

The Methodist Children's Home, Victoria Park.

The St. Vincent's Roman Catholic Foundling Home, Subiaco.

The Children's Home, Parkerville.

The Government Receiving Depot, Walcott Street, Mt. Lawley.

The MINISTER FOR HEALTH: I have no objection to this amendment. It is only right to have a correct schedule of the institutions that are in existence. I move—

That the Council's amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of the Minister for Health, the Honorary Minister (Hon. H. Millington) and the member for West Perth (Mr. Davy) drew up reasons for disagreeing to amendment No. 2.

Reasons adopted and a message accordingly returned to the Council.

RETURN—YARRAMONY EASTWARD SETTLEMENT.

Debate resumed from 2nd November, on the following motion by Mr. Griffiths: That a return be laid upon the Table of the House showing—(a) the number of soldier settlers who have been placed on that portion of the country through which the Yarramony Eastward railway is surveyed from Yarramony to North Hines' Hill and for twelve miles wide, i.e., six miles north and six miles south of survey; (b) the amount of Federal money that has been advanced to them under the Soldier Settlement Scheme for (1) purchase of land; (2) all other advances.

THE MINISTER FOR RAILWAYS
(Hon. J. C. Willcock—Geraldton) [10.15]: There is no objection to the motion and I herewith lay the return moved for on the Table of the House.

Question put and passed.

House adjourned at 10.18 p.m.

Legislative Council,

Tuesday, 29th November, 1927.

	PAGE
Questions: State Insurance	2157
Mr. Milligan's University record	2157
Bills: Audit Act Amendment, Report	2158
Land Tax and Income Tax, Assembly's further message	2158
Dog Act Amendment, 1A.	2160
Leighton-Bobb's Jetty Railway, 1A.	2160
Bridgetown Lot 89A, 1B.	2166
State Children Act Amendment, Assembly's message	2166
Constitution Act Amendment, 2A.	2179
State Insurance, 2A.	2182
Motion: Claremont Training College, appointment of Vice-Principal	2187

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

QUESTION—STATE INSURANCE.

Hon. Sir WILLIAM LATHLAIN asked the Chief Secretary: Have the State Government placed, either directly or indirectly, any insurances or re-insurances with the Industrial Insurance Company of Australia, Trades Hall, Melbourne. If so, for what amount and on what date?

The CHIEF SECRETARY replied: No.

QUESTION—MR. T. J. MILLIGAN'S UNIVERSITY RECORD.

Hon. H. J. YELLAND (without notice) asked the Chief Secretary: Will the Minister ask the Vice Chancellor of the University to furnish a report on the University record of Mr. T. J. Milligan, and lay the report on the Table of the House.

The CHIEF SECRETARY replied: I thank the hon. member for having supplied me with a copy of the question, which enables me to give an immediate reply, as follows: No. That Mr. Milligan has University passes is known. With them I am not in the least concerned. Mr. Milligan was not appointed because of his University qualifications, but because he held the highest certificate enjoyed by the teaching profession in the Education Department, and had proved himself over a long period of years highly skilled in the art of teaching and in teaching that art to others.

Hon. H. J. YELLAND: Then I give notice that at the next sitting of the House I will move my question as a motion.

BILL—AUDIT ACT AMENDMENT.

Report of Committee adopted.

BILL—LAND TAX AND INCOME TAX.*Assembly's Further Message.*

Consideration resumed from the 24th inst. on the further message from the Assembly accepting the Council's proposal to refer the question of the Council's power to press a requested amendment to the Bill to the Judicial Committee of the Privy Council;

And on the following motion by the Chief Secretary:—

That a message be sent to the Legislative Assembly as follows:—The Legislative Council acquaints the Legislative Assembly in reply to Message No. 31 that it is willing, while the matter now in dispute between the two Houses is sub judice, to consider messages from the Legislative Assembly pressing requests for concurrence in Bills which the Council may not amend. The Legislative Council further acquaints the Legislative Assembly that it has now agreed to the Land Tax and Income Tax Bill without amendment, and the Bill is returned herewith.

In Committee.

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

Hon. A. LOVEKIN: I am unable in the face of our Standing Orders to refer to a debate that has occurred in another place. However, that must not be taken to imply that there is nothing to be said against what was advanced there. I will confine myself to the judgment of another place, as pronounced by Mr. Speaker. I might not have touched upon that judgment but for the fact that the Speaker, on the second occasion, saw fit to make these remarks:—

At the outset I may say the real reasons I expressed were not traversed, were not considered. They were dismissed, and assertions of a nature which I venture to think will not stand the test of logical examination were substituted.

I feel that cannot be allowed to stand without making some attempt at answer. In pursuance of this I have looked through five long newspaper columns. In my opinion they contain very much husk and very little grain. I agree with our President that there is very little in all this matter that has anything whatever to do with the case. In looking through Mr. Speaker's judgment I find a few expressions which I shall pass by with the remark that I regret that in a

controversy of this nature they should have been used. Mr. Speaker was pleased to state that the President had made statements outside the limits of truth; that he consciously or unconsciously misled his hearers; that he acted unfairly in telegraphing to the Senate and not to the Representatives; that we should be careful as to our statements and be sure we are backed by solid facts. The President, he said, was inaccurate, because he, the Speaker, had made a search and found the President was wrong in his facts. By his omission, the President had misled his hearers; the Council was less than scrupulous and cared nothing for its agreements. As I say, I regret that such statements should have been used in a controversy between two responsible Houses of Parliament. The Speaker said that in view of the fact we had not considered the real reasons he gave, he had reviewed the position. His last pronouncement, I take it, was a review of the position, and it is somewhat convenient inasmuch as it enables us to look at one document instead of two. I propose to traverse the points he raised in the order in which he submitted them. He quoted our Standing Order 236 which says that requests to the Assembly may be made at all or any of the following stages of a Bill which the Council may not amend, on the first reading in Committee after the second reading, on consideration of any message from the Assembly, in reference to such Bill, and on the third reading of the Bill. As the President has pointed out, that Standing Order does not touch the point of legality. It makes no reference to the pressing of a request. Mr. Speaker interprets this as the Council's position in pressing their request, whereas, as the President has pointed out, it has nothing to do with the case; but Standing Orders 237 and 240, which Mr. Speaker did not quote, do suggest a right to press, and do lay claim to the right of the Council to press a request. Standing Order 237 says—

The Committee shall be empowered to recommend to the Council to make, press, modify and generally deal with requests on the Bill.

Standing Order 240 is still more explicit and says—

If the Bill is returned to the Council by the Assembly with any request not agreed to, any of the following motions may be moved in Committee; first that the request be pressed, secondly that the request be not pressed, etc.

That was not quoted by Mr. Speaker, but he interpreted another Standing Order which

has nothing to do with the case. These two Standing Orders I have quoted do refer specifically to the pressing of requests. Mr. Speaker challenges the legality of our Standing Orders. He says the President was inaccurate in stating that the present Government approved of them when the Governor signed them in 1924. How does he prove this? He says he wrote to the Clerk of the Executive Council and received a reply that this officer could not trace any record of their having been approved by Executive Council. As a fact we know that a message was received by this Chamber stating that His Excellency had approved of our amended Standing Orders. Does the Speaker suggest that His Excellency acted wrongly? Is it his contention that His Excellency acted outside the law, or the scope of his instructions? The Speaker quoted a legal maxim. Let me quote another on this point. There is a maxim which reads—

Omnia presumuntur rite et solemniter esse acta.

This means that all things are presumed to be rightly and regularly done. Have all things been rightly done? If this maxim is sound we must assume that they have been rightly done until the contrary is shown, but this the Speaker has not attempted. Under the Letters Patent, constituting the office of Governor, which members will find at the back of the Standing Orders, it is laid down that there shall be an Executive Council for the State. It is set out how that Executive Council is to be constituted. Section 6 of the Royal instructions to Governors reads—

In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but, if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in opposition to the opinion of the Council, reporting the matter to us (that is to His Majesty) without delay, and with the reasons for his so acting.

The clerk found no trace or record of the Governor having dissented from the advice of the Executive Council whereas the Governor's instructions are that in these matters he shall be guided by the advice of the Executive Council. We must presume that all things have been rightly done. The clerk says he can find no trace of this, but his letter has no bearing upon the matter. The clerk may have been remiss in his duty in not recording the fact, or some other executive officers may have been at fault. We cannot presume that because a clerk can-

not find it, the Governor has fallen short of his instructions.

Hon. Sir Edward Wittenoom: Is not the whole of this matter sub judice?

Hon. A. LOVEKIN: What is sub judice?

Hon. Sir Edward Wittenoom: This matter is sub judice. It is a matter of taste that you should not discuss a question that is sub judice.

Hon. A. LOVEKIN: I have yet to learn that a matter is sub judice that is decided by a court or by a Speaker. In this case the Speaker is in the position of a court. This matter is not sub judice.

Hon. Sir Edward Wittenoom: It has been decided to remit this matter to arbitration. I do not think you have any right to discuss it.

Hon. A. LOVEKIN: The hon. member does not understand what is sub judice, if he suggests that. This is a pronouncement of the Speaker, which is equivalent to the delivery of a judgment. When a judgment is delivered by a court, the matter is no longer sub judice. It is open for everyone to criticise and offer an opinion upon it.

Hon. Sir Edward Wittenoom: I am of opinion that this is sub judice.

Hon. A. LOVEKIN: I cannot help the hon. member's mentality. As a member of this Chamber, I am not prepared to allow Mr. Speaker or anyone else to make a public assertion that this House is evading the points at issue on a very important question.

Hon. Sir Edward Wittenoom: Our President has settled the whole question in a most brainy and dignified retort.

Hon. A. LOVEKIN: Since the President made his pronouncement, the Speaker has stated that the Council has evaded the point, and that the real reason for the position had not been traversed by the Council.

Hon. Sir Edward Wittenoom: You have got the Bill back; what more do you want?

Hon. A. LOVEKIN: Of course we have the Bill back, but are we going to take it back in silence and allow the remarks of the Speaker to stand? If so, it will be said hereafter that we have tacitly assented to what he put up. We cannot assent to what he put up. I am going to exercise my right. If he puts up a matter that I do not think is sound, I shall challenge it so long as I have a place in this House.

Hon. Sir Edward Wittenoom: It is between your authorities and his.

Hon. A. LOVEKIN: If the hon. member likes to take that view, it is his business. I

take a different view. I take some interest in this House, and want to preserve its rights. I am not going to allow them to be attacked and whittled away.

Hon. Sir Edward Wittenoom: You are wasting a lot of time.

Hon. A. LOVEKIN: There is a complete answer to what has been said. The hon. member is not bound to remain in the Chamber. I have perhaps wasted a good deal of time in getting together all that I have here. I have employed that time, because I think it is of benefit to the House and to the country.

Hon. H. Stewart: You are quite within your rights.

Hon. A. LOVEKIN: I thank the hon. member.

Hon. Sir Edward Wittenoom: You are within your rights, but why go into all that?

Hon. A. LOVEKIN: The hon. member can go elsewhere if he does not like it.

Hon. Sir Edward Wittenoom: I am going directly, you may be sure of that.

Hon. A. LOVEKIN: I will stop while the hon. member goes, if he wishes. On top of the instructions to the Governor we have the Constitution Act, Section 34, to which the President has referred, and which I will not labour. I only want to pick out the points which I consider form some reasons for the Speaker's comments. The Speaker quotes what he refers to as the time-honoured practice of the House of Commons. He says the President contends that there is no analogy between the two Houses, and adds "Surely the President is aware that there has grown up a law of the Constitution." He cites the British Parliament Act of 1911, and says it is more drastic than anything our Constitution permits. In addition he declares it is a solemn Act of Parliament. In reply to that, I say, of course the President has a full knowledge of this time-honoured practice. I take it he is perfectly well aware of the contents of the British Parliament Act. He also realises that that Act is a solemn Act of Parliament. He knows too, what is of great importance, that it is a different measure from ours, that the same interpretation is not in point, and that therefore the British Act has nothing to do with the case. I take it, what the President would also like to know is, what all this has to do with the case. I am sorry I cannot enlighten him. The Speaker next quotes the Queensland Act of 1885. That

Act is not on all fours with ours. What occurred in Queensland cannot affect this issue. He quotes also New Zealand. The Act in question is not akin to ours. In 1914 New Zealand adopted the Federal provisions as we have done, and has followed the Federal practice as we have done, and with the same results. He quotes the Victorian Act of 1879. I think there must be some mistake about this quotation. I cannot conceive that anyone who has read the Victorian Act of that time can suggest that it has any application to our Section 46. Section 56 of the then Victorian Constitution reads —

All Bills for appropriating any part of the revenue of Victoria and for imposing any duty, rate, tax, or impost shall originate in the Assembly and may be rejected, but not altered by the Council.

That is not our Act. We may make requests. As members know, in that case it was a tack on the Appropriation Bill providing for the payment of members, which the Council would not have. Then he quotes the Speaker's ruling in 1906, the point of which was whether the Council could insist. That is not the question here. He quotes the ruling of Hon. George Taylor when Speaker in 1913. He held that this House had no right to insist on amendments to money Bills. We have never insisted on amendments to money Bills: we have pressed a request, which is a different thing. The Speaker adds, "the Council says the Assembly should be quite satisfied because the Council has adopted the Federal Standing Orders *holus bolus*." He also says that the President of the Council prefers as a model for Constitutional guidance, the Federal Parliament to the Imperial Parliament, which is the mother of Parliaments. I am not aware, from the pronouncement of our President, that he has any particular preference. I take it, that as a commonsense President, if he seeks any guidance, he will seek that which is analogous rather than look for something which is not analogous. The relationship between the House of Lords and the Commons is totally different from the relationship between the Legislative Council and the Legislative Assembly, and the difference in relationship is so made by the Constitution of Western Australia. The Speaker urges that there is no analogy between the Legislative Council and the Senate. The reason he gives is that the Council "is elected

on a property basis"—I would like members to follow this—"no matter how small." It is a class House, he says, more analogous to the House of Lords. The Senate, he says, is elected on adult suffrage. Such a statement can have no other meaning than that Section 46 of our Constitution must be interpreted, not from the words used, but from something extraneous. In other words, if we had adult suffrage for the Council, a different meaning might be placed on the words. It is reasoning very difficult to follow and I am afraid we shall have to search back far beyond the days of Edward III. to find authority for a proposition that the interpretation of a section of a Constitution relating to money Bills must change as the franchise changes. The Speaker urges that the constitution of the Council and Senate are not on all fours because there is provision in the Federal Constitution for deadlocks. What bearing can this have on interpretation of definite and separate sections dealing with procedure on money Bills? It may be conceded that some machinery is necessary to overcome deadlocks. It can be provided, and if it is provided, the slightest consideration will show that it can have no possible effect upon the interpretation of a section that deals with procedure on money Bills. Next the Speaker says "The President was scarcely fair to the Assembly: he telegraphed to the Clerk of the Senate and got a reply favourable to the Council, but did not take the precaution to also ask the Clerk of the House of Representatives." The Speaker added that he had done so and had received the following reply:—"Referring your telegram, protest is still made by House: see Votes and Proceedings 5th December, 1921, re Tariff Bill." The President might well retort that the Speaker has not been fair to him. The Clerk of the House of Representatives referred the Speaker to the proceedings of the 5th December, 1921. With this information before him, the Speaker might well have given the whole case and not part of it. Commenting on this reply, the Speaker said that on a question of such vast importance affecting, as it did, the good government of the country, we should have been more careful in the use of statements, and be sure that they were backed up by solid facts. I am not prepared to let that go, when the solid facts point the opposite way. But let us look

at the facts in this particular case. Reference is made to what happened on the 5th December, 1921. Mr. Speaker avoided giving any information on the subject. I propose to supply it. On the date referred to, the Senate pressed a request on the Tariff Bill. The House of Representatives passed a resolution as follows:—

That having regard to the fact that the public welfare demands the early enactment of the Federal tariff, and pending the adoption of Joint Standing Orders, this House refrains from the determination of its constitutional rights or obligations in respect of Message No. 97 in reference to the Customs Tariff Bill and resolves to consider it forthwith.

