Amendment put and passed.

Mr. O'LOGHLEN: I move an amendment—

That after "felling" in paragraph (b) the word "hewing" be inserted.

There may be some doubt as to whether hewers will be covered, and the amendment will remove all doubt.

Amendment put and passed.

Mr. CUNNINGHAM: Does "person" imply any company or firm?

The CHAIRMAN: The Interpretation Act lays down that "person" includes a body corporate.

Mr. McCALLUM: I move an amendment—

That after "industry" in line 4 of paragraph (b) the words "or clearing, well sinking, or dam construction" be inserted.

The great bulk of the men engaged on such work insure, and the companies take the money knowing that these men do not come under the Act.

Mr. Mann: One company paid £85 to a man on contract who lost one of his fingers.

Mr. McCALLUM: That man struck a good company.

The PREMIER: Does the member for South Fremantle mean men engaged on contract and otherwise?

Mr. McCallum: Yes.

The PREMIER: I hope the amendment will not be accepted. It is not advisable at this stage to attempt more than is proposed in the Bill. If a man has a contract for clearing, there is no reason why he should not insure himself. The amendment, however, would cover all men employed by a contractor. If I let a contract to a man and he without my knowledge employed other men to do the work, I would be responsible.

Mr. McCallum: We have repeatedly asked for this.

The PREMIER: Yes, I know. But when a man takes a contract he should cover his own risk.

Mr. Cunningham: His earnings are scarcely enough to live on. You know that.

The PREMIER: I do not know it. The contractor makes good money. It is in his own hands. The timber hewer earns anything up to £2 per day, and the contractor does even better. However, I do not wish to argue against the inclusion of people since I have not had time to go carefully into the position. It is not reasonable to insert an amendment that will cover everybody. I hope the hon. member will not persist with his amendment.

Amendment put and negatived.

Mr. O'LOGHLEN: Even at this late stage the Premier might give us an assurance that amending legislation of a comprehensive nature will be brought down next session. All through the country there is a big outcry for it. I admit it would involve us in a long debate to get the comprehensive amendment we are seeking, but the Premier might well give us an assurance that next session he will take steps to protect those engaged in clearing, well sinking, dam construction and the like.

Mr. McCALLUM: I want to join with the member for Forrest in appealing to the Premier for an assurance that a comprehensive measure will be brought down next session. I have repeatedly taken to the Premier deputations asking for amendments to the Act. Insurance companies have attempted a course that will inevitably undermine the whole construction of the existing Act, and we have asked to have the position protected in an amending Bill. In the existing Act are many loopholes. It is urgently necessary that the Act should be brought up to date and the workers placed on the footing they enjoy in other countries. Cold hard facts and cash alone appeal to insurance companies. It is unfair to leave it to such people to take advantage of the many weaknesses in our obsolete Act.

The PREMIER: Although we have had discussions from time to time, I do not pretend to know exactly what the two members who now appeal to me require. If they will let me know what they have in mind, I will see what can be done to meet their wishes. Although I cannot promise to do all that is asked of me, I will at least seriously consider whatever those members have to put before me.

Clause, as amended, agreed to.

Clause 3—agreed to.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10·52 p.m.

Legislative Council,

Thursday, 25th January, 1923.

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

BILL—LAND TAX AND INCOME TAX ACT, 1922, AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 6:

Hon. A. LOVEKIN: Has the Minister consulted the law authorities as to whether the section in the principal Act should stand as

it is? I am further advised that unless it is amended, it is going to involve the taxpayers in litigation.

The MINISTER FOR EDUCATION: I have consulted the Solicitor General. He not only says the section is perfectly clear, but that it is in accord with what has been enacted in another measure. In his opinion no language could more fairly express the intention of Parliament.

Hon. A. LOVEKIN: In opposition to that ruling, we have the considered opinion of Mr. Downing, K.C., and two other legal gentlemen, who say the view taken by the Solicitor General is entirely wrong. There being that difference of opinion between lawyers, I think the statute ought to be clarified. If the Minister will agree to report progress, I will produce to-morrow an amendment which will make the provision quite clear.

The MINISTER FOR EDUCATION: I cannot agree to any such course. As I explained last night, the position is that certain taxpayers thought there was a flaw in Section 5, and under that section endeavoured to escape some portion of the tax they ought to have paid. They failed. Then this word "net" was inserted in Section 6 to give them something to get hold of. If the word "net" be struck out, as is proposed, they will have nothing at all to get hold of, and so everybody will have to pay on exactly the same basis.

Hon. A. LOVEKIN: That is not the position at all. No taxpayers have endeavoured to get what they are not entitled to. They are trying to get what their legal advisers say the Act gives them. The taxpayer says his interpretation of the Act is the correct one, but the department, being on top, say their view is right and that they will impose the tax in a certain way. The only means of testing it is by litigation. I am not advocating that one person should pay more than another, but only that this clause should be so phrased as to set the matter right and leave no grounds for Mr. Sayer taking one view and Mr. Downing another. Of course the Minister thinks only of getting his Bill through. To him it does not matter what else happens. If we could report progress, then to-morrow I should have an amendment to meet the case.

The MINISTER FOR EDUCATION: Now that "net" is taken out of Section 6, the taxpayers represented by the hon. member have nothing to stand upon. Does the hon. member wish that the taxpayer whose income is from personal exertion should pay just as much as other taxpayers?

Hon. A. LOVEKIN: The Minister is evading the whole issue. This provision, as it originally stood, enabled certain taxpayers to pay a lesser tax than was paid by the man whose income was from personal exertion. The department did not interpret it that way. In order that it might be interpreted as intended by Section 5, we tried to make clear to the department what Section 5 meant, by putting in this word "net." Actually it makes no difference whether "net" is in or out. That is what we were told. The Minister informed us that the Commissioner of Taxation advised him to the same purport, and that the Premier was similarly advised. This clause as it stands means that the tax shall be calculated in a certain way. Mr. Downing and others agree with that, whereas Mr. Sayer does not. That being the position, if we do not amend the clause, the taxpayer can still contend before a court of law that his is the proper interpretation, and he will still get an advantage over the person whose income is derived from personal exertion. All I am suggesting is that the clause should be so phrased as to say clearly what it means, and thus remove all grounds for dispute.

The MINISTER FOR EDUCATION: Apart from what I have already said, there is the strongest possible objection to amending the clause. As it stands it is in exact accord with a similar provision in the Land and Income Tax Assessment Act. If the clause be amended we shall have two different provisions dealing with the same thing, and so confusion is bound to arise.

Clause put and passed.

Hon. A. LOVEKIN: Does the Minister not intend to move the further proposed amendment to which he referred last night?

The MINISTER FOR EDUCATION: That matter also I have discussed exhaustively with the Solicitor General. Section 2 of the Land Tax and Income Tax Act of 1922 enumerates preceding Land and Income Tax Assessment Acts. The hon. member suggests that the Assessment Act of 1922 should also be mentioned. The Solicitor General points out that it could not have been included, because it was not then known that there would be an Act of 1922. The two Bills were assented to simultaneously and came into operation simultaneously. The Land and Income Tax Assessment Act 1922 is the law to-day. It merely amends the Land and Income Tax Assessment Act of 1921, and, therefore, as it stands at present, the legislation that we passed last session does cover this period.

Hon. A. LOVEKIN: The Taxation Department will interpret this Act in order to avoid making all the exemptions prescribed.

The Minister for Education: Nothing of the kind.

Hon. A. LOVEKIN: The Minister once before told us, if a certain amendment were allowed to go, instructions would be given to the department to carry out the Act in a certain way. The department ignored the instructions and said they were not there to obey the instructions of Ministers, but to interpret Acts. This is a tax imposed on certain incomes for this taxable year. It says that it is to be subject to the Land and Income Tax Act Assessment Act, 1907, the Land and Income Tax Assessment Amendment Act 1917, the Land and Income Tax Assessment Act Amendment Act 1918, and the Land and Income Tax Assessment Amendment Act 1921, and there it stops:

The Minister for Education: It can go no further.

Hon. A. LOVEKIN: It can go further. The 1922 Act is subject to this one. It was in consequence of the 1922 Act that this was passed. If we do not refer to that Act in this Bill, the Government will get an increased tax of about 15 per cent. and the exemptions will not be allowed by the department. It is the last Act which gave the exemptions. I am opposed to the increased rate of tax if we do not also allow these exemptions. Now that we have this amending Bill before us why should we not make sure of the position and include the 1922 Act?

The Minister for Education: The hon. member can have the amendment if he likes. I have drafted one but I do not propose to move it myself. It can make no difference to the meaning of the Bill if the hon. member does put it in.

New clause:

Hon. A. LOVEKIN: I move—

That a new clause be inserted to stand as Clause 2 as follows:—"Section 2 of the principal Act is amended by striking out the word 'and' in line 7 and inserting after the figures '1921' in line 8 the words 'and the Land and Income Tax Assessment Act 1922.'"

New clause put and passed.

Title agreed to.

Bill reported with an amendment, the report adopted, and a message accordingly forwarded to the Assembly requesting them to make the amendment, leave being given to sit again on receipt of a message from the Assembly.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. J. M. MACFARLANE (Metropolitan) [3.22]: I should like to be able to amend this Bill in such a way as to bring about a greater feeling of comradeship as between capital and labour. The discussion yesterday was one which rather mixed things up. It was difficult for me to decide exactly what course to follow with a view to getting lasting good out of the Bill. I have always looked upn wages boards as the most effective system of dealing with industrial questions, and one that would bring the employer and the employee more closely together than the method of arbitration. The only amendment that the Government are bringing down is one to appoint a permanent president, and not a legal man af that, and I thus begin to have some doubts as to whether I can support the Bill. The President of the Arbitration Court should be a legally trained man if he is to be effective. He has to deal with other than industrial questions. I do not know whether a layman would make an ideal chairman any more than would a judge of the Supreme Court, but if it came to the point I would support the amendment to have a judge of the Supreme Court as the permanent occupant of the position. Mr. Lovekin said we had too many judges. They do not hold their position for all time. They retire or die, and there is a process of attrition going on in respect to them all the time. A judge appointed to the position could be used for Supreme Court work after a while. A man who is constantly doing arbitration work would find it too arduous a task. In the course of a year or two he would want to get some relief, otherwise he would get stale on the job. I favour the elimination of the two lay members of the Arbitration Court. They are rather a hindrance than a help in getting out awards. From figures I have gathered it appears that in New South Wales, where there is only a judge sitting on arbitration matters, 95 awards and 273 variations were made last year. In Victoria under the wages board system 106 awards were made.

Hon. E. H. Harris: One board did not do the whole lot.

