Legislative Assembly,

Tuesday, 21st November, 1911.

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

ADDRESS-IN-REPLY, PRESENTATION.

Mr. SPEAKER: I desire to announce to the House that this morning I waited on His Excellency the Governor and presented to him the Address-in-reply, to which His Excellency has been pleased to reply as follows:—

> Mr. Speaker and members of the Legislative Assembly—In the name and on behalf of His Majesty the King I thank you for your Address. G. Strickland, Governor, 21st November, 1911.

PAPERS PRESENTED

By the Attorney General: Papers relating to the appointment of licensing courts at Cue and Kalgoorlie (ordered on motion by Mr. Heitmann).

By the Premier: Gaol Regulations.

By the Minister for Lands: Report by Poison Eradication Inquiry Board; Papers relating to the sale of Lot 10, Doodlakine townsite (ordered on motion by Mr. Price).

QUESTION—TOWN LOTS WITHDRAWN FROM SALE.

Mr. MALE (for Mr. Layman) asked the Minister for Lands: 1, Will he explain why Manjimup Town Lot 33, applied for by W. J. Brown on August 8th, 1911; Manjimup Town Lot No. 22, applied for by B. Titterington on August 14th, 1911; and Balingup Town Lot No. 209, applied for by Charles Mauger on October 10th, 1911, have not been advertised for sale in the *Government Gazette*? 2. Will the Minister take steps to have these lots advertised for sale?

The MINISTER FOR LANDS replied: 1, All town and suburban lands, excepting those already advertised for sale on a fixed date, were withdrawn from sale by notice in the *Government Gazette* of the 20th October, and the applications referred to—with all others that had not been approved at that date—were cancelled, and applicants advised that they could obtain the land under lease. 2, No; it is not the policy of the Government to sell town and suburban lands.

QUESTION—ABORIGINES, EMPLOYMENT AND RELIEF.

Mr. McDONALD asked the Premier: 1, To whom have permits to work aborigines been granted for the year ended 31st December, 1910? 2, How many aborigines have been indentured to each employer? 3, What amount has been expended during the year 1910 in relief to indigent natives in the Gascoyne, Roebourne, Pilbara, and Kimberley electorates?

The PREMIER replied: 1, Permits to work aborigines are granted by the protectors in various parts of the State in accordance with Subsection 1 of Section 18 of the Aborigines Act, 1905. Permits are issued only to persons of good repute, but under no condition to Asiatics and hotelkeepers. 2, Aboriginals are employed under either a permit or permit and agreement. General permits are, as a rule, granted to station owners to employ any number of natives required. There are not many agreements made between pastoralists and their native employees. The Aborigines Department cannot supply the information asked for without communicating with resident magistrates and protectors throughout the State. 3, Gascoyne—General relief, £660 8s. 4d.; Lock hospitals, £5,552 17s. 7d.; s.s. "Venus," £1,154 9s. 6d.; total Gas-

coyne, £7,367 15s. 5d. Roebourne—General relief, £510 13s. 4d. Pilbara—General relief, £898 8s. 6d. Kimberley—General relief, £3,004 8s. 10d.; Grants to missions, £1,524 18s. 6d.; Moola Bulla Station purchase, £18,061; Upkeep, £1,728 8s. 10d.; total Kimberley, £24,318 16s. 2d. Grand total, £33,095 13s. 5d.

QUESTION—RAILWAY STRIKES AT GERALDTON.

Mr. SWAN (for Mr. Dooley) asked the Minister for Railways: 1, Is he aware that there are two distinct strikes now pending in Geraldton in two separate branches of the railway service controlled by the Commissioner of Railways, viz. (a) casual goods porters in No. 3 goods shed (Traffic Department); (b) navvies employed in alteration and construction work in connection with new station and marshalling yard? 2, Is the Minister aware that approximately 90 per cent. of the commodities used by the people of Geraldton and surrounding district and Murchison goldfields have to pass through goods shed referred to in (a); therefore the continuance of the strike is of serious importance to those residents; also with regard to the new station and marshalling yards serious delay is being caused to a very urgent and necessary work? 3, Is the Minister aware that the public of Geraldton, as represented by the Geraldton Municipal Council, Geraldton Chamber of Commerce, Geraldton Retailers Association, and Geraldton District Council A.L.F. are in entire sympathy with the men now on strike, and have urged the Commissioner to grant their requests on the ground that they are fair and reasonable? 4, Is it a fact that *re* the station yard trouble, the District Engineer (Mr. Creswell) has authority to pay 1s. 3d. per hour or 10s. per day of eight hours, and as a matter of fact was paying 1s. 4½d. per hour or 11s. per day to some of the men at the time the trouble occurred?

The PREMIER (for the Minister for Railways) replied: 1, I am advised by the Commissioner with regard to (a) that the casual men, who had been in receipt of 8s. per day up to the 14th October and 9s. per day from the 16th October, came out on strike on the 31st October owing to his refusing them a further increase to 10s. per day. Permanent hands have since been employed at 9s. per day, and the difficulty has been overcome. With regard to (b), a number of men were employed in alterations in the yard from the 2nd October to the 20th October at 9s. per day without demur. On the 21st October their wages were increased to 9s. 6d., and on the 2nd November they came out on strike on the Commissioner's refusing to pay them 10s. per day. 2, (a) A large proportion of the commodities referred to pass through this shed, and, as explained in reply to question 1 (a), the difficulty has been overcome. (b), Yes. 3, Yes, but seeing that the rate had only recently been raised by the Government from 8s. to 9s., and was uniform at all other ports and throughout the State generally for similar work, the Commissioner did not agree with the views of the Geraldton representations referred to to further increase it to 10s., nor in his opinion could they be aware of the far-reaching effect such would have on the expenditure of the department had the demands of the men been complied with. 4, No. The District Engineer had authority to pay navvies 9s. 6d., which was being paid when they came out on strike. Some of the platelayers were being paid 11s., which is customary.

BILLS (2)—FIRST READING.

1, Shearers and Shed Hands Accommodation (introduced by Mr. McDonald).

2, Workers' Compensation Act Amendment (introduced by Mr. Hudson).

BILL—CRIMINAL CODE AMENDMENT.

Read a third time and transmitted to the Legislative Council.

BILL—DIVORCE ACT AMENDMENT.

Third reading.

Mr. HUDSON (Yilgarn): I move—

That the Bill be now read a third time.

Mr. THOMAS (Bunbury): I move an amendment—

That the Bill be read a third time this day week.

I move this amendment with no spirit of hostility towards the Bill, but out of respect to a big section of public opinion that desires the opportunity to show its opposition to the provisions of this measure. As everyone will agree, there was nothing said about this particular proposal during the recent election campaign, and the public were not aware a Bill was to be introduced for the purpose of altering the divorce laws in any manner. Consequently this has been sprung on the people and they have not had an opportunity of expressing their opinions for or against the Bill.

Mr Heitmann: It was discussed by Congress six years ago.

Mr. THOMAS: That may be so, but probably it has been forgotten by this time. There is a big section of opinion in this country, particularly emanating from the churches, that is opposed to the amendment of the divorce laws at all. There are many people who believe that all marriages are made in Heaven, and that consequently there can be no such thing as divorce. Whether we agree with that view of the matter or not, at least we can entertain a good deal of respect for the feelings of those people who honestly and sincerely hold that view. I plead with the mover of the measure to give us an extension for a week so that those who do feel from conscientious motives that this measure should not be carried through the House will have ample opportunity of ventilating their grievances. I understand a monster petition will be presented by people who feel opposed to the proposal, and that right throughout the whole of Western Australia on Sunday next at nearly all the churches sermons will be preached against this alteration. Whilst I am of opinion that all these sermons and the monster petition will not make any difference to the passing of this measure, I hold it is a democratic principle that, if these people desire to enter protest, they should be given the opportunity of doing so. Whatever we may think about the Bill, we should realise that it is going to have an important and far-reaching effect on the morals of the community. I do not oppose the measure. I simply plead for those who feel they have a just cause of complaint, and I plead with the House to give these people an opportunity of voicing their opinions.

Mr. Bolton: It will kill the Bill.

Mr. THOMAS: It is strictly undemocratic to force the Bill through in the manner we are doing without giving those opposed to it the opportunity of voicing their opinions. I am not saying anything about the Bill, but I appeal to the common sense and sense of fairness of hon. members to err on the side of leniency in the matter. I believe it will be in the interests of the Bill itself. It is far better that those who are opposed to it should have an opportunity of expressing their opposition now, than that it should go to another place and a petition be presented which will give members of another place the opportunity of saying there has been an expression of public opinion we know nothing of, giving them good grounds for moving amendments, when if we gave the opportunity now, another place would not have the opportunity of using the argument.

Mr. B. J. STUBBS (Subiaco): I second the amendment.

Mr. FRANK WILSON (Sussex): I do not complain about the House putting through this measure expeditiously; in fact it rather appeals to me to see business transacted with promptitude and expedition; at the same time I agree with the member for Bunbury that, if there is a large section of the community demurring against any legislation we may introduce in the Chamber, we are perhaps justified in delaying somewhat in order that this section of the community may voice its opinions to the House. I hold in my hand a letter

from his Lordship the Bishop of Bunbury; no doubt the member for Bunbury has a similar document. I met his Lordship on the train yesterday, and he asked me to look into the Bill and stated how adverse he was to its being passed from a church point of view. I promised I would endeavour to persuade the member for Yilgarn to give more time before passing the third reading of the measure, and I think the member for Bunbury is modest in his request that a week should elapse before the third reading is carried in this Chamber. I had it in my mind to propose a similar motion, if we could not perhaps submit the measure to a select committee in order that all sections of the community who might be opposed to the legislation would have the opportunity of putting their evidence and their reasons for such opposition before the committee.

The Premier: Why did you not do that on the Redistribution of Seats Bill? There was enough opposition to that.

Mr. FRANK WILSON: There was no necessity for it; the opposition was in this Chamber.

The Premier: When they spoke outside they told you something.

Mr. FRANK WILSON: The opposition was not outside until the hon. member began to explain the measure from his own point of view and made out that it was a measure that was unequal and unfair, notwithstanding that the measure has proved to be most equitable and nothing that hon. members could complain about. We have only to look at the Government side of the House to see the result of the measure and to see the justice of it, which the Premier ought to be the first to admit. However, I know I am digressing from the question before the Chamber. I was saying that I thought we might refer this Bill to a select committee. I do not wish to oppose the measure. Let the member for Yilgarn understand that at once; I have no such wish. I have not had an opportunity of studying the Bill, but I understand it grants divorce to the wife for adultery on the part of the husband, and also to either party for desertion for three years. I am sympathetic towards the Bill. Personally I think it is a step in the right direction, at any rate so far as adultery is concerned, though perhaps not so much so far as desertion is concerned. Desertion for three years to my mind may be a means of encouraging collusion between parties who desire to shake themselves free from the marriage bond.

