Hon. P. Collier: The price of bread will go up undoubtedly.

The PREMIER: In Northam they are selling bread to-day at 5d.

Hon. P. Collier: If the price of wheat goes up in the course of a year or so and the world's parity is below 9s., I will do what I can to give the people cheaper bread.

The PREMIER: I will wait until that time comes. Last year farmers in Western Australia were fortunate in that the pool existed, because they got a fair price.

Hon. W. C. Angwin: On his own credit.

Hon. P. Collier: If there were no pool the farmers would not have received half the price.

Hon. W. C. Angwin: They could not have held on.

Mr. Thomson: They would not have grown the wheat.

The PREMIER: The farmer has not held it because the consumer had to bear his share of the cost.

Hon. W. C. Angwin: On the credit of the Commonwealth Government.

The PREMIER: No, not at all.

The SPEAKER: Order! This is not an argument.

The PREMIER: Under the pool we are to get 2s. 6d. with a further 2s. 6d. in April and we will get the rest, God knows when!

Hon. W. C. Angwin: You have an overdraft.

The PREMIER: There may be an overdraft but there is a balance of money coming from the other States to Western Australia. However, the position is as I have described. I have no wish to discuss this matter at greater length. I hope the House will pass this measure. The responsibility of handling the wheat is greater now than during the war period when shipping was more scarce. In the existing circumstances, I think we would find that the farmers would elect to have their wheat dealt with in the old-fashioned way. I believe that the world is short of wheat and that the price of the commodity may increase.

Hon. P. Collier: The price is coming down every day.

The PREMIER: It may be that owing to the financial stringency wheat has fallen for the time being. How could it be otherwise? The continental nations want to buy.

Hon. W. C. Angwin: But on credit. They have not the money to buy otherwise.

The PREMIER: Those nations have to live. Owing to the financial stringency there may be a drop in the price for the time being but I believe the price will increase during the year, instead of showing a decrease. I know it is difficult to sell anything now for we cannot sell wool or anything else at the present time.

Mr. Teesdale: Only beer.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS—(2)—COUNCIL'S REQUESTED AMENDMENTS.

1, Railways Classification Board.

2, Industries Assistance Act Continuance.

House adjourned at 12.32 a.m. (Thursday).

Legislative Council,

Thursday, 16th December, 1920.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

SELECT COMMITTEE—OPTICIAN'S BILL.

On *motion* by *Hon. A. Sanderson* (for Hon. J. Nicholson) the time for bringing up the report was extended until Tuesday next.

QUESTION—PARLIAMENTARY OFFICIALS' SALARIES.

Hon. J. NICHOLSON asked the Minister for Education,—Referring to the answers of the Minister asked by me on the 10th instant, will he furnish replies to the following further questions?—1, Were the Library committee consulted prior to the increase in the allowance of £50, stated to have been given to the Librarian? 2, Is not the method of increase adopted an attempt to over-ride the provisions of Section 35 of "The Constitution Act, 1889"?

The MINISTER FOR EDUCATION replied: 1, No. The Library Committee has never yet been consulted as to the appointment or the remuneration of the Librarian, nor is there anything in the Standing Order under which the Committee is constituted to warrant such a course. The decrease, which has now been set right, was made in 1911 on the recommendation of the Speaker, without comment of any kind by the Committee. 2, It is not a breach of the Act. The use of such a term as "an attempt to over-ride" is merely a matter of opinion and taste. In any case nothing has been done but to restore the condition which existed from 1903 to 1911, and which would have been restored in 1914 but for the outbreak of the war.

BILL—MEEKATHARRA-HORSESHOE RAILWAY.

Report of Committee adopted.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Assembly's Amendments.

Schedule of four amendments made by the Assembly now considered.

In Committee.

Hon. J. Ewing in the Chair; Hon. J. Duffell in charge of the Bill.

1.—Clause 4, Subclause 1, paragraph (i): Insert after the word "poultry" the words "together with other poultry."

Hon. J. DUFFELL: Whilst I do not altogether agree with the amendments made by the Assembly, I must take the lateness of the session into consideration. The Bill as it now is may be considered to be an improvement on the Act of 1912 and for that reason I am prepared to accept the amendments. I move—

That the amendment be agreed to.

Hon. Sir E. H. WITTENOOM: For my part I cannot see that this amendment is at all necessary, for the words to be inserted appear to me to be quite superfluous.

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

On motion by Hon. J. DUFFELL, the following amendments made by the Assembly were agreed to.

2.—Clause 4, Subclause 1: Insert after the word "was" in the third line of the proviso the words "sold or."

3.—Clause 11: Strike out the word "ninety" and insert "thirty" in lieu thereof.

4.—Clause 25: Strike out this clause.

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. Sir E. H. WITTENOOM (North) [3.12]: This is a fairly important Bill and requires a good deal of consideration. It embraces the following four items—Firstly, the appointment of a judge as deputy president, secondly the appointment of a special Commissioner, thirdly, an increase in the fees of two members of the Arbitration Court, and fourthly, that the Court is to determine the basic wage. I agree with the words used by the leader of the House when introducing the Bill when he said that this is not the time to consider the question of arbitration in all its bearings and upon all its merits. If it were so, I should immediately vote for its abolition. The Arbitration Court is a very expensive institution, but even that would be justified if it had power to stop strikes. On the contrary, we have both the institution and strikes as well. In these circumstances it seems to me almost superfluous. Another dangerous condition connected with it now is that it continually places the Government in a most embarrassing position. No Government can approximately forecast what their expenditure will be if another tax imposer is to have power to impose taxation. I wonder that has not been brought forward as an excuse for the monthly deficits. We often hear of people offering destructive criticism. If it were my duty to do it I would be prepared to submit a good working proposal for dealing with industrial disputes at present, but it is not part of my business. With the first two portions of the Bill to which I have referred, namely, the appointment of a deputy president and of a special Commissioner, I am quite in accord. So long as we have the institution working—and the business is very congested just now—we should give it every facility to enable the work to be done. I therefore cordially support those proposals. In existing circumstances it is impossible to carry out satisfactorily either the Arbitration Court work or the other work of the judges. Look at the position of the judges at the present time. Mr. Justice Northmore is absolutely taken up in connection with the public service appeals. Justice Booth is invalided, and cannot do anything.

Hon. J. Nicholson: He is doing something.

Hon. Sir E. H. WITTENOOM: A little. Judge Burnside's time is entirely taken up with the Arbitration Court. Thus there is only the Chief Justice to deal with all the other work of the courts. In these conditions it is our duty not only to facilitate the work of the Arbitration Court, but to facilitate the work of the courts in other directions as well. Therefore I am entirely in accord with the proposal of the Government to make these two fresh appointments. With regard to the special Commissioner, the amendment suggested by Mr. Panton rather

appeals to me, because I recognise how difficult it would be to select, except from among the judges, a Commissioner who would give satisfaction to both sides. Nevertheless, we know that a judge is not the best man to have in the Arbitration Court by any means, though in view of his position he is about the only man we can put there. Therefore I think it will be necessary for both parties to agree on the special Commissioner if satisfaction is to result from such an appointment. For these reasons Mr. Panton's amendment seems to me very apropos, and practically to meet the case. If the amendment is moved, I shall support it unless I hear sound objections against it. An expresion which has been used here several times rather appealed to me because of its humour and novelty. The expression is that about "having a nigger in the fence." This Bill has a sting in the tail. I refer to the clause proposing that the Arbitration Court should declare a basic wage. I do not think that ever in my life I saw a more illogical addendum to a Bill. By the first two clauses it is sought to render assistance to the judges. We agree that the judges have more work now than they can do, and therefore we propose to appoint a deputy President of the Arbitration Court and also a special Commissioner. On the other hand, the last clause of the Bill proposes to inflict on the judges one of the most difficult tasks conceivable. If a court undertook what is demanded of it by Clause 7—namely, to determine a basic wage every six months—the time of the court would be taken up for four months out of the six in determining that basic wage; and no sooner had they determined it, than they would have to go to work to determine a new one. What earthly time would the judges in that court have for discharging their other judicial duties? Besides, the Arbitration Court is not fitted to deal with the question of the basic wage. Special qualifications and special knowledge are required to determine such a question, which, moreover, cannot be determined hurriedly. If the basic wage were fixed too low, that would be unfair to the worker; and if it were fixed too high, that would be unfair to the employer. I do not propose to discuss here whether it is expedient or not that a basic wage should be declared. It is not from that point of view that I am attacking the clause. What I object to is that the Arbitration Court should be asked to fix the basic wage. Recently such a wage was declared by a Federal Royal Commission, and a very special lot of men had to do the work of investigation. The chairman of the Commission himself said, in declaring the basic wage, that he did not know whether employers could pay it. His commission instructed him to declare what was a fair wage for a man with wife and three children to live on in comfort, and he said the amount was £5 16s., or something like that. But he did not say, and he was not asked to say, whether or not the industries of Australia could pay such a basic wage. That is the consideration which arises in this instance. When the Bill is in Committee I intend to ask hon. members to vote against Clause 7—not on the merits as to whether a basic wage should be determined, but on the ground that the Arbitration Court has neither the time, nor, in my opinion, the ability to settle that question, and also especially on the ground that we are now being asked to give the judges assistance because they are so overwhelmed with work. To ask them to undertake the determination of a basic wage seems to me silly and frivolous, because they will never be able to carry out that duty satisfactorily. As regards Clause 4, I intend to move that the following words be added to Subclause (5):—

> and a substantial deposit in money shall be put up by both parties.

Subclause (5) would then read: "Whenever a conference has been held under this section and an agreement has been reached as to the whole or some portion of the matters in dispute, an industrial agreement between the parties to the conference shall be made accordingly, and the provisions of Part III. of this Act shall apply, and a substantial deposit in money shall be put up by both parties." I believe that my suggested amendment affords one of the best means of securing observance of industrial agreements. It frequently happens now that industrial agreements are entered into, but are not observed by one party or the other until their termination. For that reason no one can rely upon the duration of an industrial agreement for any length of time. One aspect of the basic wage question to which I omitted to refer, is that if a basic wage were declared, as proposed by Clause 7, every six months, and wages were to be altered automatically in accordance with the basic wage, it would in some industries be impossible to make contracts. Take timber, for example. How could one quote for two or three ship-loads for South Africa if the basic wage were liable to alter every six months, thus bringing about automatic alterations in the rate of wages? Under such conditions it would be impossible to say what the cost of the timber would be. One could scarcely make a contract which was subject to the alteration of the basic wage in six months' time. With these remarks I support the second reading of the Bill, but I again state that when Clause 7 is reached in Committee, I shall vote against it and ask hon. members to vote with me. I ask hon. members, before they come to a decision regarding that clause, to give the matter the most careful consideration, as I have done.

Hon. T. MOORE (Central) [3.23]: To my mind this is one of the most important measures that have come before the House during the current session, and I am surprised at its reception by some hon. members. The importance of the Bill arises from the fact that the Arbitration Act has

been found unworkable in many respects. Industrial arbitration was first instituted in Australia for the purpose of bringing employer and employee more closely together. True, arbitration has had rather a long trial; but I maintain that it has not had a fair trial. In connection with many disputes it has been altogether impossible for the parties to get before the court, owing to technicalities being raised by one side or the other, employee or employer as the case might be; with the result that there have been numerous references from the Arbitration Court to the Supreme Court and the Federal High Court, involving endless trouble. By passing this amending Bill we shall be giving effect to the views which have been expressed by those who are responsible for the working of the Industrial Arbitration Act, and thus a better opportunity will be afforded of getting disputes settled. On the second reading of this Bill it has been said that the great trouble ahead of us will come when prices fall. The leader of the House asked how we, who are supposed to look specially after the interests of the workers, view the prospect of reductions in wages. My reply is that if the workers were now getting all that they should get, I would be in favour of reduction of wages in the event of a fall in the cost of living. However, I know it to be a fact that the workers are not getting sufficient—that, on the contrary, they are right down on the bread line. Married men, in particular, are to-day absolutely on the bedrock of subsistence. The whole question turns on the purchasing power of money. One pound sterling to-day will not buy more than 10s. would purchase six or seven years ago. It must be acknowledged that wages have not risen proportionately with the cost of living. The feature that I wish hon. members generally to realise is that the purchasing power of money to-day is very much less than it was a few years ago. When we hear of wages going up to £4 per week, we must bear in mind that £4 to-day will not purchase as much in the shape of commodities for the workers of this country as £3 would even two or three years ago. Therefore I contend that an automatic decrease of wages to accompany any fall in the cost of living is an utterly unjustifiable proposal. The amount of the basic wage recently fixed by the Federal Basic Wage Commission is in itself a complete proof that wages to-day are not sufficiently high. Every member of this Chamber knows that the basic wage declared to be necessary for an Australian worker is over £3 per week, and every member of this Chamber also knows that many workers in Western Australia are not receiving even £4 per week. In view of these facts, will it be argued that as soon as any commodity drops in price, or that if the cost of living comes down, say, 10 per cent., the worker's wages should come down correspondingly? My reply is "No," in view of the fact that the average worker is now receiving £1 per week less than the wage declared by the Federal Basic Wage Commission to be necessary for the maintenance of an adequate standard of living. Once again, therefore, I am emphatically not one of those who believe that there ought to be any automatic decreases in wages if there should be decreases in the cost of living. Mr. Cornell's argument was that as industrialists had insisted on increased wages because of increased cost of living, there must be decreases in wages to accompany decreases in the cost of living. Mr. Cornell said he held that view. But I want the hon. member to give consideration to the fact that the workers have never admitted that they are in receipt of sufficient wages. Suppose that, in a profit-making industry such as the timber industry of this State, prices are maintained: will it be maintained, then, that the workers in that industry should suffer reduction of wages because of a fall in the cost of living! Hon. members must realise that timber is at a very high price to-day, and that timber is not going to come down in price. The price of timber will be maintained at a high level for many years to come, because of the extensive destruction of forests in other parts of the world. We know that there is a world shortage of timber. Therefore the price of timber is bound to remain high, and therefore it is not possible to argue that the combines operating in the timber industry should be allowed to make huge profits while the workers must be kept on the bread line. I think this is a sufficient answer to Mr. Cornell's contention. As I said before, I am surprised at the reception which has been accorded to the Bill in this Chamber. In days gone by we were accustomed to be told that the extremists were all on one side, namely, that of the workers; but I now find that there are some extremists on the other side. It strikes me as remarkable that hon. members should rise here to propose that a Bill embodying amendments to an important Act, which has been found unworkable, should be thrown out on the second reading. Hon. members have asked us to throw out these amendments on the second reading, which would mean that the Arbitration Act would be unworkable, as it has been in the past.

Hon. J. Nicholson: It was not proposed to throw out the whole of these amendments, was it?

Hon. T. MOORE: Yes, because one hon. member moved that the Bill be read this day six months, and was supported in his motion. It was the greatest surprise to me in that no alternative was offered. If the hon. member could have shown something better—and I believe it is possible—could have offered something better in place of these amendments, it would have been different. But I am surprised to think that men who regard themselves as statesmen should propose throwing out a Bill such as

this, while offering nothing in its place. Sir Edward Wittenoom, who has had a lot to do with arbitration, is not one of those. He realises that something of this kind has to be kept, at all events while we have nothing better to take its place. I hope the Bill will have a speedy passage, and that the necessary amendments—I realise that amendments are necessary—will receive careful attention, so that the Arbitration Act shall be made more workable than in the past.

