

MINISTERIAL STATEMENT—WHEAT GUARANTEES.

The PREMIER (Hon. J. Mitchell—Northam) [10.45]: With the permission of the House I should like to make a statement on the subject of wheat guarantees. I know that this question is exercising the mind of many people of this State, and I should like to let the House and the public know as early as possible what is being done with regard to the payments on the guarantee of 5s. a bushel made against the wheat to be harvested in a few months. Arrangements have been completed for the payment of 2s. 6d. on presentation of certificates, in other words upon delivery of the wheat to the pool. A further 2s. 6d., completing the 5s. guarantee, is to be paid on the 30th April next.

Hon. W. C. Angwin: That is worse than was the case last year.

The PREMIER: That is so. I regret that the 5s. is not to be paid as was the case last year upon delivery to the pool, but this is better than any advice we have hitherto had. It does mean that the farmer will know when he is to get his money. I hope this will be improved upon. The price to be charged for wheat for local consumption in the States, other than this State, is to be 9s. a bushel from the 1st January to the 31st December of next year. This State is no party to that agreement, and the matter will not be considered by the Government until the return of the Honorary Minister, who will bring back with him the agreement that has been entered upon, together with full information as to the world's markets. We are not concerned in this arrangement.

Hon. W. C. Angwin: I see from the "Australasian" that they can get American wheat in London for 10s. and 10s. 2d. a bushel.

House adjourned at 10.47 p.m.

Legislative Council,

Thursday, 11th November, 1920.

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

QUESTIONS (2)—NURSES, GOVERNMENT HOSPITALS.

Increases in Salaries.

Hon. A. H. PANTON asked the Minister for Education: 1, Have the nurses in Government hospitals signed a round-robin application for an increase in salary? 2, Have the Government considered the application? 3, If so, what action has been taken?

The MINISTER FOR EDUCATION replied: 1, Yes. 2, The matter has been under consideration by the Department concerned, which, after making full inquiry, is on the point of forwarding a recommendation to the Minister. 3, Answered by No. 2.

Railway Fares.

Hon. A. H. PANTON asked the Minister for Education: 1, Is it a fact that nurses on finishing their training in the Kalgoorlie Government hospital have now to pay their fares back to their homes? 2, If so, will the Government take steps to revert to the former practice of paying the fares of these nurses?

The MINISTER FOR EDUCATION replied: 1, No. The system is that probationer nurses sign on with the Medical Department for four years. For the first three years they receive the relatively low salaries paid to probationers, and they do their training at Wooroloo and Kalgoorlie. When going on annual leave each receives a railway holiday pass. During the fourth year, nurses are paid the full salary of staff nurses (£72 per annum), and their services are utilised at the smaller Government hospitals. In respect of their fourth years' leave no free rail pass is issued, because they rank as and are paid as staff nurses, and receive the same privileges as staff nurses, which do not include a free holiday pass. 2, Formerly fourth year probationers received £48 per annum and a free railway pass when going on annual leave. This practice continued until recently, when it was reviewed, and the issue of free railway passes ceased for the reasons set out in the answer to Question No. 1.

QUESTION—WHEAT DIVIDEND.

Levy for Elevators Company.

Hon. J. DUFFELL (for Hon. A. Sander-son) asked the Minister for Education: 1, Have the Western Australian Wheat Marketing Committee received any objection from farmers to a levy out of the wheat dividends for the benefit of the West Australian Graingrowers' Co-operative Elevators, Limited? 2, If so, what objections are advanced against the levy?

The MINISTER FOR EDUCATION replied: 1, Yes. 2, Various. With regard to (2) the objections include—(a) Shares in the company have been cancelled; (b) original applications for shares are alleged to have been made in error; or (c) have been withdrawn owing to inability to pay; or (d) involve other persons without their authority.

BILL—PUBLIC SERVICE APPEAL BOARD.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Minister for Education in charge of the Bill.

Clause 14—Public servants not to be prejudiced by recent cessation of work:

Hon. A. LOVEKIN: This clause should be struck out. On the second reading the Minister said the clause was necessary, as otherwise members of the public service might, some years hence, be prejudiced through what is called the recent cessation of work. That, however, cannot apply at all, because the whole of the public servants were reinstated subject to one condition only, that they lost their pay for the time they were absent from their offices. If an employee commits an offence in his employment and then is reinstated without conditions, no notice can afterwards be taken of the original offence. This particular point arose in connection with the engagement of Dr. Pearson at the Perth Children's Hospital. It was alleged that he had committed an offence at the hospital, and he was tried by a board, acquitted, and reinstated. Subsequently, the board wanted to dispense with his services in the ground that it was undesirable that he should remain at the hospital after the trial. Most of the leading lawyers of Perth, however, held that Dr. Pearson's services could not be dispensed with—he had an agreement for three years—because the board had ratified him in his position, and that his services could only be terminated by some new offence, or else by payment of compensation. Suppose the Minister's fears were realised some years hence, and a member of the public service was threatened with loss of his privileges on account of the recent cessation of work. All that officer would have to do would be to go to the appeal board—as he would be entitled to do under Clause 6 of the Bill—and the board would have power to hear and determine his complaint of alleged victimisation. The officer would show that he had returned to his office, and he would produce the statement of the Government that there was to be no victimisation; and then, of course, the board would come to a decision accordingly. The proviso to Clause 14 says that nothing in the clause shall affect the provisions of Section 60 of the Public Service Act, 1904, which section reads—

When the absence of an officer is not sanctioned, there shall be deducted from his salary his pay for each day or portion of a day of such absence.

Deplorable as the cessation of work was, all that these gentlemen did was what the law sanctioned their doing; they stopped away from their offices, and their pay was stopped; and that was the end of it. The section mentions no other penalty, and a member of

the public service could not be subjected to any penalty not provided by the Public Service Act. If there is no harm to the public servants by the elimination of the clause, I think it ought to go out, as its presence in the Bill is quite undesirable. I have spoken to the secretary of the Civil Service Association about the clause, and he tells me that he considers the deletion of the clause would have no serious results.

THE MINISTER FOR EDUCATION:

I hope the Committee will not strike out the clause. The Government have no particular desire to have the clause retained; the desire is on the other side entirely. Now we are told that the secretary of the Civil Service Association has told Mr. Lovekin that he does not think, if the clause were struck out, any serious results would follow. I do not know what that means. At any rate, the Civil Service Association have circularised members regarding the amendments the association want in the Bill, but have made no reference to the striking out of this clause. I would emphasise the fact that the clause is a portion of the agreement arrived at between the Government and the public servants, and that it was inserted at the request of the public servants. We want something more specific than the statement of the secretary, which has been quoted, before we strike out a clause which is a portion of the agreement arrived at, and which to my mind, is entirely unobjectionable. Mr. Lovekin considers that even if the clause were struck out, the continuity of service and the privileges of the public servants would be maintained. That may be so, or may not be. The advice of the Attorney General and of the Crown Solicitor is that such is not the case, and that the clause is necessary. If the clause is retained, the position is clear that continuity of service is not broken by the recent cessation of work.

Hon. J. CORNELL: I intend to vote against the clause, which is merely a declaration of piety, meaning nothing if put in, and meaning less if taken out. Moreover, it represents an absolutely new departure. The main purpose of the Bill is to validate an agreement arrived at between the Government and the public service. Now it is proposed to insert in the Bill a useless clause declaring that there shall be no victimisation. Assuming that it goes out and that victimisation occurs, what will happen? The public servants will resent it, and will again bring the Government to their knees. If the clause goes in, there is nothing to say that there shall be no victimisation in the course of administration. It is far better that no reference should be made to the subject. It will be sufficient to take the hurdle when we reach it, as no doubt the public service will do, should the occasion arise. There is on record a definite promise by the Government that there shall be no victimisation. We shall see what will happen if that promise is not adhered to.

Hon. H. STEWART: The clause is necessary. If an understanding has been arrived at between the Government and the public service there can be no harm in placing the position beyond all doubt. Because of several provisions in the Public Service Act, it is necessary that the clause should be retained. Suppose the Public Service Commissioner should some day build on the temporary cessation of work as having a bearing on the promotion of one officer as against another.

Hon. J. CORNELL: Victimization is never open; it is always under the lap.

Hon. H. STEWART: Under Section 16 of the regulations, absence from work is an offence which has to be explained. Section 47 of the Act makes provision that if any officer is guilty of a breach of the regulations he shall be penalised. If the clause be struck out, those provisions may be put into force against the public service. The inclusion of the clause is essential.

Hon. A. LOVEKIN: The real objection I have to the clause is that it contains the words "cessation of work." It is perpetuating the memory of a deplorable act which we should try to forget.

Hon. J. J. HOLMES: I think we ought to record it.

The Minister for Education: Already we have had to pass another Act of Parliament because of this.

Hon. A. LOVEKIN: The fewer Acts of Parliament we have referring to this, the better. Unless the clause is necessary to the protection of the public service, it should go out. In point of fact it is unnecessary, because there is the undertaking of the Government and, in addition, the provision in Clause 6.

Hon. J. J. HOLMES: If you get Clauses 14 and 15 struck out, you will want to amend the title.