Hon. J. M. MACFARLANE: In Queensland where there is one judge 76 awards and 170 variations were made. In the Industrial Court in South Australia 70 awards and two variations were made. In Western Australia, however, only seven awards were made during the year. It seems as if the right thing to do is to have one man sitting in a judicial capacity. A good deal of the friction that exists between employer and employee is due to the long delays that occur in the hearing of cases. When we are discussing the question of amending the law we should do something to expedite the work of the court. The amendment brought down by the Government will not have that effect any more than the present Act did. For that reason I cannot support it. Mr. Lovekin suggests that the Bill should be read this day six months. The object of that would be to have a select committee appointed to bring up a comprehensive Bill after the recess along the lines of the wages board system. Yesterday I was somewhat opposed to that idea and felt it would be better to let the Bill go into Committee and move for the elimination of the two laymen from the court, thus obtaining an improvement in the Act. There was some discussion as to whether the statement made by Mr. Lovekin was correct, that he was speaking with authority when he said that the Employers' Federation were opposed to a legal man being appointed to the position of President of the Arbitration Court. In actual fact they were opposed to a layman being appointed and required a

legally trained man to fill the position. After a further discussion to-day, as the result of a difference of opinion between the Leader of the House and Mr. Lovekin as to what was meant by the Employers' Federation, a conference was held this afternoon. I understand that Mr. Andrews had a chat this morning with the Leader of the House.

The Minister for Education: Yes.

Hon. J. M. MACFARLANE: At the conference Mr. Lovekin presented his case so clearly that it was agreed that it would be better to jettison the Bill, and move for the appointment of a select committee.

The Minister for Education: They had not agreed to that before?

Hon. J. M. MACFARLANE: They agreed it would be better that the Bill should be read this day six months.

The Minister for Education: So that he persuaded them to his point of view.

Hon. A. Lovekin: I object to the statement that I was acting under the authority of the Employers' Federation.

The Minister for Education: I asked you if they were in favour of the rejection of the Bill and you replied in the affirmative. Mr. Macfarlane now says that you have to-day persuaded them into it.

Hon. A. Lovekin: I had it direct from the president of the Employers' Federation.

Hon. J. M. MACFARLANE: It seems that Mr. Lovekin has now put up something that meets with my view, and that there is a possibility of bringing into being next session the wages board system.

The Minister for Education: Who says that?

Hon. J. M. MACFARLANE: In my opinion, wages boards will be better appreciated than the Arbitration Court, which in fact has failed.

The Minister for Education: Do I understand it is on that representation they agreed to the throwing out of this Bill?

Hon. A. Lovekin: No. They left us to exercise our own discretion.

Hon. J. M. MACFARLANE: While I had some doubt yesterday as to my course with regard to this Bill, I now feel that the suggested solution would be desirable. Therefore I have decided to vote for the amendment.

Hon. J. W. HICKEY (Central) [3.32]: I did not have the opportunity of hearing the previous speeches in this debate, but a perusal of the Press reports shows that several members are against the second reading of the Bill, and even against the principle of arbitration. Mr. Lovekin has gone so far as to move a six-months amendment, the carrying of which means sudden death. There has been for years an agitation for an alteration of the Arbitration Court. Rather than vote for the amendment, I would support Mr. Cornell's suggestion that a select committee be appointed. The select committee, I understand, would reopen the whole question of industrial arbitration, and during recess would secure the best evidence available, with a view to submitting a report next session. Personally I trust that neither of the two suggestions will be adopted, but that the second reading will be carried. Apart from the importance of the object of the Bill, the appointment of a permanent president, I desire to move in Committee an amendment dealing with a large section of the workers in this State, the Australian Workers' Union, who at present are excluded from the State court. I have no quarrel with members who say they are up against arbitration under existing conditions. When the Arbitration Court was first established, both employers and employees believed that they would be able to approach a tribunal which would settle their little differences without all the red tape and extravagance of legal proceedings. In that respect, however, we have been disillusioned. We have found that it was almost easier to approach the King of England than to approach our State Arbitration Court. As the representative of one of the largest labour unions in Australia, I have had considerable experience of industrial arbitration. To get before the court with a small dispute takes 12 months, and then the matter is frequently thrown out on some petty technicality. Such a state of affairs was never intended. The intention was that the Arbitration Court should be approachable in a very simple fashion. Undoubtedly there is great need for doing away with the red tape now connected with arbitration. The appointment of a permanent president outside the Supreme Court judges is a long-felt want. Whether the appointment should be for life, or at the will of the Executive Council, is arguable. But there can be no arguing against an appointment from outside the Supreme Court bench, since every one of the judges who has held the position of president of the Arbitration Court has held it merely on sufferance. The judges do not want the job. They have publicly expressed their antipathy to Arbitration Court work. Moreover, during the busiest portion of the year the judges go away for three or four months on furlough, and the Arbitration Court is closed. Mr. Macfarlane and other members have stressed the need for a legal man in the position of president. I entirely disagree with that view. The man appointed should, of course, be above reproach, and should be able to weigh evidence. There are others besides lawyers who answer to those requirements. My experience of lawyers is that the more numerous the legal minds brought to bear on a difficulty, the longer is the squabble drawn out. My opinion, and the opinions of most of those with whom I am associated, are against the appointment of a legal man. We do not bar legal men, but we would prefer a layman. Objection has been raised with regard to the assessors of the president. However, the Employers' Federation must have changed their opinions in the last 18 months or two years, because at that distance of time I found it impossible to get them to agree to refer a case to the presi-

dent sitting as sole arbitrator. Stop-work meetings had been held in the Meekatharra district, and I was wired for. I succeeded in persuading the men to return to work pending my going to Perth and seeing what could be done. I knew the Meekatharra miners could not approach the State court, because they were registered as a Federal body. The president of the State court, however, expressed his willingness, provided both sides agreed to accept his decision, to sit as arbitrator. Thereupon I at once placed myself in communication with the Chamber of Mines, only to find that they were strenuously opposed to any one man hearing the case. To overcome this further difficulty, I then interviewed the lay members of the Arbitration Court, and they agreed, providing both sides assented, to sit with the judge as arbitrators. The miners were willing to accept any tribunal so that they might get an arbitration; but the Chamber of Mines, who I understand form part of the Employers' Federation, strenuously opposed a reference of the case to the judge sitting by himself. My own view is that the two assessors should be on the bench of the Arbitration Court. Members have come here with information from the Employers' Federation, who seem to be the only people kicking up a fuss; and those members state that the Employers' Federation are most anxious that a judge should be appointed without lay assessors. On the other hand, the Chamber of Mines bitterly opposed anything except a full bench. In view of such conflicting opinions one hardly knows what the employers do want, but I suppose that what they want they will eventually get. They seem to me hardly to know where they stand, except that they are against anything tending towards industrial peace. I say this without any prejudice, but knowing the stand which the employers took previously. The chief objection to the court under existing conditions is its unapproachableness. The statement has been made here that if a permanent president is appointed for life, the appointment would savour too much of a political appointment. There is room for much argument both for and against that proposition. Undoubtedly political interference does occur, and is responsible for much of the chaos existing to-day. In every Australian State except Queensland industrial chaos exists. Even in connection with our own court there is the illustration given by Mr. Lovekin. I refer to the appointment of Mr. Justice Draper. Personally I have nothing to say regarding that appointment, but Mr. Lovekin's remarks give food for reflection. If there is anything in his statement——

The Minister for Education: I assure you there is not.

Hon. A. Lovekin: What statement?

The Minister for Education: That Mr. Justice Draper appointed himself.

Mr. Lovekin: Recommended himself, I said.

The Minister for Education: That is equally wrong.

Hon. J. W. HICKEY: I am pleased to have the assurances of the Leader of the House. If the matter were as has been stated, it would be the duty of the Government and of Parliament, irrespective of political opinions, to follow the business to its logical conclusion and see who was responsible. Personally I was entirely against the appointment, as, indeed, I believe the majority of the people were. I acknowledge that every man is entitled to his political opinions, irrespective of the position he holds in the community. But immediately upon his defeat an ex-Attorney General who has always stood up, both inside and outside Parliament, to combat the Labour movement is appointed to a judgeship. The appointment was made almost within 24 hours after his defeat. Such an occurrence makes people suspicious with regard to the ramifications of the Arbitration Court, and constitutes another reason why the appointment of a permanent president should be made entirely irrespective of political opinions. If the appointment is made, it may be described as a reflection of the Employers' Federation or of the present Government. I personally am prepared to run that risk. I heard someone say to-day, "It would be quite right to make a life appointment provided we have the making of the appointment." I, too, would be prepared to agree to a life appointment under such conditions. Various persons have been suggested for the position. One of them is Mr. Jackson, who for some years has been advocate for the employers. We have not heard mentioned such men as Mr. Panton or Mr. Holman, who have had long experience in arbitration matters.

Hon. G. W. Miles: Mr. Collier was mentioned.

Hon. J. W. HICKEY: And of course no such man would be appointed to the position. Probably the appointee will be one of those who have been mentioned, one closely associated with the employers. To the credit of the Labour Government I must say that they never made a political appointment to either the Arbitration Court or any other court, and I hope the same may be said of the present Government in this instance. It has been said that men will not obey the decisions of the Arbitration Court. The engineers' dispute is quoted. That dispute, however, is a protest against political influence in arbitration affairs.

Hon. J. Duffell: It is a protest against the working week of 48 hours.

Hon. J. W. HICKEY: I repeat that it is a protest against Federal political interference with industrial matters and with the court. In this State no industrial body has objected to State awards. The organisations have taken their gruel when the decisions have gone against them.

Hon. A. Lovekin: Why do the engineers in this State only protest and not in Victoria?

Hon. J. W. HICKEY: The hon. member had better make inquiries in Victoria. It takes me all my time to keep pace with what happens in this State.

Hon. V. Hamersley: What award has ever gone against the organisations?

Hon. J. W. HICKEY: Almost every award. It is debatable whether the appointment of president of the Arbitration Court should be made at the discretion of the Governor-in-Council, or whether it should be a life appointment. In any case it should be an appointment free from any possible charge of political influence, and I hope the Government will be careful to get a man who can command the respect of all sections of the community. It would be a mistake to select a man who had been prominently opposed to one side or the other.

Hon. G. W. Miles: Can you find one who has not been?

Hon. J. W. HICKEY: I admit it would be difficult. A man who holds no political opinions is not altogether a worthy citizen. A man may hold political opinions and even give expression to them without letting spleen creep in. There are men capable of giving an honest decision, even though they hold political views. At various times I have suggested arbitration to settle little disputes when it was not possible to approach the court, and suitable men have been found to adjudicate in such cases. If it is possible to find a suitable man for small cases, surely it could be managed for the bigger position? I am disappointed with the Bill. It discloses a breach of faith on the part of the Premier to a large body of workers in this State. For a long time the A.W.U. have been endeavouring to get registration in the State Arbitration Court. There have been many deputations to and interviews with the Premier, and I am not sure that we have not also approached the Leader of this House. The organisation have been mixed up with quite a number of industrial disputes in recent years but, being a Federal body, they could not approach the State court. Since they took in the mining section and the construction workers and various other industrial bodies, there has been no possibility of their going to arbitration, and they have been compelled to resort to the extreme method of striking. This is deplored by labour leaders and employers alike. With the object of improving this unsatisfactory state of affairs, they endeavoured to secure registration in the court. For a number of years the Murchison Miners' Union were registered in the State Court. On their amalgamation with the A.W.U. they lost their local registration. However, we thought it would be a simple matter to secure registration for the A.W.U. This was five or six years ago. But our hopes were doomed to disappointment.

