so, I will look into the matter, and if I am satisfied that such an amendment is desirable I will submit it if the Bill is recommitted, or have it inserted in another place.

Amendment put and negatived.

The MINISTER FOR MINES: I had an amendment to this clause providing for the definition of "head" and "sub-head," in order to satisfy the officers as to who should be removed from the jurisdiction of the board. The proposed interpretation was accepted as satisfactory by the officers, although they were not satisfied that sub-heads should be removed from such jurisdiction.

Clause put and passed.

Clause 3—Constitution of board:

Mr. WILLCOCK: I move an amendment—

That in line 8 of Subclause 3 the word "officers" be struck out and "Railway and Tramway Officers' Industrial Union of Workers" be inserted in lieu.

The union controlling the officers should have the right to nominate and elect its representative on the board instead of his being elected "in the prescribed manner." Those who are not members of the union should not have the right to be represented on the board.

The MINISTER FOR MINES: If the hon. member desires that the representative should be elected by the members of the whole union, I have no objection.

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

Clauses 4 to 6—agreed to.

Clause 7—Deputy members:

The MINISTER FOR MINES: The question arises as to whether a member of the board, being personally interested in a matter under investigation, should sit on the board. The intention is that in the event of a member being directly personally interested, his place should be filled temporarily by a deputy. To clear up the matter I move an amendment—

That in line 2 after "personally" the words "and directly," be inserted.

Amendment put and passed.

The MINISTER FOR MINES: I move an amendment—

That in line 1 of Subclause 2 after "both," the words "personally and directly" be inserted.

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

Clauses 8 to 11—agreed to.

Clause 12—Assessors:

Mr. WILLCOCK: A consequential amendment should be made to this clause in order to give the right to the organisations to elect the assessors in the same way as we have decided to allow them to elect their representatives on the board.

The Minister for Mines: It is not quite on all fours.

Mr. WILLCOCK: The same argument can apply. The whole service would not be given the opportunity of electing the assessors, but only those in the branch affected by the assessors' work.

The MINISTER FOR MINES: The position is not quite the same regarding assessors as is the case with the members of the board. The latter are permanent members of the board and take part in the actual decisions arrived at. The assessors are only additional members who may sit for a day or half a day to assist the other members of the board on technical matters which are affected by the applications being considered. It would be inadvisable to move the whole organisation to appoint, say, a representative of the mechanical engineers department, who may only sit for such a short time. It would be better for the officers concerned to come together in the manner to be prescribed and elect the assessors straight away.

Mr. WILLCOCK: I do not regard this matter as one of very great importance. Perhaps the relative positions of assessors and members of the board are not of equal value, but I thought it would be better to have the question of appointments made uniform. The officers concerned are not very keen on this matter and we can let the clause pass. I should like to know from the Minister whether the assessors will have the right to cross-examine witnesses. There is no such provision in the clause and I think it advisable that this position should be made clear.

The MINISTER FOR MINES: I have no objection to words being added which will make the position more clear. If assessors were not to have the right to cross-examine, they would not be of much value to the other members of the board.

Clause put and passed.

Clauses 13, 14—agreed to.

Clause 15—Jurisdiction of board:

Mr. WILLCOCK: Will the Minister indicate what he means by sub-heads?

The MINISTER FOR MINES: The interpretation, if my memory serves me right, is that heads of departments are those who communicate with and obtain instructions direct from the Commissioner. Sub-heads are officers who communicate direct with and obtain instructions direct from the heads of departments. These officers are really the executive upon whom the Commissioner relies for carrying on the services. There are not a large number of these officers.

Mr. WILLCOCK: While Subclause 2 deals with a large number of matters which the board may determine, it does not go far enough. I move an amendment—

That at the end of subparagraph (x) of Subclause 2 the following words be added: —"Any other matters concerning the conditions of employment of the Government railway and tramway officers."

There are many matters which come under the jurisdiction of a board of this description. These include such questions as the probationary period, housing, privileges, season tickets, salary during suspension, and so on. In addition there is that vital question of promotion. While the Minister takes serious objection to giving the board the right to determine the question of promotion, I think he might meet the employees half way and agree to give the right of appeal to the board, with the right of the board to make a

recommendation to the Minister through the Commissioner. In regard to a particular position which has been filled a few times within the last two or three years, it was known that the determining factor in the case of one appointment, was to be "outside" experience. When the same position had to be filled later on, it became known that "inside," or office experience, was to be the determining factor. The Minister might consider the advisability of allowing the senior officers, who are passed over when appointments are made, to appeal to the board. With assessors sitting on the board, the other members would be guided as to the merits or demerits of the officers concerned. I believe in promotion by merit, and if the suggestion I make is adopted, it will do away with any question of favouritism in connection with appointments.

The Minister for Mines: You could never do away with that.

Mr. WILLCOCK: I do not know about that. If a man has a right to bring his case before the board, the Commissioner would have to shew very good reason for disagreeing with the board's recommendation.

The Minister for Mines: The board would have to show very good reasons before the Minister would disagree with the Commissioner's decision. With the board, it would be a case of giving a decision and walking out.

Mr. WILLCOCK: No such board would make a recommendation simply because someone asked them to do so. Unless a man has very good reasons for going before the board, he would not approach it at all.

Hon. T. Walker: That in itself is a safeguard.

The Minister for Mines: That could not be done except by way of an amendment to the Railway Act. Such a departure from the existing conditions would mean an interference with the powers of the Commissioner.

Mr. WILLCOCK: The whole service might be behind men who consider they have a prior right to a position to which someone else had been promoted. It would become a source of discontent with the whole service. The Arbitration Court is to settle any dispute with regard to service or conditions and the board will take the place of the Arbitration Court. Therefore the board should have the power at least to make a recommendation. Then if the Minister turned down the recommendation, he would have to take the responsibility.

Mr. Pickering: That would place the appointment in the hands of the board.

Mr. WILLCOCK: No, the Commissioner would still have the right, but the board should be able to review the facts. The employee would have the satisfaction of having placed his case before a tribunal that had power to make a recommendation. In a majority of cases the original appointment would stand. No harm could result from the proposal and much discontent would be obviated.

The CHAIRMAN: I cannot see that the amendment can be inserted where the hon. member desires. He wants it to be added to sub-paragraph x., but I think it would be far better if it were inserted after paragraph (d). If inserted as the hon. member suggests, it would not make sense.

Mr. WILLCOCK: Will you permit me to move for its insertion as you suggest?

The CHAIRMAN: Yes, I will accept your amendment to that effect.

The MINISTER FOR MINES: I wish to refer members to Sections 68 and 69 of the Government Railways Act, and to point out that this Bill is not a Bill to amend the Government Railways Act.

Hon. P. Collier: For all practical purposes, it is.

Hon. T. Walker: It has to do with the Government railways.

The MINISTER FOR MINES: It has nothing to do with the Government Railways Act and is not in conflict with any of its provisions. It seeks to set up a tribunal to deal with matters which, under another Act of Parliament, have long since been taken from the Commissioner of Railways and handed to the Arbitration Court. Section 68 reads—

> The Commissioner may appoint, suspend, dismiss, fine, or reduce to a lower class or grade, any officer or servant of the department, under powers delegated to him by the Governor by Order-in-Council, and where the salary or wages of any such officer or servant shall not exceed the rate of four hundred pounds a year, such powers shall be deemed to have been so delegated.