Mr. Charlton interjected, "This is the third time we have shelved this constitutional question." The motion was carried and the House of Representatives considered the Senate's pressed requests. On the 7th December the House of Representatives made some of the amendments in respect to which the Senate had pressed requests and returned the Bill to the Senate. Thereupon the Senate adopted this resolution:—

That Message No. 96 to the House of Representatives in reference to the Senate's requests on the Customs tariff be taken into consideration forthwith, this House affirming that the action of the House of Representatives in receiving and dealing with reiterated requests to the Senate is in compliance with the undoubted constitutional position and rights of the Senate.

Senator Millen who was in charge said—

If this Chamber will agree to the motion, as previous Senates have agreed to a similar motion, we shall have done all that is necessary to reaffirm the right of the Senate to press its requests for amendment, not only once but as often as it deems fit.

Senator Gardiner, after reading the section, made these remarks—

The provision is so clear that I am surprised the representatives in another place can find grounds even for complaint. We have the Constitution behind us. When this matter was debated before the Convention, the question whether we should send requests more than once was thrashed out and settled.

The telegram from the House of Representatives thus gives no support to the Speaker's case; on the contrary, it demonstrates the solid ground upon which our President based his statement. The Speaker goes on to give the history of what led to the amendment of the Constitution in 1893. He quoted the late Sir Winthrop Hackett as having said, "The clause I propose really does nothing more

than provide machinery; it introduces no new principle, it does not say that the Council shall have the right to amend money Bills." I ask again, has this any bearing on the point? The section did not give the right to amend money Bills. It merely said that the Council could request an amendment. We do not at this moment claim the right to amend money Bills, but we do assert the right to make a request for amendment, and equally with the Senate, we claim the right to press our requests if necessary. The Speaker says that the Council in 1906 was indiscreet enough to return a message insisting on a request, and that for this lapse the Council was sharply called to order by the Assembly, and the blunder was not repeated. I will not quarrel with this. I am prepared to concede the Council's indiscretion. And it follows that I must also admit the right, although perhaps not the merit, of the Assembly to inflict its chastisement. The Council, apparently, did not so err again. It saw, I take it, that to insist on a request was a contradiction in terms as the Speaker now avers it is. In 1921, steps were taken to amend the Constitution so as to put the relative positions of the two Houses upon a clearer and better defined basis. With a few verbal changes, which are immaterial for present purposes, the Federal section was adopted in substitution of that inserted in 1893. Later on the Council also adopted the Federal Standing Orders applicable to the section, Standing Order 240, giving the Council authority to press a request, being one of them. The Speaker gives the details of negotiations which led up to the passing of the 1921 Act. They are most interesting and of historical and educational value, but I need not dwell upon them. They now have nothing more to do with this case than have the negotiations which precede a written contract, or the family discussions which may lead up to the making of a will. We must look to the contract, or the will, and interpret according to the ordinary rules of interpretation. The sole question now is, what is the true meaning of this section? What is the effect of our Standing Orders which are based upon it? The Speaker asks what has become of the long practice before and since 1921. My answer is that before 1921 has nothing to do with the case. Since 1921 our President has given abundant examples which show that, although the Assembly, like the Senate, from time to time has protested it has not refused to consider pressed re-

quests. I do not desire to evade reference to any one of the statements of the Speaker, even though they have nothing to do with the case. The Speaker referred to conferences and said there was a Standing Order of this House which decreed that if one of their managers stood out firmly, notwithstanding the agreement of all the rest, the single member carried the day. He does not quote the number of the Standing Order and I can find none that bears out the Speaker's contention. Of course the Speaker's remarks on this point are intended as a protest against the holding of conferences. It may be that conferences serve no useful purpose. It may be that they are very valuable adjuncts towards the promotion of harmony and good understanding between the two Houses. Conferences have been known as part of the procedure of the House of Lords and the House of Commons from time immemorial. They are part of the procedure of our Houses, a fact that is borne out by the Assembly's Standing Orders 238 to 256. If it be desirable to get rid of the conference, there are means of doing so, but, obviously discussion on the subject at the present moment is in no way helpful. It has nothing to do with the case. I now come to what I conceive to be the crux of the question from the Speaker's viewpoint. He urges that to "press" a request is in effect to "insist" upon an amendment to a money Bill—a measure which the Council cannot constitutionally amend. He says that to merely change the word "insist" to the word "press" makes no difference to what is done, and to what takes place. Surely a person is not justified in changing a word in a written document and then proceeding to interpret on the altered form. "Nothing," observed Lord Denman, in *Everard v. Poppleton* (5 Q.B. 184), "is more unfortunate than a disturbance of the plain language of the Legislature by the attempt to use equivalent terms." Obviously, "insist" and "press" are not synonymous. "Insist" connotes a right. "Press" negatives a right, and connotes an appeal—a supplication, an urging, a solicitation. The Speaker asserts that, a request having been made, it cannot be pressed. He illustrates it, and he says he gives it in the simplest form so that everyone may understand. He says, "If a debtor has paid his bill, and a second bill is sent to him, although it is still a bill, it is a defunct and useless bill. So a request once made becomes defunct and dead." This il-

illustration is certainly not apt. The mere statement of it disposes of the contention in quite the opposite way intended. The creditor has sent his bill and it has been paid. Any other bill of like import is, therefore, valueless. But suppose the debtor has not paid on receipt of the first bill, a second bill, pressing for payment, would obviously be quite in order. Following that line of reasoning in the case of a request, if the request is granted, there is an end to the matter. Thus, if the illustration has any point, a second bill, the pressing of the request, should not be out of order, if the first request is not granted.

Hon. J. Nicholson: Like a suitor who has been repulsed by a fair young lady; he may again press his request.

Hon. A. LOVEKIN: Yes; that illustration did not occur to me.

Hon. J. J. Holhaes: Have not we passed that stage?

Hon. A. LOVEKIN: I think we have, the hon. member and I at any rate. In the ordinary way of interpreting the English language, a right to request carries with it its corollary—a right to press or repeat the request, in the same way that power to amend carries with it power to insist upon amendment unless, of course, there is some express and definite limitation to the contrary. The Speaker challenges this view and calls in aid the legal maxim, "*Expressio unius est exclusio alterius*," which interpreted—and a rather wide interpretation has been put upon it, though I do not cavil at that—means "The express mention of one thing implies the exclusion of another." The Speaker claims that provision having been made for us to make a request, anything outside of that is excluded. I am sorry to think that the Speaker has entirely failed to appreciate the doctrine enunciated in this maxim, and I shall confront him with some quotations, though I shall not bother about the Latin rendering of them. Let me quote from Broom, "The law is unknown to him that knoweth not the reason thereof." It is only necessary to peruse the illustration given by Broom to demonstrate that the Speaker has failed to appreciate the true meaning of the maxim he quoted. In discussing it, Broom says that the rule—that is, the maxim—seems plainly to exclude any increase of an estate by implication where there is an estate expressly limited by will. That seems to be quite sound, and it does not

involve the interpretation that the Speaker put on it. Is there anything expressly limited in Section 46? I am now taking up Mr. Speaker's own line of argument. My answer to the question is, "Yes, there is much." The Council may not originate money bills. It may not amend them. It may not increase any charge or burden. But it may make requests. Is there any express limitation in respect to requests? The answer is "Yes." The Council may not make a request that will increase the charge or burden upon the people. That is the only limitation, and it is expressly laid down. There is no limitation regarding the pressing of a request. In discussing the very maxim upon which the Speaker relies, Broom cites the case of *Aspidin v. Austin* (5 Q.B. 683), in which it was held—

Where parties have entered into written engagements with express stipulations, it is manifestly not desirable to extend them by implication. The presumption is that having expressed some, they have expressed all the conditions by which they intend to be bound under that instrument.

Thus the maxim cited carries with it the very opposite application to that which the Speaker contends for it. Under the maxim, the legislature must be presumed, when it limited a request so that it could not increase a charge or burden, to have expressed all the conditions that bound the two Houses. I am advised that if it can be shown this maxim does not support the Speaker's case, his whole contention admittedly fails. I may therefore be pardoned for extending my remarks on this head. Commenting upon the maxim, Broom says—

Great caution is necessary in dealing with the maximum for, as Lord Campbell observed, it is not of universal application but depends upon the intention of the party as discoverable on the face of the instrument. Thus where general words are used in a written instrument, it is necessary, in the first instance, to determine whether those general words are intended to include other matters besides such as are specifically mentioned or to be referable exclusively to them, in which latter case only can the above maxim be properly applied.

Again, says the author—

Where an expression, which is *prima facie* a word of qualification, is introduced, the true sense and meaning of the word can only be ascertained by an examination of the entire instrument, reference being had to those rules of construction to which we have heretofore adverted.

In the case of *Gosset v. Howard* (10 Q.B. 411-59) it was held—

It will be conclusively presumed in favour of all the proceedings of either House of Parliament that wherever the contrary does not plainly and expressly appear, the respective Houses, as component parts of the Supreme Court in this country, have acted within their power of jurisdiction and agreeably to the usages of Parliament and the rules of law and justice.

To what rules did the writer advert? I quote the English version of some—

A liberal construction should be put upon written instruments so as to uphold them, if possible, and carry into effect the intention of the parties.

A passage will be best interpreted by reference to that which precedes and follows it.

The meaning of a word may be ascertained by reference to the meaning of words associated with it.

He who considers merely the letter of an instrument goes but skin deep into its meaning.

On this Broom comments—

In interpreting an Act of Parliament it is not, in general, a true line of construction to decide according to the strict letter, but the court will rather (subject to the remarks already made upon this matter—i.e., Acts of Parliament and wills ought to be alike construed according to the intention of the parties who made them) consider what is its fair meaning, and will expound it differently from the letter in order to preserve the intent. The meaning of particular words, indeed, in statutes as well as in other instruments, is to be found, not so much in a strict etymological propriety of language, nor even in popular use, as in the subject or occasion on which they are used and the object which is intended to be attained.

Those maxims and illustrations must be read, as the author says, with the maxim, "*Expressio unius est exclusio alterius*" relied upon by the Speaker, and when applied to Section 46 of our Constitution, they completely destroy the interpretation of the Speaker. There is no limitation in regard to the making of requests, except that they may not seek to increase taxation. There is no express provision that a request may not be pressed. The obvious intention, in the absence of provision to the contrary, is that a request may be pressed. I avoid seeking to show intention from the fact that, in 1921, the Assembly did agree to omit words which would have prevented the Council from making a request. I am following the Speaker and am confining myself strictly to the legal interpretation of the section as it stands. In the absence of express provision to the contrary, the words used must

be taken in their ordinary sense and cannot be dissociated from the rest of the section. If I have a right to make a request, it follows that I may renew the request; in other words, I may press it, or repeat it. If I lease my field, as one of the cases says, to a person for the purpose of grazing his cattle thereon, and I make no mention in the lease that he may tend them whilst there, he does not become a trespasser by entering my field to do so, for the right to graze carries the right to tend or remove. In another reported case a mortgage deed provided that the principal money should not be called up for five years. Notwithstanding this express provision, the court held that there was an implied intention that the interest should be regularly paid. There are many other cases of like import that I could quote, especially cases dealing with *c.i.f.* bills of lading, implied warranties and land transactions subject to the Statute of Frauds. Again, regarding intention, there is the explicit and plain Standing Order 240. There is the section of the Act clear and definite. It provides: (1) Money Bills shall not originate in the Council; (2) The Council may not amend a Money Bill; (3) The Council may not amend any Bill to increase charges or burdens; (4) The Council may at any stage request the Assembly to amend a money Bill; (5) Except as to the foregoing, the Council shall have equal power with the Assembly in respect of all Bills. What can be more clear? The right to press requests is not expressly denied but, *per contra*, the right is implied inasmuch as, with the exceptions noted, the Council has equal rights with the Assembly in respect of all Bills. I have now traversed five long newspaper columns of the Speaker's pronouncement. So far as I am aware, I have not omitted reference to any point. I have demonstrated: (1) That much of the matter introduced into the pronouncement is not in point. (2) That much of the reasoning is beyond logic; (3) That some of the illustrations negative what is claimed for them and support the opposite view; (4) That the method of interpretation adopted is unsound; (5) That much of the argument involves absurdity; (6) That some of the statements are misleading as to fact; (7) That the maxim or rule of interpretation upon which reliance is based, when correctly understood and rightly applied, shatters the whole contention. A popular Premier once

said, "Thank God we have a Legislative Council." As a member of this House I say, "Thank God we have a Legislative Assembly, and thank God, still more, that we happen to have in power a sane Government who seek to place the welfare of the people before a little spurious dignity." We have arrived at a stage when we have to accept or reject the motion moved by the Chief Secretary. I am sure we all appreciate his efforts to bridge the difficulty and we congratulate him upon the success he has achieved. I suggest that, with the passing of the motion as it stands, we should allow the question between the two Houses to end. If we approach the Privy Council to settle the difference, we shall have to spend a lot of money and lose a lot of time in preparing cases, and in the process may engender a good deal of acrimony. Whatever might be the result, it cannot profit anyone. If the Privy Council upholds the Legislative Council's view, what shall we have gained? The mere empty right and nothing more to press a request to the Assembly.

Hon. J. NICHOLSON: Which is already established.

Hon. A. LOVEKIN: If, on the other hand, the Privy Council gives its decision in favour of the Legislative Assembly, what will it have gained? It will not have gained in dignity; rather will it have suffered, because the taking from the Council of the right to make a courteous request a second time would force this Chamber, out of sheer desperation, into laying aside a Bill in order that it might press a request. What does that profit the Legislative Assembly, or profit the Legislative Council or profit the country? I suggest that we pass the motion, in which there is a measure of harmony between the two Houses, and that from now out we let sleeping dogs lie and proceed on the basis of the motion, which I have much pleasure in supporting.