Hon. E. H. Harris: You said they are registered at Boulder and cannot be registered at Murchison.

Hon. J. W. HICKEY: At Boulder they still have their own registration as a mining branch.

Hon. E. H. Harris: The Murchison body could have done likewise.

Hon. J. W. HICKEY: They could not The Premier held that view and we applied for registration. It cost the organisation a couple of hundred pounds and about 12 months of preparatory work; and then they failed to get registration. The Premier said if everything else failed he would bring in a Bill to secure registration for the organisation. To-day we are in the same position as five years ago—still without registration under the State law. Any law which makes it impossible for a body like the A.W.U. having 4,000 to 5,000 members to secure registration in the Arbitration Court is certainly in need of amendment. These men desired to adopt the legal method to get their wrongs redressed, but they have been unsuccessful and have had no alternative to striking. Now the Premier has brought down this two-penny half-penny Bill, and has turned down our request. In Committee I shall move an amendment to give this organisation an opportunity to become registered. The lead miners at Northampton were in a similar position. They had an arbitration case at Northampton some years ago, but immediately they became part and parcel of the A.W.U., they lost their registration. Last year when the miners on the Eastern Goldfields had an arbitration case, we endeavoured to get the Baddera miners before that court. These men belong to the same organisation, are bound by the same rules and by-laws and pay the same amount of contribution. We sent half a dozen witnesses from Northampton to Kalgoorlie; they gave evidence, but they were thrown out by the President, Mr. Justice Draper.

Hon. E. H. Harris: On what ground?

Hon. J. W. HICKEY: Because they were not members of the Kalgoorlie branch. Yet they were part and parcel of the same organisation. The Government should at least recompense the organisation for the expense they were put to on that occasion. The executive of the organisation have done their best to secure registration, and members of Parliament in season and out of season have used their influence to the same end, in order to avoid industrial chaos. Yet all these efforts have been futile. Under this Bill we have been turned down once again. I say unhesitatingly that the Premier has broken faith with the organisation and with us. At the time of the big strike of shearers in the season before last, we were asked, "Why don't you endeavour to end this trouble by going to arbitration?" We would have gone to arbitration had it been possible. I went so far as to say "Nominate your own chairman." I suggested the Premier, but the branch of the Employers' Federation concerned, the Pastoralists' Association, refused to accept arbitration in any shape or form.

Hon. G. W. Miles: Did not you turn them down?

Hon. J. W. HICKEY: No; we were not connected in any way with the squabble in the Eastern States. The shearers here had their own grievances. A large majority of the pastoralists in Western Australia were in

favour of settling the trouble by arbitration, the only honest way of settling it, and yet those who controlled matters in behalf of the employers opposed that course.

Hon. J. Duffell: If they had gone to a round table conference it would have been settled.

Hon. J. W. HICKEY: They would not accept a round table conference. I will let the dead past bury its dead. I went further than I ever went before, and further than I am ever likely to go again in connection with the proposals to settle that difficulty. No matter how far I went I could not get the executive of the Pastoralists' Association to go one yard with me. As a result, there was chaos in the industry and it will never be cleaned up. There is only one way open, and that is registration. When a body is registered, ways and means will have to be brought about to remove some of that red tape that surrounds the court as it is at present constituted. I am against the amendment moved by Mr. Lovekin, but I think the suggestion made by Mr. Cornell is a good one. Personally, I favour the carrying of the second reading, but apart from that the proposal that the Bill should be referred to a select committee might receive consideration. If that select committee be appointed, the members of it should do their work well and collect information as to arbitration generally, so that it will serve as a good record and be of valuable assistance to Parliament at a later stage. Bad as the Bill is, I support the second reading.

The PRESIDENT: I would like to make the position clear in connection with the Bill. To the motion that the Bill be read a second time, an amendment was moved by Mr. Lovekin, that it be read this day six months. That amendment was submitted in accordance with Standing Order 210, which says, "Amendments may be moved to such questions by leaving out 'now' and adding 'this day six months,' which, if carried, shall finally dispose of the Bill." Something has been said about the Bill being submitted to a select committee. If any member desires to move in that direction he will have to do so under Standing Order 187, which provides that after the second reading is carried a motion may be submitted for the reference of the Bill to a select committee.

Hon. A. LOVEKIN: That is not the intention at all. The original intention was to shelve the Bill. The suggestion about the select committee would be new.

The PRESIDENT: I have explained the position in accordance with the Standing Orders.

Hon. A. LOVEKIN: I thought you were suggesting that a motion for the reference of the Bill to a select committee could be moved in only one way, and I was pointing out that it was intended to follow that course in another way. However, my object in rising was to ask the leave of the House to withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. W. KIRWAN (South) [4.5]: I have very few words to say regarding this Bill. I must express regret at the references made by Mr. Lovekin to the latest appointment to the Supreme Court bench. In making the references that he did to that appointment, the hon. member used words the full significance of which he perhaps at the time hardly realised. He spoke of "jobbery," and I can scarcely believe that he intended to use the word in its true sense. I have been a critic of the Government's policy regarding legislation and administration, and I have opposed the Government on a great many questions, but I must say that I am confident that the present Government, or any other Government in Western Australia, would not do anything regarding an appointment to the judicial bench that was not in accordance with the fitness of things. To anyone who knows much about foreign countries, there is one matter regarding which Australia has reason to specially pride itself, and it is the high standard of the courts of the Commonwealth. Not only in Western Australia, but throughout Australia, the courts generally have preserved the best traditions of British justice. When one knows what the courts of foreign countries are, it will be realised that the words Mr. Lovekin used might be regarded as appropriate if applied to those courts, or the appointments made in connection with them, as well as the decisions given by them. I am perfectly sure that Mr. Lovekin does not wish that whatever he might do should give colour to the suggestion that anything of the nature of what is carried on in foreign countries is likely to be introduced into Western Australia, or that his language should have the effect of undermining public confidence in the administration of justice in this State. Regarding the Bill, I confess it has puzzled me a good deal as to how I should vote. I realise that the present system is unsatisfactory. We all know it is unsatisfactory to the judges who have to administer the Arbitration Act, and we are aware also of the delays which take place, while we know also that the men appointed to the bench find considerable difficulty in grasping the technical details of the various businesses they are asked to deal with. On the other hand, we recognise that on account of these difficulties it is necessary that something should be done to improve the position. If we pass the Bill, everything will depend upon the man who is to receive the appointment as president, and on that appointment the future of arbitration in this State will, to a great extent, depend. Arbitration has not realised the hopes of those who brought it into operation. It has been a failure in many of the States, but I do not despair of it realising to a larger extent, at some future time, the wishes of those who were originally responsible for its introduction. It may be improved by legislation, but it would be a very sad thing indeed if we had to revert to the system which existed before arbitration came into force, where it was a case of might

versus right, and where the side that had the most money, and could hold out the longest, was successful.

Hon. F. E. S. Willmott: Is that not the case now?

Hon. J. W. KIRWAN: It has applied in some instances, but still, arbitration has done more good than harm. I admit it has done harm but the amount of good has out-weighed the harm. I would be sorry to do anything that would imperil arbitration in Western Australia, or bring us back to a condition of affairs that might be more undesirable than that existing at the present time. The Bill is in the nature of an experiment, because I find in the other States, with one exception, that of Tasmania, the president of the Arbitration Court is a judge of the Supreme Court. In Tasmania the president is appointed by the Governor, but there is no particular stipulation as to who he should be. In New South Wales the court is presided over by a judge of the Supreme Court or a district court judge or a barrister of five years' standing appointed by the Governor. In Victoria the position is that the head of the court is a judge of the Supreme Court appointed by the Governor. Of course, there are wages boards in Victoria. They are appointed by the Governor-in-Council, upon nomination of the Court, or failing that, the nomination by a Minister of the Crown. In Queensland the head of the court is a Supreme Court judge or a district court judge, or a barrister or solicitor of not less than five years' standing, appointed by the Governor. In South Australia the president is appointed under an Act. On the vacancy occurring the Governor appoints a person eligible for appointment as a judge of the Supreme Court, In the case of the Commonwealth the president is appointed by the Governor-General from the justices of the High Court for a term of seven years. Thus, in the case of five of the Australian States, and in the case of the Commonwealth, the man to be appointed is one who has a legally trained mind, and notwithstanding what Mr. Hickey said, I regard it as important that whoever is appointed should be a man with a legal training. The presence on the bench of one with a legal training would help materially in the conduct of the business of the court. I am inclined to favour Mr. Cornell's suggestion that it would be well to refer the Bill to a select committee, that afterwards the select committee should be converted into a Royal Commission, and that the whole matter should be inquired into. But it would be a pity if that Royal Commission were to consist of the members of one House only. It might be better to leave it to the Government to appoint a Royal Commision to go into the whole question of arbitration and subsequently bring in a Bill to deal in a comprehensive manner with the whole subject.

Hon. J. NICHOLSON (Metropolitan) [4.15]: I feel sure that every section of the community will welcome any measure which will secure for this State industrial peace. The Bill which has been presented here, it is obvious from the remarks of hon. members, does not entirely meet with the approval of those who have given consideration to it. I regret that in the course of the discussion there have been imported references reflecting upon a member of the Arbitration Court, and that remarks have been made which no doubt may embarrass those whose names have been referred to as possible occupants of the position of President of the Arbitration Court. It must be recognised that anyone occupying the position of President of the Arbitration Court or judge of the Supreme Court, so long as he is a man who carries out his duties fearlessly and according to strict justice, is deserving of support and, certainly, is not entitled to have his name bandied about, even in a House such as this. If a judge has deservedly come within the purview of criticism of members, they are entitled to refer to him by name in criticising his actions, but so long as that judge or person occupying some such prominent position is carriyng out his duties rightly and fearlessly, he is entitled to a full measure of protection and should not have his name referred to in terms such as we listened to yesterday. It is possible that the public outside may misunderstand the position occupied by that judge or president. The name of Mr. Justice Draper was referred to by Mr. Lovekin yesterday. I am sure that that hon. member regards Mr. Justice Draper in the same light as every other hon. member regards him. His Honour is a man of the highest character, having occupied the highest position in his profession. He is, too, in every sense the soul of honour. It is a pity, therefore, that such remarks should be made about his Honour, or any other person who may occupy a position such as it is proposed to create under the Bill. I hope it will be understood that, so far as those gentlemen who were mentioned yesterday are concerned, Mr. Lovekin did not mean to reflect upon any one of them. As to the Bill itself, if the Government could introduce any measure that would secure industrial peace, they would be entitled to all the praise it was possible to extend to them. Every section of the community would be grateful indeed, because only by securing industrial peace can we hope to endeavour to develop those secondary industries which we have so often spoken about and which we have tried to foster. I doubt, however, whether the Bill could possibly secure that industrial peace which is so much desired. It seeks to perpetuate the system now in operation, namely, the constitution of a court consisting of three persons. We should ask ourselves whether the Arbitration Court has achieved that measure of success we had hoped it would. The answer from all sides must be that it has not achieved that success. That being so, we must look round to see whether any other means can be devised to secure that end. I think the suggestion put forward by Mr. Cornell to refer the Bill to

a select committee, is the wisest and best recommendation in the interests of all parties concerned. Having regard to the fact that the court as at present constituted has not been the success we anticipated, it would have been better had the Government followed the system adopted in some other places, but by having an inquiry such as suggested, either by a select committee or a Royal Commission, it will be possible to study the feelings and opinions of all sections of the community. By such an investigation we may arrive at some solution which will be in the best interests of the community as a whole. I understand that it is the intention of hon. members to refer the Bill to a select committee and, in the circumstances, I may support the second reading of the Bill with a view to the subsequent adoption of that course.