Mr. Smith: That does not deal with promotions.

The MINISTER FOR MINES: An appointment means a promotion for someone. Sec. 69 reads—

> Any person who, being permanently employed on a Government railway is: (1) fined; or (2) reduced to a lower class or grade; or (3) dismissed by the Commissioner or any person acting with his authority may in the prescribed manner appeal to an appeal board constituted as hereinafter provided.

Mr. Smith: That does not touch the point.

The MINISTER FOR MINES: I would not accuse the member for North Perth of not being able to understand the sections I have read, but he deliberately refuses to understand them. We have an appeal board to deal with all matters where the Commissioner fines, reduces or dismisses employees, but Parliament deliberately refused to grant an appeal on the question of appointments. If Parliament now wishes to change its attitude, it will be necessary to amend the Government Railways Act.

Hon. T. Walker: If the Commissioner keeps me in a grade when by merit I should be in another grade, has not he brought me under that?

Mr. Smith: That is what the officers are seeking.

The MINISTER FOR MINES: No, the officers want the right to appeal to the classification board, and I say that this has nothing to do with the classification board. If an officer is in the wrong grade, he can appeal. The amendment is foreign to the Bill. I told the railway officers that the Crown Solicitor had said it was foreign to the Bill, and that we did not propose to amend the Government Railways Act this session. If it came up for amendment next session, I would be prepared to consider the question of giving them the right they seek. I suppose they are afraid of what might happen in the meantime. They should ask the leader of the Opposition for a similar undertaking in case there should be an eclipse of the moon next year.

Hon. P. Collier: I would prefer you to clean up everything now.

The CHAIRMAN: Do you suggest that the amendment is foreign to the Bill?

The MINISTER FOR MINES: Yes.

The CHAIRMAN: Then I rule the amendment out of order.

Mr. WILLCOCK: I think I shall have to dispute your ruling.

The CHAIRMAN: Has the hon. member any amendment to move to this clause? I have ruled his previous amendment out of order, and there is nothing before the Chair.

Mr. WILLCOCK: I hardly think it is fair for you, Sir, just to take the word of the Minister.

The MINISTER FOR MINES: I realise that it may be possible to read into or out of the subclause the points raised by the member for Geraldton, but those points were never intended. Personally I am satisfied that the subclause covers all the ground which the hon. member desires it should cover. I am prepared to agree to an amendment to include in the subclause any other matter which may be submitted by mutual consent.

Mr. WILLCOCK: I move an amendment—

That the following be added to Subclause 2 to stand as sub-paragraph (xi.): "or any other matter submitted by mutual consent."

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

Clause 16—Powers of board:

Hon. W. C. ANGWIN: What is the need for Subclause 2? Probably the board will be sitting continually. It seems that the board will, under this subsection, have power to act on mere reports; and yet their decision is to be final. Thus the board will be able to get out of doing the work of investigation.

The MINISTER FOR MINES: There are times when it is infinitely preferable to arrange for some person to investigate on the board's behalf, instead of the whole of the board, including two assessors, travelling a great distance to obtain some information. The board will not transfer their actual responsibility. The person delegated to investigate may be a member of the board, or perhaps some officer appointed by mutual consent of the parties. The subclause will serve to minimise expense.

Hon. W. C. ANGWIN: Then it appears that in every outlying district some person is to be appointed to classify the officers in accordance with his opinion, and that the board will act on the opinion of such person. By far the preferable course would be to send one member of the board, and not an outsider, in such cases. Under this subclause special boards could be appointed all over the State. The board could, for example, appoint a sub-board of three persons to inquire anywhere. Every railway station might want a sub-board of its own. The members of the Arbitration Court go themselves to make investigations.

The Minister for Mines: When they can.

Hon. W. C. ANGWIN: At all events, no such power as this is vested in the Arbitration Court, whose members base their awards and decisions on the results of their own personal investigation.

Mr. Money: The board will base their decision in such a case on the report and also the minutes of the investigation.

Hon. W. C. ANGWIN: But in such cases the decisions of the board will not be based on personal investigation.

The MINISTER FOR MINES: The hon. member is allowing his imagination to run riot. Under this provision there will not be numerous little boards running around the country. I know of hundreds of approvals by the hon. member, when Minister controlling a department, of recommendations made by officers to whom he had delegated the work of investigating and reporting. Similar things are done every day by every Minister and every large institution.

Clause put and passed.

Clause 17—agreed to.

Clause 18—Copy of claim to be furnished:

Mr. WILLCOCK: The Bill seems to consider that all the appealing will be done by the officers. The union must give prior notice to the Commissioner of anything they intend to do, and the Commissioner should be under the same obligation. I move an amendment—

That after the word "Commissioner" there be inserted "or the union, as the case may be."

If the amendment is carried, each party will have to give the other 14 days' notice of intention to appeal.

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

Clause 19—Representation before the board:

Mr. JOHNSTON: There is a remarkable divergence of policy in this clause when compared with the corresponding provision in the Public Service Act. Here we have the

Government providing a board to consider appeals from officers of the public service, including teachers, except railway officers, and it is provided that the parties before the board may be represented by counsel.

Hon. W. C. Angwin: We are not only paying the board, but paying a solicitor all the time.

Mr. JOHNSTON: I really do not know which of the two provisions ought to be amended. If there is any advantage in other members of the public service having the right to be represented by counsel, then that advantage should be extended to all other officers of the Government service.

The MINISTER FOR MINES: We are not precluding legal practitioners from appearing before the board. If a technical point arises which might best be cleared up by a legal practitioner, the board may decide that a legal practitioner shall be heard. Only in those circumstances shall legal practitioners appear before the board. The answer to the hon. member is this: As I stated on the second reading, we have endeavoured in every way to meet the wishes of the railway officers, so long as it can be done without making a vital intrusion upon good sound government. The railway officers have not asked that a legal practitioner appear whenever he chooses; for a very good reason, namely, that the Commissioner is in an infinitely better position than is the union to pay big fees to a legal practitioner. Therefore the union ask that a legal practitioner shall be permitted to appear only when required to clear up technicalities.

Hon. P. Collier: But the Commissioner may ask to be represented by a legal practitioner at every hearing.

The MINISTER FOR MINES: I can assure the hon. member that nothing of the sort will occur. Ninety-nine per cent. of the questions to come before the board will be industrial questions, in which legal practitioners are not trained, although of course even in an industrial matter points may crop up which could best be cleared away by a legal practitioner. The Commissioner has not the slightest intention of engaging a legal practitioner. He proposes rather to train a man in the service for the purpose.

Hon. W. C. ANGWIN: I move an amendment—

> That after "shall" in line 1 of Subclause 3 the words "without the leave of the board" be struck out.

We already have a highly paid legal practitioner attending every day on which the public service appeal board sits. Thus we have not only the cost of the judge, of the assessor and of the representative of the public service, but we have also to pay a high fee to a legal practitioner acting for the Government.

The Minister for Mines: I will accept the amendment.

Hon. W. C. ANGWIN: In these circumstances naturally the other side also has a legal practitioner there, and with the two lawyers mixed up in it, God only knows when the thing will finish.

The MINISTER FOR MINES: I accept the amendment. I can assure the hon. member there is no desire on the part of the Commissioner to engage a practitioner unless, as I say, legal points should arise. Even then it can only be done with the consent of the board.