Hon. J. NICHOLSON (Metropolitan) [3.32]: I quite agree with the views expressed in regard to the importance of this measure, and I recognise that any Bill which has for its object the creating of satisfaction in the industrial world, should be welcomed and supported. Whether the amendments comprised in the Bill will attain that satisfactory end, we shall have to wait to see, but at least I will give credit to the Government for being sincere in their desire to make the Bill as satisfactory as possible. I believe that in the amendments suggested here the Government have in view the easier working of the Industrial Arbitration Act and the giving of greater satisfaction; and in the matter of giving greater satisfaction, I recognise that the proposals to appoint a deputy president of the court, and also a special commissioner, are of considerable importance. We all know the great delays which have taken place in connection with the decisions of the court. At a time like this, when the cost of living is so quickly affected, it is only fair that speedy decisions should be given on the claims put forward. That, I think, will be accomplished by the suggested amendment. The Government have had some experience in respect of special commissioners appointed in various cases. Wherever a commissioner can be found who will give a quick decision, and who commands the confidence of both sides, then by all means let that commissioner be appointed. The Arbitration Court has not always given that ready satisfaction which was expected of it. At the same time the court has endeavoured to discharge its duties as fully as it was able to do. The mere fact that it has not given satisfaction is not of paramount importance. We cannot expect litigants to be uniformly satisfied. The litigant who happens to lose is usually dissatisfied with the decision of the judge, no matter how able that judge may be. But delays have been caused by the fact that we have not had a ready means of arriving at a solution of difficulties which will be obviated by the proposed amendment. I am chiefly concerned about the question of appointing the court to make inquiries as to the basic wage. If I thought that giving the court this power would result in the attainment of industrial peace, I would say let the court go ahead; but I have been impressed with what other members have said in regard to this provision. Mr. Dodd confessed that he doubted the utility of the clause on the ground that it entailed regular sittings of the court and provided for fixing an increased or decreased basic wage according to the variations in the cost of living, without any regard to the profit which might be made by the employers.

Hon. J. E. Dodd: That is, in the event of the cost of living falling.

Hon. J. NICHOLSON: Yes, in the event of the cost of living falling no regard has to be taken of the profits made by the employer. There is great force in that argument. If some method of profit-sharing could be mutually agreed upon, it might be a means of overcoming the serious differences between employer and employee. But that would be a matter of adjustment between the employer and employee. The difficulty would not be overcome by the provision in the Bill.

Hon. J. E. Dodd: The assumption seems to be that wages must fall when the cost of living falls.

Hon. J. NICHOLSON: I recognise that there is that assumption. If the cost of living goes up, the wage has to go up in sympathy, and the implication is that if the cost of living comes down, the wages also must come down, without regard to the profits made by the employer. That is one view. Another view, suggested by Sir Edward Wittenoom, is that it would involve the constant sitting of the court, which would be quite impracticable. The court would be kept sitting five months out of six, and as soon as it ascertained the cost of living it would have to begin all over again. The court would require to sit almost continuously. We have the instance of the Federal Basic Wage Commission. That commission took 12 months to make the necessary inquiries. Of course those inquiries extended over all the States. But if it took 12 months to arrive at a conclusion in regard to all the States, it is not unreasonable to suppose that it would take four or five months to make the necessary inquiries in this State. It is a striking paradox, that once the basic wage takes effect and is acted upon, it is no longer the true basic wage.

Hon. J. A. Greig: Because it is increasing the cost of living.

Hon. J. NICHOLSON: Precisely. The moment the court determines the true basic wage, and the finding is acted upon, the cost of everything else goes up in sympathy; and those not brought within the immediate purview of the court's finding will discover that the cost of everything else has increased as the result of that finding.

Hon. T. Moore: How are costs to be brought down?

Hon. J. NICHOLSON: I am going to explain that, if I can.

Hon. Sir E. H. Wittenoom: The point is that the Arbitration Court are not the people to do it.

Hon. J. NICHOLSON: No. They are about the last in the world for the duty, because the inquiry involves many phases which would not come within the purview of the Arbitration Court. However, the moment the

basic wage is acted upon, the cost of everything else will go up in sympathy, and the inquiry will require to be started all over again the following week to see what then is the true basic wage occasioned by the result of the bringing into effect of the previous finding of the Court. And so we go on interminably. We would be gradually enlarging the circle of the cost of production, without any beneficial result to the community. We would be pursuing that course which a dog pursues when it chases its own tail. Where is the remedy to be found? Mr. Moore, by interjection, asked "What are we to do?" I agree that we are in a dilemma. We have a conundrum which is very hard to solve, and the man who could solve it would be indeed a good man. I would not venture to even suggest a solution, but I wish to suggest that there are means whereby we could assist towards improving the position and bringing about a better condition of affairs than exists at the present time. How is this to be attained? The remedy I suggest—and everyone should join in this—is for us to make every possible effort and urge our fellow-men to eliminate waste.

The PRESIDENT: Is this germane to the Bill?

Hon. J. NICHOLSON: Subject to your ruling, Sir, I think it comes within the discussion of the public inquiry as to the average cost of living.

The PRESIDENT: I think the hon. member was rather straining it.

Hon. J. NICHOLSON: I was just suggesting that perhaps there is one way to help towards the desired end, and that is by eliminating waste, because it forms a very big cause for the increase in the cost of living. Then there is another suggestion, and that is to practice economy to the fullest possible extent. These are two simple suggestions which would require to be enlarged upon, but this is not the time or place to discuss them in their entirety. Suppose the clause were given effect to, and the basic wage, affecting as it would the cost of production and resulting in an increased cost of living, were put into operation, we would cease to be an exporting community. We have already had evidence that the position as regards this country is very serious in that we have been importing into Australia more than we have been exporting, with the result that there is in London a scarcity of money which is greatly injuring our credit. Clause 7 would not be satisfactory to any section of the community, and the result which the Government expect from it would not be attained. It would only result in creating a position much more serious than that which exists to-day. In the interests of all concerned, until some other suggestion or a satisfactory solution of these questions can be devised, it will be much better to leave these matters as they are left at the present time to the Arbitration Courts to make their awards as the different applications come before them. With these observations, I intend to support the second reading, but will consider later on what attitude I shall adopt with regard to Clause 7.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [3.50]: I am very pleased with the generally favourable reception which the Bill has received at the hands of the House. I quite agree with what Sir Edward Wittenoom said that it would be a fine thing if arbitration would do away with strikes altogether. But if we look to other parts of the world we must admit that we are not the only people who are thus troubled. Probably we are suffering less trouble than other countries, and this may be due to the fact that we have some machinery to bring the parties together. We shall not entirely do away with strikes until we reach that stage in the world's affairs when both employers and employees are reasonable and generous. When we do reach that stage, we shall be able to do away with the Arbitration Court and a good many other things as well. Reference has been made to the proposed appointment of a special commissioner, and it has been suggested that such an appointment would be of no use unless approved of by both sides. The commissioner contemplated under this measure is not quite the same as the commissioner who has decided a number of cases recently. In those cases the commissioner was appointed by the mutual consent of both parties, who agreed beforehand to accept his finding. The finding of a judge of the Arbitration Court or of the court itself is mandatory on both parties, but the special commissioner contemplated under the measure would be in quite a different position. He would be called upon to bring the parties together and endeavour to induce them to come to an agreement. If one party wanted one thing and the other party wanted another thing, the special commissioner would not decide the issue. He would merely bring the parties together and endeavour to get them to come to an agreement among themselves. In so far as they could come to an agreement, that would be operative, and matters on which they disagreed would be referred by the commissioner to the court. There would not be the trouble which Sir Edward Wittenoom and Mr. Panton seem to anticipate. I could quite understand one of the parties saying, "I shall not agree to so-and-so as the commissioner" if the commissioner had the right to decide the matter, but when the commisssioner could do nothing except bring the parties together and endeavour to get them to decide between themselves, and then report on the finding, I cannot conceive that either party would object to the commissioner, so long as he was a capable, reputable and reasonably fair-minded man. Members will quite realise the great difference between such a commissioner and the person appointed to hear a case when both parties decide that his award shall be binding. The only other point I wish to refer to is Clause 7. Mr.

Nicholson suggested that it will not achieve what the Government anticipate. I would remind the hon. member that when I moved the second reading, I explained that this clause was not in the Bill as drafted by the Government, and the Government do not anticipate any good results from this clause. I told the House that I did not like the clause. I have put an amendment on the Notice Paper, and if that is passed, objectionable as the clause is at present, it will be still more objectionable with the amendment. My purpose in moving this amendment is to give to the clause the meaning it was intended to have, and I think it is a fairly good test to set out clearly what a clause means in order to decide whether it shall be retained or struck out. I follow to some extent the argument by Mr. Cornell that if it is a fair thing that wages should automatically rise with the increased cost of living, it is a fair thing they should automatically fall as the cost of living decreases, but there are a great many things other than the cost of living to be taken into account, and I would certainly not be a party to the suggestion that wages should decrease with every decrease in the cost of living.

Hon. J. Nicholson. But there may be a tendency that way.

The MINISTER FOR EDUCATION: Among the factors to be taken into account are a great many outside the cost of living. I do not believe that the worker should have his wages increased merely because the cost of living increases, and that he should be kept on exactly the same standard of comfort as before, and that if the cost of living went down his wages should go down, and that he should be no better off than he was in the beginning. I hold that the wage earner is entitled to a larger slice of the loaf than he had before. He is entitled to it from two sources, the economies effected by invention, and by high organisation. Provided the worker still gives honest and good service, which of course is always essential, invention and high organisation undoubtedly increase the volume of wealth, and the worker is entitled to his share of it no matter what the cost of living might be. I would go so far as to say that the worker is entitled to something out of the superfluity that the other fellow has previously enjoyed, and for these reasons I would not be a party to asking that the wages of the workers should be reduced with each decrease in the cost of living.

Hon. A. Sanderson: That is the international workers' programme.

The MINISTER FOR EDUCATION: It is a just and honest programme. I do not think it is the international workers' programme, for theirs contains many other things. I do not think the hon. member would dispute the proposition that the worker is entitled to some share of the increased wealth resulting from invention and organisation. If he does, I can quite understand him moving "That the Bill be read a second time this day six months." I hope that Clause 7 will not be retained, because it will encumber the court and will lead to no good result. The remainder of the Bill, I hope, will be passed without any material alteration.

Question put and passed.

Bill read a second time.

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 43.

Hon. J. CUNNINGHAM: The Minister should give us some information regarding the words "and may from time to time appoint a judge as deputy president of the court." I gather that during the first half of the year we may have one judge and during the second half of the year a different judge. This would be getting away from the principle that even a judge needs some training to deal with industrial matters. I move an amendment—

That in line 3 the words "from time to time" be struck out.

Hon. Sir E. H. Wittenoom: Your amendment would make the judge permanent.

Hon. J. CUNNINGHAM: Yes.

Hon. Sir E. H. Wittenoom: The idea was to appoint a deputy president to deal with a rush of work.

Hon. J. CUNNINGHAM: That is the position to-day. The president is often taken from the Arbitration Court to do work in the Supreme Court.

The MINISTER FOR EDUCATION: The striking out of these words might defeat to some extent the intention of the clause. A judge might deal with a case and then be called on to deal with some other matter which might occupy his intention for some time. It might mean then that the judge would have to be taken away from the work he was engaged on and that matter would have to be allowed to stand over.

Amendment put and negatived.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Special Commissioner:

Hon. J. CUNNINGHAM: Again in this clause it is provided that the Minister may from time to time appoint a special Commissioner. The idea was that a Commissioner should be appointed for the purpose of dealing with the work as set out in the clause. If we are going to break the work of the Commissioner from time to time, we will land ourselves in a similar position to that in which we find ourselves to-day. One man is appointed by two parties to deal with a particular dispute, and in a fortnight's time another man is appointed to deal with another case. Rather than have so many people dabbling in industrial affairs, it would

be much better to have one man for the work. I move an amendment—

That in line 1 of Subclause 1 the words "from time to time" be struck out.

Hon. Sir E. H. WITTENOOM: The Minister has already pointed out that the Commissioner was not there to try or to decide cases; he was there, as Mr. Dodd has stated, for the purposes of conciliation. If the parties cannot be brought together they then go to the court.

Hon. J. W. HICKEY: My reading of the clause is that Commissioner is all-powerful to the extent that if he fails in his negotiations he can compel both parties to go to the court.

Hon. J. NICHOLSON: A special Commissioner might be regarded by both parties as a medium of conciliation. That duty might cease to-day or to-morrow or next week, and if the amendment be passed, he would be appointed permanently. The special commissioner is intended for the purpose of bringing the parties together to save protracted proceedings in the court.

Amendment put and negatived.

Hon. Sir E. H. WITTENOOM: I move an amendment—

That the following words be added to Subclause 5: "And a substantial deposit in money put up by both parties."

When the Commissioner gets to work, it is anticipated he will be able to bring the parties together, if not wholly, then in part. If the amendment were carried, it would be a guarantee of more conciliatory peace than anything, because the parties would think a great deal before breaking the agreement. This would facilitate the carrying out of agreements and it is important, once the parties arrive at an understanding, that the agreement should be observed.

The MINISTER FOR EDUCATION: I cannot agree to the amendment because it introduces an entirely new principle. The hon. member may as well suggest that before employers or employees approach the court or take up an award, they must put up a substantial deposit. That would have to be done if the amendment were agreed to. Besides, the Act declares that the agreement shall be binding, and it provides penalties.

Hon. J. CUNNINGHAM: I cannot agree to the amendment. We already have penal sections in the parent Act and these have been a great source of annoyance to the industrial unions throughout the State. I am one of those who believe that the penal sections should be struck out altogether. Besides, there are unions in this State that have not a substantial sum of money and they would be compelled to make necessary financial arrangements.

Hon. A. SANDERSON: The amendment opens up another big subject. We have passed the second reading of the Bill, much to my regret, but having done so, we will have to stand by it. If we accept the amendment the parent Act will require to be amended in the direction already indicated.

Hon. Sir E. H. WITTENOOM: I am still of the opinion that it would be a good thing for both parties if something of this kind were done, but I recognise that this is hardly the place in which to insert such an amendment; it would necessitate making it apply to the principal Act as well. I am glad to have had the information which has been given by hon. members. I withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Basic wage:

The MINISTER FOR EDUCATION: I have an amendment on the Notice Paper to this clause, but I do not intend to move it. I would prefer the House to strike out the whole clause.

Hon. J. CUNNINGHAM: I am not surprised at the attitude taken up by the leader of the House. When the Bill was introduced in another place, this clause was not in the Bill. It is not a new matter. Right throughout the Commonwealth efforts are being made to establish a basic wage. When the Government introduced a Bill to amend the Arbitration Act, we should not be surprised that members in another place endeavoured to include a provision which would enable the State Arbitration Court to arrive at a basic wage. During the second reading debate, it was contended that the Arbitration Court was not the proper tribunal to deal with this matter.

Hon. Sir E. H. Wittenoom: Nor would they have time to deal with it.

Hon. J. CUNNINGHAM: It is evident that the Government do not propose to make any such provision.

Hon. J. Nicholson: A special commission could be provided to deal with this question.

Hon. J. CUNNINGHAM: At any rate the leader of the House has made it perfectly clear that the Government do not intend to do anything in the direction of enabling the Arbitration Court to fix the basic wage. In the interests of the State generally and in the interests of both employer and employee, it is desirable that such a provision should be included in our industrial laws. I hope that the clause will be retained in the Bill, even though it should be amended to meet the wishes of the majority of members.

Hon. T. MOORE: While it would be rather an awkward matter for the Arbitration Court, as constituted at present, to go into the different defined areas within six months and fix the basic wage to be paid to adult male and female workers in those defined areas, it is possible for the court to do something in the direction of fixing such a basic wage. Under our present method, one section of the workers will go before the Arbitration Court and spend a fortnight

producing evidence to show that the cost of living is so much. A fortnight is wasted in that way. Having established the cost of living, why should the court ask for fresh evidence to establish the cost of living when another union comes along immediately afterwards. The court, to my way of thinking, is not doing its work as thoroughly as it might. It should be given power to set up a basic wage and then apply it to different towns and different parts of the Sate. Once having proved that the cost of living is so much—and the basic wage is fixed on the cost of living—why should this repetition of evidence be necessary? If we did away with the necessity for this constant repetition, arbitration in Western Australia could be made easy. It might be quite right for the court to call evidence every three months or six months in order that they might determine the basic wage from time to time. As it is, we have been continually, week after week, in the same court, producing evidence upon evidence to establish what is the cost of living. Is such a procedure wise? If the court were given the power I have suggested, something might be done in the interests of both employers and employees. The present method is an interminable one. The clause as it stands will not do any harm and may lead to a considerable amount of good.