Mr. Underwood: Why should not they be free if they want to?

Mr. FRANK WILSON: Then why not in six months? Why should we have any marriage ties at all? Free love would perhaps suit the hon. member better than anything else, but I do not think the people would back him up in that opinion. Certainly I understand from conversation with the Bishop of Bunbury, in the few words I had with him, that the Church looks askance at legislation which would even give an opportunity to enable those who have been joined together in holy bonds of matrimony to sever those bonds lightly. I think, with all due respect, admitting at once that I am sympathetic towards this legislation, that we might well pause awhile. The measure was only introduced last week, while I was absent, and it has been carried to its third-reading stage. As it is a measure that affects every class of the community and seriously interferes with the religious beliefs of a large section of the community, we would be justified in acting in accord with the hon. member's amendment and delaying the third reading, at any rate for one week, to enable these people to put their opinions lucidly and emphatically before the House.

Hon. W. C. Angwin (Honorary Minister): Those persons who do not believe in it need not avail themselves of it.

Mr. FRANK WILSON: There must be two to the bargain. There might be one party holding no religious beliefs who might take advantage of a law which would be loosely drawn in that respect to enable him to take that advantage.

Hon. W. C. Angwin (Honorary Minister): But there would not be collusion in that case.

Mr. FRANK WILSON: I am not opposing it entirely on the ground of collusion, but there would be opportunity for one who desired to relieve himself or herself from the bond entered into to get rid of it too easily.

The Premier: You mean there would be collision.

Mr. FRANK WILSON: I do not mean anything of the sort. The Premier is pleased to be facetious this afternoon, though I fail to see the joke, but I am dealing with a serious subject, and I wish the hon. member to consider it seriously. I know sometimes it is beyond his powers to consider anything seriously. He made a statement at Beverley which could not have been said in earnest. He said that his Government had done more in three weeks to provide water in outside areas than any Government had done in three years.

Mr. Bolton: That is easy enough.

Mr. FRANK WILSON: It is not easy, when we know of the hundreds of wells and dams that were constructed and of the bores that have been put down.

Mr. SPEAKER: Order! The hon. member is not discussing the Bill.

Mr. FRANK WILSON: I know that.

Mr. SPEAKER: The question of water supplies has nothing whatever to do with the Bill. I have already allowed the hon. member some latitude.

Mr. FRANK WILSON: I am aware of that; I am sorry I drew your attention to the fact that I was getting over the traces, but I apologise and lay the blame on the shoulders of my friend opposite. I hope with regard to this measure there will be a sufficient number of members in the House who will see eye to eye with the member for Bunbury on this occasion. It is not that I, or, I am sure, the member for Bunbury, wish to obstruct the passing of legislation of this description, but that we wish to give those who oppose it on conscientious grounds the opportunity of stating their reasons for their opposition. It is well that we should not lay ourselves open to the charge of refusing them the opportunity to state their reasons for their opposition to the Bill. If the hon. member would substitute for his motion one to refer the Bill to a select committee I would be pleased to support it.

Mr. Bolton: You know that would kill the measure.

Mr. FRANK WILSON: I know nothing of the sort. If the Bill were referred to a select committee it would give representatives of the different sections of the community an opportunity of appearing before that select committee. There is another reason why we should not press this legislation, and that is that these laws should be brought into uniformity throughout the Commonwealth. If we could bring pressure to bear upon the Federal Government to pass divorce legislation which, of course, would supersede the legislation in existence in the different States, I for one would be willing to let this measure go altogether.

The Premier: There is no hope for you as a "State frighter"; you want the Federal Government to do all.

Mr. FRANK WILSON: I do not. I simply say that here is a matter that the Federal Government can well legislate upon. In fact they are empowered by the Federal Constitution to do so, but I do object when they attempt to go outside of the Constitution and take unto themselves powers which it was never intended to be conferred on them and which the hon. member has wanted them to exercise over and over again to the detriment of this State.

Mr. Hudson: On a point of order; I do not desire to stop the debate on the Divorce Bill, but may I ask whether the hon. member is in order in introducing outside matters into this debate?

Mr. SPEAKER: I think the leader of the Opposition is still talking on the question under discussion.

Mr. FRANK WILSON: If the member for Bunbury will substitute for his motion an amendment to submit the Bill to a select committee to report in a week's time. I will give him all the assistance I can. This will also give to those who desire to express their views an opportunity to be heard.

Mr. Taylor: The motion can be withdrawn and the Bill recommitted, and amendments can be put on the Notice Paper.

Mr. FRANK WILSON: For what purpose?

The Premier: Delay.

Mr. FRANK WILSON: I do not want to delay the measure. I have stated that in emphatic language. All I desire is to give these people who wish to express their views on the Bill the opportunity to be heard. I do not want them to say that we rushed the Bill through, and that they had no chance of explaining their views to the House.

Mr. TAYLOR (Mt. Margaret): The debate this afternoon has shown the necessity which existed when the Bill was before the Chamber last week for reporting progress so that it could be further considered by hon. members. I supported the proposal that progress should be reported last week and this afternoon's discussion has proved conclusively that that course should have been followed. If that is the desire of the member for Bunbury it will be necessary for him to withdraw his motion and move for the recommittal of the Bill, and then in accordance with Standing Orders 297 and 298 the amendments can be put on the Notice Paper.

Mr. McDowall: No one is asking for amendments.

The Minister for Justice: It is purely delay.

Mr. Frank Wilson: Let the hon. member proceed to explain.

Mr. TAYLOR: When hon. members have ceased their firing I shall proceed. The desire of the member for Bunbury no doubt is that an expression of opinion should be conveyed to this Chamber from those outside who are interested. That is what I gather from the motion which he has moved, but if we wait for that expression of opinion and we accept the hon. member's motion we will be in that unfortunate position that we will not be able to amend the Bill in keeping with that expression of opinion after it has been given, whether by petition or by members coming into contact with those outside who hold views which they desire should come before the House.

Mr. Frank Wilson: You can recommit it a week hence.

Mr. TAYLOR: If we dispose of this motion in any way we cannot move to recommit the Bill.

Mr. Frank Wilson: If the third reading is postponed we can have the recommittal then.

Mr. TAYLOR: I am afraid there is no chance of carrying the hon. member's motion in this Chamber.

Mr. Frank Wilson: I am afraid there is not much chance of carrying any motion.

Mr. TAYLOR: It would be better to allow the matter to stand over for a week and then give members an opportunity to further discuss it; in the meantime we could hear the views of those who say that certain things should be altered. What will be the use of hearing these views if we are to be powerless afterwards to give effect to any of them? I hope the amendment will be withdrawn so that we may have the opportunity of recommitting the Bill in a week's time. I am positive the Bill has not had the consideration it deserves. It has altered the whole of the social fabric of our State, and it passed through this Chamber in less than 60 minutes, and practically without any discussion. If hon. members are satisfied that the equity of the measure is genuine and they are prepared to support it I hope the opportunity will be given to permit of the recommittal of the Bill.

Mr. McDOWALL (Coolgardie): I can see no reason why this measure should be postponed. The divorce laws which are in existence in this State were passed in 1863. That is a mighty long time ago, and since then many changes have taken place in similar laws in the Eastern States. The Bill was read a first time a week ago, and there has not been any movement against it since then. If the people were so much interested in the matter they might have taken some action during the

past week. The member for Mount Margaret wants the Bill recommitted with the object of moving amendments.

Mr. Taylor: I do not.

Mr. McDOWALL: That was what the hon. member stated; in order to give the people an opportunity to suggest alterations. I can only interpret the hon. member's words to mean that amendments would be moved at a later stage, and he argued that if the Bill was not recommitted this opportunity would be denied. I would like to say that no member has even suggested an amendment of any kind. We have a motion and an amendment before us at the present time but there is no suggestion that there should be an alteration, and I do not see why we should not endeavour to make the divorce laws at least sensible. I therefore hope that there will be no delay.

Mr. LANDER (East Perth): I am going to object to the adjournment of this measure in any shape or form. I think it is a just clause in the Bill which proposes to give the same power to men and women. Any man who clears out and leaves his wife for three years is not worthy of the slightest consideration at the hands of this House, and if the churches and others have been anxious to come forward and help, why have they not done so before? A woman should be placed on the same pedestal as a man. A man seems to be able to do as he likes; if he has a night out his wife practically cannot say anything. At any rate, I sincerely hope that if a man clears out and leaves his wife for three years the members of this House will be men enough to support a measure which will put an end to that state of things.

Mr. DWYER (Perth): I rise to support the motion for delaying the passing of this Bill. It seems to me that, to a Bill, apart altogether from its merits or demerits, which strikes at the existing social fabric, the fullest possible time for discussion should be given, not only in this Chamber but outside. I understand, in fact I have been informed, that there is a petition being prepared for presentation to this House, which will give the views of a certain large section of the community.

Mr. Bolton: Will it suggest that the measure should be carried?

Mr. DWYER: I do not know exactly what it will ask for, but it will contain the views of many people with regard to the suggested amendments to the Divorce Act, and I think it would be well for the House to pause awhile until we know the contents of the petition. Everyone has a right to be represented in a matter of this kind, and it should be remembered that the matter is not a Government one; it has not been fathered by the Government; it is purely a private members' Bill, and I would further appeal to hon. members to have it discussed as fully and as freely as possible. The member for East Perth has referred merely to one portion of the Bill, namely, that with regard to desertion for three years and upwards, but that is only a small portion of it, and I venture to say almost the least objectionable portion, from my point of view, of the proposed amendments to the divorce laws. The Bill goes much further. It gives the wife a right to apply for a dissolution of marriage (and what that necessarily involves is frequently lost sight of, namely, the right of liberty to marry again), on the ground of a simple and isolated act of adultery committed on the part of the husband. I therefore appeal to hon. members to postpone for a little while the consideration of the measure in order that the public may be heard. Our present Act is certainly an old one, but although I do not believe all old things should be venerated, considering how long it has been unquestioned on the statute books no harm would be done if it were allowed to remain there for a few weeks longer. The British Government appointed a commission to deal with the amendments of the divorce laws, and before I would care to pronounce any further opinion I would like to have the opportunity of reading the report of that Commission.