Hon. V. HAMERSLEY: It is all very well for Mr. Lovekin to suggest that now we have arrived at this stage we should carry the motion and let sleeping dogs lie. I agree with him that probably we may hope there will be no further rash proceedings between the two Houses as to the rights of either one or the other. After the able remarks of our President we feel no doubt whatever as to the attitude adopted by this

Chamber. Even the Assembly must now be satisfied that that position holds good, and that what has taken place in the past should take place in the future. We must adhere to our attitude of pressing requests on money Bills. I wish to impress on hon. members that there is a section of the community that is being oppressed seriously. The last time we had an opportunity of making an alteration in this taxation measure, the Council failed to impress upon the Government of the day the seriousness of what they were doing in compelling people who paid land tax to pay income tax as well. That was a complete departure from the practice which had obtained ever since the first passing of the land and income tax measure. Coincidentally with that alteration, moreover, the rate of tax was increased from 1d. to 2d.: and at the time of the increase the Government of the day had all land valuations raised, in many cases by 100 per cent. The Government of the day failed to realise that those increases in valuation brought numerous additional landholders within the scope of Federal land taxation. The landholders in question are paying double the State rate on double the former valuation, and moreover find themselves within the sphere of Federal land taxation. It should be realised that, in common parlance, those taxpayers are getting it in the neck. A number of them are suffering in silence, but suffering severely. If the Chamber allows the measure to go this time, I earnestly hope the Government will look into the question with a view to rectification of the injustice at the earliest possible date. The Chamber and its Leader should seriously consider whether a further request on that point could not be made to another place.

Hon. E. ROSE: Mr. Hamersley has hit the nail on the head. The first part of the motion has my support, but not the latter part. If in order, I should like to move for a conference on the Bill. I beg the Chief Secretary and the Government to examine very carefully into the matter, because undoubtedly hundreds of farmers are heavily oppressed by the taxation imposed upon them. I had no idea that my amendment would cause such a commotion between the Houses, but I am pleased to have been the means of bringing about the discussion that has occurred here and elsewhere. Every member of the Council will, I feel sure,

agree with the remarks made by our President from the Chair, and support our President's contentions. Another place has partly admitted the weakness of its case, in agreeing to refer the matter to the Privy Council. I regret, however, that I have not won in the matter on which the present discussion arose. I shall not repeat the figures I previously gave showing the enormous amounts received by the Government in comparison with previous yields of land tax. The doubling of the land tax meant a very considerable item indeed. Next year, moreover, a number of revalued road board districts will come into assessment. A reduction of the rate of land tax would not have upset the Government's financial arrangements, as was suggested by the Chief Secretary. Indeed, I fail to see where the loss of revenue would occur. I am not at all in favour of taxing improved lands. In my opinion, agricultural land should be free from taxation, so that farmers may be encouraged to develop far more country. I care not how much taxation is imposed on unimproved land, which ought not to be held for speculative purposes. I regret the second part of the motion, and still feel strongly inclined to move for a conference.

Hon. H. STEWART: Throughout the years I have been a member of the Council, since 1917, I have consistently stressed the advisability of increasing the taxation on unimproved land. That, however, is not in accordance with the present Government's policy. Having come into power, they are naturally endeavouring to put their platform into effect; and that platform includes a tax on unimproved land values, without exemption. I have not a copy of the platform at hand, as I thought I had; but all members of the Labour Party at all events, know the plank in question. I now make an appeal on behalf of the small agriculturist, who in developing the country is experiencing a much harder time than the average unskilled worker, and who, in this instance, and under land taxation without exemption, is in many cases being taxed where he has no income whatever, but has bank interest to meet. To such a man the Government have to advance money to pay his tax. I do ask the Leader of the House to put up the case, as he has heard it in this Chamber, for relief to the man who holds agricultural land and utilises it. I hope the Chief Secretary will endeavour to

secure amelioration of the present hard position. In a letter published in a recent issue of the "West Australian" some inspired person wrote that the Council's request, made at the instance of Mr. Rose, was to reduce land tax from 2d. to ½d., and that this meant that when the relative section of the Land Tax and Income Tax Assessment Act was applied, the tax on improved land would be only half of that on unimproved land. It was said then that the tax would be only one farthing in the pound, and that there would be a further exemption if the income upon which tax was paid was derived from the land, in which event the tax would be half that amount, or really one-eighth of a penny in the pound. To put up such a case is merely to mislead the public. It is much to be regretted that such statements have been issued and have appeared in the Press. I hope that the Leader of the House will do all he can to see that the view expressed in this Chamber on so many occasions, will be stressed to the Government and that in the future we will receive some amelioration of the existing position. I consider the actions of the Legislative Assembly regarding the small agriculturists have been ruthless.

Question put and passed.

Preamble, Title—agreed to.

Resolution reported and the report adopted.

BILLS (3)—FIRST READING.

1. Dog Act Amendment.
2. Leighton-Robb's Jetty Railway.
3. Bridgetown Lot 39A.

Received from the Assembly.

BILL—STATE CHILDREN ACT ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received notifying that it had agreed to amendments Nos. 3, 5 and 7 made by the Council, had disagreed with amendment No. 2, for reasons set forth in the schedule, and had further amended Nos. 1, 4 and 6, in which further amendments the Assembly desired the concurrence of the Council.

MOTION—CLAREMONT TRAINING COLLEGE.

Appointment of Vice-Principal.

Debate resumed from 23rd November on the following motion by Hon. H. J. Yelland:—

That the method of appointment of the Vice-Principal of the Claremont Training College is opposed to the best interests of the State, in that it caused dissatisfaction and discontent throughout the Department especially and the service in general, thereby diminishing efficiency.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.53]: Mr. Yelland opened his speech by stating that he had called for the papers dealing with the appointment of the Vice-Principal of the Teachers' Training College because of rumours which he had heard concerning the method of appointment. He added, when the papers were laid upon the Table of the House, it was shown conclusively that the rumours were not unfounded. Those rumours, as outlined later on by Mr. Yelland, were anything but complimentary to the Government. In fact they accused the Government of malversation of office. Yet, notwithstanding the gravity of the charge and the fact that, according to Mr. Yelland's judgment, it was conclusively shown to be not unfounded, we find the mover of the motion failing in his duty over a long period of time. In response to his request, the papers were laid on the table of the House on 17th August, and we find Mr. Yelland falling down on his job until 22nd November—over three months after he alleges he had received confirmation of the rumours which had been agitating his mind.

Hon. H. J. Yelland: There was method in his madness.

Member: He did not fall down on the job last week.

THE CHIEF SECRETARY: Now he comes forward with what he regards as sufficient justification for the course he had pursued, but he crashes at the first hurdle, and falls back on the Press to prop him up. The help of the "West Australian" was invoked but not with serious effect. He quotes criticism from that newspaper, which was always opposed to the Government; he makes statements, which show that he has no knowledge of his subject and that that lack of knowledge has led to his being the innocent dupe of designing individuals; and he even relies upon a letter of congratulation which he has received from some per-

son, whose name is not given, to prove that the teaching staff of the State schools of Western Australia are seething with discontent and dissatisfaction. Mr. Yelland, at an early stage of his speech, endeavours to "poison the springs" by alleging that Mr. Milligan was appointed because of his association with Trades Hall, and because he was President of the Teachers' Union—two allegations which devour each other, as there is no link between the two bodies.

Hon. Sir Edward Wittenoom: Were they not true?

THE CHIEF SECRETARY: They are not true. What are the facts? In the first place Mr. Milligan has not been associated with Trades Hall for thirteen years, except perhaps to express his views on education, as he has done before different non-party organisations at their invitation; and as Dr. Dale has done at Trades Hall in connection with various phases of health matters. The names of Miss Stoneman, Dr. Mitchell and Mr. Hayward may also be mentioned. All lectured instructively on matters of general public interest, and all bodies should have the benefit of their views. In the second place, Mr. Miles is a member of the Civil Service Association, and the aims and objects of that body are identical with those of the Teachers' Union. Both are connected by a common purpose, and both have the same Board of Appeal. The fact that Mr. Milligan was a member of the Teachers' Union could in the circumstances give him no preference over Mr. Miles. No doubt, owing to his having been received by his informants, Mr. Yelland seeks to impress on the public mind that the Teachers' Union is part of the Labour movement, whereas it is nothing of the kind.

Hon. H. J. Yelland: I did not say it was.

THE CHIEF SECRETARY: It calls itself a union, but it is non-party. It is not affiliated with Trades Hall. The members hold their different political views and in some districts the teachers are secretaries of the Primary Producers' Association. During the last general election campaign I met in various electorates teachers who were on the committees of candidates opposed to the Labour Party and who actively canvassed in the interests of their choice. They were members of the Teachers' Union, but by opposing the Labour candidates, they were not infringing any of its principles, which are not concerned in any way with party politics. These teachers had had no quarrel with the present

Government, but, they had their own political views and they expressed them like men. The first deputation of the Teachers' Union that waited upon me soon after I accepted my present office, impressed upon me that the union was a non-party organisation. Again, some years ago, owing to his ability as an organiser, a Labour M.L.A. was appointed secretary of the Teachers' Union. But the teachers, after reconsidering the matter, realised, and the appointee himself also realised, that it was not advisable for him to continue in the position, as a party colour might be given to the union; and he tendered his resignation. Mr. Yelland's efforts, therefore, to connect Mr. Milligan and the Teachers' Union with the Trades Hall will not carry the slightest weight with any intelligent person. Such a misrepresentation of the true position could not influence any person except one already hopelessly prejudiced, and not willing to accept the facts. At the outset let me make the position clear. The Labour Party has a definite educational policy, and the Government intend to give effect to that policy as opportunity and the finances permit. Included in that policy is a section dealing with the training of teachers. That section may be sub-divided into two parts:—(a) A University course leading to a diploma of education. To achieve this object we agreed to the appointment of a Professor of Education. His particular duty is to attend to the University side of the training of teachers. (b) A course of training in the art of teaching. For this purpose we decided to appoint a vice-principal. As this official would have to come into very close touch with students in the residential portion of the college, and would have to guide them in their practical work, we looked for a man with:—(1) The necessary scholastic attainments. (2) Well practised in the art of teaching. (3) With proved organising ability. (4) With pronounced qualities for leadership. (5)—which is equally important—one temperamentally fitted for the post. We did not consider that the departmental nominee possessed all these qualities to the same degree as the successful applicant, and therefore to assure success for our policy we followed our own judgment backed by the excellent departmental records and recommendations standing to the credit of the subject of our choice. Mr. Milligan, who was selected, is possessed

of all the requisite qualifications for the post. He holds the A1 certificate, and has held it for many years. That certificate is the badge of the specialist in the art of teaching, just as an engineer's, dentist's, or doctor's diploma is the badge of that particular professional man's attainments. The A certificate ranks so high in the teaching profession that University degrees are not considered by the department as the equivalent of this certificate. Indeed many graduates of Universities fail to secure it. A man may possess the Master of Arts degree, but, if he wishes to go in for the teaching profession his advancement depends upon his success in gaining the different certificates which denote his qualifications from a teaching point of view. As a matter of fact, out of 84 teachers now in the Education Department who have the Arts degree, only 21 have the A1 certificate, held by Mr. Milligan.

Hon. H. Stewart: The others are all too young.

The CHIEF SECRETARY: I am coming to that. Some of them, who are still young, will, with further study and the exercise of skill in teaching, be able to acquire it by passing examinations, but that is the actual position to-day—only 25 per cent. of those who can place M.A. or B.A. after their names have A1 certificates, and inferior schools have to be found for them in keeping with their status. Then we come to our school inspectors. There are eleven in all, but five of them—men who are discharging their duties with eminent satisfaction—are not possessed of the Arts degree. As I have said before, the Vice-Principal, in gaining the A1 certificate, has reached the topmost rung of the ladder of his profession. He has attained that position by the particular educational attainments required in our State schools, and by his skill as a teacher, and he has proved his fitness for the office he occupies by his years of service in the very college where he is now Vice-Principal. There are 1,900 teachers employed in the State schools of Western Australia, and the great majority of them passed through Mr. Milligan's hands. He has a splendid record, one never questioned by the Education Department. His qualifications, which I gave to the Press, were taken from the official files. According to these records, which have not been disputed by the responsible officials, the Vice-Principal's educational career has been

a most successful one. Mr. Milligan completed a full course of training at the Teachers' College, Dunedin, New Zealand. He has held for many years the A1 certificate as a teacher in the schools of this State. He has University passes in economics, mathematics, geology and biology; has had a one year's special course of training in nature study and agriculture under Dr. Leach and Dr. Cherry at the Teachers' College, Melbourne, and, during that year sat under the Professor of Education, Melbourne University, for education and the allied subjects of psychology, logic and philosophy.

Hon. J. J. Holmes: Why did the selection board place him seventh on the list?

The CHIEF SECRETARY: I will explain everything before I finish. Besides that, he has been continuously associated with the Teachers' College itself for 22 years. In 1905 he became assistant in the Practising School. In 1908 he was appointed advisory teacher in nature study, agriculture, and education at the Teachers' College. He gave so much satisfaction that in 1912 he was promoted to the position of headmaster of the Practising School. In that position he has been directing the practical training of students, and hundreds of teachers in our schools owe the efficiency of their methods to his advice and instruction. Mr. Yelland asks "Has Mr. Milligan produced passes said to have been obtained by him at various Universities?" Surely the hon. member would not be so forgetful of his responsibilities as to insinuate, under the privilege of this House, that qualifications were advanced which were false, that Mr. Milligan has been guilty of fraudulent representation! Mr. Yelland has, by innuendo, accused a man who has had an honourable career, extending over 22 years in the service of the State, of an offence which is generally associated with the conduct of the lowest crooks that are brought before our police courts for punishment. We then have the testimony of Mr. Rooney, the late Principal of the Teachers' College. Mr. Yelland had not access to Mr. Milligan's personal file, on which the tributes I am about to read, were paid, and, acting no doubt on information given him by persons who did not scruple to mislead him, the hon. member stated that Mr. Rooney's references to Mr. Milligan "were contained in the annual report, which every inspector is obliged to submit to his superior officers." In the

first place, Mr. Rooney was not an inspector. He was the Principal of the Teachers' Training College; and in the second place, they were not "annual reports," but appeals to the department by Mr. Rooney to secure for Mr. Milligan increases of salary merited by the success of his service. And I may here remark that when he was promoted to the position of Vice-Principal, Mr. Milligan was receiving £630 a year as head master of the Practising School. Mr. Yelland said it was hardly worth while asking the House to listen to what he calls Mr. Rooney's reports. Well, I must ask the House to listen to them. Mr. Milligan's career at the Training College has been marked by acknowledgements which are a high testimony to his competency. In 1912, Mr. W. J. Rooney, the Principal, wrote—

Mr. Milligan has displayed ability, energy and some originality in the management of the Practice School. As practice master his demonstrations have been marked by interest and capacity.