Mr. MONEY: Probably a lot of trouble which has occurred in the past might have been avoided had the parties before the Arbitration Court been better represented. For some years past we have had before the court a paid representative who is not a qualified legal practitioner. It is astonishing to hear the opinion expressed that because a man happens to be a lawyer he knows nothing of any other subject.

Hon. P. Collier: Well, usually he does not.

Mr. MONEY: That may be so with the hon. member's aquaintances, but not generally. When we look around we find the men of the world—Lincoln, Hughes, Wilson, Lloyd George—whenever a man was wanted to carry on the big affairs of State it was found necessary to consult a lawyer.

Hon. P. Collier: Asquith was the first lawyer to become Prime Minister of Great Britain. In England, where they are better known, they are kept out of the highest office.

Mr. MONEY: I cannot accept the suggestion that because I am a lawyer, therefore I know nothing whatever about agriculture. You appoint as chairman of the board a judge——

The Minister for Mines: No, we do not.

Mr. MONEY: Well, you appoint a magistrate. Why? Because he has legal training.

Hon. P. Collier: No, because he is supposed to be impartial.

Mr. MONEY: There is a certain amount of hypocrisy in this. Why exclude the lawyer?

Hon. P. Collier: We will tell you.

Mr. MONEY: Have you had any advantage from employing a man who, although trained in the law, is not a lawyer?

Hon. P. Collier: I do not know; we are considering the question.

Mr. MONEY: You get a legal practitioner who is not admitted. Which is the better, a man responsible for his actions or a man utterly irresponsible? I do not know that the Arbitration Court has been fully successful. We are taking away the common law rights of the officers of the department. Why should not a man, if he desires to be properly represented, be permitted to have that representation?

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

Clause 20—Award:

The MINISTER FOR MINES: The fourth paragraph of the clause reads—

> No award shall come into operation except as approved by the Governor by Order in Council with or without such alterations thereof as the Governor-in-Council may think fit; but if and as so approved every such award shall come into operation as from a date to be specified in the order.

The railway officers point out that they are giving up the right to go to the Arbitration Court by going to another board, and they ask that similar conditions shall apply, and that it shall be mandatory on the Commissioner to accept the award. I propose to amend the subclause to meet the wishes of the railway officers. I move an amendment—

> That "No" be struck out and "Every" inserted in lieu and that all the words after "operation" in the first line be struck out and the following inserted in lieu:—"Except as from the date thereof or subsequent date as specified in the award."

The clause will then read—

> Every award shall come into operation as from the date thereof or subsequent date as specified in the award.

If the clause were to remain as it is, it would be a serious action on the part of the Government to refuse to accept an award. The amendment, however, will not prevent Parliament taking action.

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

Clauses 21 to 23—agreed to.

Clause 24:

The MINISTER FOR MINES: When the Bill comes into operation the right of the officers to approach the Arbitration Court will cease. They have certain matters pending before that court and they want a saving paragraph to provide that they shall not be affected. I move an amendment—

> That after "Act" in the second line the following words be inserted:—"except in respect to matters pending in the Court of Arbitration at the commencement of the Act:"

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

New clause:

On motion by the Minister for Works the following new clause was added to the Bill:—

> The board may order a claimant or an appellant to forfeit and pay to the Colonial Treasurer a sum not exceeding £5 if in the opinion of the board any claim or appeal is frivolous or unreasonable.

Title—agreed to.

Bill reported with amendments.

BILL—MINING ACT AMENDMENT.

Second Reading.

Debate resumed from 28th October.

Mr. MUNSIE (Hannans) [9.25]: The Bill is practically in two parts; the first deals with, or attempts to lay down, the methods under which it is proposed to regulate the conditions in regard to the prospecting and mining for oil. The second part regulates tributing in gold mines. With regard to the first provision, we are to an extent legislating in the dark, inasmuch as we have not up to date discovered any oil in Western Australia, and the provisions contained in the Bill might be considered from a different standpoint altogether if oil had been previously found. If we can judge the feeling of members with regard to the oil provisions, doubt exists as to whether the area of a reward claim, in the event of the discovery of oil, is sufficient or not. My opinion is that the conditions set out in the Bill are ample. The Bill provides that any person or company discovering oil in Western Australia shall have the right to 640 acres and to two 48-acre blocks. Personally, I believe that is quite sufficient, but there is some information that I would like to have from the Minister. When he introduced the Bill the Minister declared that the State was taking the absolute right to mine for oil on any property, Crown lands or private property, even where the freehold had been disposed of. I want to be sure whether, under the conditions that obtain at, say, on the Hampton Plains estate, the Government would have the right to claim oil that might be discovered there, remembering the title that the Hampton Plains Company have to the land. It seems to me there is some doubt on this point.

The Minister for Mines: The provision in the Bill is that the State will take control.

Mr. MUNSIE: In my opinion the clause is intended to give the Government the right to any oil on land irrespective whether that land has been alienated or not.

The Minister for Mines: The clause does not say that.

Mr. MUNSIE: It says—

> Notwithstanding anything to the contrary contained in any Act or in any grant or instrument of title, it is hereby declared that mineral oil on or below the surface of all land in Western Australia, whether alienated in fee simple or not so alienated from the Crown, and if so alienated whensoever alienated, is and always has been the property of the Crown.

If that means anything, it means that the Government are taking the sole right to claim the oil under the surface of any land, irrespective of whether it has been alienated or not.

The Minister for Mines: We have exactly the same right in regard to gold or for minerals, but we do not take those minerals though we control them.

Mr. MUNSIE: The Minister cannot control gold mining on the Hampton Plains today except to a small extent.

Mr. Lambert: That is a different thing.

Mr. MUNSIE: If oil was discovered on Hampton Plains, would the Hampton Plains Company have the same right over it as they have over the gold discovered there? The Government in drafting the Bill are apparently of opinion that they would have that right, else why would they put another clause in the Bill giving them that right? Clause 4 deals with that question. They also inserted Clause 3 which, in words, gives them that right, and they put in a proviso in Clause 4 which shows the doubt in their minds as to whether they had that right or not. Another provision is in regard to the resumption of property for the mining of oil. I agree that the Public Works Act as at present applied is practically the only means the Government have of making a general resumption, but where the resumption of a portion of the property has been detrimental to the balance of it, the owner should have the right to request that the lot should be resumed. The conditions so far as prospecting for oil are concerned are exceptionally liberal. About three weeks ago I read a letter published in the "West Australian" and the "Daily News" severely criticising the action of the Minister for Mines. I do not know whether the writer referred to the present Minister or his predecessor. The letter dealt with the conditions laid down for prospecting for oil. The writer said that after the Minister had agreed to liberal conditions so far as prospecting was concerned, he then restricted them to 12 months. I see that the Bill provides for 10 years.

The Minister for Mines: I was not responsible in the first instance for the 12 months' license. This has been going on ever since the commencement.

Mr. MUNSIE: Some saving clause should be inserted in the Bill.

The Minister for Mines: Not exceeding 10 years.

Mr. MUNSIE: The Bill lays down conditions for the granting of prospecting areas for the search for oil, and distinctly says that people can have the right to prospect for oil for 10 years. There is nothing in the Bill to say what area any person or company can hold. The Minister has said that they might even grant up to 100,000 square miles. That is a power which should not be left in the hands of any Minister of the Crown, even though the people concerned complied with the necessary conditions during the period of 10 years.