Mr. Hudson: You will get it six years hence.

Mr. NANSON (Greenough): Both on the second reading and on the Committee stage the Opposition endeavoured to secure delay, not because the members on this side of the House are necessarily opposed to the principles set forth in the Bill, but because we felt, as has been pointed out by other hon. members, that the Bill makes a very wide and sweeping change in our social laws. Moreover, we have no mandate from public opinion in support of the Bill, although we have only just returned from the electors. Surely it does not show any very great confidence in the merits of the Bill if a considerable number of hon. members are opposed to the short delay of a week suggested by the member for Bunbury in order to admit of persons outside the Chamber, persons who reflect a considerable body of public opinion, expressing their views in regard to the measure. If the adjournment for a week were granted I should not hesitate to support a motion for the recommittal of the Bill so that, if necessary, it could be referred to a select committee; because I feel sure that whatever the merits or demerits of this proposed reform it is one that should be expected to stand the fullest investigation. As the member for Perth has pointed out, this subject of reform of the divorce laws has only recently engaged the attention of a Royal Commission in the mother country and, if I mistake not, the report of that Royal Commission, if not actually available in Western Australia at the present time, will very shortly be available. We have an additional reason for delay in this matter. As has been pointed out by the leader of the Opposition, it is undesirable that we should legislate on matters which, by the Constitution Act, have been referred to the Federal Parliament to deal with, and, as we know, under the provisions of the Constitution Act, this matter of divorce is essentially one for the Federal Parliament to legislate upon. Whatever our views in regard to divorce, we are all agreed on the desirability of having one uniform law throughout the Commonwealth, and that being so it cannot be said that there is this extreme urgency to rush the Bill through almost without debate. At a later stage, if a majority of hon. members so desire, the Bill can be passed and sent on to another place; but those hon. members who wish to see a change in regard to the divorce laws as at present existing in Western Australia are not strengthening, but rather weakening, their case when they endeavour to have the Bill rushed through almost without debate. If it should happen that the motion for the third reading is carried, members on this side of the House may comfort themselves with the thought that they at any rate have endeavoured to secure a reasonable period of time for consideration of the important matters dealt with in the Bill.

Mr. HUDSON (in reply): It is all very well for the member for Greenough to come along and oppose the third reading on the plea that he has not had time to consider the measure. If he had been in his place in the Chamber he would have received the Bill in due course and had an opportunity of discussing the second reading. It is unfair to those hon. members who have attended to their duty, and who were prepared to discuss the Bill on the second reading, for another to come along at this stage and seek to delay the Bill. If during the course of the debate this afternoon anything had been said which could be accepted as a good reason for delay, or if any member had had the temerity to say he was opposed to the measure, then possibly the question of further consideration might have had good claims upon our attention; but, as none have had that courage, as the most weighty statement put forward is merely a suggestion that we should give full and free consideration to the measure for a week —and the leader of the Opposition says, "Yes, get it delayed for a week and you can move to refer it to a select committee, and then the Bill is gone"—seeing that this is the full amount of the opposition to the measure I will leave it there. I have opposed the amendment, and I thrust upon those who vote otherwise the responsibility of casting out the Bill.

Amendment (postponment for a week) put and division taken with the following result:—

Ayes	.. .. ..	14
Noes	.. .. ..	28
Majority against	..	14

AYES.

Mr. Allen	Mr. A. N. Piesse
Mr. Dwyer	Mr. S. Stubbs
Mr. George	Mr. Thomas
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Monger	Mr. A. E. Piesse (*Teller*).
Mr. Moore	
Mr. Nanson	

NOES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. Mullaney
Mr. Bolton	Mr. Munsie
Mr. Carpenter	Mr. O'Loghlen
Mr. Collier	Mr. Price
Mr. Foley	Mr. Scaddan
Mr. Gardiner	Mr. B. J. Stubbs
Mr. Gill	Mr. Swan
Mr. Green	Mr. Turvey
Mr. Holman	Mr. Underwood
Mr. Hudson	Mr. Walker
Mr. Johnson	Mr. A. A. Wilson
Mr. Lander	Mr. Heitmann (*Teller*).
Mr. Lewis	
Mr. McDonald	

Amendment thus negatived.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Council.

BILL — LOCAL COURTS ACT AMENDMENT.

In Committee.

Resumed from 16th November. Mr. Holman, in the Chair, the Minister for Justice in charge of the Bill.

Mr. Dwyer had moved the following new clause:—"Section 12 of the principal Act is hereby amended by adding the following subsection: In any case when the amount of the claim, or the value of the subject matter in dispute does not exceed £10, the Magistrate to whom the Court is assigned may appoint any two justices having jurisdiction in the district in which the Court is held to hear and adjudicate thereon, and the said justices may exercise all the powers and perform all the duties which that Magistrate might have exercised or performed."

Mr. DWYER: On consideration it seemed that the proposed new clause could be somewhat improved upon.

The CHAIRMAN: It would first be necessary to withdraw the new clause at present before the Committee, and then move the new clause proposed to be substituted.

Amendment by leave withdrawn.

New clause—Amendment of Section 12:

Mr. DWYER moved an amendment—

That the following new clause be inserted to stand as Clause 4: Section twelve of the principal Act is amended by adding a subsection as follows:— (2.) "In any case when the amount of the claim, or the value of the subject matter in dispute, does not exceed ten pounds, the magistrate may appoint any two justices having jurisdiction in the magisterial district in which the court is held to hear and adjudicate thereon, and the said justices may exercise all the powers and perform all the duties which that magistrate might have exercised and performed."

The effect of the amendment would be that while the jurisdiction of the magistrate to whom the court was assigned would remain as at the present time, where necessary he could delegate cases up to £10 to be heard by two justices of the peace without having to make any request to the Minister or report to him. In view of the fact that justices exercised such jurisdiction in the police courts, it was not extending the jurisdiction unwisely in giving them charge of petty debts, whilst the alteration would make for convenience in the practice of the local court. It would prevent congestion in large centres and the undue delay at the present time caused in country places. This change was all the more necessary since for the "return day" the Bill substituted a system whereby each summons was returnable within a certain time after its issue from the court. The only difference between the new amendment and the

one which had been withdrawn was the insertion of the word "magisterial" and the making of it a new subsection.

Hon. W. C. ANGWIN: This was a new departure which was not all desirable, for it was giving to magistrates power to appoint justices, which was rightly the duty of the Governor-in-Council. The amendment gave a magistrate power to appoint certain justices to hear certain cases.

Mr. Dwyer: They have that power at present.

Hon. W. C. ANGWIN: It was not desirable that they should have that power. It would be preferable that any justice who was qualified to act as such should be competent to hear any case brought before the court without appointment by a magistrate. He did not believe in throwing on the magistrate the responsibility of saying who should and who should not hear cases that came before the court. He had never heard of a magistrate having power to request justices to hear any cases in particular.

Mr. Dwyer: It is in the present Act.

Hon. W. C. ANGWIN: Well, the power was not availed of, and it was an innovation which should be avoided.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th November.

Mr. TAYLOR (Mt. Margaret): In addressing myself to the second reading of this Bill, I desire to point out that with the exception of one alteration proposed in the measure, I am absolutely opposed to its provisions. The first amendment of the principal Act is to give power to the local governing body to do away with mosquitos. I was of opinion that that provision was inserted in the Bill last session, but I find that it was omitted. It is a power which should have been in the parent Act, but as for the other amendments I am going to oppose the second reading, and if the measure reaches the Committee stage I am going to do my best to oppose it there. It will be remembered that the Honorary Minister, in moving the second reading, pointed out that the Bill aimed to do no more than what the last Parliament intended, in fact what the last Parliament did, only that certain words were left in which Parliament had struck out. I agree with the Minister that through the stress of work last session, and the long and continued sittings night and day, an error was made in the Bill by allowing to remain in three or four words that had been struck out in Committee. Only in one instance was that omission made during the whole session, and so far as I remember, during the last ten years of Parliament; but the Minister has brought in an amending Bill with no less than eight sections and subsections to deal with that matter.

Hon. W. C. Angwin (Honorary Minister): I did not say that.

Mr. TAYLOR: The Minister's speech is in *Hansard*. I am not at liberty to read what he said, but if any hon. member cares to peruse the one page of *Hansard* which contains the whole speech delivered by the Minister on that occasion he will find that what I say is absolutely correct. The portion of the Bill to which I take strong exception is one to which the Minister only devoted a few remarks; that is the clause altering the midwifery section in the parent Act, but I will come to that later on. What is it the Minister desires to do? He desires in Clause 3 of the Bill to alter section 203 of the principal Act and remove from the Commissioner—the Commissioner of Public Health, mark you—the power to tell local governing bodies that they shall do something in connection with the areas they control if, in his opinion, owing to their laxity, the sanitation of their area has become so bad that infectious diseases have arisen; he has power also to tell them how they are going to treat these cases, and where. But the Minister desires to remove from the local governing body any obligation in connection with the cost of

treating these infectious cases. As the law stands, wherever a case is discovered by the health officer he reports it to the local body concerned, and the case is at once removed to the hospital set apart for infectious diseases. So far as the metropolitan area is concerned, leaving out Fremantle, we have only one infectious hospital, namely the branch of the Perth public hospital at Subiaco. Patients are sent there and the local governing body is responsible for the cost of treating them to the Perth public hospital, or rather, to what was the Central Board of Health, which in turn was responsible to the Perth public hospital. But the Honorary Minister desires to remove all that responsibility from the local governing bodies and to place it on the shoulders of the Government. Now the Perth public hospital is largely supported by the Government. The Government grant last year was something like £13,000 and, I think, the board spent £17,000 or £18,000 in the management of the institution. Personally, I have for many years held the view that we should provide State hospitals.

Mr. Carpenter: Then what are you objecting to now?

Mr. TAYLOR: I am objecting to this measure which does not further one iota the principles I have held for many years.

Hon. W. C. Angwin (Honorary Minister): It is a step in that direction.

Mr. TAYLOR: It is a step in the direction of removing the financial obligations from the local bodies whose neglect causes these diseases. If there is any truth in medical science these infectious diseases are due mainly to bad sanitation, and those who are responsible for the bad sanitation should be made to pay, and not the taxpayers of the State as a whole. What is the position, when we realise all the ills that human flesh is heir to, where the Government will not come to the rescue and when no local governing body is responsible though the people in a local governing body's area pay to the local governing body to keep the sanitation right? That is what the ratepayers do, they pay to keep the sanitation good; yet we are removing the duty from these people. I am satisfied the Government should maintain all hospitals, but I am not satisfied that the taxpayer should pay health rates to have the health of the area looked after and that then, because the local governing body neglects to spend the money wisely and well, and through bad management and through bad sanitation an infectious disease breaks out, they should call upon the consolidated revenue to pay for the upkeep. I say the local governing body should do it.