Hon. A. SANDERSON: The wishes of Mr. Moore would be met if he were to strike out the word "shall" and put in the word "may." It would then provide that the court may take steps to fix the basic wage. I am in entire agreement with Mr. Moore in what he has said regarding the court requiring evidence time after time as to the cost of living. It would be simpler if the court were to take all cases together and issue every month, or even every week, an announcement as to what was a fair wage for this country. I am totally opposed to the present method of doing business in the Arbitration Court. The Government should at no time fix prices, except in war time. The farmers came along to us last night and they want their cut out of the public credit.

Hon. J. Cornell: But they put their representatives on the board.

Hon. A. SANDERSON: That is quite right. They are past masters in getting their way. If this method of conducting the affairs of the Arbitration Court is considered sound or necessary—I regard it an neither sound nor necessary—we should consider how it is to be applied in the most intelligent, economical, and practical manner. This clause commends itself to me. The court under this proposal would be able to decide the wages problem in the most economical and scientific way. I trust Mr. Moore will consider my suggestion that we should make this clause permissive, instead of mandatory. I agree that important points have been raised by both Mr. Cunningham and Sir Edward Wittenoom, but at the same time we cannot at this late stage discuss the reconstitution of the Arbitration Court. Most of the points that have been raised could have been settled had they come before us three months ago.

Hon. J. E. DODD: I will vote for the retention of the clause, but I hope to have it amended. I move an amendment—

> That in lines 2 and 3 of Subclause 1, the words "as to the increase or decrease in the average cost of living by order" be struck out.

With those words deleted, the clause will then provide that the court shall from time to time at intervals not exceeding six months after public inquiry, determine what shall be the basic wage in defined areas of the State. The basic wage question is a very important matter. I am sorry we have had no pronouncement from either the unionistic section or the employing section upon this principle. I belong to the Australian Workers' Union, and I do not know that that organisation has expressed any opinion on this matter. The basic wage problem has been debated for a very long time. A commission was appointed by the Federal Government to endeavour to ascertain what the basic wage in each State should be. I cannot say on what lines that commission worked in determining what the basic wage should be. If we knew the basis upon which that commission worked, it would assist us in drafting an amendment to the clause. Ever since I have been connected with arbitration work, I have been opposed to the minimum wage being fixed on the mere cost of living. We have a provision in the Arbitration Act as it stands to-day dealing with this matter. In Section 84 is set out the decision which was reached after very careful consideration by the unions in Western Australia, by the whole of the Labour party sitting in caucus, and by both Houses of Parliament. I do not say that it is a very satisfactory definition, but it sets out that the court may by any award prescribe certain things and this is one of them—

> No minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject.

That is the guiding principle upon which the Arbitration Court has to decide the minimum wage in any industry at the present time. The clause in the Bill which says that the court shall, from time to time, at intervals not exceeding six months after public inquiry as to the decrease—I am leaving out the question of increase for the time being—determine what shall be the basic wage to be paid to an adult male or female worker in defined areas of the State. That is imposing an order upon the court and if the cost of living comes down, then

the rate of wages comes down too. Can we argue with any justice that it should be so. I am not saying it may not be so, and that the average rate of wages should come down with the cost of living, but the assumption that such a provision should appear in the Bill is wrong. If the cost of living be reduced that may mean that the cost of manufacture or production to the employer may also be reduced. The profits of an industry may be immensely increased by the same forces which bring down the cost of living. If the profits in an industry are going to be increased in this way why is it necessary that wages should be decreased? I am sorry that this clause should be debated prior to an important conference which will be held on Sunday next dealing with the question of the basic wage. I should like the employers and the unions to make some pronouncement upon this matter. The clause may lessen the cost of arbitration. It is a ridiculous proposition that, time after time and week after week, unions should be going to court in order to prove the cost of living. One of the means of overcoming the difficulty has been urged on many occasions by Labour conferences, and that is that there should be one advocate for the whole of the unions in Western Australia. Had that been brought into practice before, the cost of arbitration would have materially lessened and much good would have resulted. I am open to conviction in this matter but at present I think the clause, if left as it stands, will be a source of danger to the workers of the State. The implication to the court will be that if the cost of living goes down, irrespective of anything else, the rate of wages must also go down.

The MINISTER FOR EDUCATION: Whilst I entirely agree with Mr. Dodd that it would be dangerous to assume the cost of living was the only factor to be considered, I would point out that it is not contemplated to fix the minimum wage in any particular industry. Since it merely contemplates fixing a general minimum wage, I do not see that there is anything else to be inquired into except the cost of living. If we were applying this to specific industries Mr. Dodd's argument would be quite sound, but I do not think the striking out of these words would improve the clause.

Hon. J. W. HICKEY: There is reasonable ground for argument in favour of Mr. Dodd's amendment, but, after giving the clause some consideration, I have come to the conclusion that it has not the significance which the hon. member claims for it. I take it that any combination of individuals arriving at a decision as to what should be the basic wage would naturally take into consideration the first essential, namely, the cost of living. The cost of living does not mean the minimum wage. We have supported the principle of arbitration since its institution and have always been guided by the cost of living plus the other principles. One of the first essentials to be proved by the advocate of any industrial organisation is the cost of living in the particular area under review. On the other side the argument is in the direction of showing that it is not as high as has been stated. Unfortunately, the court has sometimes based the wages on the cost of living without giving consideration to affording the people an opportunity of sharing in the good things of the country. The Arbitration Court have time and again arrived at the basic wage, and have done so upon the evidence adduced to them by the organisations that have come before them. Owing to the varied methods employed by the unions, there is much time and money wasted by the method employed in going before the court and being heard there. Instead of unions having to spend months in preparing evidence to go before the court regarding the high cost of living, the court will under this Bill review the whole question every six months and determine it. If the clause is passed as printed it will be in the best interests of all concerned.

Hon. V. HAMERSLEY: We should have a definition of what a basic wage is. I have been told that it means a minimum wage, but there is a certain clause in the Bill which refers to a minimum wage. The Basic Wage Commission set out to find what should be the basic wage for a man, his wife and three children. If the court were to inquire every six months as to what should be the basic wage, how would that apply to the minimum wage? I am not going to vote on the question without knowing what the basic wage really is.

Hon. J. DUFFELL: We are dealing with one of the greatest problems facing the civilised world. To do it justice at the fag-end of the session is impossible. If I thought the clause would bring the workers and employers together, and settle the present unrest, I would welcome it. We shall, no doubt, in the near future obtain a wider knowledge on the subject to enable us more effectively to deal with the problems confronting us. The Bill contains an innovation designed to make the working of the court more smooth. No harm would be done by deleting Clause 7 altogether until the next session of Parliament. I intend to vote against the amendment with a view to moving later for the deletion of the clause.

Hon. F. A. BAGLIN: I support the retention of the clause. I view with some alarm the taking away from the workers of the right to strike. I was amazed to hear the leader of the House suggest that hon. members should strike the clause out altogether. I am afraid the Government will buy a lot of trouble for themselves if they put this into operation. Whoever was responsible for the inclusion of Clause 7 evidently felt it was going to save the country and the Government from a lot of trouble and unrest. If there is a court competent

to assess the minimum or basic wage, and the people know what it is, they will be content to accept it. What is happening to-day? The Basic Wage Commission recommended a minimum rate of pay. The workers are asking for that recommendation to be given effect to.

Hon. A. J. H. Saw: What is the use when there is not enough money to go round?

Hon. F. A. BAGLIN: Mr. Dodd said he had heard of no declaration from the executive of the workers regarding the basic wage. The executive have declared themselves in favour of the basic wage being paid.

Hon. J. E. Dodd: That has nothing to do with the wording of this clause.

Hon. F. A. BAGLIN: It has, because once a competent body is appointed to lay down the basic wage for defined areas, the workers will be prepared to accept it. Suppose a section of workers at Fremantle wanted more money and the board had made their declaration, the average workman would be content to accept it. This clause is the only redeeming feature of the Bill and should be retained. I think it will produce contentment among the workers of the State. Once they know that there is a competent body to fix the basic wage they will be prepared to accept it.

Hon. J. E. DODD: In spite of what Mr. Baglin has said the labour bodies in this State showed hostility to the Basic Wage Commission. When it was first appointed they decided to have nothing whatever to do with it.

Hon. F. A. Baglin: They stood part of the expense of it.

Hon. J. E. DODD: I know they altered their opinions afterwards. I wish to know whether the executive bodies of the unions or the unions themselves have had means to decide on the wording of this clause. I am not going to be bluffed by Mr. Baglin implying that I am opposed to the clause. I am not opposing the clause; I am opposing the wording of it. I am open to conviction as to whether or not the words will do any harm. I believe they will do harm. I am not prepared to delay the Committee, because the clause was inserted at the instance of the leader of the Opposition in another place. Knowing this I believe it has received some consideration, but I believe it will do harm to the workers. However, there will be an opportunity to amend the measure next session. I again point out that the clause contains a decided assumption that when the cost of living comes down, wages too must come down.

Hon. A. Sanderson: Hear, hear!

Hon. J. E. DODD: If anyone can argue against that, I am open to conviction. I ask leave to withdraw the amendment in order that the clause as a whole may go to a division.

Amendment by leave withdrawn.

Hon. A. SANDERSON: Consideration of this clause should be postponed for a month. We have highly qualified experts in this Chamber representing different schools of thought in the Labour party, and their assistance is valuable. It is not too much to say that the whole State is seething with discontent. Is Parliament going to consider this question? We are asked to give a distinct decision off hand on this very important matter. We have been told of the delay of public business. If we can settle this question satisfactorily we shall settle industrial difficulties in Western Australia. Every day the paper contains references to the workers in half a dozen industries clamouring for the basic wage, and to half a dozen judges or commissions investigating this question. If that is the way to settle the question why not get an independent body to deal with it? The court surely is independent and the best qualified body to decide the question.

Hon. Sir E. H. Wittenoom: The court has not the time.

Hon. A. SANDERSON: Then appoint a body of judges, if necessary.

Hon. Sir E. H. Wittenoom: Appoint a conference.

Hon. A. SANDERSON: I do not care what form it takes. I object to being asked to decide off-hand this important and vital question. If I supported this clause I would be able to frame a severe indictment against myself for so doing. If I vote against it, it will be because we have not had time to consider it. This is one of the most essential conditions on which the industrial peace of the country depends. The Bill should have been brought down three months ago and then adjourned for a couple of months to give experts like Sir Edward Wittenoom and the different shades of thought representative of the employees time to consider it. The Committee is very evenly divided and some members know beforehand how they will vote for particular clauses, but there are three or four of us who are anxious to hold the scales of justice even. I am not prepared to vote for or against this clause at present. I intend to leave the Chamber and refuse to vote, simply and solely because I have not had time to consider a matter which seems to me to be of the most vital importance to the country.

Hon. J. CORNELL: If the court fixed the basic wage, I take it that would be the minimum wage to start from. The competent tribunal to fix wages is the tribunal that assesses what wages will buy. To have one tribunal to say what wages will buy, and another to say what the workers should receive would cause endless confusion. A single tribunal should do the whole of the work. Even the Federal Arbitration Court has shown opposition to the basic wage. Let us consider a defined area where two awards for analogous trades such as engineering and moulding expire about the same time. No award is made for a longer period than 12 months to-day. The moulders received their award and within a month the engineers received an award which provided 1s. a day

more than the moulders. There could only be one result. The moulders were not satisfied. This aspect has caused considerable trouble and turmoil in the past, and the clause should go far towards the elimination of industrial trouble under this heading.

The Minister for Education: Would you agree to the decrease contemplated under the clause?

Hon. J. CORNELL: I pointed out last night that if the workers, by this process of reasoning, desired an increase they could only logically accept the application of the same principle when the cost of living went down. There is only one thing, it is certain that we will strike bother when the tide turns. A review of all the awards which have been given since the Arbitration Act was first placed on the statute-book in 1902, will show that there has never been a decreased wage awarded even in normal times.

Hon. T. Moore: Yes, there was. There was such an award delivered in the timber industry in 1902.

Hon. J. CORNELL: And the workers did not accept it. It was the then Chief Justice, Sir Henry Parker, who delivered that award. I think that is about the only case in which an increase in wages was no granted. If the courts had sufficient power within the prescribed area, they could take steps to alter the minimum within that area from time to time. In the case of the moulders and the engineers which I cited, it will surely be conceded that it is wrong that in two such classes of employment which are absolutely analogous, one body must wait for 12 months before their award can be reviewed, and when it is reviewed, it will be on the basis of the latest award given. When that happy day arrives, when the cost of living declines, and those incidentals that make life worth living are restored to a normal figure, it will be time to "take the hurdle."

Hon. T. MOORE: An argument has arisen as to how the Basic Wage Commission arrived at its finding. The report sets out fully how the finding was arrived at. It also states exactly what it means by a basic wage. Two sides are given to the discussion in the report, which sets them out as follows:—

> On behalf of the Federated Unions, Mr. Foster suggested that the Commission should not select any special occupation, whether skilled or unskilled, and ascertain the cost of living of the family of an employee in the occupation so selected, but should endeavour to picture the "typical Australian man" and determine what is his "reasonable standard of comfort." Mr. Russell Martin, for the Employers' Federation, contended, on the other hand, that the Commission should (as he put it) "first catch its man" or in other words select a man in some definite calling, which, he maintained, should be that of "an unskilled labourer" or "the humblest worker" or the lowest paid employee" or "basic wage earner," and ascertain for that employee's family the reasonable standard of comfort.

Members will see that there is very little difference between the two sides.

Hon. J. E. Dodd: What are the powers of the Commission?

Hon. T. MOORE: The Commission took evidence from all classes of people, including lawyers and professional men, and so on. Professor Osborne, of the Melbourne University, gave evidence regarding the dietary, and, dealing with the proposal to set up an Australian dietary standard, the reports States:—

> In Sydney, Professor Chapman and Acting Professor Priestly gave evidence supporting the claim up to a certain point. Dr. S. ringthorpe, of Melbourne, was called by counsel for the employers, while General Sir James McCay, now Chairman of the Victorian Fair Profits Commission, and Dr. Corlette were called by the Commission, the former to give evidence, which proved to be of great value, as to the diet of the Australian soldiers in the training camps in England.

It will thus be seen that this was no mean Commission. It went fully into the position and investigated the whole problem.

Hon. J. E. Dodd: What are the terms of the Commission?

Hon. T. MOORE: It provided that they were to inquire into what was a reasonable standard of comfort for an employee and his family. Regarding the establishment of a basic wage, there is a difference between a basic wage and a minimum wage. At Collie there are two industries. The men on labouring work in the timber industry can do labouring work in connection with coal mining industry equally as well as those engaged in the latter. Yet there is a difference in the rate of wages. The basic wage would be lower in the case of industries which are not in a position to pay good wages, and they should not be called upon to pay the same rate as those in an industry where the employers are making big money. Such people should be entitled to pay more to their workers by reason of the increased standard of profit and comfort which employers in that industry can enjoy. If we pass the clause as it stands, it will give the court greater power, and avoid the necessity of taking evidence in the same place on the same question so many times over. The clause will make the work of the Arbitration Court quicker and better and this will avoid the present complaint against the court that there is always a preponderance of work on hand, causing innumerable delays. The Arbitration Court in such a case could be used with greater advantage to both sides. It has been urged that the court has no power to make awards retrospective. That may be so, but the practice has been to make them retrospective. It would be far better to give

the court power to deal with that aspect. Take the instance of the timber workers who have been before the Federal Arbitration Court for three years. During the whole of that time, although the employers have given some slight increases, the workers have been asked to struggle along at 9s. 7d. a day. It will be readily agreed that in these days such an award is extremely low. The employers should be asked in such a case to pay back wages. The clause will not help one side more than another, and it will make the work of the Arbitration Court much quicker.