Mr. Lambert: What then would be the good of prospecting?

Mr. MUNSIE: They could hold that area for £5 a year.

Mr. Lambert: On the discovery of oil!

The Minister for Mines: They might have to spend a lot of money before they get it.

Mr. MUNSIE: The Government are giving exceptionally lenient conditions to the lessees of an oil lease in the matter of rent. I know they do not expect to get revenue from the rent of the leases, but from the royalty upon the oil produced. A lease can be taken out for 6d. per acre per annum, which is a very liberal concession to grant to any lessee of a known oil field. When the Government are considering the rent of a lease on a known oil basin, they could reasonably ask for a greater rental than 6d. per acre per annum.

Mr. Pickering: They will get their money out of the royalty.

Mr. MUNSIE: I congratulate the Minister on inserting provisions in the Bill to preserve the oilfields first of all for Australian use; also in regard to Clause 14 preventing foreign companies from getting hold of the oil if it is discovered. If we find oil in this State I hope it will be kept first for the use of Australia, the surplus being exported afterwards by some Australian company. The provision contained in Subclause 4 of Clause 8 has been questioned. I admit the powers contained there are exceptional. I do not know sufficient about prospecting for oil to be able to criticise these conditions, but I do think someone in authority should possess considerable power over the oil found in Western Australia, in the interests of the people. Subclause 5 of the same clause deals with the conditions in the event of the actual oil basin being found on some adjoining property. This provides that the original discoverer shall have the right to extend his boundaries, even if they go into the holding of some other prospecting area, for the purpose of getting a reward claim. It would be advisable in Committee to add to that clause some provision so that the amount of this area shall not exceed the area of the reward claim. It is not altogether fair that a man should be allowed to take half the area from another syndicate when all that he can claim after the question is definitely fixed up is 640 acres.

The Minister for Mines: We want to provide that the discoverer shall get 640 acres on the oil basin. He might not be able to get that if he only had 640 acres.

Mr. MUNSIE: The discoverer is allowed sufficient time to find out where the basin is actually situated before he picks out his 640 acres.

The Minister for Mines: In the meantime everyone else has to be kept off.

Mr. MUNSIE: The Minister has given himself the right to decide any dispute which may arise between two claimants who put in their claims simultaneously. The Bill provides that applications shall be lodged for an oil lease under the ordinary conditions obtaining under the principal Act. That provides that application shall be made to the warden's court. The warden shall be the person to decide between two claimants who have lodged their claims simultaneously, and not the Minister.

Mr. Lambert: The Mining Act could apply in that case.

Mr. MUNSIE: I am more conversant with the tributing sections of the Bill. The Minister has put forward four principles which are not contained in the Mining Act, and which it is contended will be of benefit to tributers. Firstly, he has demanded the registration of all agreements. It is supposed to be done at present but it is not mandatory. Not one agreement in 10 is registered in this State at the present time, but the Bill makes it mandatory that all such agreements shall be registered. Secondly, the Bill provides that the warden shall have the right to review an agreement even after it has been signed. I realise what the Minister is after in this direction. Thirdly, it is provided that no royalty shall be charged until the tributer is earning £3 a week. Fourthly, the Bill introduces the time and block system combined. I do not believe that any of these conditions, with the exception possibly of the £3 per week conditions, will be of any material benefit to the tributer. Instead of the warden having power to revise an agreement, a board should be appointed to do so. The Minister said he would consider the advisability of appointing a board of assessors.

The Minister for Mines: I propose to do that. It is one of the amendments I have to make.

Mr. MUNSIE: I am pleased that the Minister has agreed to that. Unless a tributer has a direct representative on the board to whom he can appeal, there will not be many interferences with tribute agreements that are already signed by both parties. I do not think there would be any interference if the warden was left on his own. If the tributers have a representative on the board, although the actual party of tributers was responsible for signing the agreement, and they might not be desirous of having that agreement considered or reviewed, their representative on the board would see that it was reviewed, if it interfered with the system of tributing generally. I, therefore, want this board appointed instead of the warden being allowed to review. I shall not be satisfied unless the Minister is prepared to state the maximum amount that can be charged for royalty. There is no limit to the extent that some of these companies will go. I have an instance here of a parcel of 51 tons of ore, averaging 11 ounces 3dwts. of gold to the ton. For the sake of easy comparison, however, I am taking a parcel of 50 tons at 10ozs. of gold per ton. Under existing conditions the company takes 40 per cent. of the total in royalty, and only pays on 90 per cent. of the ore value. Further they only pay £4 per fine ounce when they actually receive about £5 15s. per ounce for the gold. On this particular parcel of 50 tons the company, over and above their £2 per ton crushing charges and 40 per cent. royalty and the other expenses that they put down to the tributer, actually made a profit of £988 from that parcel. When tributers are treated in this way, it is time for the Government to intervene and prevent them from being robbed to that extent. I have here another tributer's agreement. It is under ten ounces, although it is a fairly good one. The parcel was 97.262 tons. They deducted for moisture 2 per cent., which is roughly two tons. The actual figures were 1.945 tons. To all intents and purposes that was two tons, bringing the parcel down to 95.317 tons. The average assay value was 60.37 dwts., which at 90 per cent., equalled 54.33 dwts. What were the exact charges? On 95.317 long tons at 54.33 dwts., that works out at 258.928 ounces, giving a total value of £1,035 14s. 3d., less treatment charges on 97.263 tons. They deducted the moisture first, and never paid on the full 97 tons. The charge of £2 per ton for crushing was levied, however, on the full 97 tons. In my opinion that is daylight robbery.

Mr. Duff: Did they charge £2 per ton for crushing at Kalgoorlie?

Mr. MUNSIE: Yes. They crushed the moisture and charged £2 per ton for it.

Mr. Duff: What does the Minister charge for crushing water?

Mr. MUNSIE: That was the charge they levied. They charged £194 10s. 6d. for the crushing, less the royalty at 30 per cent. As a matter of fact, on this parcel of ore the total gold won on a 90 per cent. extraction, was valued at £1,035 14s. 3d., of which the tributer got £492 7s. 10d. In the course of his second reading speech, the Minister said that there was a third party which had to be considered, namely, the Crown. It was pointed out that under such circumstances the tributers were not able to successfully work dirt of a value less than 14 dwts. When we have such conditions obtaining as I have described, it is a very rare case for a tributer to succeed on 14 dwts. Taking the last parcel I have referred to and giving the value of gold at £4 per ounce——

Mr. Duff: Do not these tributers get the advanced price from the gold producers' association?

Mr. MUNSIE: These men have not got it yet. This is one of the parties who took out an injunction to get the full value, less royalty. The company were not prepared to give them more than ten per cent.

Mr. Lambert: They sheltered themselves behind legal difficulties.