Mr. Bolton: But it might be brought into a clean district from an outside district.

Mr. TAYLOR: The Act provides that if a person comes into a district and it is proved that he has contracted the infectious disease before coming there the liability is removed from the local governing body.

Mr. Bolton: Quite so, but it is a matter of proving it.

Mr. TAYLOR: There must be some identification or proof for anything of that character, but it is no trouble to prove it, I should imagine.

Mr. Bolton: It is utterly impossible; it has been tried in several districts.

Mr. TAYLOR: I do not know that it is impossible; it certainly removes the objection raised by the member for South Fremantle. I have no desire to say that, because the Government will not go far enough, they are justified in going thus far. It will not relieve the people in the local governing areas, it will not relieve the tax on the people in the local governing areas. Will the Honorary Minister tell me that the local governing body where he resides will reduce the tax on the people in their area if the consolidated revenue is to maintain their infectious cases? I believe all the hospitals of any country should be run by the State, but I do not believe in this sort of piecemeal business. The hon. member knows my views on this question. The Perth Public Hospital Board received last year from the local boards of health £2.000. I may say some of this was on account of work done in the previous year. It has an in-

fectious hospital dealing with all the suburban areas round Perth, and during the year ended 30th June, 1911, for scarlet fever and diphtheria cases alone the sum of £1,761 11s. was charged to local boards of health, and the amount due by local boards of health to the hospital for the same period amounts to £630 1s. 6d. So hon. members will see that it means a difference in the hospital vote for Perth of somewhere about £2,000 per annum. It is for the House to know exactly what they are doing in this resepect. My argument is not directed so much as to who is going to pay for these cases as to who is going to have the authority to decide. The Honorary Minister practically removes all the power from the Commissioner of Public Health, the very new principle in the Act. It is the first time in the history of Western Australia we have had a Department of Public Health, and that was passed only last session.

Hon. W. C. Angwin (Honorary Minister): The last Parliament removed these words from the clause.

Mr. TAYLOR: The hon. member moved it, but there was no discussion. There was never a word about it, and I venture to say that when I, as Chairman of Committees, stated the question it was carried on the voices in a tired House.

Hon. W. C. Angwin (Honorary Minister): It was carried on a division.

Mr. TAYLOR: There was no division on that occasion and there was no discussion. I am speaking from memory, but I believe the late Minister for Works was in charge of the measure and said that if it were a consequential amendment he had no objection. The member for East Fremantle said it was, but I refused to accept it as a consequential amendment. As Chairman of Committees I stated the amendment from the Chair and it was carried without discussion. If my memory serves me well, *Hansard* will bear that out. I hold that the Commissioner of Public Health should have power to tell governing bodies what they are to do. If they fail to do something, who is to put the machinery in motion to make them? What is the use of a Health Department if the Commissioner has not the power or authority to tell local governing bodies what to do? With his knowledge of hygiene and infectious cases and his general knowledge of health matters he should be the first to tell them what to do. If we carry this amending Bill we shall remove that power from the Commissioner and allow the local governing bodies to do just as they choose. Members who were in the last Parliament will remember we fought on the floor of the House as to whether we should have the old system of a Central Board of Health with a chairman, or a Health Department and a Commissioner of Public Health subject to the Minister, the Minister being responsible to Parliament. I spoke on the second reading; and so strongly did I feel on the question, a principle in democratic politics that I had held for years, that when I was appointed Chairman of Committees and the Health Bill was the first Bill under discussion when I was not in the Chair two hours, when a division was taken on this very principle that I held so dearly, namely that we should have a department of public health—so strong did I feel that I voted contrary to the laws a Chairman of Committees should follow and voted for the principles I held. Had there been any objection to my action I should have vacated the Chair and gone back to the floor of the House as a private member, but no objection was taken to my attitude. There was no other course for me. When my principles clashed with my duties as Chairman, the Chairmanship must go and my principles carry. That was the view I held. I hope now the House will not give way one iota in regard to this principle and remove responsibility from the Health Department to the local governing bodies. We must have someone in authority to move the machinery when it will not be moved by those who are handling it, and the Commissioner of Health is I believe the person who should do it. The section the Honorary Minister desires to amend is Section 203 of the Act.

Hon. W. C. Angwin (Honorary Minister): Only with reference to certain sections.

Mr. TAYLOR: But these sections are actually the crux of the Bill, the principle of it. It is idle for the Honorary Minister to say they are not. Take into consideration the attitude of Parliament towards this Bill for the last ten years. It was only last session that Parliament was capable of dealing with a Health Bill. No Government in power since I have been in Parliament, for eleven years, was capable of putting a Health Act upon the statute-book. Every Government has tried and failed. The Government of which I had the honour of being a member brought down a Health Bill; I introduced it as Colonial Secretary, but failed to get it through. Other Governments save the last have failed to do it. If Parliament last session did nothing else but place this measure on the statute-book, it completed a work that was a credit to the late Government and a credit to Parliament itself, and now I am not going to allow this Parliament, without raising my voice, to mutilate the Act and put it in a position of chaos as the Honorary Minister wishes to do. It requires more ignorance than courage to bring down an amendment of this character to amend the Act.

Mr. Bolton: Then it is a wonder you are not in charge of the measure.

Mr. TAYLOR: If I were, the hon. member would be turning over the leaves for me.

Hon. W. C. Angwin (Honorary Minister): You were in charge of a Health Bill previously.

Mr. TAYLOR: I was, but I have never been in charge of anything of this character, thank God. The Honorary Minister desires to wreck the principle of the Act. Clause 4 is another blow at the section which gives the Public Health Department power to control the public health by local governing bodies when they fail to do it. Thus when the Commissioner tells the local governing bodies that they must frame by-laws for a certain object he has the power to compel them to do it under the principal Act, but the Honorary Minister now desires to take that power from him and allow the local governing bodies to be supreme and say what they think should be done. How can we have administration of the Health Act without somebody in authority, somebody with technical knowledge and a knowledge of health matters generally to direct the local governing bodies what to do? Now we come to another matter which is more important still, and that is the part dealing with midwifery. The Minister in charge of the Bill pointed out there was nothing new in this amendment of the Bill. He cannot say that this amendment is in the principal Act. This is absolutely a new matter and a matter that in some respects the House rejected last session. I have not looked up *Hansard* but I venture to say I heard the discussion on these very principles during the passage of the last Bill. What does the Honorary Minister desire to do with the midwifery sections? He desires to alter Section 256 of the principal Act which reads—

> (1) For the examination of women desiring to be registered as midwifery nurses, the Midwives' Registration Board shall, as soon as may be after the passing of this Act, make regulations prescribing the qualifying examination, and for the appointment of examiners. (2) Such regulations shall provide, amongst other things, that candidates for registration shall produce evidence of having undergone at least twelve months' training at an approved institution; and may provide that candidates shall produce evidence of having conducted a prescribed number of cases.

The Honorary Minister desires to repeal that.

Hon. W. C. Angwin (Honorary Minister): Nothing of the kind. It is to add to it.

Mr. TAYLOR: The addition will nullify the value of the section, which is exactly the same thing. The proposed addition provides for three years' training in an approved institution, and six months in a midwifery nursing establishment, and by Clause 7 the hon. member desires to make it possible for a person coming from elsewhere after three or four months' training to receive a certificate, so that that person with the short

period of training would be placed on the same footing as a trained nurse who had undergone a three years' course in medicine and surgery, and six months' training in midwifery. After four months' training in England, the London City Midwifery Board will give a certificate on certain conditions, and what I desire to point out is that the people who get those certificates only attend the slums in England.

Hon. W. C. Angwin (Honorary Minister): Do not they want the same attention?

Mr. TAYLOR: Yes, but do they get it? If they were dealing with a matter of this kind in the Parliament of England they would not give the same consideration to those people that we would give them in this Parliament; therefore I am not going to accept the standard of England for this country. We would have more liberality, and we would value our people more than they do, or, at least, that section of them. I want to tell the Minister that there they provide for attention to 100 cases, while here they have to attend 20. I ask whether it is fair for our nurses, who have to undergo a course of three years in medicine and surgery, and six months in midwifery, before they can obtain a certificate, to compete with those who hold certificates which have been obtained after three or four months work only. If we agree to the clause that will permit this we shall be lowering the standard of midwifery. This Government should be the last to do that kind of thing. Are we to allow the lives of two people, the mother and the child, to be placed in the hands of incompetent nurses? I say no. I am sorry that there is not a member in this Chamber who has technical knowledge on the subject in order to convince the House of the justice of my argument. We should take every precaution against lowering the standard. I sincerely hope that the Honorary Minister will not endeavour to convince the House to the contrary, and I hope he will not persist in pressing the Bill through without permitting it to be amended, because it will interfere with those who already hold certificates of a high standard. I am also considering the women who might be unfortunate enough to be placed under the care of a nurse holding a certificate under the lower standard. It is all very well if the case is going along smoothly, but should complications arise a nurse with a three or four months' qualification and possessing a full-blown certificate might fail, and a valuable life, or lives, might be lost. I will not vote for a Bill which will enable the Minister, or even a commissioner of public health, or a board directed by them to grant certificates under such circumstances. The hon. member would set up a standard for nursing and let the board of examiners carry on the examination on that standard. I would not mind that so much, but he has not set up any standard. If the Minister goes into what I have said, he will find it to be correct, and that the Bill will allow an inferior standard to take the place of that which was provided last session. The position will not be improved one iota, and the effect, I think, will be a reduction in the standard of nursing generally in the State. I hope the hon. member will not press this amending Bill. So far as I can see the only thing to do with it is to wipe it out altogether, or, perhaps, leave only the first clause. It is absurd for the hon. member to go on with it. I would like to know also whether the hon. member has any authority for the measure; whether he has obtained any medical advice, or whether it is his own measure, the creation of his own brain. If it has the authority of the Commissioner of Public Health we will have the opportunity of seeing how valuable that authority is. The hon. member is absolutely silent. I am afraid that he cannot get the Commissioner of Health to father this leaflet. I think it is the creation of the hon. member. It is the first step that the hon. member has taken after the hard battle we put up last session to get the Health Act into the position we find it today. I intend to oppose the second reading of the Bill, and if it succeeds in passing that stage, and I hope it will not, I shall take every opportunity in Committee of endeavouring to effect amendments.