In September, 1912, the question of permanently appointing Mr. Milligan to the headmastership of the Practising School was under consideration. The present Director of Education asked the Chief Inspector whether "any other teacher had a better right to it." He said he thought Mr. Milligan had "particular qualification for it." and the Chief Inspector agreed. We find in 1914 the Principal reporting that—

Mr. Milligan has managed his school with considerable ability; that his teaching is marked by clearness and incisiveness; that the organisation with respect to students' practices are good; that the criticism, advice and supervision of students are thoughtful.

In February, 1916, Mr. Rooney paid another tribute to Mr. Milligan. He said—

In his special work of organising and controlling the school, and the observation and practice of the students—men and women from 18 to 30 years of age—he has exhibited distinct ability, much energy and a rare tact. The school works smoothly and successfully. Students find in him a ready guide and a thoughtful adviser.

Again in November, 1918, when Mr. Milligan was seeking an increase of salary, the late Principal wrote of him—

I can safely say I do not see a successor should he be removed—that is one to perform all his duties satisfactorily, the combination practice master, lecturer in nature study and instructor in agriculture.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: Before the tea adjournment I was reading Mr. Rooney's testimonials concerning Mr. Milligan's educational accomplishments. I will now resume where I left off. The Director then appealed to the Minister to increase Mr. Milligan's salary by £40 a year. He said—

If Mr. Milligan were not retained in the Practising School, he would be holding a first-class school. I do not think that we could find anyone who could carry out his present duties satisfactorily.

Mr. Andrews then directed the Minister's attention to Mr. Rooney's minute on the subject. In 1920 Mr. Rooney paid a further tribute. He said: "Mr. Milligan has good organising powers, demonstrates well, lectures lucidly and inspires his students. An inefficient man in his place," he added, "would be a calamity."

Hon. H. J. Yelland: Do you mean to assume that Mr. Miles would have been inefficient?

The CHIEF SECRETARY: I will deal with Mr. Miles later at some length. In 1925 when Mr. Milligan was applying for the position at Muresk, Mr. Rooney wrote of him in this strain—

Mr. Milligan has managed the practice school with great ability; particularly has he been successful in controlling the students working under him in ways most profitable, and that as the students' ages ran from 18 to 24 with a few running to 40—mainly returned soldiers—it would be seen that he had during his headship to control and handle many hundreds of men and women. "Not only has he had to control and direct them," wrote Mr. Rooney, "but the organisation of the practice work and demonstrations within the school have rested with him."

The ex-Principal then goes on to say—

During this long period of constant contact with men and women there has not been a single instance of non-harmonious relations.

After further eulogy, the Principal concluded—

I would say that Mr. Milligan possesses power to lead and direct, power to suggest and stimulate thought, and that these qualities would be well brought out in controlling and directing students. Mr. Milligan is a man possessed of much initiative, resource and organising power.

Hon. A. Burvill: That was in connection with Muresk?

Hon. J. J. Holmes: Did not the Principal say he could not replace Mr. Milligan?

The CHIEF SECRETARY: Yes. He probably could not replace him, but he did not wish to stand in the way so that it would be inimical to Mr. Milligan's interests. I presume, too, from what I know of the hon. member, that he would have acted similarly himself. In 1912 Mr. Milligan was appointed headmaster of the Practising School. In the first place let us ask ourselves, what is the object of the Training College? and in the second place, let us ask ourselves, What are the duties of the headmaster of the Practising School? The object of the Training College is to train teachers for our 800 State schools and the duties of the headmaster of the Practising School are to teach potential teachers how to teach. That is the position in a nut shell. Mr. Milligan, possessing as he does the highest certificate obtainable in the Education Department of this State, is in every sense qualified to train teachers for the profession which they have to follow. He was considered fit to be made headmaster of the Practising School in 1912, and ever since then up to the time of his appointment as vice-principal, he was the one who had been perfecting the teaching machine for the different schools in this State. Hundreds of young men and young women passed through his hands, and by him, and by him alone, they had to be instructed in the art of teaching. That was his responsibility, and how he discharged it has been shown very lucidly by Mr. Rooney.

Hon. H. Stewart: Did Mr. Rooney have anything to do with teaching the teachers?

The CHIEF SECRETARY: He had nothing to do with the practice school where the art of teaching is demonstrated. I have given Mr. Milligan's qualifications. It is Mr. Yelland's complaint that in my statement to the Press I did not make a comparison of the vice-principal's qualifications with those of Mr. Miles. I will do so now, at Mr. Yelland's invitation. Mr. Miles has a Bachelor of Arts degree, but an Arts Degree is not necessary in one who has to train teachers for our State schools. It is necessary for those who are studying for the University, and we have appointed a principal who is attending to this class of work. When Mr. Miles got employment in this State in 1899, he was very fortunate. He was granted on his arrival an A3 Certificate, without examination, though other teachers with university degrees, notably Mr. Gladman, Master of Arts, was refused it unless he sat for examination. This gave Mr. Miles

a big pull in connection with subsequent promotions, as members will realise. However, in 1905 when there was a vacancy in the headmastership of the Practising School Mr. Miles—no doubt for very good reasons—was passed over in favour of Mr. Gladman. Mr. Miles protested against his treatment and wanted to interview the Minister. The present Director put up a minute to the Minister in order to get his selection confirmed. In the course of the minute he said—

"I recommend Mr. Gladman be appointed to the new Practising School which is being built in connection with the Training College. The work of this school will be of a special nature and very important. The head teacher will have to a great extent the control of the students who visit the school in order to gain practical experience. It is a post which needs a great deal of tact, as there is a certain amount of dual control between the Principal of the Training College and the Headmaster of the School. I believe that Mr. Gladman is an excellent man for the position, and my proposal to appoint him is supported by the views of the Chief Inspector and the other Inspectors, and also the Principal of the Training College."

Mr. Gladman's appointment was confirmed by the Minister and Mr. Miles was not granted an interview. It will be seen that in 1905 when Mr. Miles was in his prime—34 years of age—after having served six years as a teacher in the Education Department—he was turned down for the position of headmaster of the Practising School, which was filled afterwards for 15 years by Mr. Milligan. And he was turned down despite the fact that Mr. Gladman had never been through a training college, and had an inferior certificate to Mr. Miles. Moreover, he was rejected by the present Director, who was supported by the advice of Mr. Rooney, the late Principal, and the inspectors. At that period Mr. Miles was not considered suitable to fill a position involving—to use the words of the Director—"work of a special nature and very important and needing a great deal of tact." Since then Mr. Miles' general qualifications have developed to an astounding extent, and one is amazed now as to how he could possibly have been overlooked when the little Practising School of 1905 was in want of a headmaster. In the Director's minute, which I have just quoted, there is a reference to the necessity of "a great deal of tact" in the occupant of an important position at the Training College, and, those who know Mr. Miles best, agree that he is lacking in that particular essential.

Hon. J. J. Holmes: If he were tactful at all he would perhaps be a member of the party.

The CHIEF SECRETARY: It is not what one would like to say unless forced to, but Cabinet regarded him as temperamentally unsuitable for a responsible position in connection with the Teachers' College. As Vice-Principal, he would have to work in harmony with the Principal, otherwise the efficiency of the college would be seriously affected. He would be in control of the residential side of the institution. It must be remembered that he would have under his charge, not children, but young men and women, and that tact and evenness of temper would be necessary in dealing with them. Mr. Miles appears to be lacking in these essential attributes. If proof were needed it can be found by a reference to the pages of "Hansard." What I am directing attention to is something that happened 12 years ago. It may seem a rather long way to go back, but experience teaches that the human temperament does not change for the better at any rate with the progress of time. No one in this House is likely to dispute that a member of Parliament is entitled to criticise Government Departments so long as he does so in a reasonable way. In February, 1915, Mr. Griffiths, M.L.A., asked some questions in another place as to how senior inspectors were employed in the metropolitan area. He suggested by his questions that some of them should give attention to the country districts, and he inquired as to whether in view of the highly classified teachers in the metropolitan area, so many of these inspectors were considered necessary in the City. In his replies the Minister of Education stated that, in addition to his other duties, one of these senior inspectors was editing the "Education Circular." Subsequently Mr. Griffiths, when the Education estimates were under discussion, said:—

The "Education Circular" has increased in bulk to three or four times its size of four years ago. There is altogether too much "scissors and paste" used in the compilation of what is purely an official document.

Surely there was nothing offensive in those remarks, and no sensible person would take them seriously to heart even if he considered they reflected on him. But not so Mr. Miles. He dealt with the matter extensively, not in the "Education Circular," but in the annual report of the Education

Department which was submitted to Parliament for the year 1914. It was given more prominence than any other matter which exercised the mind of the Inspector. It is too lengthy to quote in full—it occupies more than a column—but I will just give the House a sample—

..... It is, I think, a matter for regret that a public man should proclaim publicly that the Government is paying an excessive price for a journal that should be merely an official document, but which "by means of scissors and paste," is being needlessly and extravagantly enlarged. It is indeed somewhat remarkable that in the 20th century a representative of a country constituency should be found to criticise a department for endeavouring to carry enlightenment to the outback settlements; and to demand that important and far reaching educational experiments should be carried out in far less time (one month to be accurate) than is regarded as essential for experimenting in a new species of wheat or a new breed of pigs.

Hon. H. J. Yelland: When was that?

The CHIEF SECRETARY: In 1915. Just fancy a school inspector using an official document such as the report of the Education Department to caustically and satirically attack a member of Parliament who had dared to say that there was too much "scissors and paste" in a circular he was editing. Not only did it show no sense of proportion, no appreciation of the rights of the people's representatives, but a regrettable lack of ordinary common-sense. Mr. Griffiths subsequently replied to Mr. Miles and his concluding words appear to have been well-weighed, and they meet the situation to a nicety. Let me quote them—

..... As I understand it an inspector should be a cultured, self-contained, level-headed, self-controlled man. But a man who can so mix up his annual report of work done with controversial matter dug up from "Hansard" must be temperamentally unbalanced, easily depivoted and unfitted to pass judgment upon other men. I do not know this inspector except by this report, but judging him by that alone, I say unhesitatingly that it stamps him as unfitted to occupy a position where unbiased judgment of other men's work is concerned, for in it he reveals an unbalanced temperament.

Such was Mr. Griffiths' estimate of Mr. Miles, and I leave it at that. Then again, Mr. Miles could not possibly be so skilled in the art of teaching as Mr. Milligan who has devoted his life to the work. Mr. Miles was appointed inspector in April, 1911, and during the last 16 years his mind has been occupied with that work. Meanwhile, old

time methods, acquired by Mr. Miles in the nineties, when he commenced teaching, have been superseded by new ones

Hon. G. W. Miles: How did he come to be appointed inspector if he was not fit for the other job?

The CHIEF SECRETARY: I am simply stating the facts. Insofar as the art of teaching is concerned, the educational world has marched on while for 16 years Mr. Miles could not be expected to keep pace with it and certainly could not get a practical acquaintance with it, owing to pressure of other duties. Mr. Miles' age was also against him for the position. He was in his 56th year when he applied for the post. The Principal is 37, and surely it would be a mistake to appoint as Vice-Principal an elderly man, close to the retiring age, to an important post in an institution in which, according to a written statement of the Professor of Education, a successful Teachers' College must of necessity be a dynamic institution. It was a remarkable change of policy on the part of the Education Department to recommend that a man going on for 56 years of age should be appointed to the post.

Hon. H. Stewart: What is the age of Mr. Fowler who was placed second?

The CHIEF SECRETARY: Some hon. members will remember the 1919 slogan—"Too old at forty." That slogan had its genesis in the Education Department. When the question of appointing an inspector was under consideration, the Director urged that no one over 40 should be appointed. He pointed out the discomforts and the hardships of travelling in the back country, and said the question of age should be considered, and he said he objected to men over 40 being chosen. To quote two paragraphs from a minute by the Director to the Minister—

In the selection of an inspector to fill the place of the late Mr. Wheeler, the Department has decided to revert to the practice from which only two departures have been made in the past, and not to appoint a man who is over forty years of age.

If the question of age is ignored, I think that Mr. Chandler should be selected. Of the men who are really eligible he holds the highest position. He and Mr. Wardrop are equal in classification, senior to all the others. Mr. Chandler is over 45 years of age.

The CHIEF SECRETARY: In further argument in favour of the "Too old at forty principle," the Director said:—

Apart from the physical question, there is the question whether it is wise to expect a

of middle age to start upon a new line of work, to which it will take some time to adapt himself. A younger man is likely to be more progressive and open to new impressions more likely to adapt himself to new circumstances. Both New South Wales and Victoria are now appointing younger men as inspectors; in England the maximum age for appointment is 35.

Hon. H. Stewart: Can you tell us Mr. Fowler's age.

The CHIEF SECRETARY: I do not know it. Poor Mr. Chandler was passed over because he was over 45. Apart from that he was, according to the Director, the man for the position. The minute is highly interesting in indicating the change that has taken place in the Director's view in the short space of eight years.

Hon. H. Stewart: For inspectors?

The CHIEF SECRETARY: Yes.

Hon. H. Stewart: What is the age now?

The CHIEF SECRETARY: I am referring to any new appointment that a man makes on a new line of work to which he has to adapt himself. It was wrong in 1919 "to expect a man of middle age to start upon a new line of work to which it will take some time to adapt himself"; it was quite right—in fact, just the thing—in 1927 to appoint a man—not merely 40 or 45, but going on for 56—to a new job of which he had had no previous experience. And the argument about a younger man being "more progressive and open to new impressions and more likely to adapt himself to new circumstances" is abandoned when it is a question of selecting a Vice-Principal to train young students in an institution in which the present Professor of Education recently laid it down that "a successful Teachers' College must of necessity be a dynamic institution." There is no doubt that for some reason or other a combined effort was made to deprive Mr. Milligan of the position to which he was entitled—which he had earned by years of meritorious service at the same Training College. One has only to read the file placed on the Table of the House to conclude that if Mr. Miles was all that he is represented on that file, he would be an educational superman—in fact I never heard or read of any single individual who passed out of Oxford or Cambridge, being credited with such a vast number of attainments. The thoughts that come to one's mind, after a perusal of these documents, is that it was madness to go abroad for a Professor of

Education and a Principal of the Training College, if we had a man here with such stupendous accomplishments as are testified to on the file.

Hon. J. Ewing: Mr. Miles was not the only man?

The CHIEF SECRETARY: Mr. Miles was the only source of trouble. No other name was mentioned except that of Mr. Miles.

Hon. H. Stewart: Mr. Fowler.

Hon. H. J. Yelland: There were six others.

The CHIEF SECRETARY: But Mr. Miles was a candidate for the post of Principal and Professor, and, although the applications were considered by the Director and reviewed by the University authorities, Mr. Miles' outstanding merits for that particular office, appear to have escaped all notice. His name was not even mentioned as a possible Principal. Not only that, the Director, in a minute addressed to me, when describing the kind of man needed as a Professor of Education, said—

..... The professor would need to be a man with high academic qualifications, especially in the newer developments in psychology. He would also need to be a man with a thorough knowledge of school work, and a practical teacher. If a man combining these qualities can be found, he should do a great deal to improve the education of the State generally in both Government and private schools. Unfortunately we are not likely yet to find such a man in our State.