Mr. MUNSIE: They have got out of it so far. On the basis I have mentioned the company's share was £543 6s. 5d., while the tributers got £492 7s. 10d. Something should be done to prevent such a position being possible. Either the company should be made to pay for the actual gold won from a parcel or only charge royalty to a reasonable amount. If a metallurgist or assayer on any of the company's mines on the Golden Mile did not get more than 90 per cent. out of the dirt, he would not hold his job for 24 hours. As a matter of fact the companies in their annual reports put the percentage down at 98 on the assay values of the ore treated. They

do get up to 97 per cent., but only pay on 90 per cent. Out of the parcel I mentioned just now the extra value in gold which they secured, and the extra gold they secured over and above the 90 to 97 per cent. extraction, went to about £551 16s., in addition to the £543 6s. 5d. mentioned in the company's statement. The company thus got actually about £1,094 16s. 5d. In such circumstances is it any wonder that the tributers are asking that a tributer's Bill should be introduced? As this measure stands now it will not protect the tributers. I am sorry that the Royal Commission to inquire into the system of tributing in Western Australia was not gone on with, but if the Minister will amend this Bill as he indicates he is prepared to do, and appoint a board to decide many of the problems which confront tributers at the present time, it will go a long way towards alleviating their troubles. If the Minister will agree to a maximum royalty to be charged, it will prove beneficial. If such a board is appointed, the tributers' representative will see that conditions such as I have described will not be permitted in Western Australia in the future.

Mr. Duff: Is that instance you quoted of recent date?

Mr. MUNSIE: It is dated 29th July of this year. I do not believe any company should be permitted to charge royalty in excess of ten per cent., although in view of certain circumstances I would be prepared to go a little higher than that.

Mr. Duff: Would you support a sliding scale?

Mr. MUNSIE: Yes. But the maximum of 40 per cent. is altogether too high. Twenty per cent. is as high as the sliding scale should go. I contend that this Bill deals with the question of tributing on a wrong basis altogether. The problem is dealt with in the interests of the companies and not in the interests of the tributers. It is not in one case in a hundred where tributing is done on mines that the companies themselves are prepared to work. It is only where companies are not prepared to work the leases that tributers are allowed into the mines, and in such circumstances no company should be allowed to extract more than 20 per cent. from the tributers.

Mr. Troy: As a matter of fact, the tributer mans the lease and holds it for the company.

Mr. MUNSIE: That is so, and for that very reason, not more than 20 per cent. should be charged, irrespective of the value won. What difference does it make to the company if the tributer is fortunate enough to strike a rich parcel? The company does not put the rich parcel there, and the tributer has to do a certain amount of development work in order to discover the rich parcel. Any company should be prepared to levy not more than 20 per cent. when payable gold is discovered on their lease. I trust that in Committee the Minister will agree to make at least three amendments which I consider to be absolutely essential in the interests of the tributers whom this Bill is supposed to assist.

Mr. GARDINER (Irwin) [9.56]: In considering this Bill, especially with regard to oil, we are dealing with a subject of which we know little or nothing at the present time. My sympathies are with the Minister in these circumstances, because he very clearly showed that he was anxious to have oil discovered in the State, but he was also anxious to protect a national asset that we may have here, from being exploited without benefit accruing to the State. I warn the Minister that in that highly laudable desire he may accomplish neither end. Boring for oil is not a sport. It is a pretty expensive process and if the Minister makes the conditions too stringent he may defeat the ends he has in view. I would ask the Minister to re-consider some of the earlier clauses of this Bill, say, Clauses 3 to 5. I do not want at any time a stigma to be attached to this Parliament of doing anything of a confiscatory nature. I believe incalculable harm has been done to one State of Australia by the Queensland Government, the British investor, rightly or wrongly, regarding the Government's actions by legislation as amounting to repudiation.

Mr. Troy: Posterity will justify the Government's action in that case.

Mr. GARDINER: That action only applied to leasehold. This applies to freehold. If we are to say that oil under the ground in a certain title, with distinct reservations, belongs to the Crown, then it is a very simple matter to say that coal, copper, or other minerals which may be outside these distinct reservations, also belong to the Crown.

The Minister for Mines: There is nothing of a confiscatory nature in the Bill.

Mr. GARDINER: I hope that what I am saying is not correct, but if it is correct I hope that the Minister will hesitate before putting such clauses into operation. If we can by Act of Parliament take away the rights of a freeholder, we can more easily take away the rights of a leaseholder. In this transaction we want if we possibly can to encourage trust. Let us see how this would apply to the Midland Railway Company. I am not standing here as an advocate for the Midland Railway Company. They state that they have every occasion to make hard remarks against this State once in 12 months. Do not give them further ground on which they would have a legitimate complaint to make. This is a copy of their contract entered into, not with the State, but four years before Responsible Government. It was entered into between the Imperial Government and the Midland Railway Company.

The Minister for Mines: And we honour that to the letter.

Mr. GARDINER: Well, see the difficulty. The argument will also apply to the ordinary freeholder if he has the same reservations.

This title says, "We do by these presents for Us, Our Heirs and Successors grant" certain lands, that is to say after the company had completed their contract, "together with all profits, commodities"—presumably oil is a commodity—"hereditaments and appurtenances whatsoever thereunto belonging or in anywise appertaining." Then it goes on to say what rights they have. The right to construct a railway, to cut timber for it, to make bridges and so forth, and it further says, "and We do hereby save and reserve to Us, Our Heirs and Successors all mines of gold, silver and other precious metal under the said land." There are plenty of other reservations in our ordinary titles as clear and distinct as that. In later titles the Government reserve something more than gold, silver and precious metal. In the title I have from the Midland Company they reserve coal, phosphatic rock and all things of that description. I presume that the Hampton Plains property is on the same basis as the Midland Railway Company's land. The Minister might say that this is honoured. I do not care whether he says it is or not; he cannot alter it. It is not a contract between the Midland Railway Company and the Government of Western Australia. It is a contract between the Midland Railway Company and the Imperial Government.

Mr. Lambert: You would not suggest that the company are not subject to the law of the land.

Mr. GARDINER: If the Minister says, "I will honour that because of that agreement," is not he in an equal position to honour the other titles which merely show their particular reservations?

The Minister for Mines: You are making out a case that does not exist.

Mr. GARDINER: I do not think the Crown Law authorities believe, and I do not believe that, notwithstanding anything in the grants made, all oil belongs to the State—see the next clause.

The Minister for Mines: Is not the State the landlord? You cannot get out of it.

Mr. GARDINER: That interjection does not do credit either to the Minister's intelligence or to mine. There should be other methods of getting at what the Minister desires so that a man shall not unnecessarily reserve an oil-bearing area without the Government dishonouring their word or their bond. I want to warn the Government against this. It would not be merely the Midland Railway Company and the Hampton Plains Company but every freeholder whose title shows certain reservations would say, "Is not it a matter of equity and fairness that what is not reserved belongs to me?" I venture to say that the Government cannot get away from that. May I suggest that instead of this, the Minister should fix a royalty if he wishes to protect the State, fix a royalty all round, and say that these people have the right to the oil. Let us get away from the case quoted by the member for Hannans regarding the tributing and say that the maximum which the holder of oil lands can get from the prospector is the royalty which the State gets. This would be an infinitely quicker and fairer way of getting at the result.

Mr. Lambert: Assuming your argument is right it would be only a matter of degree. You would get half of it and the State would take a half.

Mr. GARDINER: That might be so, but this Bill attempts to protect the tributer in the mines.

Mr. Lambert: That is different because tributing is subject to regulation.