Hon. A. SANDERSON: Has the Ministry any information as to what the judge or members of the Arbitration Court think of this clause? Are they in favour of it or opposed to it? From my point of view, Mr. Moore's arguments are unanswerable. I think, however, that the clause should be amended to make it permissive and not mandatory.

The MINISTER FOR EDUCATION: Mr. Sanderson suggests that the Government should have inquired from the judge of the Arbitration Court as to what he thought of the clause. It would be a very novel procedure to adopt, and one which this House would not approve of. It is not customary to inquire from judges as to what they think of legislation. The Government have made no such inquiry. My objection to the clause is not so much against the fixing of a basic wage as to the overloading of the court with extra work. Mr. Moore has informed us of the elaborate and exhaustive nature of the inquiry by the Federal Basic Wage Commission. If it is suggested that the Arbitration Court should do that every six months and apply it to every part of the State, the court will do very little else. That is the reason why I object to the clause. At the outset I indicated that I would not move the amendment I have on the Notice Paper, because I had gathered that members were opposed to it, and that it would be struck out. As there seems to be a suggestion that the clause should be amended, it is necessary for me to move my amendment, otherwise I will have no further opportunity.

Hon. T. MOORE: I have an amendment to move in an earlier portion of the clause. I move an amendment—

> That in line 1 the word "shall" be struck out and "may" inserted in lieu.

The amendment to the clause will not give any advantage to either side.

Hon. A. J. H. SAW: It seems to me that if the word "may" is inserted in lieu of "shall," the words "at intervals of not exceeding six months" should also come out. I am prepared to support Mr. Moore's amendment if he will agree to that further amendment. Anything we can do towards allaying unrest and towards rendering justice to the employees, we shall be wise to do.

Hon. F. A. BAGLIN: I am opposed to the amendment, and, rather than see it carried, would see the clause struck out. I do not think the Arbitration Court is likely to take on the fixing of a basic wage unless compelled to do so. Therefore I want to make this clause mandatory on the Arbitration Court. The carrying of the amendment would, in effect, kill the clause. In the disastrous strike of wool, skin, and hide employees at Fremantle recently, the men asked for £4 12s. 6d. per week and the employers offered them £4 10s. Had a basic wage of either £4 12s. 6d. or £4 10s. been then in existence, the men would have accepted it, whatever it was, and that most unfortunate strike would have been avoided. This clause offers a solution of such problems. I would not mind if the basic wage were fixed once in 12 months instead of once in six months.

Hon. Sir E. H. WITTENOOM: I intend to oppose the amendment, and also to oppose the clause for the reasons I gave at the outset. I have heard nothing in the course of the discussion to cause me to change my opinion. The Arbitration Court would never have time to deal with the basic wage question, and that question is one which should be decided by specialists, and not by the Arbitration Court. If those who introduced this provision are convinced of its necessity, let them bring in a Bill providing for a conference on the basic wage question. If "may" is substituted for "shall," the chances are that the court will never have time to consider the basic wage question. On the other hand, if they do consider it, they will never have time to do any court work.

Hon. A. SANDERSON: We have heard extreme opinions on this clause from Mr. Baglin and Sir Edward Wittenoom. The former wants "shall," and the latter wants neither "shall" nor "may." I asked the leader of the House whether the "judges" of the Arbitration Court had been requested to give an opinion on this clause. I do not know that I altogether admire the skill of the leader of the House in putting up at remarkably short notice a very good case on anything that arises in this Chamber. Of course, to ask a judge for an opinion, in the ordinary sense of the term, on proposed legislation would be an outrage.

The Minister for Education: I said it would be "unusual"—not "outrageous."

Hon. A. SANDERSON: I am saying that it would be outrageous for the Executive to interfere with the judiciary. One of the essential differences between the British form of government and other forms of government is that in no conceivable circumstances shall a British Executive interfere with the freedom of the judges, who for that reason are placed in a position of extraordinary security.

The Minister for Education: I said it was unusual to ask judges for their opinion on proposed legislation.

Hon. A. SANDERSON: That is a very clever bit of work, but I am glad that I have the right of reply. Sir William Irvine has

said that this talk of a "court" of arbitration is nonsense, and that to talk about a "judge" in the Arbitration Court as a judge is also nonsense. The work of the Arbitration Court is not judicial work or court work at all. Mr. Moore's argument is unanswerable. Once the basic wage was settled, there would be very little work for the Arbitration Court to do. Mr. Dodd with his great experience, and some of these young recruits with their hot blood, are most valuable in enabling this Chamber to arrive at sound conclusions. The clause wants the most careful consideration, and also needs re-drafting. We have now reached the point where the clause is to be made either mandatory or permissive. If we insert "may" in lieu of "shall," that will not prevent the making of any subsequent amendment such as Dr. Saw has indicated, and no doubt indicated rightly. "May" is as far as I am prepared to go at present. I promise Mr. Moore my cordial support towards the carrying of his amendment.

Hon. J. E. DODD: To insert "may" in place of "shall" would mean making the clause a dead letter. I have had some experience of these matters. At one period grave exception was taken by an Arbitration Court judge to statements made by a deputation which waited on me and also to statements which I made on that occasion. However, I had a table prepared showing the actual sittings of the Arbitration Court, and the actual time of each sitting. I venture to say that that table was an eye opener to a good many people who were under the impression that the Arbitration Court was over-worked. At that time many of the sittings of the Arbitration Court lasted for only 10 minutes. The table in question is in the hands of the Registrar of Friendly Societies now, and I presume is available.

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

Ayes	.. .. ..	9
Noes	.. .. ..	12
Majority against	..	3

AYES.

Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. J. Duffell	Hon. A. Sanderson
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. C. McKenzie	Hon. H. Stewart
Hon. T. Moore	*(Teller.)*

NOES.

Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. E. A. Baglin	Hon. G. W. Miles
Hon. E. M. Clarke	Hon. E. Rose
Hon. J. Cornell	Hon. Sir E. H. Wittenoom
Hon. J. Cunningham	Hon. V. Hamersley
Hon. J. E. Dodd	*(Teller.)*
Hon. J. W. Hickey	

Amendment thus negatived.

The MINISTER FOR EDUCATION: I move an amendment—

That the following proviso be added to the clause:—"Provided that where by any industrial agreement or award a wage is fixed on the basic wage as aforesaid, every such industrial agreement or award shall have effect as if it were therein provided that such wage should be increased or decreased from time to time in accordance with increase or decrease of the basic wage, as determined for the time being by the Court."

As I have already said, the amendment does not appeal to me, but it is the logical sequence of the clause. If the clause is to be left in, the proviso should be there also.

Hon. J. CUNNINGHAM: On the very brief explanation offered by the Minister, members will scarcely be prepared to vote for the amendment. It would be just as well to let us know the true meaning of the proviso. Personally I cannot support it.

Hon. A. SANDERSON: Are we supposed to understand what the proviso means? I do not know what effect it will have. Surely the Minister will explain its meaning.

The MINISTER FOR EDUCATION: The effect will be this: suppose the court today fixed 15s. per day as the basic wage. As the result of the fixing of that basic wage, an award issues fixing the wage at 15s. per day. Six months afterwards the court again sits and, this time, fixes the basic wage at 17s. 6d. Then the award which had been given as the result of the previous fixing of the basic wage would automatically advance to 17s. 6d. per day. If, on the second occasion, the court, because of the reduction of the cost of living, were to fix the basic wage at 12s. 6d. instead of 15s., then the award would be automatically reduced to 12s. 6d. That is what the proviso means.

Hon. A. SANDERSON: The explanation is very clear, but the Minister can only explain what the intention is. Even he cannot decide how the court will interpret this. Who inserted Clause 7? Was it put there by the Government? I gather from the attitude of the Minister that it was inserted against the wishes of the Government. If the Government have no control over their own Bills, what state are we getting into? Presumably, this was put in against the wishes of the Government and the Government now propose to modify it by the insertion of this proviso. The Government have no right to use us as a tool for striking out something which another place has put in. I regard this as a Government measure, and the clause as the most important in the Bill. Therefore I regard the clause as a Government clause.

The CHAIRMAN: We are dealing with the proviso now.

Hon. A. SANDERSON: And I am going to regard this as a Government proviso.

The Minister for Education: That is so.

Hon. A. SANDERSON: I will support the Government in this, but I do it with a little misgiving because I am not clear what the effect of the clause is going to be. To decide this we should require a discussion

extending over a week and embracing the whole principle of arbitration and of the basic wage. However, I will support the proviso.

Hon. F. A. BAGLIN: I will oppose the proviso. It would be all right if industrial agreements and awards were made on a flat rate of wage.

The Minister for Education: This only applies in such cases.

Hon. F. A. BAGLIN: It does not say so.

The MINISTER FOR EDUCATION: Yes. It provides for cases where the wage is fixed on the basic wage.

Hon. F. A. BAGLIN: I do not think that is made clear. However, take the case of the plumbers. They have to employ labourers. Assume that the plumber can claim £1 per day, while the plumber's labourers are getting 16s. a day, and that in six months' time the cost of living drops 2s. per day. Under this proviso the wage of the plumber's labourer will go down 2s. per day, but the plumber himself will remain at £1 per day. If agreements and awards were drafted on flat rates, the proviso would not be so very dangerous.

Hon. J. DUFFELL: After having heard those remarks, I am convinced that the best thing we can do is to negative the clause altogether. I will vote against it.

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

Ayes	13
Noes	8
Majority for ..	5

AYES.

Hon. E. M. Clarke	Hon. E. Rose
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. R. J. Lynn
Hon. J. Nicholson	(*Teller.*)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. G. W. Miles
Hon. J. Cunningham	Hon. T. Moore
Hon. J. E. Dodd	Hon. J. Cornell
	(*Teller.*)

Amendment thus passed.

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

Ayes	8
Noes	12
Majority against ..	4

AYES.

Hon. F. A. Baglin	Hon. G. W. Miles
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	Hon. R. G. Ardagh
Hon. J. E. Dodd	(*Teller.*)
Hon. J. W. Hickey	

NOES.

Hon. E. M. Clarke	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. H. Stewart
Hon. J. A. Greig	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. E. Rose
Hon. R. J. Lynn	(*Teller.*)
Hon. C. McKenzie	

Clause thus negatived.

New clause:

Hon. J. W. HICKEY: I propose to move a new clause which is very necessary. To-day we find the board has no power to grant retrospective pay. I do not move the new clause with any idea of creating hardship or doing an injustice to any section of the community, or even of putting something on the employer that would not be fair. I desire the court to have the power to exercise their own judgment, and to say whether under certain conditions retrospective pay should be granted. There may be an industrial trouble in existence, and the employers may be putting every obstacle in the way of the employees getting to the court. It is in such a case that the court should have the power that I propose to give them. I limit the period to six months. Let me cite a case in point, that of the Murchison miners. I went to Meekatharra a little while back and found that a stop-work meeting had been called. I made an endeavour rightly or wrongly, and was successful in inducing the men to go back to work. Then I came to Perth and found for reasons which have already been explained, that the miners could not approach the court. I was successful, however, in getting the court to sit as a special tribunal to hear the particular case. Having thus succeeded, I naturally thought that that was the end of the bother. The Chamber of Mines, however, then placed obstacles in the way. I got into communication with the directors and told them the inevitable result would be a strike of miners on the Murchison goldfields. The court then offered to sit at Meekatharra to hear the case, but the Chamber of Mines raised all sorts of objections. Eventually, however, they consented. After the case was heard by the court the representative of the Chamber of Mines requested that the award should be deferred for a certain time. The special tribunal hearing the case said that if a stay of proceeding was required they were prepared to give it provided the Chamber of Mines consented to make the increased pay retrospective to a certain date. The Chamber of Mines agreed to do this, and when the award was given at Meekatharra the retrospective pay was provided for. Under our present laws the Arbitration Court has no power to do this. The personnel of the special tribunal to which I have referred is practically identical with the Arbitration Court which sits in Perth. If the members of this special tribunal hold the same opinion when sitting in Perth they should have the power to do what was done on the occasion I refer to. I do not say it should be made mandatory to give retrospective pay, but we should have sufficient confidence in the Arbitration Court to give that power. It would be more satisfactory to all parties concerned and would not create any injustice to any section of the community. I am sure the Employers' Federation would not oppose it very strongly. The Committee might well agree to give the court this power. I move—

That the following be added, to stand as Clause 8: "The court may by its award give a retrospective effect thereto or to any of the provisions thereof, but not for any period exceeding six months."

The MINISTER FOR EDUCATION: This is a Bill to amend the Arbitration Act, 1912. Without promising to support the new clause, I suggest the hon. member put it in a way that will be in conformity with the Bill before us, that is to say, so that it will become a section of the existing Act. If the amendment was made to read "Section 76 of the principal Act is hereby amended by adding the following words to stand as Subsection 3" it would have the effect he desires.

Hon. J. W. HICKEY: I accept the suggestion of the Minister and am prepared to withdraw the new clause with a view to substituting another one.

New clause by leave withdrawn.

New clause:

Hon. J. W. HICKEY: I move—

That the following be added to stand as Clause 8: "Section 76 of the principal Act is hereby amended by adding the following words to stand as Subsection 3:—'The court may by its award give a retrospective effect thereto or to any of the provisions thereof, but not for any period exceeding six months.'"

The MINISTER FOR EDUCATION: I do not intend to support the amendment. I am not prepared at this stage to go into any new feature of our present legislation. The purpose of the Bill is to facilitate the work of the court under existing conditions. Therefore, I am not going to vote for the new clause.

Hon. J. W. HICKEY: Whilst I recognise the Arbitration Act requires amending in many directions, I have purposely refrained from attempting to do so. This certainly is a Bill to facilitate the work of the court. Having that in mind I have framed this new clause, because it will facilitate the work of the court in the interests of both sections of the community. The court itself requires this power. If it had it we have sufficient confidence in it to know that it would be utilised in the interests of all sections of the community. I regard the new clause as very necessary.

Hon. J. CUNNINGHAM: I support the clause. After unions have filed their plaint with the court a considerable time often elapses before the case is heard. Further, when the evidence is taken, weeks and sometimes months go by before an award is delivered. Men make up their minds when an award terminates that an effort will be made through the court to get improved conditions of labour and increased wages. Through stress of work or some other obstruction the business of the organisation and the interest of the men are in suspense for a long time. All that Mr. Hickey is asking for is that in such cases the court be given power to make the terms of the award, so far as increased wages are concerned, retrospective.

Hon. A. Sanderson: *It cannot do that now.*

Hon. Sir E. H. Wittenoom: How can anyone quote under such conditions?

Hon. J. CUNNINGHAM: It is not our business to teach commercial men how they shall quote. They are jealous of their interests and do not ask us to interfere. Up to date they have resented any interference on the part of the workers. After the workers have lodged a plaint it is frequently hung up for a long time before an award is delivered. The work of the court becomes congested, and the worker loses several months extra pay which he might have had, consequent upon an increase in the wages given by the court. This is a fair request, to make, and I hope it will be agreed to.

Hon. A. SANDERSON: The hon. member has made out a good prima facie case, but it requires a great amount of consideration. The Minister, however, brushes it aside and says we cannot discuss anything more about arbitration. If the two sides of a dispute are to arbitrate from the moment they get to the court it seems only right that any award should be made retrospective. Until the amendment is fully discussed, however, we shall not understand what we are doing.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. F. A. BAGLIN: I support the new clause. One of the things that lead men to strike is that they cannot get to the Arbitration Court within reasonable time. The new clause would improve the Bill and would tend to preserve industrial peace. If the men had to wait three or four months for an award, they would have the satisfaction of knowing that the court could consider the merits of granting retrospective pay. The strike of wool, hide and skin employees at Fremantle caused a loss of thousands of pounds. I attended a conference with the employers last August, at which they finally offered £4 4s. 6d. a week and said to the employees, "If you will not accept that you can go to the Arbitration Court." The employees knew that they would not be able to get to the court for several months. After the strike had extended over seven weeks it was agreed that Mr. Canning hear the case and that his finding should be made retrospective to the 1st August. If wages are reduced, the award should be made retrospective, though it might be difficult to apply it. I am always anxious to avert strikes, and the power of the court to grant retrospective pay would be an effective argument to persuade men to continue at their work until the court could give an award.