Hon. J. Ewing: He had not one available for the position.

The CHIEF SECRETARY: There was no one available. Mr. Miles was an applicant and this is what the Director said, "Unfortunately we are not likely yet to find such a man in our State!"

Hon. J. Ewing: That was a very unfortunate statement.

The CHIEF SECRETARY: What is necessary, the Director says, is—"A man with high academic attainments, especially in the newer developments of psychology, a thorough knowledge of school work, and a practical teacher." And he concludes:—"Unfortunately we are not likely yet to find such a man in this State." It is surprising that Mr. Miles' qualifications did not command some attention and respect in view of later developments. The absence of a recommendation to Cabinet has been referred to by Mr. Yelland, and it has even been insinuated that the appointment was made without my approval, if not over my head. There is no

foundation whatever for such allegations. While in matters connected with a serious change of policy or a large expenditure of money, the Minister is expected to put up a recommendation in support, it has not for many years been the practice of a Minister practically to tie the hands of Cabinet in connection with a Cabinet appointment.

Hon. E. H. Harris: For how many years?

The CHIEF SECRETARY: During the last ten years.

Hon. C. F. Baxter: That is not so.

Hon. E. H. Harris: You mean for about four years.

The CHIEF SECRETARY: But the claims of both Mr. Miles and Mr. Milligan, as well as of others, were fully presented to the Government by me, and my views on the matter should leave no room for doubt when I have finished my speech. Mr. Yelland is anxious to know whether Mr. Milligan stated he had been offered Muresk, which is under the Department of Agriculture. I do not know what Mr. Milligan stated, but I do know that so highly were his organising ability and leadership estimated that he was asked if he would accept that position. Mr. Milligan considered the offer for several days and then informed the Minister that, as it would be a very different class of work from that to which he had devoted the whole of his life, he preferred to continue the work of training teachers. Consequently, when the vice-principalship of the Training College was created, the Government were doubly eager that he should accept it, for it was realised that, although his qualifications for Muresk were great, his qualifications for the vice-principalship of the Teachers' College were even greater. We felt also that this opinion would be shared by almost every section of the community that has interested itself in educational reform. Not in one case, but in several cases do we find bodies striving from the most disinterested and public-spirited of motives to improve education, having been influenced indelibly by the educational ideals of Mr. Milligan. Even the "West Australian," whose viewpoint Mr. Yelland apparently regards as almost infallible, in referring to reforms advocated by Mr. Milligan in his presidential address, said, in a leading article dated the 31st August, 1927, that he could not have signalled his accession to office of vice-principalship more appropriately or more usefully than by the reforms outlined in his address. The hon.

member has seen fit to deplore the appointment of Mr. Hughes to Muresk.

Hon. H. J. Yelland: I have not.

The CHIEF SECRETARY: I analysed the hon. member's speech closely and is the trend of it. He prefers—and much so—a candidate from Victoria recommended by a so-called selection committee which undertook its almost self-imposed task without the authority, or even the knowledge, of the Minister. Whether or not Mr. Yelland's faith and the faith of the committee in their ability to assess candidates is as justified as those gentlemen would have us believe, members can themselves judge from their own knowledge of what Mr. Hughes is doing at Muresk that he can also be judged after they have been informed of the fact that the Government had authoritative advice that the gentleman recommended by the committee was lacking in certain of the most essential qualities necessary for the position. Mr. Hughes was appointed because of his powerful organisation and leadership; and were the very qualities which the Government's inquiries showed the committee's nominee to lack. I have already stated that the appointment of the committee did not emanate from the Minister and, as Mr. Yelland has constituted himself the champion of that committee, and as he has asked me many questions, may I ask him some questions about it? Why was Professor of Agriculture left off that committee and Professor Shann placed on it? How does a Professorship of Agriculture disqualify one man for such a position and a Professorship of Economics qualify another man for it? Can the hon. member assure me that the information which has been secured to the effect that the committee's nominee is a particular friend of one of the members of the committee is entirely false? I ask those who are interested in the welfare of Western Australia whether they want the affairs of State to be conducted by irresponsible committees or by men answerable to Parliament for the proper discharge of their duties. The hon. member read from an anonymous letter to all intents and purposes it was an anonymous letter—words of thanks claimed to be expressed not only on behalf of the writer, but on behalf of a large section of the teachers, of Mr. Yelland's action in the matter. And Mr. Yelland went on to declare that the appointment of Mr. Mill

had aroused the ire of the teaching service in the State. The teachers of the State will no doubt resent that imputation on their intelligence. Is it credible that those thoroughly enraged teachers are so mentally obtuse as unanimously to congratulate Mr. Milligan at their annual conference, and to carry there a vote of congratulation and good wishes with musical honours? Is it not astounding that a body whose ire has been "thoroughly aroused" is about to make the object of their wrath the recipient of a handsome and costly presentation?

Hon. C. F. Baxter: A large number of the teachers know nothing about it. I understand it rests with the executive.

The CHIEF SECRETARY: The whole of the teachers were represented at the conference.

Hon. J. Cornell: All the teachers are not in the union.

The CHIEF SECRETARY: I am in a position to say that 98 per cent. are in the union.

Hon. G. W. Miles: What about the other two per cent. who are not members?

Hon. J. J. Holmes: Do not we all worship the rising sun?

The CHIEF SECRETARY: Does Mr. Yelland not know that the teachers of Western Australia are now preparing for a public function to Mr. Milligan, and that they propose, at that function, to give the lie direct to the assurance which the hon. member has, in all good faith, given this House, that their ire has been thoroughly aroused. If a vote of the teachers of Western Australia were taken to-morrow to fill the position of vice-principal, I would have no hesitation in predicting that 95 per cent. of the votes would go to Mr. Milligan.

Hon. H. J. Yelland: Because you have them drilled.

The CHIEF SECRETARY: Mr. Yelland seems to think that the most essential quality for a vice-principal is that he should be an understudy of the Professor of Education. He is greatly perturbed by the thought that if the Professor fell ill, Mr. Milligan would not be prepared to carry on his University work. The very difference in the class of work in which those two gentlemen have specialised was the Government's reason for appointing them. There are two jobs to be filled at the college, and we shall insist on each man doing his own. We have several men in

the department who, I have every reason to believe, could do the Professor's work at the University capably and well. I would reiterate that the Government have a very definite policy for education which makes the duties of the Professor and of the vice-principal distinct from each other, and that policy will not be departed from in any circumstances. The hon. member asks why the appointment was not made by the Public Service Commissioner, or the Board of Classifiers. It was an appointment under the Education Act, and therefore a question not for the Public Service Commissioner, but for Cabinet to decide. The talk about its being necessary, before a senior officer is passed over, for the head of the department to certify that there is no senior officer in the service capable of holding the position, has no application to the case, and such a practice has never been followed in making appointments under the Education Act. Mr. Yelland asks why the matter was not referred to the Board of Classifiers. That is a very pertinent question. Why did the Director not go to the Board of Classifiers—minus the interested party—Mr. Milligan—who is one of the board? Why did he not comply with Regulation 30, which states that if he needs assistance in such circumstances he should go to the Board of Classifiers? He did not avail himself of this machinery, but set up a board of his own—a board consisting of a gentleman who has just retired from the service, one who is about to retire, and himself. Great weight would attach to the support of the Board of Classifiers. I may say here that since I have been in office I have had this board re-constituted so that instead of there being two departmental officers out of three on the board, the Minister should make his selection from outsiders. The board is now representative of the Director, the teachers, and the Minister. I have a nominee on the board. He is not employed in the department. And who do you think he is? A true-blue unionist from the Trades Hall? No! Mr. T. A. L. Davy, M.L.A., a gentleman who has my unshaken confidence. He was appointed not merely because of his educational attainments, but because I believed him to be a just and fearless man, who would do the thing he thought right regardless of consequences; and the good work he has been doing without fee or reward makes me feel proud of the appointment. If the Director had sought the advice

of the Board of Classifiers—with the addition of a teachers' representative to fill the place of Mr. Milligan, who has acted in that capacity—he would have been on safe and solid ground. But apparently he did not want the advice of that body. As showing what may be done in a department without reference to the responsible Minister, in 1925 the Perth Technical School was re-organised and two important positions were created without my being consulted. My first knowledge of the happening was after the whole business had been fixed up, after the positions had been created and men chosen to fill them. Such a thing is not likely to occur again, or there would be other vacancies. But grave discontent has arisen, and an inquiry into the system has become necessary. We are told that Mr. Milligan's name was associated with the vice-principalship as far back as the Christmas vacation of last year. I am not at all surprised that it should have been so—indeed I know that it was. His outstanding merits marked him out for the post, and the teachers, who ought to be competent judges, saw no one else in the running. Mr. Yelland's expression of opinion that civil servants should not under any circumstances take an interest in party policy, savours of the traditions of the Dark Ages, when men receiving Government pay were regarded simply as serfs. Even to 1912, there was not much improvement in that state of things, for public servants were still specifically prohibited from taking any part in political affairs other than by recording their votes. It was in March of that year that a Labour Government wiped out that tyrannical decree, and ever since then civil servants and Government employees generally have enjoyed the same measure of political freedom as other citizens. Mr. Yelland would now put the clock back and—if words have any meaning—he would rob civil servants and teachers of the rights which they have won after years of struggle. Mr. Yelland is the last man in Western Australia I should have expected to complain of lack of academic qualifications in a vice-principal whose function is to train teachers for our State schools. I have a distinct recollection of the hon. member coming to me at my office early this year and urging that a certain teacher should be given a higher certificate on the ground that he was specially skilled in the art of teaching. The hon. member was actuated by the best of motives, but the fact is he had been "got at," and

his sympathetic nature was appealed to as it has been in this instance. After hearing what Mr. Yelland had to say, I told him I did not see how his request could be granted, but I asked him to state the case in writing so that it could go before the Director. He did so, and I will read three paragraphs of a lengthy letter to show Mr. Yelland's educational views eleven months ago—

Parliament House, Perth; 7th January, 1927. The Hon. the Minister for Education, Perth. Dear Sir, Adverting to my conversation with you this morning and at various times respecting matters educational and my contention that too great consideration is given to academic qualifications over (a) the ability of the teacher to impart knowledge and (b) his or her high moral standard. I was brought to this conclusion through the case of my own son, who left the Bruce Rock school at 14 years of age to go to a private secondary school. The academic qualifications of teachers in this school are recognised, most of them having university degrees; but I found they were unable, through lack of proper training, to impart knowledge satisfactorily. I was dreadfully disappointed. Consequently I turned to our national system, and although there fine facilities are in operation for the training of our teachers, I found that in some instances the academic qualifications of the teachers were given preference.

Now I will read the concluding paragraph of a very lengthy letter—

I think it would not be justice to Mr. ——— did I not complete this letter with a request for your personal interest with a view to rectifying the present state of affairs by at least granting him the extension of his A3 certificate to that of A1 and a school with the corresponding classification. In doing so you will only be granting what has already been granted in the instances I have brought under your notice, and cannot therefore be looked upon as a precedent.

I referred the letter to the Director, who minuted me as follows:—

The department does not allow academic qualifications to override teaching ability and other considerations. As you know, we have refused to accept for training men with honours degrees on the ground of want of personal aptitude for teaching. We refuse to promote any teacher, whatever his academic successes, unless he obtains from an inspector the requisite skill mark. Mr. ——— has been treated in the same way as other teachers with the same qualifications. He came here as a young man nearly 30 years ago, when there was no reason why he should not have passed the examination, if he had the ability. Others passed the required examinations, while he failed. To promote him over their heads would, of course, be absolutely indefensible. Mr. ——— is an excellent citizen and a thoroughly good fellow. He is not a teacher of

outstanding ability, and his attainments are undoubtedly inferior to those of most of our head teachers of large schools. He, with some other teachers of long service, was granted a special A3 certificate without examination, the condition being that the certificate should not be raised to A2 or A1 until the examination was passed. Exactly the same condition applies to the grant of special H2 certificates to many old teachers with good records; they cannot rise to B1 without passing the examinations. Mr. — has been very well treated, and I can see no justification whatever for the proposal that we should break the regulations wholesale in order to favour him.

I concurred with the Director because he was right then. We could not drive a coach and four through the regulations to give a higher certificate to one individual who could not pass the necessary examinations. I asked Mr. Yelland to peruse a statement showing the teacher's repeated failures over a course of 20 years. He did so, and then admitted to my secretary that he had been under a wrong impression—in other words, that he had been deceived. I have no doubt that he will yet admit that he has been deceived in connection with the motion now before the House. Mr. Yelland's motion tells us that the method of appointment of the Vice-Principal is opposed to the best interests of the State. The Government carry the responsibility, and we do not propose to shirk that responsibility. We have made this appointment because in our opinion it is in the very best interests of the State; and all who know Mr. Milligan as a citizen and as a professional man, and who are not actuated by petty jealousy, or prompted by malice, applaud the selection. Let me assure hon. members that the appointment is in strict conformity with the Government's policy of education. That policy was announced over two years ago in the public Press, and the portion of it bearing on the question now under discussion may be quoted here. It reads—

The Teachers' College should be remodelled and co-ordinated with the High Schools and University. It should essentially be a college where students are trained in the art of teaching. If practicable, a full course should be given to all students, and no distinction made between town and country as at present. Alternatively, short-course students should be sent direct from the Training College to the metropolitan schools to gain practical experience for at least one year before going to country schools.

We went before the electors with that definite educational policy. We were returned, and let no mistake be made about this—we are going to put that policy into operation

as opportunity permits. On the retirement of the late Principal of the College the opportunity was provided of initiating that part of our policy which has reference to the training of teachers, and a Professor of Education and a Vice-Principal were appointed accordingly. We want more time and attention given to the practical side of teachers' training than was possible under the old regime, and we are going to see that the Vice-Principal is given the opportunity to carry out this part of the work, for which his whole record of service in the department proves him to be admirably suited. At the present time the Government are not interfering with the Professor or the Vice-Principal. We are allowing them to find their bearings, but let there be no doubt about this—as soon as this session ends and the Ministry has time for closer administrative work, I am going to have these two gentlemen before me, and I shall explain our policy, very definitely define the sphere of operations for each, and then instruct them to work together for the fulfilment of our ideals.

Hon. J. Cornell: You will be hard put to it to effect much improvement on the present system.

The CHIEF SECRETARY: We would not be worthy of the name of a Government if we had not the courage to insist upon our policy being respected. If either of these gentlemen is unprepared to carry out our policy, then he must make room for one who will. Let me assure hon. members that no interference with details in organisation and methods will be offered by us. We have a policy, and we intend to put it into operation. We have carefully selected our men for the purpose. We expect these men to help us to achieve our object. Would any Government, with a sense of responsibility, expect less than this? No, Sir, the method of this appointment is not opposed to the best interests of the State. We have chosen our man, because, in our opinion, he is the best possible to help in the fulfilment of our policy.