Hon. E. H. HARRIS (North-East) [4.21]: The speech delivered by His Excellency the Lieut.-Governor at the opening of the present session includes a reference to the intention of the Government to introduce a Bill to amend the Arbitration Act for the appointment of "a permanent President, and in other directions." Six months having elapsed, the Government have brought forward a Bill at the tail end of the session. The Bill provides only for the appointment of a permanent president. That is to be regretted, because many reasons may be advanced why the Act should be amended, in the light of the experience of those who have administered the measure in the past. In the proposal to establish a permanent president, who may not be required to have legal training, we are asked to establish a new principle. Much may be said for or against the innovation. The argument in favour of the appointment of a permanent president is that he will be able to devote the whole of his time to the solving of industrial problems, and that he will be available in the event of industrial disputes arising. Vexatious delays in reaching the Arbitration Court have been responsible for strikes in the past. Perhaps that result has not been experienced to the same extent in Western Australia as in other parts of the Commonwealth, but the fact remains that the union that makes the most noise and can exercise the greatest pull gets in first, to the detriment of other and weaker unions. In the selection of a president we require the right type of man from a temperamental standpoint. We require a man who will be able to develop a spirit of co-operation between employer and employee and assist them to overcome difficulties which arise from time to time. Reference has been made to the desire for conciliation, but hon. members apparently forget that the Industrial Arbitration Act was amended by deleting the conciliation clauses. They were included by the Labour Party and deleted at their request. Subsequently a clause was inserted providing for compulsory conferences. The object of those conferences was that the parties might get together and discuss their grievances with a view to arriving at a solution. In the event of failure the president was empowered to order the dispute into court. There have been cases where the parties have been called together and rather than waste time in an endeavour to effect a settlement by way of conciliation, the dispute has been ordered into court by the president. Thereafter a delay of five or six months occurred before the parties concerned could secure a hearing. It must be recognised that we have extremists on both sides, and there are many on both sides who are prepared to fight to the last ditch before they will give away a point. Regret was expressed in this House in 1920 when the Arbitration Act was amended that the Government on that occasion did not bring forward a more comprehensive measure. I repeat that regret to-day. The importance of the appointment of a permanent president has been realised, but there are many other amendments which it is desirable should be made. Section 6 of the Act is one which is most contentious. It relates to the registration of unions and associations. Two presidents of the Arbitration Court have expressed their dissatisfaction with and their inability to interpret what the legislature meant in framing that portion of the Act. That section has led to a lot of trouble and eventually to litigation between unions as to which should be registered. There is another section which has a most important bearing on industrial peace and has been fruitful of much trouble. That is the one defining the powers of the court. The Federal and the State Arbitration Courts have delivered awards which, more or less, have overlapped. It was thought that after the Premiers' Conference which was held in Melbourne during October and November, 1921, the difficulty would be overcome. I have a copy of the decisions arrived at by the conference. It was agreed between the Federal authorities and the State Premiers that the State Parliaments were to pass laws to confer on the Federal Parliament power to pass legislation respecting the establishment of a court constituted by Commonwealth and State judges with jurisdiction to determine the basic wage and standard hours for labour as regards any or all industries. There were a number of other decisions arrived at, including one which provided that the Commonwealth were to pass legislation to operate from a date to be fixed by proclamation, as soon as the States had passed the laws referred to, exempting from jurisdiction (a) all employees of State or State instrumentalities, and (b) all industries other than Federal industries. Why has not something been done in these matters by the State Government? Why have they not given effect to these decisions? Nothing has been more fruitful of industrial strife than the overlapping of Federal and State awards. For that we can to an extent blame the presidents of the State courts, who seem reluctant to exercise their powers. By refraining from delivering awards they have allowed the Federal court to step in with a

writ of prohibition to prevent the issue of an award. In a recent case before the State court I appeared as an advocate. During the hearing, the Federal court delivered an award covering three classes of employees. The State court delivered an award covering two classes of employees, but refrained from delivering an award dealing with the engine-drivers, because it might lead to chaos if found to be in conflict with the Federal award. At the present moment a prohibition order has been issued to prevent the State court from enforcing its own decision. That is one of the points which could be rectified in a comprehensive amendment of the Act. Again, the Act provides that an award shall be delivered in the district in which the case was heard. Because of this it sometimes happens that the clerk of the court, at great expense to the State, has to make a return journey of 800 miles to the goldfields to deliver an award which obviously could be sent by post. Another serious injustice to the worker is to be found in the provision (a) that when an award has not been delivered the rates of pay shall be in accordance with the industrial agreement; and (b) that any action taken must be taken within three months of the breach of the award. It frequently happens that when an award is delivered a man is working far out in the back country, in consequence of which it is some months before he learns from his union the exact rate of pay to which he is entitled. So, under (b) that man is deprived of his rights. In all, no fewer than 30 or 40 amendments are required in the Act, The Minister, when moving the second reading, said the Government had conferred with the employers and the employees. They missed a golden opportunity in not getting from each of the two parties a list of the amendments they require.

The Minister for Education: We did.

Hon. E. H. HARRIS: I am given to understand from the remarks made by Mr. Hickey that those who attended the conference did not know. I believe the employers framed the whole of the amendments they require, but I do not know that the Labour representatives did the same.

The Minister for Education: They were invited to do so.

Hon. E. H. HARRIS: Apparently on the one side the invitation was accepted, whereas on the other nothing was done. Are we to understand that the only decision arrived at by the conference was this appointment of a permanent president?

The Minister for Education: That was the only legislative amendment. Other administrative amendments were agreed to.

Hon. E. H. HARRIS: I gather that the employers were desirous of having a permanent president, but desired also the removal of the two laymen from the court.

The Minister for Education: That is right.

Hon. E. H. HARRIS: The Bill does not specify that the permanent president shall have legal qualifications, but presumably the Government will make a suitable appointment. The employees were keen on having a layman as permanent president. Also they desired to remove the two lay members of the court and set up in their stead two experts who shall have practical knowledge of the industry on which the court is for the time being adjudicating. Section 66 of the Act provides that the court shall have power to direct that two expert assessors be appointed in any dispute before the court. The present lay members of the court have had long experience of the work of the court, but they are not armed with full knowledge of every trade that comes before the court. Some Labour representatives would much prefer to see appointed from hearing to hearing assessors with expert knowledge of the industry. If this principle were adopted, no doubt the present lay members of the court would frequently be selected, each by that side which he represents, to act as assessors. Under that system we would get nearer to the ideal of those who have a leaning to wages boards. I have frequently seen the members of the court floundering over the evidence of expert witnesses, whereas assessors such as are contemplated in Section 66 would be of very great assistance to the president. In the recent railway case a number of the men were keen upon having a railway man as their representative on the bench. In December of 1920 we amended the Act to provide that the Minister may appoint a special commissioner when a judge of the Supreme Court could not be spared to sit as president. That amendment has not been availed of to any great extent. If we now decide upon the appointment of a permanent president, is it contemplated that the Minister shall be able to over-ride him in the appointment of a special commissioner, or should we not leave such appointment to the permanent president?

The Minister for Education: The powers of the Commissioner are limited. He cannot decide anything.

Hon. E. H. HARRIS: The Minister may make the appointment. If there is a permanent president appointed that power should be conferred upon him. It may be that some industrial trouble will arise and, if the president can select the right man to act as commissioner with a view to bringing the people together or assisting him to that end, it would be advisable that he should have power to do this instead of its being left in the hands of the Minister.

Hon. J. Nicholson: The question is who pays the commissioner? The Government pay. Why should not the power to appoint him be retained by the Government?

Hon. E. H. HARRIS: I fail to see the necessity for a commissioner if we have a permanent president.

Hon. J. Nicholson: It is to meet contingencies.

Hon. E. H. HARRIS: At times when the president is away?

The Minister for Education: He may be engaged on some other case. The commissioner cannot decide anything, but can only try to get the parties to agree, and must

then refer the matter into court. He cannot make an award.

Hon. E. H. HARRIS: No. The permanent president, however, ought to have the power of appointment conferred upon him.

Hon. J. Nicholson: That could be done by the Government at the request of the parties.

Hon. E. H. HARRIS: The Bill also provides that the president shall have the salary of a judge. Will the privileges of a judge regarding length of holidays and pension rights also be conferred upon the new president of the court? It has been suggested that the Bill should be referred to a select committee. I am not enthusiastic about that. Conciliation is an excellent idea for the settlement of industrial disputes. If a select committee is appointed the men who can give most information would be the members of the court, the clerk of the court, Mr. Walsh, and his predecessor, Mr. Davies. If a conference were called of two or three men from each side, who could get together these particular witnesses, they could frame all the amendments necessary to make this a workable Bill. This would be easier and better than the calling of 40 or 50 witnesses. If the select committee were appointed and authorised to frame a Bill and place it before this House, I would be inclined to support the idea. I am opposed to a lot of evidence being taken and submitted to this House, and some time later having a Bill brought up by the Government based on the recommendations of some select committee.

Hon. J. Cornell: That should be a natural corollary to the appointment of any select committee or Royal Commission inquiring into any question regarding statutes.

Hon. E. H. HARRIS: I have never known that to be done in this House, but the Leader of the House might take that into consideration should the select committee be appointed. Mr. Hickey referred to the A.W.U. being anxious for an industrial tribunal for the settlement of their disputes. He instanced the miners at Baddera. I happened to be in court at the time. Because the court could not find any connecting link betwen these men and the organisation then before the court they were put out. If they are desirous of getting all their members into the court there is nothing to prevent them from framing a constitution in conformity with the Act. All their branches could be registered in order that they might get to the court. On the goldfields we have people engaged in cutting wood. The "choppa-da-wood" has never yet been registered. Premiers of the State have had to go to the goldfields from time to time to settle industrial disputes there. These men do not intend to be registered, but under the Act they can be registered. They prefer to remain as they are. When they have a grievance they say "We want to go to the Arbitration Court but cannot get there. We want a settlement quickly and someone must arbitrate for us." The goldfields mining branch of the A.W.U. at Boulder desired to get to the court, and amended their constitution to get there. They are still a part of the A.W.U. If those engaged in the pastoral industry desire to get to the court there is nothing to prevent them from forming a pastoral industry branch, going to the court, and obtaining a State award. It is for the unions to make a move in that direction. It has been pointed out that they desire arbitration and to become registered. Our legislation does not provide for the registration of composite unions. I hope it never will do so. It provides that all those in a composite union may form themselves into an industrial branch and get to the court. I support the second reading of the Bill. I regret that in the interests of industrial peace, and in the light of experience of the difficulties which have occurred in the past, no effort has been made to improve the Act so as to remedy its defects. The Government contemplate appointing a permanent president to the court, and they give him an Act which has been proved defective in 30 or 40 instances. Before appointing a new president they should have given him a more up-to-date measure under which to work.