Hon. J. E. DODD: The absence of any power to grant retrospective pay under the Federal Arbitration Act has been one of the most fruitful causes of strikes. Mr. Justice Powers and Mr. Justice Higgins,

who have had long experience in the court, have repeatedly referred to this lack of power and requested that the Act be amended. The proposed new clause would simply give the president power to decide whether retrospective pay should be granted. If a case were unduly held up, the granting of retrospective pay would be only a fair thing.

Hon. V. HAMERSLEY: My objection to the new clause is that it would be impossible to judge its effect upon many of our industries. It would be difficult to enter into contracts because the possibility of having to meet retrospective pay would be always hanging over their heads. At present there is always a chance of men striking; still the employers can protect themselves to some extent, but we can imagine how difficult it would be to fix contract rates perhaps 12 months ahead with the liability of having to pay increased wages costs for the preceding six months. I fear it would tend to close down avenues of employment. The strike referred to by Mr. Baglin caused considerable loss to the State. It was entered upon recklessly and with little justification, especially as the men broke their agreement. While the parties in some cases might enter into an amicable arrangement to grant retrospective pay, it would be a dangerous power to put into the measure. I oppose the clause.

Hon. J. CORNELL: I have favoured the principle of retrospective pay for 12 or 15 years. One of the reasons why precipitate action is taken by bodies of workers is the delay experienced in getting to the court. The delay might extend up to nine months. A provision such as that under discussion would give the employer far greater security than the present methods do. I have always favoured retrospective awards operating from the time of the citation. If the court had the discretionary power to award retrospective pay to the date of the citation, the workers would have some guarantee that if they continued uninterruptedly in their employment, and increases were granted, they would be retrospective as from the time mentioned. Such a result would give greater stability to industry. The extra powers given to the deputy president and the special commissioner to refer matters to court will cut both ways. It will enable both parties to get to the court quicker and will tend to shorten the period between the time the court is first approached and the time when the award is given. If the discretionary power is given to the court, it will result in less industrial trouble. Up to the present 50 per cent. of the strikes have been precipitated because the workers realised that they would have to wait so long before they could secure an award and that they would have to remain without the benefit of that award for an extended period. Mr. Justice Higgins has made an award retrospective in the Federal Arbitration Court irrespective of whether the Federal Arbitration Act gave him power to do so or not. I do not think it advisable for our court to adopt that course, and think it preferable to give discretionary power to make awards retrospective.

Hon. J. W. HICKEY: It is recognised that all parties approaching the Arbitration Court are entitled to fair play and if discretionary power is given to the court it will take into consideration those matters which have been referred to by Mr. Hamersley. Quite naturally, any man who enters into an agreement is entitled to fair treatment and justice. The court is hardly likely to take a step which would be detrimental to the interests of either the employer or the employees. When industrial disputes have occurred, negotiations have proceeded from day to day between the representatives of the employees and the employers, and when they have come face to face with the idea of securing a solution of the trouble, whether it is in the direction of going to the Arbitration Court, creating a special tribunal, or settling the matter as between themselves, the employers have always readily agreed to the request that the agreement or award shall be made retrospective. That being so, I cannot see any objection to the present proposal.

New clause put and a division taken with the following result:—

Ayes	6
Noes	13
Majority against	7

AYES.

Hon. J. Cornell	Hon. J. W. Hickey
Hon. J. Cunningham	Hon. T. Moore
Hon. J. E. Dodd	Hon. F. A. Baglin
	(Teller.)

NOES.

Hon. E. M. Clarke	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie
Hon. G. W. Miles	*(Teller.)*

New clause thus negatived.

Bill reported with amendments and a Message forwarded to the Assembly requesting them to make the amendments, leave being given to sit again on receipt of a Message from the Assembly.

BILL—WHEAT MARKETING.

Received from the Assembly and read a first time.

BILL—FACTORIES AND SHOPS.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th December.

Hon. J. E. DODD (South) [8.1]: I regret that I cannot congratulate the Government on the provisions of this Bill. In respect of many measure which the Government have introduced during the current session I have commended them. But I am sorry to say that from this Bill they seem to have omitted what should have been its main feature. They propose a number of amendments, some of them fairly important. But the omission I refer to is as regards giving injured workers an increase of compensation proportionate to that which has been granted in wages. No provision whatever is made by this Bill for any increase in the amounts payable under the Workers' Compensation Act. I may say a few words as to what the Act really means to do. As regard the securing of compensation by injured workers, they are almost wholly confined to the Workers' Compensation Act. As far as the operation of the common law is concerned, the worker to-day is out of court. Certain rulings have been given under the common law as to the master being in common employment with the worker. So many decisions have been given on this point by the courts, both here and in England, that to-day the worker practically finds himself out of court as far as the common law is concerned. The manager of a mine or the master of a ship is held to be in common employment with the worker; and, that being so, the worker cannot claim for any injury he may receive in the course of his employment. Such is the common law. It was not always so, but since the era of large industrial concerns the employer or the owner transfers his liability to a manager, and the worker is practically out of court in this respect. I cannot remember during the last 15 years a case in which a worker has been able to secure damages at common law either in this State or in any other Australian State. Again, the worker had a certain remedy under the Employers' Liability Act, but here once more his opportunity is very limited indeed. Compensation is limited to three years' earnings, and the restrictions under the Employers' Liability Act are so severe that it is almost impossible for a worker to recover damages under that Act. First of all, the worker under the Employers' Liability Act may claim in respect of injuries owing to a defect in the condition of ways, works, machinery, or plant, and also for injuries received owing to the negligence of any person in superintendence, and, further, owing to negligence on the part of any person giving orders to workmen, and lastly for injuries received owing to the omission of anyone in authority to carry out rules. But against these things there are set-offs which almost put the worker out of court as regards the Employers' Liability Act. Moreover, if contributory negligence can be proved, the worker is again out of court. That being so, I think the House will realise how important it is that we should bring our Workers' Compensation Act up to date and see that that legislation becomes as liberal as we can possibly make it. The present Bill proposes four or five amendments. One of those amendments extends the interpretation of worker to any person in receipt of not more than £400 a year, as against the maximum of £300 a year under the Act. That is a very desirable innovation, seeing that wages have gone up to such an extent. However, even the maximum of £400 will hardly cover the amount which should be payable for death or injury, in comparison with the wages ruling at the present day. Again, the Bill extends the operation of the parent Act to tributers. A similar provision was included in the Bill which the Labour Government introduced in 1912. In fact every one of the proposals of this amending Bill were included in the measure that was brought before this House by the Labour Government. I do not think it can be seriously argued that the tributer should be omitted from the operation of the Workers' Compensation Act. The tributer undoubtedly lengthens the life of a mine. In fact, the tributer to-day is, in a large part of the gold mining industry of Western Australia, keeping the mines alive. But yet he has no claim whatever under the Workers' Compensation Act. Large sums are being paid in royalty by the tributers, and a tributer is bound by the provisions of the Mines Regulation Act. Further, he is bound to observe the provisions of the agreement under which he is working. Therefore I think there can be no real objection to the inclusion of the tributer in the measure. Under this Bill the employee is given the same right to ask for lump-sum compensation to be fixed by the court, as the employer now has. I never could understand why this Chamber should have deleted that provision from the Labour Government's Bill—why this Chamber should give the employer the right to take a workman to court for the purpose of having lump-sum compensation fixed, while refusing that right to the employee. Because of that differentiation the present Act has in many instances operated harshly against workmen. The schedule whereby so much shall be paid for the loss of an eye, and so much for the loss of a limb, has been interpreted very harshly indeed by the insurance companies against the worker simply because the worker has no right to take his case to court and ask for a lump sum to be fixed. I am very glad that the Government have included the necessary amendment in this Bill. However, it is the omissions from the Bill with which I am mainly concerned. The schedule to the parent Act provides that in the case of death a sum of £300 shall be

paid, or three years' average earnings during the period preceding death—the total in any case not to exceed £400. I regret that the Government do not seek to amend that provision at all. Surely, if there is one class of people who are deserving of sympathy, it is those who are injured, and the dependents of those who are killed, in industrial accidents. Surely there is no argument against that proposition at the present day. If we increase wages, surely it is a good argument for increasing the benefits payable under the Workers' Compensation Act. If £400 was an adequate amount of compensation three or four years ago, when wages were possibly 33 per cent. less than they are to-day, then £400 is not sufficient to-day, more particularly because, as I have pointed out, the worker is almost confined to the provisions of the Workers' Compensation Act in order to secure any compensation whatever. Again, for total or partial incapacitations, the weekly payment under the existing Act is not to exceed 50 per cent. of the wages, and in no case is such weekly payment to exceed £2. The same argument applies. Is £2 per week a fair thing to offer to an injured employee at the present time? And let it be noted that £2 per week is the maximum amount payable to an injured worker. The Government propose to increase the amount under the interpretation of "worker" from £300 to £400. That is to say, a man in receipt of approximately £8 per week will, if this Bill passes, come within the scope of the Workers' Compensation Act, and will be able to claim compensation if he is injured. But under that Act the maximum amount payable for death or incapacity is £400. While raising the amount as regards the interpretation of "worker," the Government have not in any way whatsoever increased the compensation. The injured worker is still to receive only £2 per week at the very most. That amount is altogether inadequate, and surely the Government will not contest an amendment to provide a higher scale of compensation both in the case of death and in the case of incapacitation. There are many matters connected with this Bill to which I should like to draw attention. Workers' compensation is a principle which has always had a peculiar fascination for me. On the goldfields I sat on dozens of claims under the Workers' Compensation Act, and helped to establish precedents in contested cases. Anyone who takes an interest in the subject of workers' compensation cannot but be struck with the numberless interpretations which have been placed on it by our Australian courts, and especially by the English courts. Now may I refer to what has been done in other parts of the Commonwealth, in order to show that if an amendment is moved in the direction I have indicated it does not propose anything out of the way. The New South Wales Workers' Compensation Act of 1916 makes the maximum amount payable for death £500 and the maximum amount payable for incapacity £750. Under our existing Act the maximum payable for death or total incapacity is £400. Under the Victorian Act of 1915 the amount payable for death is £500, and the amount payable for total incapacity is also £500. The Queensland Act of 1916 awards £600 for death and £750 for total incapacity. The South Australian Act of 1918 allows £300 for death and £400 for total incapacity. The Tasmanian Act of 1919 makes the amount for death £500, and that for incapacity also £500. The Western Australian Act of 1912 made the maximum amount payable for death £400, and the maximum for incapacity also £400. Hon. members will therefore see that this State is utterly behind the times in the matter of workers' compensation—the most backward of the Australian States. Turning to New Zealand, we find that very much greater compensation is provided. I cannot say that what I am about to quote concerning the New Zealand Workers' Compensation Act is copied from any Statute. I have taken the figures from Stead's "Review" for November last. According to that journal, the maximum benefit in New Zealand has been raised from £500 to £750 in case of death, and the weekly payment from £2 10s. to £3 15s. Those figures will enable hon. members to grasp how far New Zealand is ahead in this respect. I do not think that in asking for increases of the amounts payable I shall be asking too much. I do not know whether I shall be in order when the time comes in moving to have these amounts increased. Meantime I indicate my intention to move accordingly when the Bill is in Committee. There is quite a number of other matters in the Bill which I should like to direct attention to, but it is useless to go into them thoroughly at so late a stage of the session. However, I wish to refer to one or two points. First of all, not only is the worker out of court in regard to common law and nearly out of court in regard to the Employers' Liability Act, but miners have an additional burden placed on them. In the Mines Regulation Act of 1906 is a section stating that the miner has no right to compensation for any breach of the regulations in that particular Act such as he enjoyed under the Act passed in 1895. In the Act of 1895 there were no liability clauses, and if the mine owner broke any of the regulations he could be sued for compensation, that is, provided negligence could be proved. But by the section in the 1906 Act that right was taken away, and the mine owner may break every regulation of the Act and not be subject to the payment of compensation. He may be sued in the police court for negligence, but he has not to pay compensation. Again, in regard to occupational diseases, there is no provision here. Perhaps the Government can be

excused for it at this late stage. But an effort has been made in Queensland under a co-operative scheme to deal with occupational diseases. I have not yet been able to grasp the details of that scheme; I have not had time; but apparently it has been of great benefit to miners in Queensland who have been suffering from miner's complaint and kindred diseases. The Government here are paying a certain amount per annum to the mine workers' relief fund, and so too are the miners and mine owners. Some £70,000 has been spent during the last few years in dealing with occupational diseases. I hope the Government will see their way clear to bring down a comprehensive measure which will deal fully with this problem. Another matter I wish to touch upon is the liability of this Chamber. I do not know whether the President of the Council or the Speaker of the Assembly or the Government are liable in reference to a very dangerous place not far from this door. It has always been a matter of surprise to me that the staircase leading to the basement, which is outside this door, has not been the cause of a very serious accident. I do not know who would be responsible in the event of that accident, whether the President of the Council would come under the Workers' Compensation Act or not. But I can assure you, Sir, that if that staircase was in a mine the mine owner would be fined £50 or £100 for allowing it to be unguarded. I can imagine a man coming in here under that exhilarating influence which, mounting to the head, attacks one's control of balance, and precariously passing that place. One false step and he would be gone, and might be killed. I do not say that any member of either Chamber would ever be in that state, but a stranger might come in and step down there; and who would be responsible? I draw attention to that as being a very dangerous place. Although we have been here some 17 or 18 years and no accident has yet occurred, we do not know when one may occur. In any factory or timber mill or mine the manager would be fined £100 for allowing that place to remain unguarded. I will support the provisions of the Bill as they stand, and the only amendments I will try to make, if they are in order, will be to increase the amount payable at death and the amount payable to those incapacitated by reason of working in any industry. I am sorry I cannot give the Government the same measure of congratulation in regard to the Bill that I have been able to do in connection with many other Bills.

Hon. J. CORNELL (South) [8.20]: I will support the second reading. In view of the increased cost of living the Government have seen fit to change the definition of "worker" from a person in receipt of £300 to a person in receipt of £400 per annum. That has a direct bearing on the question of what compensation should be paid in the case of fatal accidents or total incapacity. It is only reasonable that those amounts should be proportionately increased. I hope the Bill will be amended in that direction. Every Labour member who was in the House in 1912 pointed out that compensation for accident should date from the time of the accident, whether a man was off for a day, a week, a month, or a year. It was then contended that the English Act was calculated to do only one thing, namely, induce malingering. That has been proved by the working of the Act since 1912. It was set up by both Mr. Dodd and myself that if a man was off for six days he got no pay, but that if he stopped off for the seventh day he would get his wages. The inference was that he would stop off for seven days. It was pointed out that he could not do it without a medical certificate, but we showed that the great majority of miners pay into a friendly society and that in those circumstances it is easy to get a medical certificate.

Hon. Sir E. H. Wittenoom: Oh, I did not know that.

Hon. J. CORNELL: That is so. Now the proposal is to cut down the week to three days. But the principle remains the same. Under this amendment a man legitimately off work for two days will stop off for the third day. It would be infinitely better if compensation were made to date from the time of the accident, irrespective of how long a man might be incapacitated. It was contended that not only would this put an unfair strain on the mining companies but that it would be an undue strain on the funds of the friendly societies and the trades unions which paid accident pay, and so it has proved. I am putting this forward because I think there will be more honest dealing and all the parties concerned will benefit. The gentleman who will benefit under the three days business is the gentleman whom we ought not to be much concerned about. Better for us to be concerned about the honest man. In regard to the proviso to allow the worker to sue the employer for a lump sum, this has been agitated for ever since 1912. I need say no more. I will leave it at that.