Hon. H. Stewart: What about the request made by Professor Cameron that the appointment of a vice-principal should not be made until after he arrived here?

The CHIEF SECRETARY: He made no such request.

Hon. H. Stewart: I thought Mr. Yelland said a telegram had been received from Professor Cameron to that effect.

The CHIEF SECRETARY: At any rate, no such request was made by him.

Hon. G. W. Miles: Is every Government to frame their own education policy when they come into power?

The CHIEF SECRETARY: It appears that a telegram was received from Professor Cameron asking that the re-arrangements in connection with the college should be delayed until he arrived. I did not see that telegram until yesterday. It was in reply to a communication which has not been put on the file. It was in reply to congratulations extended to him on his appointment, and in it he expressed a hope that the re-arrangements would be delayed.

Hon. H. Stewart: Then the file was not complete.

The CHIEF SECRETARY: At any rate, that had nothing to do with the appointment of the vice-principal. We would not allow anyone to interfere with our policy in that regard. It would have been impertinence on the part of Professor Cameron, while still a stranger to the State, to have attempted to interfere with the decisions of the Government. As a matter of fact, he did not attempt to do so and his request referred only to re-arrangements in connection with the college. The staff had to be organised and probably more men had to be employed. That had been in progress, and that is probably what the professor referred to. Certainly no telegram was received from the professor asking that the appointment of a vice-principal should be delayed until after he had arrived. However, we have chosen our man and we are confident that when he is given the opportunity, which we will insist on his getting, our policy of education, which has been endorsed by the people, will be carried into operation. May I be pardoned, if I digress a little here, to inform hon. members that in March next, on the retirement of the present Chief Inspector of Schools, another opportunity will be afforded the Government of putting their policy still further into effect. It is our intention to see that, in the future, professional men, highly trained in professional work, and receiving professional salaries, are employed upon professional work, and not allowed to waste their time in mere routine clerical work that could be done by the clerical staff without any difficulty. We also propose to take steps to ensure that the children of our pioneers outback shall receive the benefit of

the experience and skill of some of our ablest inspectors—experience that the town child alone benefits by to-day.

Hon. J. Cornell: All the inspectors are able.

The CHIEF SECRETARY: It is claimed by the mover of the motion that the method of appointment has caused dissatisfaction and discontent throughout the department especially, and the service in general. I am afraid Mr. Yelland has been moving in a very narrow circle. I do not blame him, however, but I cannot bring myself to form any other conclusion than that he is an unconscious participator in an unjust and groundless attack—an attack designed by a few who are hiding behind a screen, and whose motives are by no means disinterested.

Hon. H. J. Yelland: My attack is not against Mr. Milligan, but against the Government method of appointment.

The CHIEF SECRETARY: Mr. Yelland is known to me as a most honourable man, and I am sure that he is fully convinced of the honour of his actions. But I cannot say the same of the handful of instigators of the opposition shown to this appointment. As far as dissatisfaction and discontent are concerned, they are restricted to a very small compass—to a section whose plans have been frustrated. Are our great State departments to exist for the benefit of a few officials, and is the rubber stamp to be the insignia of office of responsible Ministers? At any rate, I do not care to occupy any such position. The teachers of Western Australia, hundreds of whom are students of the Training College, and who know from experience the Vice-Principal's worth, are rejoicing over his selection, and at the last conference of the Teachers' Union, held last August, and attended by delegates from every part of the State, congratulations were—as I have already mentioned—extended to Mr. Milligan on his appointment, and in token of their appreciation of him, they presented him with a 55-guinea clock which I had the pleasure of inspecting at Caris Bros.' premises last week. These teachers from all portions of Western Australia, while offering their congratulations, stated that it was not Mr. Milligan who should be congratulated on his appointment, but the students he will be called upon to direct. Where is the dissatisfaction and discontent on which Mr. Yelland laid repeated stress? It is claimed that the efficiency of the col-

lege will be diminished by the appointment. I have already outlined the Government's policy with regard to the training of our teachers. In the person of the vice-principal we wanted a thoroughly practical man—a man temperamentally fitted for the position, an organiser who could arouse in young men and women an enthusiasm for a noble profession, a true leader. Let the department's own estimate of Mr. Milligan answer this. Let me tell the House plainly and emphatically that even if the Government had the opportunity to reconsider the appointment, the departmental nominee would not secure it. In saying that I am not reflecting upon Mr. Miles' educational qualifications.

Hon. G. W. Miles: On whom are you reflecting?

The CHIEF SECRETARY: Mr. Yelland's main charge was that the vice-principal was associated with Trades Hall and that because of that and the fact that he belonged to the Teachers' Union his appointment was a reward for political services rendered.

Hon. H. J. Yelland: I said the indications pointed to that.

The CHIEF SECRETARY: Those were not the exact words, but they give the effect of what the hon. member said. I have stated that Mr. Milligan has not been associated with Trades Hall for many years, and I have proved that the Teachers' Union is not a Labour organisation, but a non-party organisation. I was challenged to make a comparison between Mr. Miles' and Mr. Milligan's qualifications, and I have quoted from official documents to prove that Mr. Miles was not considered suitable to fill the position of headmaster of the Practising School at the Training College, which was later given to Mr. Milligan. I have pointed out the folly of selecting an old man for such a post, and I am supported by the principles enunciated by the Director of Education eight years ago. Nothing more remains to me to add except to say that I do not hold Mr. Yelland responsible for the statements made in his speech. I believe him to be, as I have found him, a conscientious gentleman; and, excluding him altogether from my comments, I must express my sorrow for the set-back that higher education in this State must receive through the unmanly and malicious attacks made upon Mr. Milligan by those who should exemplify the beauty and noble mindedness of a University and its graduates.

On motion by Hon. H. Stewart, debate adjourned.

BILL—CONSTITUTION ACT AMENDMENT.

Second Reading.

Debate resumed from 15th November.

HON. A. BURVILL (South - East) [8.41]: When he moved the second reading of the Bill, the Chief Secretary said that this question had been a prominent feature at the Legislative Assembly elections. I believe the reduction of the franchise for the Upper House was discussed. But the opinion expressed by quite a number of electors amounted to this: one reason why they were supporting the present Government was because the Government had done fairly well and so were worthy of another term. And they qualified this by adding that the Council had prevented extreme or drastic legislation, and that the Council would continue to do so.

Hon. J. Cornell: The Council was keeping the Government on an even keel.

Hon. A. BURVILL: That was the impression I had from quite a number of electors who supported the Government. I am confident that is the general opinion throughout the State. The confidence of the country in the present Government is due largely to the restraining influence exercised by the Council. Probably the Chief Secretary will not agree with that. Still that is the impression I gathered, and I am certain that other members have gathered the same impression. The Chief Secretary also said the Bill was by no means a drastic one. It seeks to introduce household suffrage. It may not be drastic, but one thing is certain, namely the proposed alteration is by no means definite. Whatever ills there may be in our existing franchise, it is a definite qualification, whereas the proposed amendment is altogether indefinite and vague. It would almost appear to me that it has been purposely made so, in order to allow plenty of elasticity in the definition of "inhabitant" and "occupier" and "tenant." The Minister disclaims any intention to continue to broaden the franchise until the abolition of the Legislative Council can easily be achieved. Yet he admits that the abolition of the Council is a fighting plank in the platform of his party. Hon. members must realise that there is a good

deal of hostility displayed by the Labour Party towards the Council. The Chief Secretary remarked that no reflection on the personnel of the House was intended, nor was the hostility of the party due to the actions of the House as a whole. That is very nice and complimentary, but the hostility towards the House is undoubted. If the proposed alteration of franchise did not point to the abolition of the Chamber, a question I should like to ask members is this: Why has the initiative and referendum, that used to be a plank of the Labour platform, been abolished, whilst the abolition of the Council is still kept as a plank of their platform?

Hon. J. Cornell: That will be abolished later on also.

Hon. A. BURVILL: If the initiative and referendum were coupled with this plank of the platform, the alterations of the Constitution sought in this Bill would have a far better chance of going through. Because if the Council were abolished there would still be the initiative and referendum. As I understand that principle, it was brought into force by a previous Government with the object that if the Council were abolished and another place passed any extreme legislation the electors could have it referred to the country by a referendum, and so amend that law if thought necessary. Since that initiative and referendum have been cut out, we would be unwise to lower our franchise so as to admit at any time of the abolition of the Council. Not that I believe the initiative and referendum would be any better than the Council. A referendum was taken in Queensland on the abolition of the Council. The result of that referendum was entirely against the abolition of the Council, but nevertheless the Council in that State was so constituted that the Government nominated other members and abolished it, despite the people having voted against it.

Hon. W. H. Kitson: And a Labour Government have been returned to office ever since.

Hon. J. Nicholson: I wouldn't say too much about that.

Hon. A. BURVILL: The Queensland Government would not take any notice of the vote of the people given at that referendum. Our franchise is not as stationary as the Chief Secretary would lead us to believe. He said the franchise was more restricted now than in the days before Responsible Govern-

ment. At that time only male householders of a qualification of £10 had a vote. But in the eighties, wages and the purchasing power of money were different from what they are to-day. Wages in those years were 5s. and 6s. per day, whereas they are at present 15s. and 16s. Then the £10 of those days was equal to about £30 at the present time. So the £17 franchise that now obtains is much more liberal, besides which we allow women to vote. They were not allowed a vote in those early days.

Hon. J. Cornell: A woman can only be a householder if a widow, grass or otherwise.

Hon. A. BURVILL: At present women can get the franchise through the property qualification.

Hon. J. Cornell: But not as a householder, unless a widow.

Hon. A. BURVILL: The Chief Secretary said that for the last 18 years our franchise had stood still. That is not actually so. In 1911, when the franchise was reduced to £17, wages were 8s. and 9s. per day, whereas to-day they are 15s. and 16s. So it will be seen that since 1911 the franchise has been lowered by 90 per cent., if we have regard to the reduced purchasing power of the sovereign to-day. The Minister was not altogether fair when he quoted the taxpayer as not having a vote. The Chief Secretary said—

What is the position in that respect? For the year ended the 30th June, 1927, 24,296 men on salaries and wages contributed to income taxation as against 2,355 farmers and 201 pastoralists. Then let us take the total amounts contributed in each instance. What is the result? The salaries and wages men were responsible for £61,642, while the farmers paid only £34,513 and the pastoralists £21,137.

But on looking up the annual report of the State Commissioner of Taxation, from which those figures were taken, I find there is at the bottom of the page a note intimating that the 1926-27 figures are not complete. To get a fair comparison we must go back to the figures for 1925-26. There we find that the farmers numbered 4,604 as against 2,355 in 1927, when the figures were incomplete. The same discrepancy occurs in the amount. Thus we find that there was paid in 1925-26 the sum of £105,191, as against £34,513 in 1926-27, when the figures were incomplete. There may be something said against the farmer on the score that he does not pay sufficient tax, but at any rate it is better to quote him fairly and not to quote

him from incomplete figures. The Chief Secretary also said—

There are no means by which we can ascertain definitely how many of the 24,000 wages and salaries men have a vote for the Legislative Council, but I have met scores of single men who were paying income tax and yet had no vote for this House.

No doubt a great number of single men have no vote, but on the other hand a great many of them have. There is nothing in the Bill designed to give them a vote, to help the single men as the Chief Secretary suggested.

Hon. E. H. Harris: Then I do not think you have studied it very closely, for it provides a vote for anyone who lives in any structure capable of being used for habitation. That would include a latrine.

Hon. J. Nicholson: What about the Health Act?

Hon. A. BURVILL: The Chief Secretary also said there were striking anomalies; that the £17 qualification was not a scientific method of assessing a man's or a woman's qualifications for the franchise. I should like to know what is in the Bill. Certainly no better, and probably much worse. It is far more vague. The Chief Secretary also said—

A university professor, a graduate of a university, a teacher possessing a certificate of fitness to train the intellect of the young, a barrister of the highest attainments, or a military officer who has rendered signal service to his country—all those are barred unless they can boast possession of the necessary £50 block of land, or have a landlord and pay him rent to the extent of not less than £17 a year.

Hon. E. H. Harris: That will not give him a vote.

Hon. A. BURVILL: I believe that most of those are qualified according to the present Act. The astonishing thing is that there is no provision in the Bill for them, so far as I can see. The section relating to "occupier or owner of any dwelling-house" would hardly cover that class of person.

Hon. J. Cornell: Unless the Bill presupposes that they will be married.

Hon. J. Nicholson: They are not expressly qualified.

Hon. A. BURVILL: I do not believe the University professors, etc., would approve of the present measure, especially if the objective is to abolish the Upper House. That is my decided opinion. Another alteration is contemplated in the Bill, namely, to provide for one vote only, and to abolish the present system of voting in different pro-

vinces where the elector has property. At present it is possible for a person who has property in ten provinces to vote in all those provinces. Very few electors in this State would have ten votes. A great deal of capital is made out of this position. There are two sides to the question. When we have regard to the area of Western Australia as compared with the other States, we get a better conception of the position. Western Australia has an area of 975,920 square miles, Victoria 87,884, and Tasmania 26,215 square miles. The position in Victoria and Tasmania may be different. There must be something to stop centralisation as far as the franchise is concerned.

Hon. W. H. Kitson: Surely you are not going to justify ten votes to any individual.

Hon. A. BURVILL: Until we have smaller States, the franchise as it now is will work in the best interests of the State under centralisation. Centralisation is getting a strong hold upon Western Australia. The only way to uphold the policy of centralisation is by the large number of votes that can be claimed for the election of members of Parliament. To abolish what is termed by the Labour Party as plural voting for the Legislative Council would only make the position worse. A man may own property in the North-West and have a vote for the Legislative Council there. He may own some thousands of acres, and upon this have to pay land tax, and also income and other taxes. If he owns property in the South-West, he ought not to be on a different franchise there than he would be if he lived 1,000 miles away. He has to fulfil certain property qualifications. This should not be the sole reason why a man should have a vote for the Upper House. It is primary production which makes the security for our loans. People are limited to one vote in several provinces.

Hon. W. H. Kitson: You do not think they should have more than one for the Assembly?

Hon. A. BURVILL: I will answer that question later so that the hon. member may understand the position more clearly from the Labour point of view. In the Commonwealth this point is recognised. When the Commonwealth road grant was made it was decided that area as well as population should have a voice in the amount of money each State was to get, otherwise this State would have been very badly off. That is an argument why a man who owns property in different provinces should have a vote for

each province. I have something to say with regard to the principle of one vote one value. This appears to be at the back of the idea to reduce the franchise for the Upper House to the level of that for the Lower House. The method of governing on the principle of one man one vote, and one vote one value, does not now obtain in the Labour Party. They do not govern their organisations in that way. The principle of one vote one value is only carried a certain distance.

Hon. E. H. Harris: They do not have one union one vote.

Hon. A. BURVILL: A certain number of delegates are appointed according to the membership of the union. If the membership does not reach say 50, then a delegate is appointed for the lesser number.

Hon. E. H. Gray: You seem to know a lot about it.

Hon. E. H. Harris: It is public property.