Mr. GARDINER: This may not apply to Hampton Plains or to the Midland Railway Company, but it may apply to the general freeholder. This is a wrong method and a method which will lead every freeholder to say, "My title is not what it represents itself to be."

The Minister for Mines: What I am trying to get at is that, although the clause may appear to take possession of the oil on freehold land, it does not actually do so. It only gives us control. We do not propose to take the oil.

Mr. GARDINER: As the clause stands it will take more than the Minister's explanation to convince me or the man who holds a title that what he says is so.

The Minister for Mines: There is no intention nor does the clause provide that we shall take the oil. It gives us control, which is essential.

Mr. GARDINER: When I say a thing belongs to me, it is mine. The Government say that the oil has always been the property of the Crown. Let us see what other people are doing. We are dealing with a subject of which we know very little. Outside of the very interesting remarks made by the Minister, I do not expect that any of us knows anything about oil. In connection with the Anglo-Persian Oil Company, Mr. Darcy had the right to prospect over 500,000 acres. He spent £200,000 in boring before he got any oil. Then the British Government came to his assistance and the British Government now own two-thirds of the stock in that oil company. In 1922 it is hoped that they will have sufficient oil from there alone to supply the petrol requirements of the British Government. They have something like 270,000 tons of oil-tank shipping to take the oil away. What are the authorities doing? They get £3,000 a year and three per cent. of the shares in any company formed. They have to take that oil 147 miles in pipes to the Persian Gulf. That is one company. Some of the wells have been running for as long as eight years. Now come to the other big field, Mesopotamia. There is a rather strange thing about Mesopotamia. They found this oil where Noah got the pitch with which to pitch the ark, and some of the slabs were so big that many were used to build the tower of Babel.

Mr. Lambert: Have they distilled the tower of Babel yet?

Mr. GARDINER: It is of advantage sometimes to be slightly deaf. There again the British have the controlling interest. That is quite right and they want to keep it. In Mexico one well alone in eight years has given 110 million barrels of oil and it is still going. So far as my information goes everywhere inducements were offered to get people to prospect for oil. Even in England at the present time the British Government have given a million pounds to prospect for oil in Great Britain. The British Government by getting a two-thirds interest in the Anglo-Persian Company made nearly as good a deal as they did by advancing the money for the Suez Canal shares. What I am anxious about is that we shall find oil. I would rather find oil and then proceed to tax it by way of royalty than in any way disparage the efforts of capital to discover oil. I am very sorry that I did not get the result of a recent interview in South Australia. There a good deal of money has been spent in prospecting for oil and the Government have refused any help. American experts whose services were obtained said, "From every indication, you are in oil country." The South Australian Government were asked for a 10,000 to 15,000 acre reward claim and the Minister said he would take time to consider what should be done. By all means let us protect the State if we can. The Minister desires to protect this State but, in protecting the State, may I suggest that first of all he should amend these three clauses so that there shall be no stigma on the State, in order to give every encouragement to people to find the oil. I like some of the provisions of the Bill very much because they are fair and right. Do not let us put up a bogey which is more imaginary than real and which may prevent Western Australia, if oil is discovered here, from getting the full benefit of it. We all want oil to be found here. The probabilities are that if it is found, the State will receive substantial benefit from it, and people will be encouraged by these generous offers to find it.

Mr. LAMBERT (Coolgardie) [10.16]: There are considerable difficulties no doubt attendant upon the discovery of oil in Western Australia. One can only say that its discovery is more or less of a supposititious and visionary nature. Some people say that it is possible that oil will be found in this State. From all the indications, one would judge that there is some practical basis for this expectation. The Government are well advised to frame what is, after all, only a skeleton of a measure, but which will in some way bring the boring for oil under control. It would appear that there is something in the contention brought forward by the member for Irwin with regard to Clause 3. This states that mineral oil on or below the surface of all land in Western Australia, whether alienated in fee simple or not so alienated, is and always has been the property of the Crown. I do not know whether such a provision is necessary.

The Minister for Mines: When the blacks first had it, it did not belong to the Crown.

Mr. LAMBERT: I do not know whether that is the reason given for the necessity of the clause. If there was a semblance of a chance of oil being found in this State, it would be a regrettable thing that legislation should have been introduced. I feel, and no doubt the Minister does, that if oil were to be discovered, it should always remain a national asset, and there would therefore be no need to make provision for the regulation of private individuals who might desire to exploit it. The Minister would in no way discount the great value that the discovery of oil would be to Western Australia and Australia. There are doubts as to whether oil will be discovered, but, from geological indications, people are hopeful that this may yet come about. If it is found in Western Australia those who discover it should get the reward they deserve. The Government are right to adopt the attitude of encouraging people to do their utmost to locate the oil. I do not think there is much in the contention of the member for Irwin that we would fall foul of the Midland Railway or any other company. If Clause 3 is accepted as printed there is little doubt as to how we would stand, as a State.

The Minister for Mines: It has to be read in conjunction with the other provisions of the Bill which do not take the oil to the Crown. But oil must be controlled on private property in order that it may be controlled on Crown lands.

Mr. LAMBERT: It is contended that this is necessary in order to bring it under control. The member for Irwin has reasoned in rather an elastic manner when he suggests that whilst we would not take the whole of the oil discovered it would be right to take 50 per cent. of it. The House will be well advised to make some provision for the regulation of the discovery of oil. If it is ever found in payable quantities, this skeleton of a Bill would provide for its regulation. The manner in which permits are being issued has something to commend it. I do not know whether there are many people working under this system. There are a few persons who fancy they have already discovered oil in the South-West. I have had gases sent to me which would burn as beautifully as any other gas, but whether these came from any crater, or from the South-West, I cannot say.

Mr. Pickering: Are you going to nationalise manganese?

Mr. LAMBERT: Even that would be a good thing perhaps, although it might affect me commercially. The member for Hannans has dealt fairly fully with the tributing clauses of the Bill. Some endeavour is being made by the Government to remedy the abuses of the present system.

Tributers who are mining on certain leases are charged a particular sum for the milling of the ore, and sometimes these charges are extortionate. If some provision is not made for fixing the crushing charges, or regulating this matter in some way, the provisions of the Bill will to a large extent be defeated. It will be possible for a company to adhere to the tributing clauses of the Bill, and then charge an extortionate amount for crushing. I hope the Minister will see the necessity for safeguarding the tributers in this respect. I am not prepared to say whether £1 or £2 per ton is an unfair amount to charge, but I do know that ore can be crushed and roasted for £1 or 25s. a ton, and for that reason £2 per ton seems a fairly stiff sum to charge. In addition to the crushing charges the companies are getting royalty and other benefits from the tributers. I hope these companies will not be allowed to charge what they like and compel the tributers to crush at their own plants.

The Minister for Mines: That would be subject to review by the assessors. I would not agree to do that myself. You cannot make provisions which can be made to apply in all cases, for difficulties would crop up.

Mr. LAMBERT: Only in cases where the company has a mining plant operating.

The Minister for Mines: How can you put in a charge there?

Mr. LAMBERT: I do not suggest that. Many of the big companies are mining and milling portion of their ore already. If they let one or two tributes they say the ore must be crushed by their plant.

The Minister for Mines: It is a matter that will be subject to review by the warden or the court of assessors.

Mr. LAMBERT: So long as it is clearly understood that this is subject to review by the warden, the tributers will be safeguarded.

The Minister for Mines: The Bill says so.