Hon. A. J. H. SAW (Metropolitan-Suburban) [8.26]: Workers' compensation is a subject in which I have always taken a great deal of interest, and which in its later phases, at any rate in the phase in which it appears in the law courts, I have had considerable experience of. When I sought the favours of the electors in 1915 I urged as one of the reasons why I should be returned that in the event of the Workers' Compensation Act coming forward I trusted my experience would be of some benefit to the workers and those interested. I do not pretend for a moment to discuss the matter from the industrial standpoint, which so many of my colleagues are more capable of doing, but I should like to say I am quite in sympathy with the amendments outlined by Mr. Dodd. I have on many occa-

sions seen the harm which has been done to the worker by having to struggle along on the small amount of £2 per week when seriously incapacitated. I am sorry we have not a much more comprehensive Bill before us. There is one point I should like to stress in the view that, perhaps, at a later date some further Bill will be brought forward. That is as to what happens to the plaintiff very often when he gets into the law courts. Frequently medical men are employed, sometimes two or three on each side. Highly technical evidence is given which, so far as I have been able to see, is not understood either by the judge or by the jury. I had a striking instance of that on one occasion, when I think six medical men gave evidence, three on either side. Afterwards the foreman of the jury came to me and said, "We believed they were all telling lies except you, and we gave a verdict according to what we thought your evidence implied." It was rather rough on my two colleagues who, as a matter of fact, had given exactly similar evidence to mine. But apparently they were not successful in convincing the jury of the honesty of their intentions. I candidly think it would be of great benefit if in many of the cases, involving technical knowledge, a medical assessor were to sit with the judge; and, in addition, it would very often have the effect of restraining some of the exuberant medical evidence which is given.

Hon. J. W. HICKEY (Central) [8.30]: Like the Arbitration Bill this is just a small measure. Having raised my protest on several occasions during the past week or two, in regard to important legislation being brought down at this late hour of the session, I can add now my keen disappointment at the attitude of the Government in submitting a Bill of this nature to the Chamber. I admit there is little or nothing controversial in it and therefore I shall support it. I understood that it was the intention of the Government to introduce a Bill which would have been of some use to the workers of the State. We cannot, however, say that the Bill before us is altogether useless. I accompanied a deputation which waited on the Premier a little time back. It was in the interests of the organisation of Oddfellows and incidentally in the interests of the mining community. The deputation put forward to the Premier many reasons why an amending Workers' Compensation Bill should be brought forward. The Premier was impressed with the views advanced by the members of the deputation, who for the most part were old miners, men who had had a great deal of experience with matters of this description and also with industrial matters. The Premier assured the deputation that he was sympathetically disposed towards them and he took a serious view of the position and promised faithfully that the Government would bring in a Bill that would meet with the requirements of the deputation. Instead of that we have the Bill which is now before the House, a Bill which is of little or no use. I hope that whichever Government is in power next session a Bill will be submitted which will embrace many more subjects. I took the remarks of the Premier seriously, and in consequence I consulted the miners on the Murchison and the workers in various parts of the State who would come under the legislation, and drafted amendments which it was thought should be included. I find, however, that it will be of no use now to submit them, as there will be no possible chance of getting any one of them put through. I have no desire to load the Bill with anything that may prejudice its chance of going through, or that may meet with the opposition of the leader of the House. I support the Bill, but must express keen disappointment that the Government have not submitted a more comprehensive measure, one which would have been of greater use to the workers. On what I told the workers, in many instances they appointed sub-committees composed of men of matured thought to go into this matter. I have had the benefit of their opinions, but we find now that nothing can be done, as the Government have not altogether kept their promise. I realise, of course, that there are many Bills of more or less importance which have yet to be submitted, but I am sure they will not get that consideration which they should receive, in consequence of the lateness of the session. I agree with the amendment, an outline of which was given by Mr. Dodd, and I agree with the remarks of Mr. Cornell, and will support the amendments he purposes moving. When Clause 3 is under consideration I shall move an amendment to strike out the last two words of the clause and to substitute the words "from the date of the accident." It is agreed that something of this kind should be done. I again express my disappointment that the Government have not gone further to benefit the worker. I also desire to express appreciation of the remarks of Dr. Saw. I wish that more members would take a keener interest in matters of this kind and give the House the benefit of their experience.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [8.37]: I can only say that this Bill does not pretend to be a comprehensive amendment of the Workers' Compensation Act. Members will agree that the session is overloaded with legislation and the Government took the view that they could not this session put through a comprehensive amendment of the Act; therefore, they aimed simply at remedying outstanding defects. I do not know of any promises that the Premier made to the deputation that have not been fulfilled. I understand that that deputation asked for certain things. I do not know that the Premier agreed to everything that was asked for, and I should be surprised to learn that the Premier had agreed to do something and had not fulfilled his promise. So

far as the amendment suggested by Mr. Dodd is concerned, I have some doubt—of course it is a matter that you, Mr. President, will decide—whether such an amendment can be made in this House, but I am quite ready to pledge myself in advance, that if the amendment can be made I am prepared to support it. If the amount was considered adequate when the Act was first passed, it certainly is not adequate now, and I should be in favour of an increase, on the same comparison as the increase we made in the definition of "worker."

Hon. J. E. DODD: Would I be in order, Mr. President, in asking you at this stage for a ruling as to whether the amendment I outlined could be submitted in this House?

Mr. PRESIDENT: In my opinion, the amendment would not be in order as it would undoubtedly in certain contingent circumstances place the liability of payment of sums of money on the shoulders of certain people. I think it would be an infringement of Section 66 of the Constitution Act which precludes the initiation in this House of legislation imposing, altering, or repealing any rate, tax, duty or impost. In my opiuion this would be an impost and I do not think the House could therefore consider the amendment.

Hon. J. CORNELL: May I indulge on your generosity to the extent of asking whether there is any method whereby we may suggest to another place, when the Bill is returned, that it was our desire to move in the direction Mr. Dodd suggested.

The PRESIDENT: The hon. member may move a substantive motion that in the opinion of this House it is desirable that the Act should be amended in the direction of increasing the amount. That message could then be sent to another place.

Hon. J. W. HICKEY: May I be permitted to ask a question of an almost similar nature to that asked by Mr. Dodd in connection with the amendment I outlined? The effect of that amendment will be to strike out certain words in Clause 3 with the view of inserting "from the date of the accident."

Mr. PRESIDENT: Without looking into the matter, I should think the hon. member's amendment would be admissible. That, however, would be a matter for the Chairman of Committees to decide. At first blush I should say that the amendment would be admissible.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—Short title:

The MINISTER FOR EDUCATION: I move an amendment—

> That in Subclause 2 the words "first day of January, 1921," be struck out and "on a day to be fixed by proclamation" inserted in lieu.

When the Bill was introduced it was thought it would be passed in time to enable it to be proclaimed on the 1st January next. There will not be time to do that now, and it is desirable that the clause should be amended in the direction I have suggested.

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

Clause 2—agreed to.

Clause 3—Amendment of Section 6 and Section 1 of First Schedule:

Hon. J. W. HICKEY: I move an amendment—

> That in line 3 "three days" be struck out and "from date of accident" be inserted in lieu.

The CHAIRMAN: In view of the decision given in another matter brought forward by Mr. Dodd, I am not inclined to accept the amendment. I declare it to be out of order.

Hon. J. CUNNINGHAM: I move an amendment—

> That a new subclause be added to stand as Subclause (2) as follows:—"The First Schedule of the principal Act is hereby amended by omitting the word "fifty" in paragraph (b) and inserting in lieu thereof "seventy-five" and by striking out "two" in line 6 and inserting "three" in lieu thereof.

The CHAIRMAN: I cannot accept that amendment. It is on all fours with the matter to which I have already referred. It imposes a burden upon someone.

Hon. J. CUNNINGHAM: I understood from your remarks that you referred to the fact that it would not be in order to increase the total amount from £400.

The CHAIRMAN: I have ruled that "three days" cannot be struck out. If the number is reduced a burden will be placed on someone. I must rule the amendment out of order.

Clause put and passed.

Clause 4—Amendment of First Schedule:

Hon. A. SANDERSON: The proviso deals with the jurisdiction of the magistrate to make compensation. This seems to be a most objectionable clause altogether. If an unfortunate employee has been injured, surely he should get compensation.

The Minister for Education: This is only where he demands it in a lump sum.

Hon. A. SANDERSON: The proper method is for the parties to be insured. If the employer is a poor man the magistrate takes that fact into consideration, but when a man is poor the greater is the necessity for

the insurance. I suggest that the clause be struck out.

Clause put and passed.

Clause 5—agreed to.

Hon. J. CORNELL: Would I be in order in moving a motion to the effect that the House requests that the Bill be returned to the Legislative Assembly asking that certain amendments be made?

The CHAIRMAN: Certainly not. I could not accept a substantive motion of that kind. We are dealing in Committee with different clauses of the Bill. The hon. member must move in the House if he so desires.

Title—agreed to.

Hon. J. E. DODD: I ask whether the Minister can see his way clear to carry out, through another place, the suggestions which have been made by various members. The matter is a very important one. I believe most members here are in sympathy with the proposals. It is a serious matter for a large number of workers. Perhaps the Minister could devise some means by which effect could be given to these suggestions.

The MINISTER FOR EDUCATION: I will undertake to bring the matter before the Premier and the Attorney General to see whether anything can be done.

Bill reported with an amendment.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.53] in moving the second reading said: This Bill is required to reimpose taxation for the year ending 30 June, 1921. Most of its provisions are identical with those of the Bill of last year and of previous years, but there are alterations to which I shall direct the attention of the House. These alterations are expected to yield a little increased revenue. I do not know whether it is necessary, in view of the knowledge that members have of the present financial position of the State, for me to go to any length in justifying the raising of increased revenue. I would, however, draw attention to the increases in wages and salaries that the Government have been called upon to face, as compared with last year. The figures will rather startle non. members. At the rate per annum the increase this year as compared with last year in wages and salaries on the railways is £530,000. The increase to civil servants is £50,000 and this may be further increased by awards of the board. The increase to teachers is £75,000, and to police £25,000. In the Public Works Department, to wages men and on salaries, the increase is £30,000, and in the Water Supply Department the increase is £10,000; a total of £720,000, or nearly three-quarters of a million sterling, by way of increases in salaries and wages for this financial year as compared with the last financial year. This will give hon. members an idea of the heavy burden the Government are called upon to face. In addition to that, there are increases in the interest bill of £194,000 per annum: the grand total of these two amounts being upwards of £900,000. Important changes in this Bill, as compared with the Bill for last session, will be found. In the first place, Clause 3 imposes a flat rate of 4s. in the pound on incomes over £7,766. Another important alteration is in Clause 5, which imposes a super tax of 15 per cent. on the income tax imposed, with exemptions for all incomes under £264. In last year's Act it was provided that a flat rate of 2s. 6d. in the pound should be charged on all incomes exceeding £4,766. That is to say the rate of income tax started at the bottom and went up in accordance with the increase in the person's income until it reached a total income of £4,766, and on that income and all income over it a tax of 2s. 6d. was imposed. Under the amending Bill, instead of the increases stopping at £4,766, the increases still continue until the total income of £7,766 is reached, at which stage the income tax will be 4s. in the pound, and that will be a flat rate for all incomes over and above £7,766.

Hon. G. J. G. W. Miles: Why do you stop at that amount?

The MINISTER FOR EDUCATION: It is necessary to stop somewhere. If we did not stop anywhere and a man had a large enough income, we would get the lot. We must have regard to the taxation that people have to pay in other quarters, to which I shall make reference later on. It is difficult to fix the exact amount at which we should stop. Previously the amount was fixed at £4,766 and now it is increased to £7,766, and the flat rate of 2s. 6d. is increased to 4s. Up to £7,766 the graduation goes on, and over that a flat rate of 4s. in the pound will be charged. This will make a considerable increase in the taxation that is paid on large incomes. So far as the increase to the ordinary taxpayer is concerned, it has been considered more desirable to impose a super tax than to alter the sliding scale, and to this end a super tax has been fixed at 15 per cent. Exemption from the super tax has been fixed at £264. The intention is to avoid as far as possible increasing the taxation imposed on those who only possess small incomes. A very small amount will be paid by way of super tax by persons receiving incomes of say less than £400 a year. For instance, upon a taxable income of £300—that is not the net income, it is the taxable income after making all deductions—the extra amount that the person will be called upon to pay by way of super tax will be only 12s. The super tax is practically not imposed on the small incomes. A person having a taxable income of £400 a year would pay only 19s. more because of this super tax of 15 per cent. On large incomes it presses more heavily, and it is from large incomes that the additional revenue would be received. A person with a taxable income of £1,000 will pay an additional tax of £4 12s. 6d.; a person with an income of £2,000 will pay an addi-

tional tax of £16 15s.; a person with an income of £3,000 will pay an additional tax of £36 7s. 6d.; a person with an income of £4,000 will pay an additional tax of £63 10s.; and a person with an income of £7,767 will pay an additional tax of £233 because of the 15 per cent. impost. Last year the taxation from all incomes was £224,761. Of that amount £18,211 was on account of incomes under £200. These incomes are wholly exempt from the super tax. They will simply pay the same taxation as before. Incomes of between £200 and £300 accounted for taxation amounting to £24,956, and for the most part these incomes also will be exempt from any increase under the super tax. If hon. members turn to Table D of the report of the Commissioner of Taxation, they will see the amount of the assessments per head. In 1918-19, the latest year for which these figures have been prepared, the number of persons paying on incomes from £101 to £199 was 12,369. There were an additional 6,212 persons who were exempt, making a total of 18,581 persons and the total income represented was £2,932,000. The total amount they paid by way of taxation was £18,211, and the average tax per person was £1 9s. 5d. So the scale goes up until we reach those persons whose incomes amounted to £1,000 to £1,499. There were 545 such persons whose incomes totalled £658,000, and they paid £18,000 in taxation, an average of £34 1s. 10d. At the top of the scale we find that 64 persons paid taxation on incomes of £5,000 and over. The total income of such persons was £628,000, and they paid £59,700 by way of taxation, or more than any other group in the scale, and the average amount paid was £932 16s. 3d. It will be seen that the super tax of 15 per cent. will be obtained almost exclusively from persons having incomes of over £400. At the present time there is a land tax of one penny in the pound on the unimproved value which is subject to a reduction of one halfpenny in the event of the land being improved. There is also a tax on pastoral leases of one penny in the pound which is calculated at 20 times the annual rent. In this regard the present Bill is the same as the Act passed last year. Clause 3 provides that on incomes of over £100 and under £7,766 the tax is at the rate of 2.006d., increasing by .006d. for every pound of increase. This is the same as in the existing Act with the exception that the flat rate does not commence at £4,000. It commences now at £7,766. This is the only change made in that clause, namely, to raise the maximum from £4,766 to £7,766. The basis of calculation remains the same.

Hon. G. J. G. W. Miles: What is the estimated increase you will get?

The MINISTER FOR EDUCATION: About £70,000. The incomes of £7,766 will pay 1s. 6d. in the pound additional taxation. Subclause 2 of the same clause has been slightly altered. Previously it provided that a taxpayer having a taxable income of £157, if a married man or a person with a dependant, should pay £1 instead of £1 10s. 8d., which would have been the exact calculation. The reason was that a taxpayer similarly situated and having a taxable income of £156 paid nothing and it was obviously unfair to make the man in receipt of £150 pay so much as to reduce him below the man receiving £156. The man in receipt of £157 will now pay only 10s. Clause 4 is the same as that of last year and provides for a minimum tax, whether land or income, of 2s. 6d. It is hardly worth while collecting a sum of less than 2s. 6d. Clause 5, paragraph 1, provides for the same tax on incomes from dividends as would be received if the whole of the income taxable were ordinary income. This is a very necessary provision to prevent persons from turning their concerns into companies, showing their profits in dividends, and thus escaping the higher taxation.

Hon. J. W. Kirwan: Does it apply both ways?