Mr. LANDER (East Perth): I would certainly like the Minister to agree to an

adjournment of the debate on this measure in order that members might have an opportunity of properly considering its seriousness. I do not think that the seriousness of the measure has really been taken into consideration. In one portion of it we find that the only thing a nurse has to do in order to secure a certificate is to serve three years' general nursing in an approved institution. The chances are that that might be an unqualified institution, some institution that has never had anything to do with the granting of certificates. It takes a nurse a considerable period to understand midwifery, and yet we are going to allow inexperienced women, as the clause states, after three years in an institution and six months' training in midwifery to get certificates, and these are the nurses who will be called upon to attend the wives of our fellow workers. We have found that these women, often through ignorance, carry from one place to another the bacilli of septicemia. There has been a great deal written and spoken about this kind of thing in recent years, and as the representatives of the labour class it is our duty to endeavour to improve this state of things. I hope, therefore, that the Minister will agree to postpone the further consideration of this Bill so that steps may be taken to provide for a proper examination before the granting of certificates.

Hon. W. C. Angwin (Honorary Minister:) The Bill does that.

Mr. LANDER: I do not think it does. The clause merely says that a candidate must have undergone at least three years' training in a general nursing institution, and must give evidence of six months' training in midwifery and that shall be sufficient evidence of training. However, I am going to appeal to the Minister to postpone the further consideration of the measure so that it might be put into better form, and in this way grant protection to the wives of the workers against inexperienced nurses.

Mr. GEORGE (Murray): So far as the intentions of the Minister are concerned they seem to be quite clear. It appears to be his desire to give effect to the amendment, which in some way or another he considers necessary at present. Seeing the number of years it has taken the Assembly to get a properly concentrated Health Act on the statute book I think it would have been only reasonable to have given the measure, which has just been passed, a trial before attempting to bring about an alteration.

Hon. W. C. Angwin (Honorary Minister): That has been done.

Mr. GEORGE: To my knowledge I have not heard that the Act has had the trial that the words of the Minister would indicate. To my mind the alterations have been brought forward at the instigation of prominent officials, or at the instigation of some local boards. When the Health Bill was discussed last session it seemed to me that the powers asked for by the Government were very wide indeed, especially that which gave the Commissioner power to call upon local bodies to carry out any programme that he might desire with regard to local hospitals. It also seemed to me that when there was any danger of an epidemic, there should be no delay whatever in properly dealing with patients who might be affected, and therefore I was prepared to let that drastic power pass in the hopes of such defects being remedied. I feel with the member for Mount Margaret that what is endeavoured by Clause 7 in connection with certificates for midwifery is hardly fair to those who hold certificates under the higher standard, and if the Honorary Minister could see his way to add such words as would indicate that the holders of such certificates would have to show at least some service, and something equal to what was required in the Commonwealth, I would be agreeable to accept the clause, but I am not prepared, Englishman as I am, to confer upon anyone outside the Commonwealth benefits that we would not give to those within our borders. The Minister is very enthusiastic over this, and I feel sure he is very sincere, but I would be glad if he could see his way clear to letting this matter be dropped for this session, and allowing some practical demonstration to show the ne-

cessity for these local hospitals. I am satisfied that within the four corners of the measure there is quite sufficient power to deal with any immediate case requiring to be dealt with.

Mr. Heitmann: We will take over-sea nurses, but on the same standard as our own.

Mr. GEORGE: I am now dealing with the question of the alteration of the Act. Provided this Clause 7, dealing with nurses admitted from outside the Commonwealth, calls upon them to show that they have the same experience as nurses within the Commonwealth, I will be satisfied. Much as I would like to see our State filled with desirable people I am not prepared to give an immigrant any greater privileges, or rights, or powers, than has the person already domiciled within our borders; Clause 7, I think, proposes to do that. Reverting to the proposed alteration of Section 203 of the principal Act, dealing with the mandatory powers under Sections 243 and 247, to my mind there has not yet been fitting opportunity for properly testing the Act. We should let it get into full work and then see where the necessity may be for this alteration.

Hon. W. C. Angwin (Honorary Minister): There is no alteration there.

Mr. GEORGE: But there is. The principal Act says that when the Commissioner calls on a local authority to do certain things they must be done; but under the Clause they will not be compelled to do so. Let us look at Section 247.

Mr. SPEAKER: The honourable gentleman must not discuss the clauses of the Bill; it is not in order.

Mr. GEORGE: It was merely with the idea of explaining my general remarks.

Point of Order.

Mr. Taylor: On a point of order. Do you rule, Sir, that the honourable member is not in order in discussing the principal Act, which this Bill proposes to alter?

Mr. Speaker: He is in order in discussing the principal Act, but not the clauses of the Bill under consideration.

Mr. Taylor: He was about to read a section of the principal Act.

Mr. Speaker: Then he was perfectly in order.

Mr. George: I was endeavouring to show that Section 247, which is to be altered by Clause 3 of the Bill, states distinctly that, when the Commissioner so requires, a certain thing shall be done, and that the clause of the Bill proposes to remove the word "shall."

Mr. Speaker: Some reference has previously been made to the discussion of sections and clauses, and a ruling has been laid down that on the second reading only the general principles of a Bill may be discussed, and that the clauses may not be discussed. I find in *May* also a ruling given to the effect that only general principles may be discussed on the second reading. I have no desire to confine the discussion, but I hope that second reading speeches will not be allowed to degenerate into Committee speeches.

Mr. Taylor: You refer to a precendent having been made. There is nothing in our Standing Orders to justify the making of that precedent to which you refer, and I do not think there is anything in *May* which deals with that aspect of the question. Where our Standing Orders provide for the conduct of business in the House they are supreme; where they have not provided, but custom for 20 years has obtained, I do not think *May* is brought in to justify a ruling.

Mr. Speaker: I only want to adhere to my original ruling, namely, that the procedure previously laid down in the House is that the clauses of a Bill should not be discussed. *May* says that the second reading is the most important stage which a Bill is required to pass, because its whole principle is then at issue, and is confirmed or rejected by the House, but that it is not reasonable at that stage to discuss in detail its every clause.

Mr. Taylor: The words "in detail" absolutely kill the quotation with which you have supported your ruling. To refer to a clause in a statute is not necessarily to deal with a matter in detail. I hope you will not insist upon that ruling, or you will make it almost impossible for any

light to be thrown by a Minister in charge of a Bill upon its clauses in the second reading stage, or by any hon. member who desires to speak on it.

Mr. Speaker: I do not wish to say anything more on the matter other than that I have ruled in accordance with a previous ruling given in the House. I hope that, as far as possible, members will reserve their remarks on detail in clauses until the Committee stage is reached.

Debate resumed.

Mr. GEORGE: The Bill contemplates alterations of the Health Act passed last session; the proposed alterations are to my mind rather drastic, and should not have been attempted until the Act of last session had a sufficient trial.

Hon. W. C. Angwin (Honorary Minister): It is merely putting an error in order.

Mr. GEORGE: I do not know where the error is. To my mind Section 247 of the principal Act carries with it the general feeling of the people, namely, that when a time of emergency arises and there is need to deal with an infectious disease, it shall be dealt with in an earnest manner. Here we have in the section power given to a Commissioner to say that certain things shall be done.

Hon. W. C. Angwin (Honorary Minister): That was not carried in the House.

Mr. GEORGE: It is in the Act.

Hon. W. C. Angwin (Honorary Minister): It should not have been there.

Mr. GEORGE: It is the law of the land at the present time, and I think it is right. We should not attempt to interfere with so important a matter at the present juncture. I have seen many conflicts between local boards and central boards, while, in the meantime, those who should have been attended to have been tossed from pillar to post. Section 247 provides against that contingency, and I take it that it has the support of the people. Again, in regard to the question of certificates, the view is, I think, that those who live within the confines of the Commonwealth should not be penalised because of that circumstance. In other words, those who come from outside should not receive advantages over those who reside in the Commonwealth. Yet this principle has been laid down in the Bill and I resent it very strongly, and shall do what I can to oppose it.

Mr. DWYER (Perth): I am sure the Minister in charge of the Bill has been influenced by only the very best motives in introducing this amendment. So far as the amendment deals with any portion of the Act outside the nurses' section, I do not intend to even refer to it, because I presume the Minister knows exactly how matters stand in regard to infectious diseases and hospitals, and if he is assured that the Act is unworkable, and requires amendment, I intend to support his amendment. But, in so far as the Bill deals with nurses and their qualifications, I think we ought to pause before we lower the professional standards. We know that no calling requires more care and better training and ability than that of the nurse, and the nurse who is also a specialist in midwifery is, or ought to be, a nurse not only of considerable experience, but one who has undergone special training. We have certain institutions in the State of which we may well be proud, and; considering that we require nurses trained at those institutions to attain to a certain standard, to attend lectures, pass examinations, and conclude a lengthy apprenticeship, I hope the standard of to-day will never be lowered by any vote of the House. It is my hope that professional standards and professional attainments will always be strictly adhered to. I understand that those who at present are not qualified in the highest degree are protected by certain sections of the principal Act, inasmuch as they will be allowed to register; therefore, no injustice will be done to them by our insisting upon a higher standard in future. One of the requirements we ought to insist upon is that any nurse desiring to be registered should pass a certain period of her time in a proper training institution approved as such, with a certain minimum qualification which we should set down hard and fast in our Act. I hope the Minister will see to it that this is done. Secondly, as regards the question

of nurses coming from older countries here to be admitted as midwifery nurses, if the facts are as stated, namely, that after a very short period of training they come here and are exempt from examination, I say it is an absolute injustice to our nurses here. Not only is it an injustice, but it is an insult to them, and a reflection upon our training institutions as they exist at the present time. I hope that nothing will be done to lower our standard here or to give preference in any way to training being done in that way.