Hon. G. W. MILES (North) [4.53]: I cannot support the second reading of this Bill. I am entirely opposed to one or two clauses. It is necessary to have a permanent president, but I am of opinion that we should have a legally trained man in that position. Subclause 4 of Clause 2 says it shall not be necessary for the person appointed as president to have the qualifications of a judge of the Supreme Court. I want to see that altered. For that reason alone I could not vote for the second reading. I am also opposed to the other appointments on the Bench, and favour the wages board system. It may be necessary to have a president there to finally bring the parties together.

Hon. J. Cornell: This Bill does not deal with the other appointments.

Hon. G. W. MILES: It perpetuates the other appointments. It has been suggested that we should refer the Bill to a select committee. We could move now that it be so referred without carrying the second reading.

Hon. J. Cornell: I understand we cannot do that.

Hon. G. W. MILES: It is a peculiar thing if we have to affirm a principle we do not believe in by passing the second reading in order that we may refer the Bill to a select committee. It is tantamount to saying we must do one thing or the other, we must throw out the Bill, or pass the second reading before we can send it to a select committee.

Hon. J. Cornell: It is necessary to cut a certain amount of wire before you get to your objective.

Hon. G. W. MILES: We shall have agreed to the principle of the Bill if we pass the second reading. In the circumstances it should be competent for me to move to strike

out all the words after "that" for the purpose of inserting other words, referring the Bill to a select committee consisting of five members, to have power to call for persons and papers and records, and adjourn from place to place and report to the Council at a later date.

The PRESIDENT: Under what Standing Order would you do this?

Hon. G. W. MILES: Standing Order 184 says—

> On the Order of the Day being read for the second reading of the Bill, the Question shall be proposed, "That this Bill be now read a second time."

Standing Order 186 reads—

> No other amendment may be moved to such Question except in the form of a resolution strictly relevant to the Bill.

I hold that such an amendment would be strictly relevant to the Bill.

Hon. J. Cornell: You ought to have had enough of Standing Orders to last you for years.

Hon. G. W. MILES: Standing Order 187 reads:

> After the Second Reading, unless it be moved "That this Bill be referred to a Select Committee," or, unless notice of an instruction has been given, the President shall forthwith put the question that he do now leave the Chair and that the Council resolve itself into a Committee of the whole for the consideration of the Bill. To such question amendments may be moved as on Second Reading.

Could I not move such an amendment as I have indicated?

The PRESIDENT: You can vote against the Bill.

Hon. G. W. MILES: Many of us want to see the Bill go to a select committee, but do not approve of it. Probably the Bill will be voted out if this amendment cannot be moved now.

Hon. J. Cornell: Members would only vote for the second reading in order that it may go to a select committee.

Hon. G. W. MILES: The other day after the second reading of a Bill was carried against our wishes, we found it could not be amended in Committee.

The Minister for Education: You had not the numbers.

Hon. G. W. MILES: We had the numbers to vote it out on the second reading. I should like your ruling, Mr. President, as to whether I can move that amendment.

The PRESIDENT: The hon. member cannot do so. Such an amendment is not strictly relevant to the Bill. It is distinctly laid down in Standing Order 187 how a Bill can be referred to a select committee. This is governed by precedent to a large extent. My opinion is the hon. member cannot move such an amendment, though I should be pleased to help him if I could.

Hon. G. W. MILES: Is it not relevant to move an amendment to refer the Bill to a select committee?

The PRESIDENT: No, I take it that anything relevant to the Bill must have something to do with the subjects contained in it.

Hon. G. W. MILES: I want to refer the subjects contained in it to a select committee before we are asked to give a decision upon them.

The PRESIDENT: I cannot agree to that.

Hon. G. W. MILES: That means that those who are opposed to the main principle of the Bill will be compelled in the circumstances to vote for the second reading in order that it may be referred later to a select committee. I hardly think that is the intention of the Standing Orders.

The PRESIDENT: That is provided in Standing Order 187.

The Minister for Education: If you are opposed to the second reading you will vote against it.

Hon. G. W. MILES: It is advisable to refer it to a select committee, and I think that is the opinion of other members. They do not agree to the principle of the Bill as it stands.

The PRESIDENT: You can take the course laid down by the Standing Orders.

Hon. G. W. MILES: I have put up my amendment, and you, Sir, have ruled that it is out of order?

The PRESIDENT: That is my ruling.

Hon. A. Lovekin: I suggest that there is a Standing Order—though I cannot put my finger on it at the moment—by which a Bill can be referred to a select committee at any stage except after the Chairman has taken the Chair and the House is in Committee.

The PRESIDENT: Will you show me that Standing Order? I shall be very glad to assist hon. members in any way I can.

Hon. A. Lovekin: Standing Order 189 seems to infer what can be done. It says—

> No motion for referring to a select committee shall be considered after the Chairman of Committees shall have reported the Bill.

That seems to me the only stage at which reference to a select committee cannot be made.

The PRESIDENT: I think Standing Order 189 is governed entirely by Standing Order 187.

Hon. G. W. MILES: I do not think the point makes much difference. We can vote against the second reading, and then, if the second reading is carried, we can move that the Bill be referred to a select committee.

Hon. J. Duffell: Suppose the second reading is not carried? We want a select committee.

Hon. J. W. Kirwan: May I suggest, with some diffidence, that if members vote against the Bill and the Bill is defeated, the House should give an opportunity to any hon. member to move that a select committee be appointed to consider the operation of the Industrial Arbitration Act and improvements on existing legislation. It would mean practically the same thing, and I am quite sure there would be no opposition to a motion of

that kind being brought forward and dealt with. In that way the purpose which the hon. member has in view would be achieved.

The PRESIDENT: A much easier way would be for those opposed to the Bill to vote against it, and for those in favour of it to vote for it.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.5]: I trust that the second reading of the Bill will be carried. If it is carried, I propose to postpone the Committee stage until Tuesday next, because I think it is highly desirable that we should have the week end to think this matter over and see exactly where we are. I admit to being a little confused as to what it is that some people want. I am quite aware that there are a number of amendments desired in the Arbitration Act by the employers, and a number desired by the employees; but, unfortunately, in nearly every case the amendment that is desired by one party is strenuously opposed by the other. The chief concern of the Government, and in fact the only concern of the Government, is to endeavour to do something that will promote industrial peace and will tend to the rapid settlement of industrial disputes. We do not pretend, as Mr. Nicholson suggests, that this Bill, or any other Bill we can bring forward, would indefinitely preserve industrial peace. That is not in human nature. At the conferences which were held, as I have said, many requests for amendments were put forward. I wish to put myself entirely right in this matter, because I have been told to-day that the necessarily abbreviated report of my remarks in introducing the Bill has in some quarters been interpreted as a statement from me that the employers desired this Bill as it is, and that that is what they wanted. As hon. members who heard me are well aware, I never said anything of the kind. The one point on which the two parties were agreed was that there should be a permanent president of the Arbitration Court. Beyond that it was impossible to get agreement between them, unless there is some other trifling point which has escaped my recollection, although there were certain administrative reforms on which both parties were agreed, reforms which, since they could be put into operation without an amendment of the Act were put into operation, and I believe with good results. But the two parties were agreed on the question of a permanent president. The employers desired that that permanent president should sit alone, and should be a person having qualifications for appointment as a Supreme Court judge. The employees desired that the permanent president should sit with two lay members of the court, and that the selection of the president should not be restricted to persons having the qualifications of a Supreme Court judge. Since the Premier's return both parties have frequently urged the Government to introduce an amending Bill. The Bill was mentioned in the Governor's Speech at the opening of Parliament. That it has not been previously introduced is a matter for regret, but I think we all know that another place has been very closely engaged with other matters of legislation. Probably the reason why the Bill was not introduced earlier was that it was found impossible to obtain agreement between the parties as to what was wanted. Further, it was recognised that it would be very difficult to get the Bill through without some agreement. Finally the Government determined to leave out those points which had been asked for by one party and hotly disputed by the other, and to endeavour to pass during this session, with a view to a more comprehensive amendment next session, a Bill which would give us the permanent president. If the House is agreed on the point that the permanent president should be appointed, then I think the proper course is to pass this Bill. If hon members think the measure should be amended by striking out the two lay members, or by retaining the qualification of a Supreme Court judge, it is quite open for this House to make such amendments. We heard a good deal yesterday afternoon and to-day as to what the Employers' Federation desire. The Government are not particularly concerned with what either party desires. What we want is to serve the interests of the community. Yesterday Mr. Lovekin told us it was the desire of the employers that this Bill should be rejected.

Hon. A. Lovekin: Yes, I said that.

The MINISTER FOR EDUCATION: To-day I was officially told that that statement caused great amazement, and that the desire of the employers was that this Bill, although not by any means giving all that they wanted, should be passed, and that an endeavour should be made to amend it in Committee by striking out the two lay members and making provision that the person appointed as permanent president should be qualified for appointment as a Supreme Court judge. That information was conveyed to me this morning. Now Mr. Macfarlane tells us that a further conference has been held since that information was conveyed to me, and that Mr. Lovekin persuaded the members there that the best course would be to throw out this Bill so that they could get wages boards introduced and in operation within 12 months. It is for that reason, in order that we may find out exactly where we are, that I hope the House will not insist on going any further this afternoon than to decide the question of the second reading one way or the other. If the statement made by Mr. Macfarlane——

Hon. A. Lovekin: He did not make the statement that you have made just now.

The MINISTER FOR EDUCATION: So far as I remember the statement was that Mr. Lovekin put his views before the meeting and that the meeting agreed that the best course would be to do as he suggested, and

that thus they would have a prospect of getting wages boards within 12 months.

Hon. J. Duffell: I received the same information from one of the executive on Tuesday night.

Hon. J. M. Macfarlane (*in explanation*): On a point of explanation, what I wished to convey was that my object was to get a select committee with a view to the introduction of a comprehensive Bill, and that personally I was in favour of wages boards.

Hon. A. Lovekin: That was the statement.