Hon. A. BURVILL: Considerable alterations have been made in their franchise and system of government in recent years. It is now being recognised in the ranks of Labour that this system is not fair, and has led to abuses, especially in the direction of centralisation. That idea is becoming obsolete.

Hon. J. Cornell: To what organisation does this outrageous proposal apply?

Hon. A. BURVILL: I will read something which shows that there has been an alteration in the methods adopted by Labour to remove cliques. This has a bearing upon the alteration of the franchise of the Upper House. In New South Wales recently there was a change of Government. There has been a good deal of turmoil in the Labour ranks because of the methods by which Labour was being governed. Labour was defeated at the last election. We know the then Government did its best to abolish the Upper House. The party has now turned round and discovered that the principle of one man one vote, and centralisation, is not all that it professed to be, and is not in the best interests of the Labour movement. I have an extract from a Sydney journal dated the 11th October, 1921, dealing with the new Labour Executive, and the method of removing cliques. It says—

The election of a new executive of the Australian Labour Party on the group basis as provided for in the new rules, will be proceeded with almost immediately. The unions which have a preponderance of representation on the executive under the new rules have been classified to 11 groups, which will

have representation according to the strength of the membership, and the maximum number of representatives any group is entitled to have is three. The officials of the Australian Labour Party claim that the new executive will be more representative of the Labour movement than any previous executive. They contend it will be impossible for any clique to secure control in the future.

That goes to prove to a great extent that the present system of giving votes to electors who have property in different provinces is the best means of preventing centralisation, or what will be called by the Labour Party, cliques.

Hon. E. H. Gray: What about the timber men who cannot get a vote although they live in a house?

Hon. A. BURVILL: In New South Wales any one division will not be represented by more than three members. That is practically disfranchising people on one side, or giving the other side more votes, which is practically the same thing. That obtains here now. I do not suppose it is possible to get a perfect franchise, but the alternative suggestion in the Bill does not meet with my approval. Mr. Cornell suggested there should be an age qualification, and the Chief Secretary practically suggested that education should be some qualification. At present property is the qualification. There is some justification for that because the property owner pays the taxes. An alteration may be required in the franchise and the boundaries, but not in the direction indicated by the Bill. That is altogether too vague and it would be dangerous to make the alteration. I therefore intend to vote against the second reading.

On motion by Hon. J. Nicholson debate adjourned.

BILL—STATE INSURANCE.

Second Reading.

Debate resumed from the 22nd November.

HON. G. POTTER (West) [9.15]: I deem it to be the duty of members of Parliament to place the wishes and the will of the citizen of the State, who are qualified to exercise the franchise, in the form of a good and workable Act, under which they will move in the various social spheres protected and yet reaching the object and the goal of their desires. It is also the duty of Parliament no

to stop there. Parliament has another and very wise duty to discharge on behalf of the citizens of the State, namely, that the majority of them should be protected from having foisted upon them any ideal which comes from the fantastic and exotic ideas of a certain small but noisy section of the community. Having in mind the very effective replies which have from time to time been given to the untenable statements of the Government of the day, that they have a mandate from the people to indulge in further State trading concerns, I shall not take up the time of the House in contributing any further arguments in support of what has already been said, or even saying anything supplementary to that. The Premier himself said he would abandon any suggestion that the Government had a mandate from the people of the State. It would be only wasting the time of the House to indulge in further reiterations.

Hon. E. H. Harris: Did he say that?

Hon. G. POTTER: Yes. But I must join issue with the Chief Secretary when he says that the Legislative Council has endorsed the principle of State insurance. It will be remembered that just prior to the session in which the previous State Insurance Bill was introduced, the Government of the day, without the necessary parliamentary authorisation, launched out on State insurance. Many and varied were the reasons or excuses propounded for such an irregular procedure. I will not altogether call it an illegal act, because I hardly like applying that adjective to the work of any Government or any Chamber.

Hon. J. Nicholson: Call it unauthorised.

Hon. G. POTTER: Some person at a future date might seize the opportunity to test the validity of the action of the Government in our law courts. There are precedents for that. Then the Government's action might be stigmatised as illegal, and if this House were a party to the illegal action they would have to bear the responsibility equally with the Assembly.

Hon. Sir William Lathlain: Well, call it by its proper name, an illegal act.

Hon. G. POTTER: Many and varied were the excuses or reasons for the action of the Government at that time, but the most theatrical of them all was the pitiful excuse advanced regarding the miners and the mining industry. We were told that it was to save the mining industry of Western Aus-

tralia that State insurance was originated. That was what the exponents of State insurance said. It was also for the purpose of alleviating the poor suffering miners that State insurance was introduced. It was also suggested that anyone who dared to speak against the inauguration of State insurance was callous and desirous of leading the miners to a desolate and grievous fate. Those are some of the reasons or excuses, call them what you will. It was also said that the insurance companies were responsible in that they would not quote and would not undertake the insurance of miners affected with disease. That is not altogether true in substance. The insurance companies, by virtue of the proclamation of certain sections of the Workers' Compensation Act, found it necessary to determine just exactly what risks they had to quote for. How could insurance companies quote a premium for a risk the quantity and quality of which was unknown? We know that there was some delay in the establishment of the Commonwealth laboratory. I hold no brief for the insurance companies. I have convictions regarding State trading and despite what the Chief Secretary has said that State insurance is not State trading, I propose to show that it is, and that it is in direct contravention of the Act of Parliament regulating the inauguration of State trading concerns. The insurance companies sought to obtain the data that they considered they were entitled to have. Conferences were held and those companies, most of which have a great stake in Western Australia, were not even consulted. They used every possible means to get the information that they required. They could not possibly be expected to embark on something that might lead them to bankruptcy.

Hon. J. Nicholson: Did they press their request?

Hon. G. POTTER: They pressed it, decidedly, but there was no suggestion of a reference to the Privy Council. The Minister for Works was the determining authority in that regard. We appreciate the position of the miners and the condition of the industry. We know that there are many contingencies to be guarded against in that direction. Quite a number of members of this Chamber who hold convictions regarding the advisability of indulging in State trading went so far as to cast aside their pre-

judices to help the Government out of the morass into which they had floundered. When the previous Bill was before the House it was suggested by hon. members that the Government could effect the same purpose, that is, to care for the stricken miners by an amendment of the Miners' Phtthisis Act. To the suggestions, or the pleadings, the Government turned a deaf ear.

Hon. J. J. Holmes: Did not you move an amendment?

Hon. G. POTTER: I had the pleasure of moving what some people called a celebrated amendment and I was supported by members of this House who were designated by Mr. Holmes as the three musketeers. The amendment was carried in this Chamber.

Hon. J. J. Holmes: You are often right even although you are in the minority.

Hon. G. POTTER: This Chamber sought to give the Government all that the Government asked for with respect to the protection of the miners and the mining industry, but the House was not prepared to acquiesce in the establishment of State insurance business. This Chamber, in order to safeguard the welfare of the country, and also to assist the Government, placed the time limit of one year upon the operation of the measure. That was the amendment with which it left this Chamber. On those premises the Chief Secretary feels justified to say that the members, by virtue of their willingness to assist the Government, endorsed the principle of State trading. Members will not agree with the Chief Secretary that this Chamber has endorsed the principle of State insurance or any other trading venture. If the question of State insurance is so excellent, why was it necessary for the Chief Secretary, in the course of his second reading speech, to inform the House that the Government would use caution in extending the operations of State insurance? The Bill before us now is wide in its application and its scope so far as the insurance business is concerned. It is almost unlimited, and yet if State insurance is such a valuable thing and is of such intrinsic worth to the State, why all this caution in embarking on any form of State insurance? It presupposes that private and associated companies have to exercise caution and that they have to feel their way because there is no Treasury behind them. But can the Chief Secretary tell us why this question has been left over until the end of the session? The whole matter could have

been discussed within a few weeks of Parliament assembling, and it could have been debated in a dispassionate way. Instead of that, the Government embark precipitately on something that is illegal and requires Parliamentary authority. Again, we find that the care of stricken miners is pushed into the forefront as reasons for Parliament passing this socialistic legislation. Members of this House and of another place who are opposed to the socialistic planks of the Labour platform have no desire to injure the mining industry, nor the miners. It is their desire to help the miners and the industry, but to help in a more scientific and equitable manner than is contemplated by the Government. It has been said that the mining companies in the past have been neglectful in that during the boom period they failed to provide for future contingencies in the form of what was inevitably to come as the result of men having to work in the bowels of the earth. I agree that the mining companies should have made provision, but whether neglect to do so was due to inexperience, niggardliness or sheer carelessness, the fact remains that the mining companies and the shareholders in the past failed to provide substantial funds to deal with the situation that exists to-day. It is more than probable that the people who amassed considerable wealth, either through speculation or through holding large blocks of shares in the successful mining companies, are not now connected with mining in any shape or form. They may have relinquished all mining interests, and it is possible that in some instances the money they obtained from mining has been sunk or lost in further mining ventures. Whatever the explanation may be, the fact remains that those people cannot be reached now. We cannot do anything that will have a retrospective effect. We must remember that not only groups of individuals benefited from the boom days of gold mining in Western Australia, but that the Commonwealth and the State were the chief beneficiaries. The Commonwealth in some way has recognised its responsibility to Western Australia in the grant made as a result of the inquiry by the Disabilities Commission. I do not say the Commonwealth has adequately recognised what it owes to gold mining in Western Australia, but it has done something. Members do not need to be reminded of all that gold mining meant to the State and the Commonwealth during the war

period. Intimately concerned in the industry was the State, because it is undoubtedly to gold mining that Western Australia owes the great impetus that its primary industries have received. But for gold mining much capital and many people would not have been attracted to the Commonwealth and in a greater degree to Western Australia itself. Again, it must be remembered what gold mining did for some of the Eastern States during a period of acute distress. Not only did it relieve the Eastern States of surplus population when stagnation of trade occurred, but it supplied funds to rehabilitate those States. With all those points in mind, it is not a matter of saddling the gold-mining industry of Western Australia with the burdens of the past, and asking the industry to make provision for the burdens that assuredly will accrue in the future. It is the duty of the Commonwealth to come to the rescue of the miners and of the industry, and to provide assistance out of Consolidated Revenue, even to the extent of granting a straight out annuity to the men suffering from the effects of working in the mines for many years. That is the source from which relief should come, instead of saddling other growing industries with the burden of relieving an industry with which they have had nothing to do. I am satisfied that the imposition of the burden of State insurance or of the burden due to the Workers' Compensation Act has that effect. In support of my argument that the mining industry will become a tax upon other industries, I wish to address myself to the position in Queensland, as the Chief Secretary did. In Queensland, where the Government have a monopoly of workers' compensation insurance, the rate upon general workers' compensation business has been maintained at such a prodigiously high figure that the Government were in a position to transfer from the general source of workers' compensation insurance £130,000 to meet the claims of the miners' phthisis section. It is patent to members that workers' compensation generally applies to every industry throughout Queensland, and that other industries are being taxed, and taxed directly and solidly, to support the mining industry of Queensland. A similar proposition was suggested to the private and associated companies of Western Australia, but it is on record in the newspaper files that the companies would have nothing to do with the proposal because they regarded themselves as business

concerns interested in taking insurance risks and not as taxing authorities. Therefore they would have nothing to do with that sort of manipulation practised so successfully in Queensland. When a great surplus is amassed from various industries and transferred to relieve another industry, the industries from which the money is amassed are being penalised to protect and bolster up an industry in whose operations they have no voice whatever. So, if one considers the matter logically, one is forced to the conclusion that the industries of Queensland are entitled to a very substantial rebate on the insurance they pay, and if the rebate were made they would be in a position to pay better wages to the operatives employed. If that sort of business is indulged in and the same practice is adopted here, other industries will have to carry the whole burden of mining, because it is clear that the burden will remain long after mining ceases to be an industry, and long after any company or Government office has an opportunity to collect premiums from mining. Consequently, other industries will be taxed almost in perpetuity for the good of mining, in the control of which those industries will have had no voice. The Chief Secretary contended that the State could undertake insurance business much more cheaply than the private, associated or co-operative companies. I do not know how the Minister arrived at that conclusion. There is certainly no complete statistical return available from the State office to confirm that theory. On the question of the cheapness of service, the same argument was advanced in support of the establishment of other State trading concerns. I shall not enumerate them, but I may say that State trading in Western Australia, so far from having the effect of reducing prices, has impeded the expansion of certain industries. However, I do not wish to enter upon that phase of the question because the arguments are well known to members. How can the State give cheaper insurance in the light of real facts? During the last two years the premiums for all workers' compensation business in Western Australia amounted to £250,247. Against that, the claims paid totalled £249,765, made up of direct payments amounting to £197,708, equal to 78.6 per cent., and £53,057, or 21.2 per cent. absorbed in medical, ambulance and similar expenses. Thus the loss ratio was 99.8 per cent. I heard an hon. member ask what was

meant by the loss ratio. A loss ratio of 99.8 per cent. means that out of every £100 collected, 99.8 per cent. was spent before the concern secured a half-penny for office or administrative expenses, taxation, or profit.

Hon. J. Nicholson: The .2 per cent. had to cover all expenses.

Hon. G. POTTER: Yes, and the companies had to pay by way of dividend duty to the Government £2 6s. per cent. on their premiums.

Hon. Sir William Lathlain: Irrespective of all expenses.

Hon. G. POTTER: Before the companies sent their money to the banks, they had to pay £2 6s. per cent. of their premium revenue as a direct contribution to the State Treasury.

Hon. W. J. Mann: Do they get a refund if they make a loss?