Mr. LAMBERT: At Bendigo the question of tributing was a serious one some 20 or 30 years ago. When the stringent Tributing Act was brought into force in Victoria the mine managers contented themselves by not letting tributes. It is an easy matter for most of these big companies to man their leases without inflicting the slightest hardship upon themselves. I think the Minister will see the necessity for making some provision whereby when a tributer applies for a tribute the company can be compelled not to hold up the lease, and prevent the tributer from getting it. Where men consider that there is a block of ground which is payable, they will make almost any offer for it. The Bill should also provide that any default in the tributing clauses will affect the title of the lease. This will stop many mining companies from doing much which they do now. I hope the Minister will seriously consider the making of a provision whereby the title of a mining lease can be affected and the lease declared null and void. I think that, without my elaborating upon it, the Minister will recognise the force of that suggestion.

Mr. TROY (Mount Magnet) [10.31]: This Bill deals largely with making provision for the control and the development of mineral oil if found within the State. That part of the measure is rather in the nature of experimental legislation, inasmuch as until mineral oil has been discovered here, and the State has had some experience of the matter, Parliament will not be able to enact a Bill providing for all contingencies. I welcome the oil provisions of the Bill because the Minister, so far as he has been able, has made provision for the contingencies under which prospecting for oil shall be carried on, for the imposition of rentals, and for the imposition of royalty wherever it can be charged. There is not much in this part of the Bill which can be objected to, but in Committee there may be an opportunity for amending several of its provisions. The member for Irwin (Mr. Gardiner) stated that there is a probability that under the Bill some injury will be done to some of the existing land holders. The hon. member drew attention to those clauses of the Bill which provide that all the oil within the State is the property of the Crown, and has always been the property of the Crown, and that the Crown may enter upon any leasehold or any private property and take that leasehold or private property over on behalf of the State by paying compensation and complying generally with the conditions in that respect now obtaining under the Public Works Act. As regards the properties held by the largest number of landholders in this State, which properties have been alienated during recent years, the freeholder has no right to the land except to the extent of 40ft. below the surface.

Mr. Johnston: Forty feet in mineral areas, and 200 feet elsewhere.

Mr. TROY: If such land was resumed today, no injury would be done to the person holding the land in respect of the presence of oil there, since he has no right to the oil under his present title. Of course if oil were discovered on my property I should feel hurt because the Government had the right to enter upon the land and take it over. I should probably feel that I had missed something. But I ought to be prepared to accept a condition which everybody else in the State has to accept. Inasmuch as I did not take the land up for the purpose of getting oil or any mineral in it, but for the purpose of agricultural development, I have no right whatever to the oil or other mineral upon the land, or indeed to any other property the exploiting of which I had not in mind when taking up the land in the first instance. The ordinary individual might feel aggrieved in such circumstances; but inasmuch as the same condition applies to every other resident in

the State, and inasmuch as the matter is for the good of the State, I do not think any exception can reasonably be taken to this provision. As regards the basis of compensation, I think it will be found that compensation is provided for all the rights which an individual possesses, even as regards surface rights and all consequential damage. I can quite understand that if oil were discovered on one property, the operations connected with oil boring on that property might destroy the value of the adjoining property from certain aspects; and then I should say that the owner of the property of which the value was destroyed would be entitled to full compensation. I have seen pictures of oil bores where the ground for hundreds of acres around has been sprayed with the oil from the bore. In that case one could come to no other conclusion than that the value of the adjoining properties would be destroyed from an agricultural or residential standpoint. That being so, the owners of such adjoining properties would be entitled to full compensation; and under this Bill they would get it. As regards the interests of the Midland Railway Company and similar concessions, the Minister pointed out that as all the rights held to those people by the fact that the concessions were granted before responsible government and preserved and continued to them under the Constitution Act, no legislation we could pass could override those rights, unless possibly—and even this is doubtful—it were done by way of amendment of the Constitution. A few years ago, when Mr. Drew was Minister for Lands, the Government of the time went to extreme pains in order to get a legal opinion as to the rights of the Crown regarding prospecting for minerals on such lands as those of the Midland Railway Company; and it was held, to the satisfaction of the Government of the day at all events, that the Crown had no right to enter upon those properties and had no right to the minerals in those properties, and that the full rights provided in the concessions were preserved and continued by the Constitution Act. I think the member for Irwin need have no fear that any legislation of this character which may be passed can interfere with the privileges preserved to the holders of such concessions by the Constitution Act of 1890.

Mr. Johnston: Is not that a good reason for fearing that this legislation will be ineffective or will be likely to be upset?

Mr. TROY: I fail to see that; because the provisions in question, though they may not apply in the instances which I have quoted, still may apply somewhere else.

Mr. Maley: Can you tell me how something which has never been discovered can be said to be the property of anybody?

Mr. TROY: This Bill merely anticipates the discovery of certain things.

Mr. Pickering: The Bill is necessary to make provision for discoveries which may be made.

Mr. TROY: Yes, and to safeguard the interests of the State in such circumstances. Provision is made in this Bill, so far as wisdom will allow, to control discoveries which may be made. Being in the nature of anticipatory legislation, this part of the Bill is merely an experiment. I do not think there is much wrong with the oil clauses of the Bill. I do hope that oil will be discovered in Western Australia. It appears to me improbable that in a continent like Australia, a continent almost as large as the whole of Europe, there is not every probability that oil will be discovered in one or other part of it. Some experts have said that oil exists in this country, and there is no reason why it should not exist. It is quite probable that the experiments now being undertaken in Queensland will be successful. If they should prove to be successful, it will be an excellent thing for Australia. It will give the necessary fillip which the country needs so much at the present time. I hope that the rights of the State in connection with oil will be conserved and, if oil should be discovered in Western Australia, that the State will be able to get its supplies at a reasonable price. The member for Irwin (Mr. Gardiner) referred to the interests held by the British Government in the Persian and Mexican oil supplies. There is no reason why, if the State controls the whole of the output of oil, it should not see that the full requirements of the State are met from time to time. The other portions of the Bill, which is of a dual nature, deal with tributing. The member for Hannans (Mr. Munsie) represents part of the goldfields where the tributing system is more in operation than anywhere else. Naturally that hon. member will be able to look after the interests of tributers during the passage of this measure. There is one provision in the Bill which sets out that a tributer must receive at least £3 a week before any tribute is exacted from him. That provision is not adequate. The Bill should provide that a tributer should receive the arbitration rate of wages before being compelled to pay any royalty. The tributer must be regarded as serving a dual purpose. In addition to developing an industry that otherwise would not be developed, he observes the labour conditions for the companies, without which the lease could not be held in the first instance. I do not know the conditions in Kalgoorlie to-day, but some years ago I sat on a commission which dealt with tributing on the eastern goldfields. In my report as chairman I recommended the time system and the block system should be inaugurated. At that time Mr. Gregory was Minister for Mines, and it was impossible to get him to do anything. So far as tributing on the Murchison is concerned, apart from a little that is being done at Payne's Find, most of it is done at Day Dawn. I do not know whether the agreements there are harsh or not, but the tributers on the Great Fingal mine are holding