The MINISTER FOR EDUCATION: It is significant that nearly all the opposition to the Bill has come from those who are opposed to arbitration and who want to substitute wages boards. I wish it to be distinctly understood that this Bill—the reference of which to a select committee is the same thing, for all practical purposes, as its rejection—should not be rejected on the assumption that the rejection will mean the speedy appointment of wages boards, and I wish it also to be distinctly understood that those who make that suggestion must take the responsibility for whatever happens upon the rejection of the measure. The Government are in no way pledged to introduce a Bill providing for wages boards and doing away with the Arbitration Court. We know that the Government of South Australia recently took steps in that direction, and we also know what was the result. Therefore, if this Bill is rejected—I care not what Mr. Lovekin may say—its rejection will not make it easier to bring about wages boards, as certain people have been persuaded.

Hon. A. Lovekin: The select committee might not report in favour of wages boards.

Hon. G. W. Miles: Would it not be easier to decide that question before you appointed a president for life?

The MINISTER FOR EDUCATION: Quite so, it would be easier. But hon. members who are opposing the Bill are opposed to industrial arbitration. In almost every case members who have spoken against the Bill have said that they are opposed to industrial arbitration, and that that is the reason why they are opposing the Bill. The intention of the Government in putting forward this measure was to make industrial arbitration effective. By this Bill we considered that we were taking a long step forward by appointing a permanent president, so that the court would always be there to function. We recognise that further amendments of the Arbitration Act will be necessary if this Bill is carried. But the opponents of the Bill desire the destruction of the principle of compulsory arbitration, and the substitution of wages boards.

Hon. A. Lovekin: A better system than compulsory arbitration; not necessarily wages boards.

The MINISTER FOR EDUCATION: That is a matter of opinion. I think I have explained to Mr. Hickey and Mr. Harris the reason why other amendments have not been included in the Bill. Mr. Harris made reference to the question of a commissioner. The commissioner is supposed to function when the Arbitration Court itself is otherwise engaged. It has often been said that a settlement might be arrived at by bringing the parties together under a commissioner. But that is the beginning and the end of the powers of the commissioner. If a settlement is arrived at, all right; otherwise, he can only refer the case to the Arbitration Court. That is the end of his powers then. The commissioner must be appointed by the Governor. He could not be appointed by anyone else. Whether it is desirable that the president of the court should nominate him or suggest who it should be, is not a matter of great importance and has no bearing on this Bill. After the remarks of Mr. Kirwan and Mr. Nicholson, with which I entirely agree, I do not intend to make any extended references to what Mr. Lovekin said about Mr. Justice Draper. The statement that Mr. Justice Draper arranged the retirement of Mr. Justice Rooth is absolutely and entirely without foundation. Mr. Draper, when Attorney General, had nothing whatever to do with the retirement of Mr. Justice Rooth, nor did Mr. Draper appoint himself or recommend himself as judge. Mr. Draper was appointed by the Government on the recommendation of the Premier in the belief that he was a man fitted to occupy the position. It was entirely improper to reflect on as Mr. Lovekin did, and endeavour to bring into contempt a judge of the Supreme Court by making remarks where were absolutely without foundation in fact. It is not true that Mr. Draper arranged for the retirement of Mr. Justice Rooth.

Hon. A. Lovekin: Not in those words.

The MINISTER FOR EDUCATION: It is not true that he recommended or appointed himself to the position of judge. We know that Mr. Lovekin crossed swords with Mr. Justice Draper in the Arbitration Court.

Hon. A. Lovekin: No.

The MINISTER FOR EDUCATION: What is the use of saying that?

Hon. A. Lovekin: It is not worth mentioning.

The MINISTER FOR EDUCATION: That circumstance should have made him particularly careful not to utter unfounded and disparaging remarks about Mr. Justice Draper.

Hon. A. Lovekin: I would not be too emphatic if I were you.

The MINISTER FOR EDUCATION: I have discussed this matter with the Premier and I am sure of the truth of the statements I have made.

Hon. J. J. Holmes: Are you quite in order in imputing motives?

The MINISTER FOR EDUCATION: To whom?

Hon. J. J. Holmes: To Mr. Lovekin.

The MINISTER FOR EDUCATION: What motive did I impute?

Hon. J. J. Holmes: That Mr. Lovekin had an object in attacking Mr. Justice Draper.

The MINISTER FOR EDUCATION: I did not say so. I did not intend to refer to Mr. Holmes's remarks, but while Mr. Lovekin was speaking, he said he had it on the best authority that Mr. Collier was to be appointed to this position. If the hon. member is prepared to admit that he made the remark facetiously, I have nothing more to say. Otherwise I must say that the statement that he had it on the best authority is not in accordance with facts.

Hon. J. J. Holmes: One of the best authorities.

The MINISTER FOR EDUCATION: There can be only one best authority and that is the authority which has to make the appointment. The Government have arrived at no decision as to who is to be appointed. Members of the Government have an absolutely open mind and have no intention of appointing other than the best man obtainable. It is quite obvious that the appointee could not be Mr. Jackson, Mr. Somerville, Prof. Shann, Mr. McGinn, or Mr. Collier; in fact the multiplicity of names mentioned demonstrates that a decision has not been arrived at, not even tentatively. The matter has not been discussed by Cabinet. Remarks of that kind, in my opinion, were entirely out of order and had no application to the Bill. I do not know whether they were intended to prejudice matters or reflect on the gentlemen named. At any rate there was absolutely no foundation for those statements.

Hon. E. H. Harris: Will the president of the court have all the privileges of a judge?

The MINISTER FOR EDUCATION: No; the conditions of appointment will be set out in the appointment, but it is intended that he shall have the protection of a judge, and that he shall not be removable except by resolution of both Houses of Parliament. I trust the House will pass the second reading and then allow the Bill to stand over for the week end so that we may arrive at the best conclusion, whether to refer it to a select committee, to amend it and make it more acceptable, or adopt it in its present form. The only wish of the Government is that something may be done to provide a quicker method of settling industrial disputes.

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

Ayes	11
Noes	9
Majority for	2

Ayes.

Hon. H. Boan	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. G. Potter
Hon. J. Cornell	Hon. E. Rose
Hon. J. Ewing	Hon. H. Seddon
Hon. E. H. Harris	Hon. A. Burvill
Hon. J. W. Hickey	(*Teller.*)

Noes.

Hon. J. Duffell	Hon. J. M. Macfarlane
Hon. J. A. Greig	Hon. G. W. Miles
Hon. V. Hamersley	Hon. J. Mills
Hon. J. J. Holmes	Hon. J. Nicholson
Hon. A. Lovekin	(*Teller.*)

Pair.

For.	Against.
Hon. J. E. Dodd	Hon. R. J. Lynn

Question thus passed.

Bill read a second time.

The MINISTER FOR EDUCATION: I move—

That consideration of the Bill in Committee be made an Order of the Day for the next sitting of the House.

Hon. A. LOVEKIN: I move an amendment—

That all the words after "That" be struck out, and the following inserted:—"the Bill be referred to a select committee."

On motion by Minister for Education debate adjourned.

Hon. J. J. Holmes: Was the motion for the adjournment of the debate carried?

The President: Yes.

Hon. G. W. Miles: Now we are trapped.

The MINISTER FOR EDUCATION: An hon. member who is very apt to speak out of his turn and say things which on reflection he would not say interjected, "Now we are trapped," practically accusing me of trapping members. Mr. Lovekin was the mover of the amendment and I told that hon. member and Mr. Cornell what course I intended to pursue and, in addition, when replying to the second reading debate, I intimated it to the House. I object to Mr. Miles accusing me of laying traps for members. I have never done so.

Hon. G. W. MILES: When I sought to move the amendment the ruling was that it should be moved after the second reading was carried. We thought we could go on with the question to-day. The Leader of the House merely wishes to postpone the matter until next week when there is a full House, and so I was entitled to say what I did. I do not withdraw it.

The MINISTER FOR EDUCATION: Since the hon. member repeats the remark, I insist on a withdrawal of the statement that I laid a trap for members.

The PRESIDENT: I do not think it is quite a Parliamentary expression.

Hon. G. W. MILES: In deference to your ruling I withdraw the statement.

BILL—MINER'S PHTHISIS.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.27] in moving the second reading said: This Bill is one

which I am sure the House will regard as being of first class importance. It is a small Bill and it does not attempt to do very much. It may best be described as a Bill for taking the preliminary steps or laying the foundation of what may afterwards be an important development in the direction of bettering the conditions of the men employed in our mines. There is not one of us who has not wondered whether the price we have had to pay for this great industry in the ruined health and lives of our men has not been too high. There is not a member who will not cheerfully devote his time, even at this late stage of the session, to the consideration of a Bill which aims, no matter how imperfectly, at doing something to better that condition. The object of the Bill is to provide for medical examination by modern and approved methods to ascertain the condition of men engaged underground in the mining industry. The idea is to exclude from the mines those who are found to be suffering from tuberculosis, and also to ascertain how far our mining conditions are responsible for a condition by which dust lodgment on the lungs makes the men more susceptible to tuberculosis. Insofar as it prevents the employment underground of men who are suffering from tuberculosis, it does not go further than the present regulation. The regulation under Part VI. makes it an offence for any person who is known to be suffering from tuberculosis to be employed underground, but I think it is generally admitted there are many difficulties in carrying out that regulation. The Federal Government have agreed to establish the necessary apparatus to make the examinations and to employ the necessary experts. We are taking advantage of this by making examination compulsory instead of voluntary, as it is at present. It will be noticed that the measure, if passed, will come into operation on a date to be fixed by proclamation. The reason for that is we do not intend to take any steps under this Bill until the Federal Government carry out what they have undertaken and propose to do by way of establishing a laboratory so that the examinations can be made. The reason why many men suffering from tuberculosis are believed to be employed underground at the present time, is that under the voluntary system many do not submit themselves for examination. I do not know that the methods of examination are as complete as is desirable, or as complete as they will be under the system which the Federal Government now propose to put up. It is not thought that the industry will be in any way injured by this measure. Those men who are excluded from employment on the mines as the result of the passing of this Bill, will receive compensation until other suitable employment is found for them. Provision for this is contained in Clause 9, and if it is found that the men object to what it is proposed to do for them, they will no longer be entitled to compensation. The Minister for Mines, before preparing the Bill, had a long conference with the Chamber of Mines and with the Miners' Unions. The latter entirely approved of the Bill so long as provision was made for compensation for those who were excluded from working in the industry as a result of the disease. The Chamber of Mines advanced the view that if persons suffering from tuberculosis were to be excluded from employment in the mines, they should also be excluded from employment in other industries. There is a good deal to be said in favour of the contention so far as it applies to certain industries. In Western Australia the position is that mining, to an extent quite beyond comparison with any other industry, does contribute to the setting up of tubercular conditions, and therefore, dealing with the mining industry alone, we are at all events attacking the main portion of the trouble. Whilst not denying that there are other industries from which it would be desirable to exclude persons suffering from tuberculosis, I think we are taking the right step in dealing with an industry to which the disease chiefly applies in the first instance. I have read, and I trust other hon. members have read, the report which was submitted to the Minister for Mines by Mr. Cornell after his visit to South Africa. That report, with appendices and notes by Mr. Montgomery, the State Mining Engineer, makes a valuable production indeed, and I am sure that the State, and particularly those engaged in the mining industry, are indebted to Mr. Cornell for the work that he did in this matter in a purely honorary capacity. I have not discussed the matter with Mr. Cornell to ascertain whether the Bill meets with his approval, but our moving in the matter is very largely to be attributed to the efforts of the hon. member in this direction. I trust if the hon. member can see any merit in the Bill, he will support it, and, if possible, attempt to improve it. It is admitted that we are not attempting to do a great deal. Now that the Commonwealth Government are prepared to establish a laboratory, we are endeavouring to provide the necessary apparatus and skilled medical men. We are prepared to take what seems to be the first step towards making it compulsory for any man, when called upon, to submit himself from time to time for examination. There is provision by which he may be compelled to do so. We think, and I believe the miners agree, that that is a necessary step. If we are to exclude from the mines persons suffering from tuberculosis, we must have a definite and efficient method of finding those people who are suffering from the disease. Dr. Lanza recently reported to the department of the interior at Washington on miner's consumption in the mines of Butte, Montana, and in a short statement which I intend to read to the House he summarises the position in a way which shows that there is ample warrant for the course the Government of Western Australia propose to follow. Dr. Lanza wrote—