Hon. W. C. Angwin (Honorary Minister): *Nothing is being done.*

Mr. DWYER: I am glad to receive that assurance, because up to this moment I was assured by professional nurses that such was the case. If there is nothing being done to lower the standard of nurses' training, if nothing is being done to place our professional nurses under any disadvantage as regards their nursing profession compared with others trained elsewhere, if nothing is being done so that those coming in half trained and half qualified from other parts of the world can be admitted here after a very short period and can be exempted from examination, our objections will go for naught, but if, on the other hand—and I have been spoken to on this subject by nurses and medical men who are qualified to know what they are speaking of—people not properly qualified are allowed to come from outside the State and be admitted, we ought to think well before passing any amendment of the existing legislation which would allow to exist such a set of circumstances. I understand, too, that at some time in the near future we will have established here a women's hospital such as they have established in the capital cities of the Eastern States, with maternity wards attached, and we will have in that institution a place where we can give our nurses professional training in midwifery. In view of the fact that we will have some such institution, I hope that some line of demarcation will be drawn between the hospitals as they now exist and the slipshod training given to nurses in other countries, so that our nurses, who have to undergo long periods of training are placed at no disadvantage.

On motion by Mr. Heitmann debate adjourned.

BILL — INDUSTRIAL, CONCILIATION, AND ARBITRATION ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker), in moving the second reading said: Again I have to apoligise for the fact that the short time the Ministery have been in office and the desire to finish the work of the session before Christmas prevent the Government from introducing a Bill comprehensive and dealing with all the defects presented by the form and the administration of the present Arbitration Act. But, brief as this measure is, it deals very satisfactorily, I venture to express the opinion, with those defects that have been made known in consequence of the administration of the Act up to date in this State, and, I may say, in the Commonwealth. I would like hon. members, on whichever side of the House they may sit, to reflect upon the necessity for as perfect and as free arbitration as is possible, because the great aim of a measure of this kind is to prevent those civil disruptions, if I may use the expression, that from time to time manifest themselves in the industrial world. The strife between employer and employee sometimes causing disturbances, trouble, expense, and even injuries to a larger section of the community than those immediately concerned in the dispute, is after all only the old method of strife and warfare, the question of a contest of might, the pitting against each other of force, the method used in the days of barbarism and in savagery itself. In other words the object of a measure of this kind must be for the purpose of substituting reason and justice for mere feeling and brute force.

Mr. George: It does not always succeed at the present.

The ATTORNEY GENERAL: I know. That is why I am asking for a generous consideration of this Bill, be-

cause it aims at doing that. The hon. member must reflect that measures of this kind are very new indeed. He can remember as a boy that there was no possibility of either conciliation or arbitration, that the very attitude of a master was expressed by the term "master," and that servants were only serfs under another name.

Mr. George: Well, not quite as bad as that.

The ATTORNEY GENERAL: Well, how much short of that?

Mr. George: A good bit.

The ATTORNEY GENERAL: Not much short of that. The hon. member is not quite grey, but he has lived long enough to know that in his boyhood working men were not allowed to combine together either for bettering their condition in the shape of wages or bettering their relationship to their employers.

Mr. George: We had a bad time of it I admit.

The ATTORNEY GENERAL: A bad time of it! Why matters such as are contained in this Bill were illegal when the hon. member was a boy, and the might of the law could be invoked to send an agitator to prison and to treatment that ostracism as a term does not express the ferocity of. It is part and parcel of the growth of the labour movement that we can have such measures as this I remember the first Arbitration Bill being introduced into New South Wales. We have had many since, and step by step we have improved upon these Acts, and it is no argument against the improvement of the old Act that we have had failure in the past very often in regard to the administration of the Act or the services that can be rendered by it. We have learned by experience where the defects of the old Acts are, and we are trying to get an alteration made in this measure that will remove these defects. One thing in regard to this Bill is that it does not start upon the assumption that all employers, or employers as a class, are themselves entitled to designate the character of an industry. The old Act started more or less upon the assumption that the employers' standpoint was the first point of view, and that the workers were more or less secondary; they were simply accretions, or, if the term be preferred, mere radii from the centre point of the employer. Now the object of this Bill is to make an industry take its character from the workers; that is the first great change. I think hon. members ought to notice particularly the change in the designation of industry that this Bill introduces. An industry under this new designation means "any business, trade, manufacture, undertaking or calling of employers on land or water." It means "any calling, service, employment, handicraft, or industrial occupation or vocation of employees on land or water," and it also means "a branch of industry, or a group of industries." The consequences of that change will not pass the notice of those who have been interjecting. It covers and brings under the operation of the Act a large body of workers who hitherto could not make themselves heard or felt in the Arbitration Court. For instance, under the old Act it would be impossible for clerks to form a union and become registered under the Act, and appeal in Court for the protection of their rights, or the betterment of their conditions. It would be still more impracticable or impossible for, say, domestic servants, or rural employees, to oganise and seek the benefits of arbitration in disputes with their employers. Under the amended definition of industry any body of wage earners, however menial or undignified their employment, can organise, register, and obtain the benefits of this Act. They can go to the court, and is that not wise, and if not wise from the point of view of some thinkers, is it not a humane proposition? The principle here involved recognises humanity as one, no matter what work they have to perform, and however isolated, and apparently friendless, they may be they stand on an equality so far as justice is concerned with the largest salaried staff or class of employees in Western Australia. Therefore it includes and brings within its scope every section of the working population of the State. Surely that is a great advance. Having got that I want to draw special attention to the fact that it enables

an industry, a union, or an employer, to bring a possible dispute into court for the settlement of a mere difference of agreement or opinion. Up to date, before we could get a case decided in the Arbitration Court, we were compelled to have the parties at war; it was necessary that they should be at each other's throats before the court would take any notice of them. There were no chances of settling the trouble in its incipient stage before it had become unmanageable, and no chance of conciliation whilst the tempers were equable, and whilst there was some show of reason between the parties to the dispute. There had to be actual trouble of a serious character before the parties had a right to bring the matter before the court. The Bill makes an alteration in that respect; it provides that any difference of opinion, between employer and employee, or unions and employers, may be submitted for consideration to the court, and may be referred for settlement, and in this way the evils of a growing quarrel may be averted.

Mr. Frank Wilson: I am afraid you will want two or three courts.

The ATTORNEY GENERAL: Why?

Mr. Frank Wilson: Because of the many differences of opinion that will have to be settled.

The ATTORNEY GENERAL: They can all be put into one citation.

Mr. Frank Wilson: The court will not be able to handle them all.

The ATTORNEY GENERAL: All these differences of opinion that are serious lead to the quarrels that are emphasised under the name of dispute, and matters which reach the court now, would not reach the court at all if settled in the incipient stage.

Mr. Frank Wilson: But you are providing to bring them before the court.

The ATTORNEY GENERAL: I ought to say in that fierce manner when the time is taken up amid angry feelings. The difference is small at the beginning, it widens as the quarrel goes on until it reaches it full height, and requires a considerable time and a large amount of patience to bring about a pacific settlement. Sometimes even then a pacific settlement is impossible. The Bill provides to stop a dispute at the commencement rather than allow it to grow. Then again, the measure dispenses with the formalities which were imperative, according to the old decisions, of proving that a dispute existed. There have been instances where the necessity of an award has been apparent, but the court said "No doubt we can see there is reason for giving advice, there is reason for settling what we perceive to be anomalies, but we cannot deal with them, we have no jurisdiction, the Act will not permit us, there is no real dispute; that is to say the parties are not in actual warfare, and therefore we cannot deal with the case at all, and if you want settlement you must resort to strife, to the recourse of might against might."

Mr. Frank Wilson: Not strike surely?

The ATTORNEY GENERAL: If you cannot get your points settled amicably, if the courts cannot provide for the settlement of a dispute what other alternative is there? If you cannot get justice in your courts, if you cannot bring the parties together, and if you want to hear those differences, if you shut the doors of the courts against them, there is nothing else but a fair, or unfair, fight between the parties. It is the law of human nature. Injustice will always bring resentment and resentment sometimes goes to that extent that we may call it revenge. To avoid that, and that there may be a consideration of the questions which have not reached the stage I have been endeavouring to depict, we, in this measure, give the court jurisdiction to decide whether there is, or there is not, a dispute. We define what a dispute is, the utmost latitude is given as a guidance to the court, and we have provided those elements which shall help a president of the court, or the court itself, to decide whether there is a dispute. He has not to seek all the old formalities, he can see at once if there is a dispute and then immediately the court can set itself to work to fix the terms of its award according to the evidence presented. We have made the jurisdiction of the court final. There was

an interjection in a previous part of my utterances this afternoon to the effect that the Arbitration Court had not proved effective. Why? Because we have never had finality in the Arbitration Court. The moment the court may have decided that there was a dispute it has been open to the parties to appeal on technical grounds to the Supreme Court, and there, in all possibility, the decision of the Arbitration Court has been reversed; therefore the people say "What is the good of going to the Arbitration Court, we shall not get justice, because if the court decides in our favour, in all probability the other side will take the matter to the Supreme Court, and if not satisfied with the decision on points of law there, they can take the matter to the High Court, and the workers generally have not the means of fighting through these courts these questions of law." We are giving the Arbitration Court the right to decide whether there is or there is not a dispute, giving them jurisdiction in that respect, and then saying that their decision on that point shall not be reviewed in a Supreme Court or in any other court. I think that is a step in the right direction. I may say that as soon as I entered into the position as Minister for Justice I gave instructions to the registrar to register certain unions which had been refused registration prior to my taking office, more particularly do I allude to the Clerks' Associations in Perth and Kalgoorlie. There were others that were registered; the Bill vaildates those registrations.

Mr. George: The Minister broke the law and the Minister brings in a law to put it right.

The ATTORNEY GENERAL: I do not think I broke the law; after all it was only a judgment of the registrar previously backed up by the Minister then in office.

Mr. George: I dare say you are right.

The ATTORNEY GENERAL: I am certain I was right in spirit and I was moving in the right direction, and this Bill validates those registrations. It goes one step further than that, it provides an appeal against the decision of the registrar. If the registrar at any future time takes exception to a registration, or declines to register any union or body of workers, there shall be an appeal to the president of the court. I think that too is a step in the right direction, all for the purpose of facilitating the bringing under the operations of the Bill and therefore the beneficence of the court, all classes of workers in the State. There are no lepers, no Ishmaels—all wage-earners may come under the Act, may form unions and may be registered and may, therefore, receive the benefits of the Act.

Mr. George: Irrespective of the number in the unions?