The MINISTER FOR EDUCATION: The dividend duty at present is 1s. 3d. in the pound. That is in excess of the income tax rate on lower incomes, but it is obviously very much below that on the higher incomes. The hon. member means, I take it, that if a man's total income by way of dividends is less than the amount which would entitle him to pay 1s. 3d. would he escape? He would not escape. He would have to pay for the privilege of conducting his affairs as a company. If it were not for the privileges associated with conducting his affairs as a company, I do not suppose he would do it. It is obviously necessary that whatever may be said about it cutting both ways, a person who derives his income from dividends should not, because of that, escape more lightly than a person who runs his business in his own name and derives his income by way of profits.

Hon. J. W. Kirwan: A person's only income might be from dividends and might be very small.

The MINISTER FOR EDUCATION: That might be so.

Hon. J. W. Kirwan: Is it fair to charge such person the higher rate?

The MINISTER FOR EDUCATION: The dividend duty has to be paid at the rate fixed for all dividends. Income from dividends is included in the income tax return and a set off is allowed for the dividend duty paid under the Dividend Duties Act. A further Bill will be introduced to amend the Dividend Duties Act to impose the same 15 per cent. super tax as is contemplated by this measure.

Hon. G. J. G. W. Miles: People so affected would come on the same basis as the ordinary taxpayer.

The MINISTER FOR EDUCATION: With the exception that if their incomes were small they would pay more than the

ordinary taxpayer with the same small income. Their income under the ordinary provisions would mean a tax of 6d. or 1s. in the pound, but they would have to pay 1s. 3d. and the 15 per cent. super tax. With the exception of a slight verbal alteration this clause is the same as the clause of last year. Clause 6 imposes a super tax in all cases where the income exceeds £264. That is done in preference to altering the existing rate of taxation. As hon. members are aware, our rate of taxation fixed by the Land and Income Tax Assessment Bill is on the graduated scale, and I think it is a very good scale which must commend itself from its simplicity and from the justice of its incidence. It was thought to be far better to impose a super tax rather than change the scale. Any other course would have involved delay and a good deal of unnecessary expense in getting out new forms and altering the basis of calculation. I might explain that there is a difference between the net income and the income chargeable. The net income is the income after all trade expenses have been deducted. The income chargeable is the net income less the statutory deductions allowed by the Act.

Hon. J. Duffell: That would permit of election expenses being deducted.

The MINISTER FOR EDUCATION: Election expenses!

Hon. J. Duffell: Yes, because they are incurred in getting the income.

The MINISTER FOR EDUCATION: The hon. member can try that on the Commissioner of Taxation. Section 2 of the Act of 1907 defines the income chargeable with tax. That applies to Clause 6 of the present Bill. Section 30 of the Act of 1907 deals with exemptions. Subsection 3 provides for an allowance on account of fidelity insurance or insurance on the taxpayers' own life or that of his wife, up to a limit of £50. These matters still stand and are the matters referred to in Clause 6. There is four per cent. per annum deduction where the taxpayer uses his own premises for his business. This still stands. I have here a number of illustrations showing exactly what increases different incomes will have to pay. A person with a net income of £300, that is after deducting costs incurred in obtaining that income, and making deductions such as life insurance £10, two children at £26, totalling £52, and rates and taxes, would have a chargeable income of, say, £231. In the past he has paid £2 13s. 8d. by way of taxation and as he comes below the amount to which the super tax applies he would not be affected. A person with an income of £400 now pays £2 17s., but he would have to pay an additional 8s. 7d. When we come to the larger incomes a person with £510 net income, which, after making various deductions, would give him a chargeable income of £428, now pays £7 2s. 1d., to which must be added the super tax of £1 1s. 3d. I have the figures made up for large incomes. For instance, on an income chargeable of £2,171, the present tax is £130 and the super tax £19; on an income of £12,185 the income chargeable would be £11,567 and the present tax £2,313, or with the super tax added £2,660. As members are aware the Commonwealth taxation is heavier. A person with an income of £7,766 from personal exertion pays to the Commonwealth £1,773 and to the State £1,786 by way of income tax, about the same in each case. I am quoting these figures in answer to Mr. Miles, who asked why we stopped at that stage. A person with an income of £7,766 has to pay under the Commonwealth and State taxation, £3,500.

Hon. A. Lovekin: That is half his income.

The MINISTER FOR EDUCATION: Pretty nearly. I hold no brief for those having these big incomes, for I think they can look after themselves, and if we get half of their income we may regard ourselves as doing fairly well.

Hon. V. Hamersley: In many cases the income is from stock and not cash.

The MINISTER FOR EDUCATION: In many cases that is so, and the man has not the cash. I do not think, however, that he would be embarrassed. I have not been able to feel any acute sympathy for the man whose income reaches these proportions. Regarding a man with an income of £5,000, he has to pay the Commonwealth £773 and the State £752.

Hon. R. J. Lynn: He is better off with £5,000 than with £7,000; he has more left.

The MINISTER FOR EDUCATION: He has a little more, but not very much. Coming to the lower salaries, we find that from a man with an income of £300, the Commonwealth takes a good deal more than the State does. Under this new scheme, with the 15 per cent. super charge, if we take the case of a man with an income of £300, our tax will run to £4 12s., whereas the Commonwealth will take £8 15s. 11d., or nearly double what we are asking him to pay. So it is with all the smaller incomes. It is only when we come to the incomes running into thousands that it will be found that the State takes as much as the Commonwealth does. I have also the different taxation schemes throughout the Eastern States, and in every case I think the tax which we impose here is quite as heavy. In most cases it is much heavier. I move—

That the Bill be now read a second time.

On motion by Hon. J. W. Kirwan debate adjourned.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.18] in

moving the second reading said: This is a measure really supplementary to the Bill I have just introduced. It is proposed to surcharge the income tax under the Bill we have just dealt with, 15 per cent., and it is necessary that the same thing should be done regarding incomes from dividends. Clause 2 imposes duty on dividends at the rate of 15 per cent. The amount collected last year was £144,748. The estimate for this year, apart from the proposed surcharge, is £145,000, and 15 per cent. on that amount would represent £21,750. That is the increased revenue anticipated as the result of the super tax. The incomes derived from dividends are brought into line with incomes from other sources. The amount obtained from dividends last year was £144,748, and of that amount mining companies paid £26,239, various trading and manufacturing companies £86,502, and the balance of the total amount is represented by smaller companies of various denominations. I move—

That the Bill be now read a second time.

On motion by Hon. J. W. Kirwan debate adjourned.

BILL—CITY OF PERTH ENDOWMENT LANDS.

Assembly's Message.

Message having been received from the Assembly giving reasons for disagreeing to the amendment made by the Council, the message was now considered.

In Committee.

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

Add the following new clause, to stand as No. 41:—Roads and footpaths to public buildings.—If any public building is erected on land acquired by the Crown within the boundaries of the said lands, it shall be the duty of the Council to provide, make, maintain, and keep in repair such roads and footpaths as may be necessary to give proper access to such building.

The MINISTER FOR EDUCATION: I am sorry that the Legislative Assembly has not seen fit to agree to this amendment, although I think many of us regarded it more as a pious wish than anything else. In view of the reasons given by the Legislative Assembly, I do not feel that I can combat them. I move—

That the amendment be not insisted on.

Hon. J. E. DODD: I have no objection to the Assembly's Message. There seem to have been a great number of members in the Legislative Assembly who only realised their duty when it was pointed out to them by this Chamber. Having had it pointed out to them, they did not think the amendment went far enough, hence their objection to it.

Question put and passed; the amendment not insisted on.

Resolution reported and the report adopted.

BILLS (2)—RECEIVED.

1, Loan, £3,870,000,

2, Piawaning Northwards Railway,

Received from Assembly and read a first time.

BILL—HERDSMAN'S LAKE DRAINAGE.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.24] in moving the second reading said: This is a very short Bill to deal with a matter of considerable importance. Herdsman's Lake contains 1,000 acres, and there are 200 acres on the margin of the lake. This has been purchased for the purpose of soldier settlement. It is necessary that it should be drained before use. Experiments have been made, and the quality of the soil has been satisfactorily determined. The cost of the land was about £10,000. The depth of water averages between four and five feet at the present time, but during the winter months the water rises to a depth of about seven feet, and the flood waters over-run a much larger area. In order to drain the lake, a proposal has been put forward to construct an open drain and a channel, about four feet by six in dimension, of a length approximating two miles, leading to the sea. Herdsman's Lake is 30ft. above sea level, and there should be no engineering difficulties in draining the land in the manner suggested. The line laid out for the drainage was at first objected to by the city council, and a conference took place between the Mayor, the Town Clerk, the City Engineer, and the Minister for Works and his officers. It was decided in carrying out the work that the Government would go as near to the extreme northern boundary of the city of Perth endowment lands as possible, and that the City Engineer should keep in touch with the engineers of the Public Works Department, so that everything could be done to meet the wishes of the council. An agreement was arrived at between the parties, and there is no longer any objection on the part of the city council. The watershed of the lake comprises about 6,400 acres, of which there are 3,700 acres which cannot be rated as they will not receive any benefit from the storm water drainage area. Of the balance 500 acres are already under the storm water drainage conditions, and deal with what is known as

Jackadder Lake. The 1,200 acres, included in the purchase for the returned soldiers, plus the 500 acres at Jackadder Lake, make 1,700 acres, leaving approximately 700 acres to be rated in return for the benefits which the drainage will confer upon them.

Hon. G. J. G. W. Miles: Have you any estimate of the cost?

The MINISTER FOR EDUCATION: I have not that information with me; it has not been supplied.

Hon. J. Nicholson: Is it included in the three-million Loan Bill?

The MINISTER FOR EDUCATION: These are the particulars of the Bill, and I move—

That the Bill be now read a second time.

Hon. J. E. DODD (South) [9.30] There are one or two features of the Bill upon which I desire to remark. Firstly, I asked questions here some time ago regarding the prices originally paid for this land, the endowment lands and for the Peel estate. I found that this land had been granted as a gift. Now, however, the Government are paying £10,000 for it. If we had a system of land values taxation, the owners of this land would have been compelled to use it, or else pay taxation upon its value.

Hon. A. Sanderson: Who are the owners?

Hon. J. E. DODD: The Roman Catholic Church, I believe. However, I am not referring to that aspect of the matter. There is also the case of the city of Perth endowment lands, where £18,000 was paid for unimproved land. The Peel estate is another instance in point. These are cases where land was acquired as a free gift and the State was subsequently compelled to pay the full market price for it.

The PRESIDENT: I do not think the hon. member's remarks are quite in order on a drainage Bill.

Hon. J. E. DODD: I am sorry if I am out of order, but the leader of the House stated that £10,000 was the price of the land.

The PRESIDENT: Yes; he stated that incidentally.

Hon. J. E. DODD: There is another point. Under Clause 3 the provisions of the Metropolitan Water Supply, Sewerage, and Drainage Act are to apply. I am not fully seized as to how this will work. If the price of the land and the cost of the drainage of the land and all the cost of putting the land into order will be charged against the unfortunate soldiers who are to use it, I am afraid they will be pretty well loaded up.

Hon. Sir E. H. Wittenoom: I rise to a point of order; in fact, it is a point of disorder. We cannot do any work in this Chamber owing to the noise that is going on outside. I can scarcely keep my attention on the hon. member who is speaking; indeed, I can scarcely hear him. Surely singing within the precincts of Parliament House is disorderly while this Chamber is at work.

The PRESIDENT: I do not know whether the matter comes under the Parliamentary Privileges Act or not.

Hon. Sir E. H. Wittenoom: It ought to come under the House Committee.

The PRESIDENT: The only thing we can do is to send a messenger to the Speaker of another place; that is, if the hon. member insists on it. Otherwise I do not think it would be wise to take any notice of the noise. It may deaden the noise if we close certain doors.

Hon. J. E. DODD: I understand that the users of this land will be compelled to pay the cost of clearing the land and the whole cost of draining it and also the full cost of putting it in order. If that is so, I think those users will have a pretty tight contract. In fact, under such conditions they will never have any chance of making good.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.35]: I am not acquainted with the circumstances of this drainage affair. I have made certain inquiries, but what the Minister has stated is quite different from the information I obtained. However, I do not blame the Minister; I blame myself. Doubtless the Minister's statement is correct. This is a comparatively trifling affair, as we have 3½ millions to go on with; but it is an example of what is occurring, just like the incident to which attention has been called. "Nero fiddled while Rome burned," and why cannot we sing while these things are going on? The position, of course, is most discreditable. Indeed, I do not think the position is very creditable to the soldier settlement board. I should have thought that the proper way for the board to proceed—I am assuming that the board are quite satisfied with what is proposed in this Bill——

The Minister for Education: They are.

Hon. A. SANDERSON: What will be the next step? That the board will go either to the Public Works Department or to a private contractor and say, "We are financing this affair: what will you charge us to drain the land?" I do not feel inclined to say much about the matter because I do not know much about it.

Hon. J. Duffell: That land will be sour for a long time after it has been drained.

Hon. A. SANDERSON: I was ready to believe that this was a very satisfactory affair. I had no idea previously that the Bill referred to soldier settlement. I can only hope for the best. If unhappily the affair is wrong there will be only £10,000 thrown away. I regret that we are compelled to put this Bill through. If we adjourn the debate or throw the Bill out, the result may be to inconvenience the soldier settlement scheme very seriously. I do not know the facts of the case, and the Minister does not know them, and so we have to take the Bill on chance.

Hon. J. EWING (South-West) [9.38]: I agree with those hon. member's who have

pointed out that it would be more satisfactory, considering that this land is to be used for soldier settlement and has been lying unused for a number of years, to have the soil thoroughly analysed and to ascertain how long it is going to take to drain the land and what is going to be the cost of the work.

The Minister for Education: Twenty-five thousand pounds.

Hon. J. EWING: That amount, plus the £10,000 for purchase of the land, makes £35,000. What will be the area obtained after drainage, and, above all, how long is it going to take to sweeten the land? Information on these points would be very much appreciated by members of this Chamber before they decide to authorise the expenditure of this money.

Hon. Sir E. H. Wittenoom: I heard that the land was to be sold at £25 per acre, but I do not know whether that is true.

Hon. J. EWING: When we have all this information we shall be in a far better position to decide whether the Bill should pass. I would not for a moment think of doing anything to hamper soldier settlement; but our endeavour is to settle the soldiers on the best land, and I want, if possible, to obtain a statement from the Minister as to the quality of the land, and as to whether the land is worth the money which would be spent as a result of the passing of this Bill.

Hon. T. MOORE (Central) [9.40]: Now we have information on the subject, we find that this land is going to cost over £20 per acre.

Hon. H. Stewart: From £25 to £30 per acre.

Hon. T. MOORE: That is worse. I do not know that it is really necessary to start draining our swamps at such big expenditure, when we have other lands close to the city available for settlement of this kind. Indeed, I think it is quite a mistake to spend money in this way. But seeing that £10,000 has already been paid for the land, I suppose it is up to us to do something more. However, I think we should register a protest against such expenditure for the future. I know the country surrounding Herdsman's Lake pretty well, and I am in a position to state that there is plenty of suitable land within easy distance of Perth available at half the price paid for this land. I agree with an hon member who interjected that this land cannot be brought under cultivation for some time even after it has been drained. Large quantities of manures, especially of lime, must be put into swamp land before it can be used. I believe I could convince the House that suitable land, and land which would not require half as much work as this, could be obtained at half the price which has been paid for this land.

The Honorary Minister: And that other land would not grow half the crops, or anything like half.

Hon. T. MOORE: That is a matter of opinion, and my opinion is that the land I refer to would prove a good deal more productive than this land. I have seen a good deal of the swamp lands in the South-West. For the last 15 or 20 years efforts have been made to work those swamp lands. The first settlers at Hamel failed. Only those who came along afterwards had any success in those districts.

Hon. J. Duffell: Look at the Coolup district!

Hon. T. MOORE: Yes. All the original settlers on swamp lands failed, and I do not wish to see the soldiers fail. In future the Government should look into these purchases before making them, and generally should try to make better bargains.

Hon. H. STEWART (South-East) [9.41]: Can the Minister for Agriculture state what crops it is proposed to grow on this land, and whether he has received any particular advice as to the probable success which will attend the contemplated settlement?