> It has long been recognised that workers in hard rock metal mines are subject to

diseases of the lungs. Extensive investigations in England, in British possessions, and in the United States appear to have revealed these facts: (1) That the so-called miner's consumption or miner's phthisis is produced by the mechanical irritation of the lungs by particles of dust of rock containing free silica; (2) that dust is dangerous in proportion to the amount of free silica or other hard, sharp, insoluble material it contains; and (3) that the particles of dust small enough to enter and remain in the lungs measure less than 10 microns, or 1/2500 of an inch in longest dimension. Miner's consumption is mechanically produced, is neither contagious nor infectious, develops slowly, and by the production of scar tissue gradually impairs the function of the lungs. The length of time necessary to produce the disease depends on the length of time the miner has worked in rock yielding hard, sharp, insoluble dust, the amount of silica in the dust to which he has been exposed, the steadiness with which he worked (from month to month and year to year), the intensity of application of the man to his work, the actual nature of the work he has done underground, and to a great extent on the general conditions under which he works. Miner's consumption may in itself produce disability and death. As a matter of fact, this disease so predisposes a man to various infections of the lungs and bronchial passages that few victims escape such infection. Pneumonia and tuberculosis are especially likely to occur, and the vast majority of miners with a considerable dust damage to the lungs contract tuberculosis and ultimately die of it, particularly if exposure to the dust continues. In such cases tuberculosis runs a more rapid course than in the ordinary individual. It is also recognised that as the larger mining camps become more crowded, with consequent gradual deterioration of housing conditions, the probability of tuberculosis infection increases, and the infection tends to become more and more prevalent and to occur earlier in cases of miner's consumption. The menace to the life of the miner and the menace to the community in general from the spread of tuberculosis to the miner's family and associates, becomes more evident from year to year. This is attested by the experience of physicians and investigators in South Africa, Australia, the Joplin district, and also in Butte and elsewhere.

An important feature of the table which accompanied the statement is contained in these figures: Of 432, 194, or 44 per cent., were in an early stage, and of those in the early stage only 7 or 3.6 per cent. were suffering from tuberculosis; 128 or 29.6 per cent. were moderately advanced with miner's complaint, and of those only a small percentage, 8, or .63, were suffering from tuberculosis. But when they go to the far advanced causes, numbering 110—25 per cent. of the total— 48 of them, or nearly half, were suffering from tuberculosis. The point of that table is that you go from step to step. In the early stages of miner's complaint, there may be a case or two of consumption; in the moderate stage more cases and in the later stage half of them suffering from tuberculosis. This is a most illuminating table because it suggests that if we can get these people in time then we shall prevent the destruction of human life. I do not profess to have any exact knowledge of this matter, but during the time I was Minister for Health, I frequently visited the Wooroloo Sanatorium and I confess that I always came away very depressed over this one thing, that so many otherwise healthy men, simply because of their employment, had become victims of what was at their stage an absolutely incurable disease. I confess that not only this Government, but all Governments have not moved as quickly as they should have done in the matter. From what I have read and heard from Mr. Cornell, and also from interviews I had with one of the South African doctors who was here a little while ago, I think in South Africa they are now tackling this problem in the right way, and I hope the Bill before the House—although it is only a modest one, and pretends to do nothing more than to make examinations compulsory so that the facilities the Commonwealth Government have provided shall be availed of—will be the forerunner of more comprehensive legislation in regard to the matter. I move—

That the Bill be now read a second time.

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

BILL—HOSPITALS.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.42] in moving the second reading, said: It may be of interest to hon. members to know that the only legislation at present existing, dealing with hospitals, is an Act of 1894, and that that Act relates to only two hospitals, Perth and Fremantle. Our hospitals legislation, therefore is nearly 30 years old, and applies solely to these two institutions. Not only is that the case, but many of the provisions regarding those two hospitals have fallen entirely into disuse. Machinery is provided in that Act whereby the boards of management are elected by the subscribers. The provision, however, has never been put into force; there has not been a sufficient number of subscribers to justify the conduct of an election, and so the boards have been appointed by the Governor. All other hospitals in the State are carried on without legislation and the absence of that legislation has created many difficulties in the past. Those difficulties are bound to increase in the future. We have in operation at the present time two public hospitals at Perth

and Fremantle, to which I have already referred, and for each we have legislation. We have also the Children's Hospital, which is an incorporated institution, 19 general hospitals, two casualty wards, the King Edward Memorial Hospital for Women at Subiaco, and the Wooroloo Sanatorium. All these institutions are managed directly by the Medical Department. We have 26 hospitals, including two or three casualty wards, managed by local committees assisted by a subsidy from the Government. Out of the total of 52 hospitals, 50 are working with no legislative authority. Half of the 50 are conducted by the Medical Department and the others are conducted by local committees. In all cases, the local committees have done excellent work but they have been hampered frequently by the absence of legislative authority, and anomalies have crept in which threaten in the near future to make the position much worse than it has been in the past. We have anomalies of this kind: At Northam, York, Wagin and at many other places, there are hospitals conducted wholly by the Government who are responsible for all expenditure in connection with the institutions. The local people do not take any part in connection with the hospitals beyond subscribing for special comforts for the patients, nurses and so forth. The local people do not take any responsibility or subscribe to the actual maintenance of the hospital. Then we have other places—I mentioned Narrogin just now as having a Government hospital—such as Wagin and Beverley, where the hospitals are conducted by local committees. They make themselves responsible for raising large funds, which they eke out by means of Government subsidies. Moora is another case where the local people conduct their own hospital and the case of Moora is an exceptionally good one, seeing that the people there have conducted their hospital with less assistance from the Government than is the case with any other similar institution. It could not be expected that this condition of affairs would long continue and one by one these local bodies who have been carrying on their hospitals, have handed back their institution to the Government. For instance in Wagin the local people appreciated the fact that the neighbouring town of Narrogin had a Government hospital, and seeing that the Narrogin people were relieved of all their obligations, the Wagin people could not see why they should burden themselves with the responsibility for controlling and financing the hospital. These people, who have handed back the control of the hospitals to the Government, have not done it in any uncharitable spirit whatever. They recognise, however, that they are only small communities, and that they are charged with a considerable measure of responsibility in connection with the maintenance of the hospitals. The people have recognised that the necessity to raise the contributions to maintain their hospitals has hampered them in other charitable efforts, whereas their neighbouring towns have been more favourably situated. Naturally this condition of affairs could not continue and in the course of recent years several hospitals have been handed back to the Government.

Hon. G. W. Miles: Does this Bill propose to put all the hospitals on the same footing?

The MINISTER FOR EDUCATION: The effect of the Bill will be to remove the inducement that exists now to throw the hospitals back on the Government, because we shall be able to give such a measure of support to these institutions that they will be able to carry on without special local contributions. Naturally the Government will do everything possible to encourage the local people to still take an interest in and manage the hospitals in the townships.

Hon. G. W. Miles: Will you be able to contribute more towards the inland mission?

The MINISTER FOR EDUCATION: Yes, and to all hospitals as well. The three main objects of the Bill are to co-ordinate the divergent hospital authorities throughout the State, to place the hospitals on a much better financial footing than we can afford to do to-day, in view of our depleted financial resources, and to provide some statutory authority regarding hospitals generally. Last session a Bill was presented in another place. The preliminary draft of the Bill was arranged during the time I was Minister for Public Health. We searched throughout the Australian States for examples of what was being done there and we inquired closely into all the methods, particulars of which we could secure. We decided to adopt the only method that seemed to me to have any real system in it, and that was the New Zealand system. A Bill was prepared on those lines. When it was submitted to another place, strong exception was taken to the fact that it cast the financial responsibility on to the local authorities which, of course, meant the local ratepayers. It was pointed out that the local ratepayer was not the person who derived the most advantage from the hospitals, and for whom the hospital was chiefly necessary. The contention was raised that everyone should pay towards the upkeep of our hospitals. The casual worker, for instance, is one who is often in need of hospital assistance, but he does not pay for it. However, it was contended that everyone should pay and eventually the Bill was referred to a select committee. Evidence was taken by that body in many parts of the State, and the members of the committee went to a great amount of trouble. They submitted their report in September. A Bill was drafted following almost exactly on the lines of that report. The Bill was amended in some particulars in the Legislative Assembly, but it may be taken as representing generally the views of the select committee. One direction in which the Bill was altered was in regard to the method of management. As presented to the Assembly, it provided for the appointment of a hospital trust, which would be an independent body appointed by the Governor on the

recommendation of certain authorities. The Legislative Assembly deleted that provision. It was considered that the responsibility of administering the Act would rest better on the shoulders of the Minister for Public Health. It is in that form that the Bill appears before hon. members now. Then in the original Bill an attempt was made to set out a definite constitution for the local hospital boards. We had protests from board after board. They agreed upon the general principles of the Bill, but they did not think it was right that a constitution should be set up which was unsuited to their own circumstances, and which destroyed the constitution which was found best suited for their local conditions. The Kellerberrin local committee was one that objected most strongly. There the people had raised public subscriptions and had built as a memorial to the men from the district who had served in the great war, a beautiful hospital indeed. The institution was managed by a district committee, members of which were drawn from different parts of the district. They provided most of the funds. That committee pointed out that it was impossible for the institution to continue satisfactorily under the constitution outlined in the Bill. The constitution suggested, they pointed out, destroyed the method of working which had proved so effective in their case. Notice was taken of these protests, and instead of providing a cast-iron form of constitution, the Governor was given power to prescribe the constitution for a board, and it may differ in various centres throughout the State. It will mean that the Minister for Public Health will be able to set up constitutions that will meet local requirements, and suit local conditions. The most important feature of the Bill, apart from the necessity for legislation itself to regulate the control of hospitals, relates to the financial provisions. On the recommendation of the select committee, instead of casting the burden on the local authorities, the burden is cast upon everyone. Provision is made that everyone who receives wages, salaries or incomes, shall be liable to contribute at the rate of 1d. in the £ per annum. Persons whose income is less than £1 a week are excluded, and the measure relieves married persons who receive less than £4 a week. They will still be liable to payment of a tax of 1d. in the £ but they will be relieved from the liability of paying hospital dues.