Hon. G. POTTER: No, they have to pay that before they discover whether they have made a profit or a loss. Further, the Government are holding £600,000 of money belonging to the insurance companies as guarantees that they will meet their liabilities, and one of their liabilities is the payment of the £2 6s. per cent. before the companies get anything to cover office, administrative and other expenses. With those concrete figures before us, how can we imagine that the State can give cheaper insurance—that is, if the State were operating in anything comparable to fair competition with the associated companies and if the State Insurance Office had not the Treasury behind it? So we find that the insurance companies even now, with slightly increased rates, are working practically at a loss. Yet they are assailed because they increased their premiums slightly. Why did they increase them? On account of the requirements imposed upon them when the Workers' Compensation Act was proclaimed. That Act received the assent of this Chamber. In fact, it would not be exaggeration to say that a number of members of this House are entitled to the credit of making the Workers' Compensation Act just what it is to-day, what the Minister for Works has proudly boasted it to be—the most liberal Workers' Compensation Act in the world. But this liberality imposed responsibilities on industry, and the insurance companies had to share that responsibility. The only way they could do it was to increase slightly the amount of premium to be charged. And it was not only the so-called rapacious insurance com-

panies who found it necessary to increase the premiums. At the very period when the Minister for Works was fulminating against the insurance companies for increasing their rates, the report of the Commissioner of Railways for the expired financial year was in the Press at the Government Printing Office, and the Minister's words had not been published in "Hansard" when the report of the Commissioner of Railways reached this Chamber. In that report the Commissioner forecasted an increased contribution to the Railway Department's insurance fund on account of the operation and the requirements of the Workers' Compensation Act. He even went so far as to hint where the main charge inflicted on the fund was located: he suggested the advisableness of appointing a full-time medical officer as an adjunct to the operations of the Railway Department's fund. It is not only a Government institution that has felt this. I know of unions, and very substantial unions, the Fremantle Lumpers' Union for instance, which, having benefit funds, find themselves in considerable difficulty by reason of the operation of the Workers' Compensation Act; because when men are so long away from work—they seem to be longer away now and in greater numbers—the funds become entirely depleted, and the managing committees know not where to turn when some of their fellow-unionists come along and ask for the payments previously accorded to them from the fund to which they themselves have contributed. Thus we see that without the Treasury behind it the State Insurance Office cannot possibly carry on at the old rates, as the advocates of State insurance contend it should do. This was even anticipated by the originators of the Bill, because the measure contains a clause specifically providing that in the event of the State insurance fund being depleted the Treasury will supply the necessary funds for carrying on. Certainly the clause says that the amount of money advanced will be treated as a loan; but one can imagine that, carrying on in the face of those figures, the State insurance office would never be in a position to repay the Treasury. We hear quite a lot about the possibility of cheap insurance, and how the inauguration of State insurance will bring this about; but if we look abroad, to the countries to which the Chief Secretary has directed our attention, we cannot find any confirmation of this claim. Take, for instance, the incidence of fire insurance in New Zealand and in other countries where

State insurance does exist. In New Zealand the premium for fire insurance is 12s. per cent. In Queensland, under State insurance, it is 15s. 7d. per cent. In the United States it is 20s. per cent. But in Western Australia, when no State insurance existed, there was to be found the lowest premium of all—10s. 6d. per cent.

Hon. J. Nicholson: Is that on the average of all the insurances?

Hon. G. POTTER: I have all the premiums tabulated. There is no evidence in those facts to confirm the theory that cheaper insurance would eventuate if private or associated or co-operative insurance companies were allowed free competition. Take the case of Victoria. There we find that State insurance has not brought about any reduction in premiums, and also that the public is not wholly behind the operations of State insurance. The total revenue from workers' compensation business in Victoria was £353,450, of which the State Insurance Office did in business £74,798; and a third of that amount was straight out Government business, representing the sum of £24,933 out of the £74,798. To that must be added insurances compulsorily effected through the State office by shire councils, road boards, and main road boards, and also by Government contractors, who by virtue of their contracts could be almost suborned into insuring with the State Government, or possibly this might be the result of gentle persuasion such as was mentioned in the celebrated letter that went out from our State Insurance Office when first established. Members will recollect that a circular was sent to all Government contractors intimating to them that the State Insurance Office solicited their business, and that if they failed to give the business to that office the Government would be in a position of considering their future activities with those particular contractors. Bearing those Victorian figures in mind we see that even in Victoria, where certainly free competition is allowed, the amount of private business done by the State office is a mere paucity of the general amount of insurance business transacted in the State.

Hon. J. Nicholson: Were any of those persuasive methods of business used in Victoria?

Hon. G. POTTER: I should think it likely from the fact that it was only Government business, or business that might reasonably

be supposed to have been influenced by the Government, through pressure or under duress, that was given to the Victorian State Insurance Office. These facts also allow the office to boast of small expenditure in collection. It is only natural that the cost of collection should be small when it was their own properties the Victorian Government were insuring with their own office, just like an internal insurance in a large firm, and when the other business they did was business that they could influence as described. On that phase of the matter I would like hon. members to consider whether State insurance is really democratic. We have the Victorian instance of bonuses being paid to those few private insurers who do insure with the State office on account of its pretended small cost of collection. We have seen that the small cost of collection is due to the fact of its costing really nothing to get Government business and business obtainable through Government channels. Then the Government are in the position of making a rebate or bonus to a few private insurers, who really become a favoured section of the community, because either the amount of the rebate or bonus must come out of Consolidated Revenue, or Consolidated Revenue must be deprived of that amount. I consider it undemocratic to distribute public money among a favoured few, even as a reward for patronising a State Insurance Office. Let us turn to New Zealand again. In New Zealand the State Life Office was established in the year 1869. Undoubtedly that is a long time ago, and during the interval one would have thought, had State insurance been such an excellent proposition, that the whole of the business would have been absorbed by it, and that there would have been no scope for any other life assurance office in the whole dominion of New Zealand. Nevertheless, the fact is that at the date of the last report there were at least 11 private life assurance companies operating throughout New Zealand. That fact alone is sufficient to demonstrate that State insurance has not really been a success in New Zealand; nor do the latest figures to hand give any hope to ardent supporters of socialistic ventures that State life assurance will gain in popularity in the dominion. Rather is the popularity of Government insurance in New Zealand on the wane. The New Zealand State Office in 1914 did 32 per cent. of the whole of the business through-

out the dominion, but since 1914 the percentage has dwindled to 29. The New Zealand State Accident Insurance Office in 1915 did the princely percentage of 6.9 of the total business of the dominion, and that figure has dwindled to 4.6. As regards fire insurance, in 1916 the State office did 8.15 per cent. of the total business. For a change, that figure has increased to 9 per cent. That is another thing that people opposed to State insurance can advance, particularly when it is asserted that in the Dominion of New Zealand the increases have represented 51 per cent. Thus, while the associated companies and the State Insurance Office were doing increased business to the extent of 51 per cent., the increase recorded by the State office, and only in one section was .85 per cent.

Hon. W. J. Mann: What percentage of the outside business did they get?

Hon. G. POTTER: That has not been dissected, and possibly like the State Insurance Office here and also in Victoria, it is hidden. I do not say that is done deliberately, but still those details are not revealed. In the face of that, we are asked to believe that State insurance will be advantageous to the public. There is a further statement that requires investigation. It was pointed out that there could be no hope of insurance companies, no matter how flourishing they might be, reducing premiums on account of the success of their operations. There is no foundation for that argument, because in Western Australia the rates for fire insurance on crops in 1925 were 30s. per cent. for a two months' cover. On account of the great volume of business done, the amount of the premium has been decreased from 30s. per cent to 17s. 6d. per cent., or a decrease of 40 per cent.; so that indicates that the insurance companies are alive to the fact that as business is increasing, they can decrease premiums and encourage business by that means. They have done this without compulsion from anyone. Without any consideration of the existence of a State insurance office, the companies reduced the premiums on crop insurance, and that meant to the farmers last year a saving of £31,000 on that one season's crop. There is nothing rapacious indicated about the companies in the light of that action, nor is that an isolated instance. Without taking into consideration the effect of State insurance, the private insurance companies, during the last few years, have reduced their rates

in country towns and other centres on various risks. For instance, in a number of country towns and other centres, the premiums in respect of dwellings, churches, offices and similar structures constructed of brick, have been reduced by 17 per cent., while the premiums for similar buildings constructed of wood and iron have been reduced by 21 per cent. Then with respect to ordinary trade risks, in connection with shops, houses and so on that are constructed of brick, the premiums have been reduced by 27 per cent., and in respect of trade risks in buildings constructed of wood and iron the decrease in the premiums amounts to 11 per cent. In the metropolitan area larger decreases have been noted. Those decreases have been decided upon without any consideration of the existence of State insurance. In the metropolitan area the premiums on brick buildings such as dwelling houses, churches, offices and so forth, have been reduced by 33½ per cent., and the premiums in respect of similar buildings constructed of wood and iron were decreased by 28 per cent. The trade risks in connection with business carried out in buildings constructed of brick or of wood and iron have been decreased by 35 per cent. and 22 per cent. respectively. In view of these reduced premiums, it is idle for anyone to contend that the existence of the State insurance office has had any effect in reducing the premiums charged by the companies.

Hon. Sir William Lathlain: Of course not, they are all out to do more business.

Hon. G. POTTER: That is so. New Zealand has been quoted as the shining example of the advantages of State insurance. The Minister said that because of the existence of the State insurance office there, the premiums of the ordinary insurance companies had been reduced to a small margin. That is not so in New Zealand, because it is common knowledge that before the State office grants any bonus or fixes any rates, that work is done only under agreement, and after collaboration with the associated companies. That is a point that must be kept in mind and the probabilities are that the State insurance office here will be in the same position. We have seen that take place in connection with the State sawmills.

Hon. Sir William Lathlain: They joined the combine.

Hon. G. POTTER: Of course, the State sawmills work in collaboration with the timber combine. I do not know that the State

department would raise any considerable outcry if the combine were to suggest increased prices for timber. Perhaps the State Insurance Office will find itself in the position of the State Sawmills when the latter discovered that it was up against quotations from the combine. Hon. members need not be surprised to find that the New Zealand State insurance office consulted with the other insurance companies before declaring bonuses or striking rates. The same thing will probably take place here should Parliament authorise the establishment of the State Insurance Office. It is contended that that office showed a profit of £1,400. It is impossible for private members to get at the bottom of such figures. It has already been stated that full statistics are not available from the State office. I would like to ask the Chief Secretary if in that pretended profit of £1,400, legitimate debits have been allowed for. Was any provision allowed for dividend duties either as a direct collection in the State Insurance Office, or by virtue of premiums sent to the State Insurance Office, that might otherwise have gone through the associated companies, on which amounts the associated companies would have been compelled to return to consolidated revenue £2 6s. per cent. Has any provision been made for rents, and deductions made accordingly from the returns of the State Insurance Office.

Hon. Sir William Lathlain: Have they included sums that have been fought for in the courts?

Hon. G. POTTER: That is another point. Most people thought that when a State Insurance Office was established there would be no fighting of claims and everything in the garden would be lovely. I do not know that any legitimate taxation has been allowed for, and I think it will be sufficient to ask the Chief Secretary to supply information under the headings I have mentioned. The Chief Secretary might also explain why the insurance of group settlers has been brought under the Government insurance funds and not under the State Insurance Office. I understood that the Government funds were to provide for the civil servants and I do not know how, by any stretch of imagination, group settlers can be regarded as civil servants. Possibly the Chief Secretary will enlighten us. At any rate, I think that I have shown that State insurance is not all that has been claimed for it. I am sorry we have to go so far afield for data in con-

nection with this problem, but we have merely followed the Chief Secretary when he invited us to discuss the experiences of various countries. It has been proved conclusively that there is no weight in the contention that the insurance companies were not justified in increasing the rates after the proclamation of the Workers' Compensation Act. The Chief Secretary referred to the losses sustained in Queensland in connection with miners' phthisis cases. He was careful to explain that if the present rates obtaining in Queensland had been levied from the start in all probability there would not have been such losses. Are we to understand that the State office is going to carry on the workers' compensation business at the old rates? Are we to understand that this is another experiment that will have to be rectified later on by transferring the burden from one particular industry or group of industries to other industries that already have to carry the burden of taxation? If that is so, and this is a mere experiment and is not based upon strict actuarial calculations, we have in that another strong argument why State insurance should not be embarked upon. It is well known that members in this Chamber and elsewhere, as well as a far greater proportion of the public outside, are against State trading. The Premier himself supplied an excellent reason for that attitude. Quite recently he told a deputation that waited upon him his views in connection with trading concerns, and said—

His experience of trading concerns or public utilities or whatever they liked to call them, had convinced him that a Government should not embark upon them unless it could be sure of covering the cost, because the deficiency had to be borne by the taxpayers. The usual thing when a Government became involved in schemes of that sort, was that there followed a continual agitation for a reduction of the charges and a writing down of the capital cost, and so on.

It is quite legitimate to apply those remarks to any form of State trading. The Chief Secretary almost apologised for the great losses in Queensland occasioned by the rates being experimental. They thought they could see the possibility of covering the cost, but they failed. Possibly the State office here think they can cover the cost; but, following the usual experience of State trading, they may be just as much astray in that as in other ventures. It is idle to say that State insurance is not State trading. In Western Australia we have limited

liability companies, associated companies, private companies and big firms that conduct their own internal insurance. Surely nobody can suggest that those people are not doing business, that they are not business concerns. Many of the insurance businesses have been built up over very long periods and have accumulated great reserves, which enable them to face any disaster by spreading the risks. That is the great bulwark of commerce. Commerce cannot carry on without insurance. No bank would have anything to do with a venture that was uninsured. Whoever heard of a ship putting to sea unless adequately covered by insurance, or of any merchant sending goods by rail or by steamer unless protected by adequate insurance? I think I have shown that insurance is entirely a business and a trading concern. In fact, it is the life and soul of business. It would be quite idle to try to convince an intelligent public that State insurance was not State trading; unless indeed the one who essayed such a task was highly skilled in the art of dissimulation, or, to use the words of the Chief Secretary to-night, he was addressing a populace hopelessly prejudiced and not willing to accept the facts. I am sorry I cannot support the second reading.

On motion by Hon. J. M. Macfarlane, debate adjourned.

House adjourned at 10.20 p.m.

Legislative Assembly,

Tuesday, 29th November, 1927.

	PAGE
Questions: Road making—1, Surface dressing; 2	
Canning-Fremantle road: 3, Perth-York	
road	2180
Bills: Dog Act Amendment, 3A.	2180
Bridgetown Lot 39A, 3A.	2180
Leighton-Robb's Jetty railway, 3A.	2180
Workers' Compensation Act Amendment, Com.	2180
Metropolitan Town Planning Commission, 2A. ...	2221
Loan Estimates 1927-28	2182
Motions: Electoral Districts, redistribution... ..	2202
Centenary celebration, completion of Parliament	
House	2218

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

QUESTIONS (3)—ROADMAKING.

Surface-dressing.

Mr. SAMPSON asked the Minister for Works: 1, Has he noted the remarks of the Chairman of the Main Roads Board that to keep maintenance costs within reasonable limits, water bound macadam and gravel roads must be surfaced with material that will withstand the pulverising and abrading action of fast moving vehicles? 2, Is he aware that deterioration by corrugation and otherwise has already set in on macadam and gravel roads constructed under the Federal Aid Roads Act? 3, Is it proposed that future contracts and operations under the Act shall include surface dressing by tar, bitumen, or other suitable material?

The MINISTER FOR WORKS replied: 1, Yes. 2, Yes. 3, Every project will be considered on its merits, having regard to traffic conditions.

Canning-Fremantle road.

Hon. G. TAYLOR asked the Minister for Works: What amount of money was spent on the Canning-Fremantle road, from the 1st January to the 31st October, 1927, under the Federal Aid Roads Act?

The MINISTER FOR WORKS replied: Nil.

Perth-York road.

Hon. G. TAYLOR asked the Minister for Works: What amount was spent on the Perth-York-road, from the 1st January to the 31st October, 1927, under the Federal Aid Roads Act?

The MINISTER FOR WORKS replied: £20,627 14s. 5d.

BILLS (3)—THIRD READING.

- 1, Dog Act Amendment.
 - 2, Bridgetown Lot 39A.
 - 3, Leighton-Robb's Jetty Railway.
- Transmitted to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the 29th September. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.