The ATTORNEY GENERAL: The Act defines the number; it may not be less than 15 and we have made no alteration to that. The interpretation put upon the word "industry" by the court prevented certain bodies of workers from deriving a benefit under the Act. The measure before the House, if it is passed, will allow of the creation of a permanent president of the Arbitration Court. Hon. members are well aware under the existing conditions we have been dependent upon the services of the Supreme Court judges as they could afford the time, and more or less as they felt disposed, to serve in this court. There is a decided objection on the part of the Supreme Court judges to be made anything like permanent heads or presidents of the Arbitration Court, and one could well understand that if the business of the country was at all excessive. A Supreme Court judge is wanted in the Supreme Court, his services are required there, and if he is called upon to perform the functions of the president of the Arbitration Court, then the Supreme Court work must suffer. On the other hand, if he attends strictly to his duties as a judge of the Supreme Court, then the work in the Arbitration Court must suffer, and there is delay there, which, to say the least of it, is not beneficial to the views of the community. Moreover from the very fact that we are dependent on more than one of the judges of the Supreme Court, we do not get unity of decisions. For instance, Mr. Burnside was for a long time president of that

court but went away, and His Honour the Chief Justice, acted as the president of the court and is so acting now. But everybody knows these two judges quite unconsciously took different views of the matters presented to them, and in consequence we have decisions that can scarcely be reconciled so far as their consistency is concerned. That is to be avoided. Faith in justice is dependent on the uniformity, regularity and certainty of that justice. If we have one sample of justice meted out to us and in a similar set of circumstances quite the contrary, the people will lose faith in the court that administers justice in that way. The Bill proposes that there may be a permanent head of the Arbitration Court. He will, of course, be a judge, I should say, according to the views generally expressed, he ought to be a man capable of sifting evidence and shortening cases by the rules of evidence, and also able to weigh evidence, and should be above all things an impartial man, if we can get such a judge. The point, I think, requires no further explanation. It is to enable us to get a man who will devote his whole time, give his whole study, and give his whole energy to mastering the intricacies of industrial conditions and industrial law, and will be able, therefore, to become an expert, if I may use the expression, and specialise in deciding disputes in industrial matters. I want to draw members' attention to the fact that we provide that he may be a judge or legal practitioner, or a layman, with all the qualifications necessary to preside over a court of this description. Now we come to another alteration which is rather sweeping, and I do not want to pass it by but draw members' attention to it—

> The court may by any award prescribe such rules for the regulation of any industry to which the award applies as may appear to the court to be necessary to secure the peaceful carrying on of such industry.

That is giving increased powers to the court. It enables the court to look into the component parts, if I may use the expression, of an industry, especially in cases where apprentices are employed on any like scale, or where there are men and women both employed at the same kind of industry where different conditions prevail in the management of the same industry. Then it is open for the court to make awards which regulate the exact position; as to the number of apprentices which will be employed, the age at which they will be employed, and in matters of conduct. In other words, this aims at the peaceful running on of the industry.

Mr. Frank Wilson: You mean it gives preference to unionists.

The ATTORNEY GENERAL: I should not object to that. I have no hesitation in saying that the Bill is another step towards making unionism universal. That is the step it is taking.

Mr. Frank Wilson: Does this not give preference to unionists?

The ATTORNEY GENERAL: It may. It is for the court to say. But it does not necessarily do that. If the member will read the Bill he will see that awards may be given that affect people who are in no sense unionists or belonging to a union. When an industry is affected, conditions of the industry may be submitted to the consideration of the court. I wish members to understand that the Government decidedly desire to increase the status of unionism in this State. We believe it to be for the benefit of the workers generally and whatever is for the benefit of the workers generally is for the benefit of those who live on the workers, and the whole State generally. Another feature of the Bill is that it renders valid certain awards that had been passed and that may be open to criticism as they stand, and may be open to appeal and annulment if carried into another court or if considered by another Judge of the same court. It will be remembered that the Chief Justice quite recently gave an award to be current for three years, but giving, after 12 months' interim, leave to apply to the court for an alteration, revision or amendment of the award. The old Act says an award must be made for a specific time, and therefore it was questionable, having made an award for a specific time and mentioning 12 months, though the term of the

award was three years, with leave to apply afterwards, if he had not really made the award for 12 months only, whether the whole award after 12 months would not fall to the ground. It is very unsatisfactory that the law should stand in that state, therefore to make it perfectly clear that those decisions given by the Chief Justice are valid and standing, there is a clause introduced into the Bill making those awards law, and also permitting similar awards to be delivered in the future. There are also certain decisions delivered by Mr. Justice Burnside which are to this effect. An award lasts for 12 months, after that time leave to either party to apply to alter, amend or revise, and if there were no alteration or application for alteration the award continued in force. How long it was impossible to say, but until the parties to that award moved the court the award continued. That was the effect of Mr. Justice Burnside's decisions as president of the Arbitration Court. The clause I am referring to in the Bill also validates these awards, making them good, and makes it possible for awards of a like character to be delivered in the future. Another point before I conclude is this. The cumbersome way in which the court had to be approached under the old machinery put both unions and employers to considerable expense and disappointment under the old Act. Under the old Act before a union could bring its case before the court it had first of all to hold a meeting, carry a resolution and at that meeting all the members who voted to carry the resolution must in the aggregate be a majority of all the members on the roll of that union.

Mr. George: Financial members.

The ATTORNEY GENERAL: A majority of the financial members on the roll connected with the union. One can understand that in a union that has its forces scattered all over the country it would be impossible to get a clear majority to vote for the reference, to get all these members together for that purpose. The difficulties at all events were so great that it was found absolutely impracticable; but there was more than this. There was to be a ballot, and again the ballot was to be carried one way or the other by a clear majority of all the members. Surely that is not necessary. Surely if there be any value in the Arbitration Court it is the ease with which the court can be utilised and these disputes settled. According to the old law it was made difficult to get into the court, and people's feelings were ruffled by what appeared to be vexatious technicalities of the administration of the old court. This Bill provides the simplest manner of getting before the court, whilst at the same time, in my opinion, it gives security and prevents frivolous and unnecessary disputes being called to the court. It provides that a resolution shall be carried, and those who vote in the carrying of the resolution shall be financial members. Any person three months in arrears for any dues of any kind shall not be permitted to vote. Then it provides for those entitled to vote, present at the meeting, shall be able to carry a resolution by a clear majority of those present. It also gives the rule of the majority when the ballot is submitted.

Mr. George: Do you not think there should be some ratio between the total number of members of the unions and those present at the meeting.

The ATTORNEY GENERAL: Why? Is that not the old fetish, making it difficult to get before the court. Should we not make it easy? What objection is there? Everybody in the union is notified of the dispute; the members know of it; if they do not come to the meeting they are indifferent.

Mr. George: They may be unable.

The ATTORNEY GENERAL: Then they can vote one way or the other by ballot. So that what we aim at is to enable disputes easily to get to where they can be settled.

Mr. George: Why not have proxy voting?

The ATTORNEY GENERAL: Is this not good enough?

Mr. George: No.

The ATTORNEY GENERAL I should like to hear the hon. member on the question why it is not good enough. There is

the subsequent ballot. The ballot is sent to all the members and a majority at the ballot carries the day. What more protection can you have than that; what easier methods can you have of getting before the court? I think members will see clearly that there are two chief purposes in the Bill. The first is to have a court in which the workers and employers alike will have confidence, a court that will be reliable, that you know will consider the cases submitted on their merits, and will not be trammelled by questions of legal cobwebs and technicalities, and in the second place the Bill aims at enabling all workers of every grade in the community to reach the court. Even the Government servants not coming under the Public Service Act will be entitled to organise and have their unions registered, and they in a dispute with the Minister of their department will be able to take their case into the same industrial court. It makes provision, too, that the Minister may refer a matter to the court for their consideration.

Mr. George: You might tell us why the Minister is to come in the place of the Commissioner.

The ATTORNEY GENERAL: Because it is felt the Minister is the person really responsible. The Ministry have to take all the responsibility of the government of the country. The Commissioner, though he is made a corporation by the Railway Act, and is to that extent independent of political influence, is not independent of policy, or of that growth that may be going on in the nation today. He must, like all others, conform to the law of progress. The body politic must march as one great army upwards, not in sections or in divisions; and therefore the Minister is the person responsible, the one who can appear on the floor of the House, and the one who can defend the conduct not only of his Commissioner and of his employees but of himself also.

Mr. George: But you are practically destroying the 1904 Railway Act.

The ATTORNEY GENERAL: I do not see it. However, this is the proposal we make in order that we may preserve in strictness that constitutional duty of responsibility. If this Bill were not to get over the defects I have pointed out and to validate actions already taken, if we were to have a new Arbitration Bill, which is necessary and must come next session, we would have to consider the question of whether there could not be resident in the Ministry the power to compel parties who avoid the court to go to the court for the settlement of industrial disputes. We ought to be able to refer for decision, even for the enlightenment of the public, as to who is right or wrong in any great dispute, all matters, not exactly for an award, but for an assertion of the right or wrong on any set of facts submitted to the court. I have much pleasure in moving—

That the Bill be now read a second time.

Mr. FRANK WILSON (Sussex): I wish to move the adjournment of the debate, and I would like to have two or three days if the Minister will accept. This is an important matter and requires some consideration.

The Attorney General: I agree it is very important, but it is also important we should get the measure through if we want to get away before Christmas. The principles are not so great that the hon. member cannot grasp them.

Mr. FRANK WILSON: I have many parties to consult in the matter. I think the hon. member might agree to Thursday; it would not be asking too much. When time is given to consider a measure of this sort it can be put through as fast as hon. members like.

The Premier: Will you undertake there will be no further adjournment if we make it Thursday?

Mr. FRANK WILSON: If you make it Tuesday you can put it right through and suspend the Standing Orders if you like. It is considerably wiser to give time for consideration.

The Attorney General: Make it Thursday and let it go through on that day. Will you agree to an adjournment to Thursday?

Mr. FRANK WILSON: Yes, without any understanding.

The Attorney General: I have a mental reservation.

Mr. FRANK WILSON: If you make it Tuesday, then so far as I am concerned I shall not oppose suspending the Standing Orders to put the measure through all its stages.

The Premier: Make it Thursday.

Mr. FRANK WILSON: I move—

That the debate be adjourned until Thursday.

Motion passed, the debate adjourned.

BILL—PUBLIC WORKS COMMITTEE.

Appropriation Message.

Message from the Governor received and read recommending appropriation for the purpose of the Bill.

Second Reading.