the lease for the Great Fingal Company, and are taking out stone from property which otherwise would not be touched, and so they are adding to the wealth of the State. In such cases, where tributers are working properties and fulfilling the labour conditions and where work is of such value to the State, they should at least receive the full rate of wages allowed by the Arbitration Court in that district before any royalty is paid to a company. When the Bill is in Committee, I hope some hon. member will see his way clear to propose some such amendment. If no other member takes the matter up I will do so myself. I understood from the Minister for Mines some time ago, that he intended to introduce an amending mining Bill which would provide for matters which do not appear in the present measure. I was disappointed to see that this Bill does not provide for many of the things essential for the proper development of the mining industry, and which could very well have been included here. The member for Canning (Mr. Robinson), when Minister for Mines, proposed to introduce an amending mining Bill, and among other provisions, he intended to provide that the rent for gold mining leases should be reduced. By that means he hoped to give some help to prospectors taking up leases and developing them in the initial stages. The goldfields people have emphasised their desire for some such provision, and the Minister has indicated his agreement with the scheme, which would provide for the establishment of mining boards throughout the fields, and that a certain sum of money should be allocated for the development of the mining industry in various localities on the advice of the mining board. I am somewhat disappointed that the amending mining Bill now before us does not deal with matters of that character. No private member could propose the amendments I have indicated because it would mean a charge on the revenue, and as such would be disallowed by the Speaker. I had hoped that the Minister when he introduced the Bill would have made it a comprehensive measure and provided for the immediate requirements of the industry now in existence, as well as for an industry which, so far, is only anticipated. Members discussed the extension of the Agricultural Bank the other night, to conserve more fully the interests of the people in the agricultural areas, and I see no reason why in an amending mining Bill we cannot provide for the extension of that bank or provide for a mining bank to make advances on the advice of mining boards, for the development of the mining industry or the development of any other industry in the mining localities. I do not know why the Minister did not keep the promises he has already made to introduce a Bill providing for the matters I have mentioned. I can only express my disappointment that when we have a Bill of this description before us, it does not embody the matters I have referred to. The Minister must have forgotten the promises which he made recently at Mt. Magnet, and I can only come to the conclusion that those promises have been entirely overlooked. With the chief purposes of the Bill I am in agreement, and I shall give my support to the member for Hannans or any other member representing the eastern goldfields who may desire to improve the tributing provisions, improvements which should have been made by the House some years ago.

Mr. O'BESSON (Cue) [10.50]: Provision is made in the Bill that every tributing agreement shall be in writing and registered, and subject to review by the warden. In the Mining Act it is provided that a tribute agreement, before being registered, may be subject to revision by the warden. It was done on the Great Fingal. When the tributers there applied to have their tribute agreement registered, the warden revised it, inserting a clause that the tributers were to earn £2 a week, after paying carting and crushing and all costs, before any royalty was to be paid to the company. The warden in that instance fixed the maximum rate of royalty at 15 per cent. The scale was a 30s. extraction 7½ per cent., a 40s. extraction 10 per cent., a 50s. extraction 12½ per cent., and a 60s. extraction 15 per cent. Thus did the warden avail himself of the provision in the Act to save the men from exploitation. As was pointed out by the member for Mt. Magnet (Mr. Troy), the tributers in the Great Fingal comply with the manning conditions, pay for the use of the boiler and the engine, and keep everything in repair. The stone crushed has been very good. When the time arrived for renewing the tribute agreement, the £2 per week condition was not pressed by the men. The company has dealt fairly well by the men in connection with the gold sold through the Gold Buyers' Association, for the men have received their full quota. Certainly the Fingal Company has given the men a better deal than the men on the Eastern Goldfields have had. In the Bill provision is made that tributers shall receive £3 per week before any royalty is paid. I agree with the member for Mt. Magnet that it would be better to provide that they shall receive the ruling rate of wages in the district before paying royalty. I believe in the system of time and also in the block system. I am glad to see the provision made for a six months agreement with the right of renewal, because very often there is a good deal of development work to be done, and unless the right to work out the blocks were reserved, it would press unfairly on the tributers. Provision is also made that the men may be taken off by the company during development work, but that they shall then be paid wages. That is only right, although in most of the tributing agreements the company are entitled to shift the men about without paying them any wages. Too much precaution cannot be taken to protect the worker under tributing agreements. Where there is a good deal of competition men will

take tributing agreements and pay a big percentage merely for the sake of getting work, hoping that the tribute will develop. By giving the warden the right to revise the tributing agreement, the Minister is making provision for the adjusting of the conditions by the warden. The warden in our district has always made a point of seeing that the worker gets a fair deal. One or two little amendments are required in the Bill, which with those amendments will be a really good Bill.

On motion by Mr. Teesdale, debate adjourned.

House adjourned 10.57 p.m.

Legislative Council,

Thursday, 25th November, 1920.

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

BILL—PRICES REGULATION ACT AMENDMENT AND CONTINUANCE.

Assemby's Amendments.

Schedule of two amendments made by the Assembly now considered.

In Committee.

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

No. 1, Clause 6.—Insert after the word "of," in the sixth line, the word "producing":

The MINISTER FOR EDUCATION: I move—

That the Assembly's amendment be agreed to.

The clause provides that the Governor may determine the maximum prices which may be charged for commodities, on the basis of manufacturing, landed, delivery or other cost. I do not see how the word "producing" can make any difference because "other cost" would cover it. If anything it widens the range of things which the Commission shall take into consideration, and the intention is that the Commission shall take all things into consideration.

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

No. 2.—Insert a new clause, to stand as Clause 2, as follows:—The sittings of the Commissioners at which witnesses are examined shall be held at such time and place as may be fixed by the Chairman, and except so far as the Commissioners, in their discretion, may think fit to sit in camera, shall be open to the public, and the evidence shall be taken on oath.

The MINISTER FOR EDUCATION: When the Bill was before another place an effort was made to compel the Commission to take all evidence on oath and in public. This proposed new clause is a compromise, leaving it to the discretion of the Commission whether they take the evidence on oath or in public. At present the Commission have power to take evidence on oath.

Hon. J. Duffell: Is not that sufficient?

The MINISTER FOR EDUCATION: They have done so, and have had the evidence reported in all cases where it was thought that prosecution might result. In cases of minor importance the evidence could be taken on oath or otherwise as the Commission thought fit, but there is nothing in the Act bearing on the question of taking the evidence in public. The Commission have not taken any evidence in public; in fact, the Act requires a declaration of secrecy from everyone connected with the Commission. The New South Wales Act provides that the Commission may in their discretion sit in camera. That is practically what the Assembly's amendment suggests.

Hon. J. J. Holmes: What does it say about taking evidence on oath?

The MINISTER FOR EDUCATION: All of the Commissions take evidence on oath.

Hon. J. J. Holmes: In public?

The MINISTER FOR EDUCATION: All of them take evidence on oath and the other point is whether they shall sit in public. In Queensland there is one commissioner who may take evidence in public or private; it is left entirely to his discretion. In Victoria the Commission may in their discretion sit in camera. There is the suggestion that ordinarily the Commission there would sit in public.

Hon. J. Cornell: They do sit in public.

The MINISTER FOR EDUCATION: That is so. In South Australia the Commission may take evidence in public or in private. In face of this and as the matter will be still left to the discretion of our Commission, I see no other course than to accept the compromise agreed to in another place. I consider that the Commission in Western Australia sitting in camera have done work as good or, if not better than the Commissions in other States.