The Honorary Minister: This is not a matter of agriculture but of repatriation.

Hon. T. Moore: But we find the money.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [9.42]: In answer to the question raised by Mr. Miles, I have ascertained that the estimated cost of drainage is £25,000. No piece of land that has been purchased for the purpose of soldier settlement has been acquired without the most exhaustive investigation not only by the soldier settlement board but also by the manager of the Agricultural Bank, Mr. McLarty, who is in charge of soldier settlement. Before any purchase is made, the members of the Soldier Settlement Board and also Mr. McLarty have to be thoroughly satisfied that land offered for repatriation purposes is desirable and will pay.

Hon. T. Moore: The Soldier Settlement Board have bought some rotten propositions, all the same.

The MINISTER FOR EDUCATION: I do not know that. No rotten proposition has ever come to my knowledge in connection with soldier settlement. There has been a suggestion that the present proposition will mean a total expenditure of £30 per acre. However, I think hon. members will realise that £30 per acre for rich swamp land in the vicinity of Perth is a wonderfully cheap price. I know that the Soldier Settlement Board have the most complete confidence in this scheme. Personally, I express no opinion on it: I am not competent to do so

Question put and passed.

Bill read a second time

In Committee, etc.

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

BILL—DIVORCE ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.46] in mov-

ing the second reading said: This is another very short Bill which I sincerely hope the House will pass. It is to amend the amendment of the Divorce Act which was passed last year on a Bill introduced by Mr. Nicholson. I opposed that Bill. I did not go into details, but opposed it simply on the general grounds that, since matters relating to marriage and divorce had been specifically referred by the Federal Constitution to the Federal Parliament, it was unwise for the States to keep on tinkering with the question. However, my protest and those of other hon. members were ignored, and the Bill was passed. I am not going to suggest that Mr. Nicholson did not put the matter fully before the House, but I do say that a great many members did not realise exactly what the Bill intended to do. For instance, Mr. Nicholson, in moving the second reading, said that one of its objects was to bring our local legislation into conformity with the English Act in regard to matters of petitions for the restitution of conjugal rights. The hon. member explained the difference, but I do not think other hon. members fully realised what was being done. Personally I was away from the State most of the time during which the Bill was being discussed. I do not know that I should have taken any particular interest in it had I been here, because I protested against the Bill as a whole. I do not know that it is necessary on a Bill of this kind to discuss marriage and divorce generally. I have always taken the view that there is room for two distinct opinions, one being that marriage is simply a contract which, if both parties want to dissolve it, they can, and which if one party wants to dissolve it and can set up a sufficient cause before the judge, he can dissolve it. That is one view, to which I am totally opposed. The other view, the one which I hold, is that marriage is something more than a legal contract, and ought not to be disturbed except on most extreme grounds, and that therefore we should be very, very slow to widen the avenues of divorce. Some members ask, why, if people cannot live happily together, they should be condemned to live unhappily all their lives. I say they have taken on their shoulders a certain obligation, and to my mind our institution of marriage is one on which our whole social system depends and therefore——

The PRESIDENT: I think the hon. member should confine his remarks to the general aspect of marriage as affected by the Bill.

The MINISTER FOR EDUCATION: Yes, I am coming to that point at once. I say it is better that people should have to take the responsibility of what they have done than that the institution of marriage should be, if not entirely destroyed, at least seriously undermined. Mr. Nicholson pointed out that in regard to the restitution of conjugal rights, failure to obey the order of the court in England became desertion, and he suggested that he was simply bringing our Act into conformity with the English Act. I understand that, under the English Act, failure to observe an order for the restitution of conjugal rights may involve judicial separation, but nothing more, whereas under our Act it involves divorce; not divorce after a period of desertion, as was previously contemplated by our Act, but immediate divorce. The section of the Act dealing with this matter reads—

> If the respondent shall fail to comply with a decree of the court for restitution of conjugal rights, such respondent shall thereupon be deemed to have been guilty of wilful desertion without just or reasonable cause or excuse, and a suit for dissolution of marriage or judicial separation may be forthwith instituted, and the petitioner shall (subject to the principal Act and the Acts read as one therewith) be entitled to a decree nisi for the dissolution of the marriage, or a sentence of judicial separation, although the period of five years or two years (as the case may be) may not have elapsed since the failure to comply with the decree for restitution of conjugal rights.

Before the Bill, as an Act, had been in operation for any lengthy period, a large number of cases were brought before the court, and our judges commented on the condition of affairs set up. It has been suggested to me by a high authority that the Act as it now stands is nothing more nor less than a premium on perjury; because it means that when two persons are separated, all that is necessary is for the one person to pretend that he or she desires the other person to return, obtain an order from the court for the restitution of conjugal rights—which is the last thing desired—and, on the disobeying of that order, divorce is granted. The object of the Bill is to remedy that defect to, at all events, some extent by providing that the mere failure to obey the order for the restitution of conjugal rights shall not constitute a ground of divorce unless there is a period of desertion also. Our existing Act provides for divorce if there is desertion for a certain period. The Bill provides as follows:—

> Section five of the Divorce Amendment Act, 1919, is hereby amended by inserting the words "subject as hereinafter provided" after the word "entitled," in line eight of subsection (1), and by omitting the words "although the period of five years or two years (as the case may be)," and inserting in place thereof "may be pronounced although the period of two years," and by adding to subsection (1) a proviso, as follows: Provided that no such decree nisi for the dissolution of a marriage shall be made unless the desertion shall have continued for three years, but wilful desertion without just or reasonable cause or excuse prior to the decree for the restitution of conjugal rights, if continuous with subsequent desertion, shall be included in computing such period of three years:

That will prevent what has been going on in the course of the last few months.

Hon. Sir E. H. Wittenoom: The provision is very much involved. That last part is not at all clear.

The MINISTER FOR EDUCATION: I think the meaning is quite clear. It will, at all events, prevent what has been going on for the past few months. Personally, I regret the period of three years was not made five years, which would mean that divorce, as the result of refusal to obey the order for the restitution of conjugal rights, could not be obtained any more easily than under the previous law in regard to desertion. There is, further, a proviso inserted by the Assembly as follows:—

> Provided further that this section shall not apply to proceedings pending in the Supreme Court on a petition filed before the commencement of this Act, which shall be heard and determined as if this section had not been passed.

I do not think that proviso does what the mover intended that it should do. The Solicitor General, with whom I have discussed the matter, says that, whereas the intention obviously is that it should be a proviso to the amendment of Section 5 made by Clause 2 of the Bill, it is put in as a proviso to Section 5. He further suggests that, in order to make the matter clear, this proviso should be struck out and a subclause, of which I have a copy here, inserted in its place. In order that the matter may be fully discussed, I will have that proposed subclause put on the Notice Paper before we deal with the Bill in Committee. The effect of the Bill is to provide that in those cases where the decree nisi is ordered as the result of failure to observe an order for the restitution of conjugal rights, it shall not be without a period of desertion for at least three years. I move—

> That the Bill be now read a second time.

Hon. J. NICHOLSON (Metropolitan) [9.56]: In seconding the motion for the second reading I think I should offer a few remarks in regard to the Bill of last year, by way of reply to what the Minister has said. My effort, when moving the second reading of that Bill, was to explain fully and clearly the whole Bill as presented. I endeavoured to show that what was intended was to bring our Act into conformity with the English law and to add further provisions, which I explained. Perhaps I did not make it quite clear, but my intention was to do so. The position was that the law in England in regard to the restitution of conjugal rights was that when an order was made on a petition for such restitution, it allowed the applicant to apply for judicial separation. But, as a matter of fact, where that order was applied for it was almost invariably used by one of the parties who were living apart, and in many cases where the other party was living in adultery, and where no desertion had actually taken place. That is the position in England at the present time. The husband might be supporting his wife and may have been guilty of adultery and the two parties find it impossible to get along together, and what is regularly done in the English court is that because the wife is unable to get a divorce on the grounds of the adultery of the husband, she, in order to entitle her to get divorce, must also prove desertion. To prove that, the wife usually institutes proceedings for the restitution of conjugal rights and thereby gets a decree for restitution which if not complied with constitutes desertion, which then entitles her to petition the court for divorce on the ground of adultery plus desertion. That is what I endeavoured to make clear previously when I introduced the Bill last session. Whether I succeeded in making the position clear I do not know. I have not reviewed what I stated on that occasion. What I have told members now can be verified by reference to reports of cases in England. There is a Divorce Reform League in England which is moving towards getting relief for married people much on the same lines as we have here.

Hon. H. Stewart: Under the last amendment?

Hon. J. NICHOLSON: I cannot say. Probably the effect would be the same, but they are seeking to simplify divorce.

The Minister for Education: On the Bernard Shaw lines.

Hon. J. NICHOLSON: I do not say on those lines. The position is that when the amendment was introduced by me, certain facts were looked at. It was not intended, nor did anyone think, that the courts would make an order for restitution returnable in every case in fourteen days, as has been done by the courts here.

Hon. H. Stewart: Your supporters had confidence in you.

Hon. J. NICHOLSON: I thank them for that. That matter was overlooked by members in another place. The Bill was not passed through here nor through another place without full consideration, but strange to say that phase of it was overlooked. In New South Wales relief can be obtained by either party to a marriage under a provision which, I believe, has the same effect as the law in this State has now. That has been the law in New South Wales for a good many years. A party can apply for a decree for restitution and if the order thereon be not complied with, then the petitioner can proceed under that decree for divorce on the ground of desertion afterwards.

Hon. H. Stewart: Within what period?

Hon. J. NICHOLSON: After the order is made returnable by the court. If the judge makes the order returnable in 14 days, and the decree is disobeyed, then it is competent for the party seeking the divorce to apply for it, on the ground of desertion. This has something in its favour. It may prevent the publication of unsavoury details, which for

the sake of the family is sometimes not desirable. That is to say, a divorce may be obtained under this method without going into certain details and the publication of those details such as we oftentimes see in the divorce court when a party is proceeding on the ground of adultery. If the judge could make an order for restitution at a longer period than 14 days, the difficulty might be got over, or if it had been foreseen by myself and other hon. members at the time, I am sure a proviso would have been inserted fixing a longer period than 14 days in which to make such an order returnable. I do not think 14 days is sufficiently long. The proviso which is inserted in the Bill will now remove entirely the objection to the decree of divorce being granted because of the noncompliance with the order for restitution, and it will prevent people from availing themselves of that method of claiming divorce on the ground of desertion. It means now that no one can proceed except after three years desertion.

Hon. J. W. Kirwan: Is the period of divorce for desertion altered?

Hon. J. NICHOLSON: It is made three years. It is for hon. members to consider that period, having regard to what has been the law in New South Wales.

The Minister for Education: Only in New South Wales?

Hon. J. NICHOLSON: Hon. members may ask whether we have done anything so very marvellous in passing the measure which we put through last session. We had the example of New South Wales before us and I referred to it when I introduced the Bill. That, however, is no reason why the amendment now submitted should not be concurred in. I intend to give it my support, but it may be desirable in the second proviso to make an alteration.

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

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [10.10] in moving the second reading said: The purpose of this Bill is to increase the salary of the Public Service Commissioner from £850 to £1,000. Such an increase was under consideration by the Government during the lifetime of the late Mr. M.'E. Jull, but owing to the outbreak of war the matter was deferred for the time being. It was not revived owing to the death of Mr. Jull. It is not necessary to direct the attention of hon. members to the importance of the position occupied by the Public Service Commissioner. The work of classifying the service and of generally controlling the service is of a very exacting character, and requires an exceptionally capable man to carry it out. The Government are quite satisfied that the present Commissioner does discharge his duties in a conscientious and efficient manner, and that he is entitled to the increase suggested. The remuneration of £850 was fixed by the Act of 1904. Hon. members will realise that in almost every instance since that time, salaries and wages have increased substantially, and if £850 was an adequate salary in 1904, it must be agreed that the increase provided for in the Bill is moderate. In Victoria the salary of the Commissioner there was recently increased to £1,250. In Queensland a new appointment has recently been made and the Commissioner started at £1,250, and provision is made for an increase to £1,500. In New South Wales there are three Commissioners, the chairman receiving £2,500 and the other two members £1,500 each. The only way in which the salary of the Commissioner in this State can be altered is by amending the Act of 1904. I move—

That the Bill be now read a second time.

Hon. H. STEWART (South-East) [10.13]: I am not going to oppose the Bill but it gives an opportunity to offer one or two remarks. It is just another instance of the expenditure by the Government on salaries of officers which have been increased lately to the extent of three-quarters of a million sterling per annum. I am one who believes in paying capable men good salaries and not stinting remuneration for efficient service. Successive Governments have pointed out that they believed it was possible to economise within the service by means of re-organisation, yet we see no direct evidence of that having been done. Coming so soon as it does upon Bills which will largely increase taxation, one is anxious to know whether this Bill will permanently increase the salary of the office. It should be possible to arrange that although the present Public Service Commissioner might be given this increase, the office itself should be classified at a minimum amount, the Government being given power to increase the salary within reasonable limits of any officer who occupied the position.

The Minister for Education: Queensland has appointed a man at £1,250 a year with a right to go up to £1,500.

Hon. H. STEWART: It seems to me that onerous as the duties of the Public Service Commissioner are, he has to a large extent been relieved of his responsibilities by virtue of the Public Service Board which has now been provided for.

The Minister for Education: That is not the case at all.

Hon. H. STEWART: If that is not the case, perhaps the Minister will point out in what direction my assumption is not justified.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [10.17]: I see no ground for the assumption that because the board has been appointed the work of the Commissioner is rendered lighter.

Hon. H. Stewart: I said, relieved of his responsibilities.

The MINISTER FOR EDUCATION: He is not relieved of his responsibilities. He has to make his classifications with the greatest care, and having made them has to defend them before the board.

Hon. J. Cornell: He has to exercise greater care than ever.

The MINISTER FOR EDUCATION: Neither his work nor his responsibilities are decreased in any way by the appointment of the board.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CORONERS.

Assembly's Message.

Message from the Assembly notifying that it had agreed to make amendments Nos. 1, 2, and 4 requested by the Council, but had declined to make amendment No. 3 requested by the Council, now considered.

In Committee.

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

The CHAIRMAN: The amendment which the Council made and which the Assembly decline to agree to is as follows:—

Clause 39.—Add the following subclause, to stand as (3):—

When the Commissioner of Public Health certifies in writing that it is necessary in the interests of public health that a post mortem examination should be held on the dead body of any person, a coroner may, without holding an inquest, direct any medical practitioner to make a post mortem examination, and to report thereon to the Commissioner of Public Health, and it shall be lawful for, and the duty of, such medical practitioner to make a post moterm examination, and to report thereon accordingly.

The MINISTER FOR EDUCATION: I understand that the Legislative Assembly did not refuse to make this amendment because they considered it undesirable, but because they considered it improper in the Coroners Bill. Whilst regretting that the amendment has not been agreed to, I cannot see my way to contesting the attitude taken up by the Assembly. If we could have got it through it would have been very valuable. I move—

That the Council's amendment be not pressed.

Hon. A. J. H. SAW: I am sorry the little infant I was the means of bringing to life has been strangled by another place, and that the coroner is not allowed to hold a post mortem upon it. I do not propose to dispute the ruling of the Chair in another place. I notice in the Press that certain remarks were made in connection with my attitude in instigating this particular clause. When remarks tending in the same direction were made during the passage of the Bill through the House, I protested vehemently against the medical profession being regarded as ghouls who wished to go body-snatching for the purpose of dissecting. I see by the Press that this opinion still prevails. I desire to repel that as the vile insinuation of vulgar minds. In all matters of public health the medical profession has set a high standard. There has been practically no progress made in public health but has been instigated by the medical profession and been most heartily supported by them, although detrimental very often to their personal interests.

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

Title agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.26 p.m.

Legislative Assembly,

Thursday, 16th December, 1920.

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

BILL—TAX COLLECTION.

Introduced by the Premier and read a first time.