The MINISTER FOR WORKS (Hon. W. D. Johnson) in moving the second reading said: I have pleasure in submitting this Bill to the favourable consideration of the House, because I believe the result of the measure will be that Parliament will have a greater control over the public purse. It will give Parliament a greater say in the public works to be undertaken in this State. Many have advocated the appointment of a public works committee in Western Australia, and on several occasions in various Parliaments of this State the system has been advocated, but in no State other than New South Wales has a public works committee been appointed. In some of the States they have various methods; but, generally speaking, in the States outside New South Wales they have pinned their faith to royal commissions. In all the States we find that special works have been submitted to royal commissions for investigation. In Western Australia we adopted a system, as far as railway construction was concerned, of submitting the propositions to what was called an advisory board. Now, without going into details as to the work of the advisory board, I would point out that in the first place they were limited to railways; they had no say, neither were they consulted, as to the construction of other public works. It might be as well to place on record that the advisory board was composed solely of Government servants. They were appointed by the Government of the day, they were only responsible to those who appointed them, namely, the Government of the day, and the work submitted to them was submitted not to give Parliament an opportunity of understanding the proposition by having evidence placed before Parliament as to the pros and cons of the proposition, but rather was the board appointed to get evidence for the Government of the day in favour of a proposition that the Government desired to put through the Chamber.

Mr. Frank Wilson: Nothing of the sort; that is absolutely wrong.

The MINISTER FOR WORKS: Well, whatever evidence was obtained I am certain of this—Parliament never received the other side of the question.

Mr. Frank Wilson: Parliament received everything the late Government received.

The MINISTER FOR WORKS: If that is so, on no occasion did we have the other side of a railway proposition submitted to us other than the side the Government desired to present. Take any railway proposition. The Government submitted that proposition and submitted to Parliament the evidence that had been gathered for them by the advisory board in favour of the proposition.

Mr. Frank Wilson: Because they accepted the advice of the advisory board.

The MINISTER FOR WORKS: But if during the gathering of that evidence the advisory board happened to get evidence against the proposition it was never submitted to Parliament.

Mr. Frank Wilson: Yes it was. There were reports condemning propositions.

The MINISTER FOR WORKS: There were no reports submitted to Parliament condemning propositions.

Mr. Frank Wilson: Yes; the Wagin-Darkan proposition.

The MINISTER FOR WORKS: That was not a proposed work.

Mr. Frank Wilson: Yes; money was on the Estimates for the work, and they reported against it.

Mr. Bolton: That is only one instance.

Mr. Frank Wilson: But it proves the Minister is wrong.

The MINISTER FOR WORKS: It does not prove the Minister is wrong in this regard, that the evidence submitted to Parliament in every case has been evidence in support of the proposition the Government desired to get through Parliament.

Mr. Frank Wilson: Not at all.

The MINISTER FOR WORKS: I defy contradiction in that.

Mr. Frank Wilson: What about the Wagin-Darkan railway?

The MINISTER FOR WORKS: That was not a proposition submitted to Parliament; it was purely a vote-catching proposition, where a small sum was placed on the Estimates principally to convince the people that the Government were favourable to it, at the same time possibly being held back until the advisory board condemned it. I am not taking that as a fair illustration.

Mr. Frank Wilson: It was in the Premier's policy speech and you are misrepresenting it entirely.

The MINISTER FOR WORKS: The position is this: as far as that proposition was concerned—as a proposition it was never submitted to the House by the Government.

Mr. Frank Wilson: It was in the Premier's policy speech and on the Estimates.

The MINISTER FOR WORKS: I am dealing with propositions submitted to Parliament, and I emphasise once more that the advisory board's recommendations as submitted to Parliament dealing with those questions that were submitted to Parliament were only dealing with one side of them; and they did not submit evidence against the proposition.

Mr. Frank Wilson: There was only one side to deal with.

The MINISTER FOR WORKS: I do not wish to give illustrations—I could give numerous ones—but if I gave illustrations I would give my own personal opinion. I know of a proposition, submitted to the Chamber backed up by the advisory board, that after investigation by myself I would condemn—utterly condemn. The fact remains that while there was a large amount of opposition to the proposition and a considerable amount of evidence to be gathered against the proposition, the advisory board never got it; or, if they did get it, it was not submitted to Parliament.

Mr. Frank Wilson: Give it to us.

The MINISTER FOR WORKS: Well, I will give one illustration, a very striking illustration, the Wongan Hills-Mullewa railway. There the late Government were appealed to that they should give the opposition to the proposal an opportunity of voicing their opinions before Parliament; and a member of the advisory board, according to one of the late Government's followers, had condemned the proposition; yet that was not submitted to Parliament.

Mr. Frank Wilson: What member was it?

The MINISTER FOR WORKS: The late member for Swan, that great man we are hearing so much about lately.

Mr. Frank Wilson: Turn up the report.

The MINISTER FOR WORKS: The hon. member knows that the ex-member for Swan from his place in the Chamber said distinctly that Professor Lowrie was against the proposition. It clearly indicates that if there was evidence got against the proposal the late Government failed to submit it to Parliament.

Mr. Frank Wilson: There was no evidence against it. If you have it, produce it; you have the files.

The MINISTER FOR WORKS: What is the difference between the advisory board as used by the previous Government and the Public Works Committee as recommended by the present Government? I have already said that the advisory board reported and were responsible to the Government. The Public Works Committee will report and be responsible to Parliament. The advisory board in every case—I emphasise it once more—brought evidence in favour of the proposition, but the Public Works Committee

will bring evidence for and against the proposition, because they will look for evidence for and against.

Mr. Frank Wilson: One board can give proper advice; the other cannot because they have not the ability to do it.

The MINISTER FOR WORKS: Now, to get away from the advisory board and to deal with the other system, that of submitting these various questions to royal commissions, by submitting them to royal commissions we are not picking out men who are continually connected with the public works, we pick out a special committee for special work. There is no continuity. The system fails to have the advantage of a public works committee inasmuch as a royal commission just comes into existence for one work and then goes out of existence and another commission is appointed for the next work. The advantage of a public works committee is the fact that we get men for the life of a Parliament who devote all their attention to public works that are submitted to them, with the result that continual connection with them educates them up to a standard so that they are of greater advantage to Parliament in investigating a concern than special royal commissions that are appointed at various times. Now, dealing with New South Wales experience, as far as I can gather by perusing the reports of that State's committee, there seems to be only one objection, that is on the score of extravagance on the part of members of the New South Wales committee. Whether this is justified or not we have to recognise, if we peruse the report of that committee, that they have done an enormous amount of work in New South Wales. In viewing their decisions, in recommending certain works and rejecting others, one can only come to the conclusion that they have been of vast advantage to the State in protecting the State against undertakings which, in the opinion of the committee after investigation, were not justified. As far as the extravagance is concerned, profiting by the experience of New South Wales we have tried in the Bill to protect the State. For instance, we have reduced the numbers of the committee from seven, as in New South Wales, to five. Then again, we have reduced the fees to be paid to the chairman to two guineas per sitting, as against the three paid in New South Wales, and the payment to members we have reduced to one guinea, as against the two paid in New South Wales. We have also made the provision that there shall be only one sitting in one day. This has been done with a view to preventing—it has happened in this State and, I assume, elsewhere—members of such a body holding one meeting in the morning and, after an adjournment, sitting again in the evening and calling the day's work two sittings. We have endeavoured to protect the State against that, although probably the committee would not be inclined to work on those lines. We claim that with five members we can get a committee truly representative of both Houses of Parliament, and quite adequate to investigate any proposition which may come before them. Of the five members, one appointed by the Governor is to be chairman, one is to be elected by the Legislative Council on an exhaustive ballot system, and the remaining three are to be elected by the Legislative Assembly on the proportional representation system of election. We claim that we will have a committee truly representative of the Assembly and at the same time, by having one representative of the Legislative Council, we will be justified in saying that the commmittee are truly representative of Parliament. The appointment of chairman, as proposed in the Bill, is a departure from the New South Wales system; there they elect four members of the Legislative Assembly and three of the Council, and the seven elect from their number one to be chairman. In the Bill we elect four from Parliament and the fifth is appointed by the Governor, but he must of course be a member of Parliament. The committee are to be elected immediately on the assembling of a new Parliament, and they will serve for the term of that Parliament. It may be urged that the appointment of this committee is done with a view to removing the responsibility from the Government. That

is not so. The Government will still have to take the responsibility of submitting or refusing to submit certain public works to the committee; the works which the committee investigate must first be submitted by the Government, with the result that the Government take the responsibility of this submission or refusal to submit. The Government will not be able to commence a public work exceeding in cost £20,000 unless the committee have first investigated the proposition and submitted their report to Parliament. When their report is submitted to Parliament the Legislative Assembly must then carry a resolution endorsing or rejecting the recommendation of the committee. Should it be endorsed the work is undertaken, but if the Assembly considers further enquiry should be made, they can refer the question back again to the committee. If the Assembly should reject the work it cannot be resubmitted within a period of 12 months. I do not know that there are any other features of the Bill to which I need draw attention. I have touched the salient points of the measure, and I may say it is largely a machinery measure requiring, I think, no further explanation. The Premier points out one matter which I have neglected to touch upon, namely, the fact that while the Government will be compelled to submit to the committee works estimated to cost £20,000 or more, at the same time the Government may submit any other work which they think should be investigated. The remaining clauses of the Bill deal with the election of the committee and outline the powers of the committee to enter and call evidence, etcetera. Then machinery is provided for the appointment of sectional committees, so as to avoid the necessity in certain works of the whole committee going out to investigate. The committee will be able to delegate certain powers to sectional committees to investigate and report to the main body. I need not take up any more time in submitting the Bill to the favourable consideration of members. We claim as a Government that the Bill will have the effect of protecting the public. In the first place it will have the effect of giving Parliament an opportunity of clearly understanding the pros and cons of any public proposition, and any Bill which gives Parliament a greater say in the public works of the country, and a greater control over the public works, must, I feel sure, commend itself to the favourable consideration of members of the House.

On motion by Mr. Frank Wilson, debate adjourned.

House adjourned at 5.41 p.m.

Legislative Council,

Wednesday, 22nd November, 1911.

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

QUESTION—SEWERAGE CONNECTIONS, PERTH.

Hon. M. L. MOSS asked the Colonial Secretary: 1, What are the number and location of all private sewerage household connections which have been carried out departmentally in the city of Perth up to date? 2, Were tenders invited for all such works, and, if so, what was the lowest tender in each instance? 3, Where work has been carried out departmentally, the respective cost to the department and the amount of the lowest tender? 4, What are the items which enable the department to estimate its own costs under the departmental system?

The COLONIAL SECRETARY replied: 1, Six. 131 Kensington-street; 147 Kensington-street; 110-112 Brown-street; 118 Brown-street; 122 Brown-street. 2, Yes. 131 Kensington-street, £38 17s. 6d.; 147 Kensington-street, £49;