Hon. F. A. Baglin: What about the railway man, for instance, who gets less than £4 a week?

The MINISTER FOR EDUCATION: That man will be required to pay 1d. in the £, but he will not have to pay for treatment in the hospital. Indigent cases will be treated just the same as usual. There are a great many people who go into our hospitals, receive treatment, and walk away without paying anything. It is almost impossible to follow those people up. It is also the case, however, that many people go there and after receiving treatment, go away and it takes them a year or two years to pay for that treatment. The fact remains that they go on and in time pay up. Those people are not so numerous as the other class, but it must be said to their credit that they do pay.

Hon. E. H. Harris: Do you intend to exempt those people who have to contribute through their wages, as a condition of their employment?

The MINISTER FOR EDUCATION: No, they contribute a small sum for a special advantage; they contribute for treatment. The payment of the tax of 1d. in the £ has a general application. In the course of the debate in the Legislative Assembly a fear was expressed that the funds raised would not be sufficient to meet the needs of the hospitals. The Premier undertook that should such prove to be the case, he would find the necessary funds from the Consolidated Revenue, and a clause was inserted accordingly. It is practically certain that this method of raising funds will enable us to do more towards assisting the hospitals than in the past. Old age pensioners, invalid pensioners, and war pensioners are also exempt from any contribution. Inquiry has shown that there are approximately 140,000 earners of income, out of our total population. Of those, only 38,000 are assessed for income tax, so that there are over 100,000 earners who do not directly contribute towards the taxation of the State. This return was compiled before the last Assessment Act was passed before Christmas, and there can be no doubt that the passing of that Act will exempt a considerably greater number still. Instead of having 38,000 people paying taxation, we will have many less than that, so that there will be considerably more than 100,000 people who will not pay any income tax. There is no stronger argument for the passing of the Bill and the levying of the tax of 1d. in the £ than the fact that in Western Australia persons obtaining small incomes pay less in taxation than those in any other State of the Commonwealth. Certainly there is no other State that endeavours to do more for the people generally than does Western Australia. In those circumstances, the imposition of a tax of 1d. in the £ for the maintenance of our hospitals cannot be regarded as excessive when it is remembered that the only people who can be hurt are those who are exempt from the payment of income tax here, but who, were they living in any other State of the Commonwealth, would be compelled to contribute something towards the income tax there.

Hon. G. W. Miles: Do you intend to collect the tax under the Stamp Act?

The MINISTER FOR EDUCATION: Yes, adequate provisions are made for the collection of the tax from everyone. It is considered that this tax will produce a revenue amounting to £118,000 per annum. It will be recognised that those who will pay the larger portion of that amount are the individuals in receipt of the larger incomes. A man receiving £4 a week or £200 a year will pay only 17s. 4d. At present the cost to the

Government of hospitals is £104,688. That includes approximately £10,000 contributed by the Works Department in respect of new buildings, renovations and repairs, and makes allowance also for the revenue derived by way of patients' fees. In the Assembly a motion was carried excluding the Wooroloo Sanatorium and the King Edward Memorial Hospital from participation in the funds to be raised under the Bill, so those two institutions will have to be carried on as at present from Consolidated Revenue, the cost being £19,800. The expenditure under the Bill will be relieved of an equivalent amount. The position will be as follows: There is provided on an annual basis on the Estimates for 1922-23 a net amount of £104,688. Taking from this the cost of the Wooroloo Sanatorium, £19,000, and of the King Edward Memorial Hospital £800, it leaves a net cost to Consolidated Revenue of services now to be covered by the Hospital Bill of £84,888. The revenue anticipated under the Bill as introduced in the Assembly was £123,000. This is less exemption from contribution of persons earning under £1 per week, £5,308, and exemption from payment of hospital fees by married persons earning less than £4 per week, approximately £5,000, or £10,308 to be deducted from £123,000, leaving a total of £112,692, or a difference in favour of hospitals under the Bill of £27,704. On the face of it some might think that that might be too much; but we have to remember that of recent years the expenditure on hospitals has been cut down beyond what I think was right. Then we have imposed a good deal on hospital staffs, particularly on nurses. I think the Arbitration Court has recently moved in this matter. So the expenditure under that heading would undoubtedly increase. It is not only wages, for we know that the conditions under which nurses have worked have been in some cases undoubtedly harsh and so we must be prepared to face the expense of providing reasonable conditions for them. If we pass the Bill, imposing a tax on everybody, the small donations now collected for hospital purposes will cease. We shall still have a substantial balance in our revenue as compared with the amount available for hospitals in the past. In addition, the Government will be prepared to make a small appropriation if necessary, so that we can improve our hospitals. Mr. Miles has made reference to the inland missions. Those institutions have been established almost entirely at the cost of private people. They do magnificent work and carry on largely because sisters and others, who are prepared to leave comfortable homes in the city and go and live in outback places, do it for very little money indeed. The Government at present are not giving to institutions of that kind the support which they might very well be expected to render.

Hon. G. W. Miles: Will they do more under the Bill?

The MINISTER FOR EDUCATION: Yes, they will have to. Only the other day I learnt that an effort was being made to get some sisters to go to hospitals in the North, where hospital accommodation is sorely needed.

Hon. J. W. Kirwan: Whether the Bill be passed or not, institutions like that should be helped.

The MINISTER FOR EDUCATION: We do help them, but, as I say, it is very generous of them to carry on. Wherever they say they will start a hospital, we help them. For instance, when I was at Hedland they had a wretched building. They told me they could raise sufficient money to build a hospital if I would help them. Of course I agreed. At other places they say, "We can carry on if you will pay one of the nurses." We always help them. For 1920 the total raised by various hospitals in subscriptions and donations was £14,737 and for 1921 it amounted to £18,000. We shall lose a considerable portion of that money. Therefore, on top of the revenue to be derived under the Bill, it will be necessary for Consolidated Revenue to make some contribution for hospital purposes. It is hoped the administration of the Bill will lead to closer relationship between the department and the various hospital boards. In those places where now there are only Government hospitals, we intend to make a start with the appointment of visiting committees so that the local people may be induced to take the same interest in their hospital as is taken by the local people in places where the hospital is entirely managed by a committee. The extension of local administration is one of the strong aims of the Bill. One other point: a provision in the Bill, Clause 41, gives power to establish intermediate hospitals. I refer hon. members to page 6 of the Royal Commission's report, which gives some strong arguments in favour of the establishment of those hospitals. Already they exist in some country districts. In country districts the hospital is not established primarily for the treatment of the indigent. Usually a country hospital is established with the idea that everybody shall there get the best possible treatment at reasonable cost. Therefore the country hospital is used by people who can afford to pay, and who do pay, for their maintenance at the hospital. In the city the hospitals are supposed to be for indigent people. Persons in good circumstances can afford to go into a private hospital. But there is a middle class, not supposed to go to public hospitals, yet unable to pay the fees charged at private hospitals. The Bill takes the first step towards the establishment of intermediate hospitals, where hospital treatment will be available at reasonable price to all who require it. The position briefly is that the need for some form of legislation governing our hospitals is imperative. Without some provision of this kind, the cost of our hospitals must increase very rapidly, for two reasons: First, that the local communities who have in the past carried on their own hospitals are not prepared to do so while other communities have hospitals provided for them. Secondly, that, with the advancing settlement

and the need for providing further hospital facilities, expenditure must necessarily increase. The principal features of the Bill are that it makes legislative provision to meet the position, and necessary financial provision as I have described. If hon. members are prepared to accept those two principles as being necessary, the details of the Bill can be thrashed out in Committee. I move—

That the Bill be now read as second time.

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

House adjourned at 6.10 p.m.

Legislative Assembly,

Thursday, 25th January, 1923.

The SPEAKER took the Chair at 2.30 p.m. and read prayers.

QUESTION—LAND UNSURVEYED, PINGARNUP.

Mr. A. THOMSON asked the Premier: 1, Is he aware that a large portion of land unsurveyed east of Pingarup railway extension is mallee on limestone, and considered to be equal to Esperance land, to which a railway is being built to open it up and develop it? 2, If so, under whose instructions did the surveyors leave this land unclassified and unsurveyed? 3, Is he also aware that a large number of intending settlers are anxious to take this land up for wheat growing?

The PREMIER replied: 1, No. The classification shows a small portion only of this class of land within 12½ miles of Pingrup. 2, The land has been classified and some portions surveyed. 3, No; but if selectors wish to take up this country they can do so, as the first six miles east of Pingrup are open to selection, and applications in the reserved area will receive consideration.

QUESTION—PEEL ESTATE, TO INSPECT.

Mr. STUBBS asked the Premier: Will the Government, before the session closes, give members of Parliament an opportunity to inspect the Peel Estate and its activities?

The PREMIER replied: I shall be glad to give members an opportunity of visiting the Peel Estate, but whether it will be done before the session closes, I am not able to say.

QUESTION—SINKING FUND PROVISIONS, TO ABOLISH.

Mr. A. THOMSON asked the Premier: 1, Has his attention been drawn to the following paragraph in yesterday's paper: "New loan for New South Wales. Lists closed. London, Jan. 23. For the New South Wales loan of £4,000,000, at interest of 5 per cent., with a minimum of 98½, about £8,000,000 were subscribed. The lists have been closed. (A London message of January 19 said:—With reference to the New South Wales loan of £4,000,000, the final instalment of 40 per cent., payable on April 16, and six months' interest on September 1. The terms of interest are said to be the most favourable of any Australian issue since the end of the year 1915, with the exception of the New South Wales 4½ per cent. loan of May, 1921.)?" 2, In view of a Loan Bill for £4,000,000 having been passed by this House, and the success of the New South Wales loan without a sinking fund, will he take steps to amend the General Loan and Inscribed Stock Act, 1884, particularly those sections referring to sinking fund, so that future loans may be free from Sections 25 and 26 of that Act?

The PREMIER replied: 1 and 2, I will give the matter consideration.

QUESTION—IMMIGRATION, COST OF TRANSPORT.

Mr. A. THOMSON asked the Premier: In view of the statement made by the Prime Minister at the Premiers' Conference held at Melbourne on Monday, 24th May, 1920, (see page 43, volume of Resolutions and Proceedings), dealing with imimgration, "The Commonwealth is to assume financial responsibility for overseas transport to Australia. We take full responsibility for that and we pay for it, as I have stated in the last paragraph of the outline of the suggested scheme of immigration," will he inform the House why the Commonwealth Government have not carried out this report?

The PREMIER replied: The Commonwealth Government has relieved the State of all responsibility for overseas transport of immigrants.