Hon. A. LOVEKIN: That is so. Section 47 of the Act referred to by Mr. Stewart does not apply, because Section 60 covers the case.

Hon. J. CUNNINGHAM: I will vote against the retention of the clause. I cannot understand its insertion in the Bill, more especially in view of paragraphs (c) and (e) of Clause 6. The Minister has not yet offered any satisfactory reason for the retention of the clause. It has been stated that it was inserted at the request of the public service, and on the other hand it is said that the secretary of the Public Service Association is not anxious for its retention. I think the board will have sufficient power under Clause 6 to safeguard the interests of any public servant who may claim to have been victimised. Unless better reasons are adduced for the retention of the clause, I will vote against it.

Hon. A. J. H. SAW: I intend to vote for the retention of the clause. No doubt, at the time of the strike, to call it by its proper name, there was a widespread feeling

amongst certain public servants that their continuity of service might be broken by the strike and that, therefore, they would lose certain privileges by way of pension rights.

Hon. R. J. LYNN: That would have been a calamity for the State.

Hon. A. J. H. SAW: It would have been a calamity for a number of men who, for many years, have faithfully served the State. If, owing to the Public Service Act, continuity of service was lost, it would not be a question of victimisation at all, but something which had arisen by law, and those people might be deprived of their rights without victimisation. I see no grounds for striking out the clause. As for the sentimental argument, the hush policy—Mr. Lovekin might have been a naval expert serving in the great war with the hush ships—I think that is entirely wrong. The public servants went out on strike, many of them with a glad heart and without recognising their duty towards the State. By their action they inflicted serious damage on the State, but much more serious damage on themselves by reason of their loss of prestige. I trust the Committee will not by its vote condone that strike, but will see that a proper record is made of the opinion of the Committee in reference to the strike.

Hon. J. CORNELL: If paragraph (e) of Clause 6 means anything, then Clause 14 means nothing; and vice versa. Paragraph (e) presupposes that there may be cases of victimisation, in which event the board has special jurisdiction to determine whether the victimisation is the result of the cessation of work. Clause 14 says there shall be no victimisation. What is the respective value of the two clauses? If the Bill says there is to be no victimisation there is no necessity to give the board power to inquire into cases of victimisation.

Hon. J. J. HOLMES: It is not victimisation; it is prejudice.

Hon. J. CORNELL: Victimization in this case means "the sack," or a threat of the sack, for something done as a result of the recent strike. Victimization can only arise through the Government. Mr. Stewart's arguments are remarkable, inasmuch as he suggests that the civil servants should not have done what they did, and then says that by the insertion of this clause we shall be condoning what they have done.

Hon. H. STEWART: I said some other person might take up that attitude.

Hon. J. CORNELL: The only other persons would be the Government.

Hon. H. STEWART: The Public Service Commissioner could.

Hon. J. CORNELL: He is put there by the Government to do the work. I am prepared to support any clause which deals logically and concisely with victimisation. The difficulty would be got over by striking out Clause 14, and amending Clause 6 to provide that if the board did find a case of victimisation fairly substantial damages

could be awarded against the Government for such victimisation. If any civil servant is victimised as a result of the late trouble I think he will have little chance of proving it before the board, because it will be carried out in such a manner that it cannot be proved.

Hon. H. STEWART: Clause 14 shows how the board shall deal with cases of victimisation, that is to say that the applicant shall not be prejudiced. Mr. Cornell says there is only one way in which the public servant can be victimised, and that is through some action of the Government. Certain officers of the service stayed by the Government and carried out their duties during the cessation of work. The position of these men might be made so uncomfortable by the others who acted differently that they might appeal to the board for protection even against their colleagues. I do not see why the clause should be struck out, for it affords a guide to the board in arriving at their decisions. Clause 6 only provides that they shall deal with cases of victimisation. When a man is absent from duty in the service under Regulation 16, through illness or other emergency, he must immediately report the fact to the officer in charge. Every civil servant who was absent from work during the strike could, therefore, be called upon for an explanation. This clause helps to make that position clear.

Clause put and passed.

Clause 15—Strikes prohibited:

Hon. A. LOVEKIN: I intend to vote against the clause because it is objectionable and unnecessary, and can never be given effect to.

Hon. A. H. PANTON: I propose to vote against the clause. If the civil service go on strike again and the clause remains in the Bill there will be no possibility of a compromise being arrived at.

Hon. A. J. H. SAW: It may prevent them from going out.

Hon. A. H. PANTON: I do not think so. If they do go out on strike the only alternative will be to beat the Government to their knees to have the effect of the clause nullified. There should always be left open the opportunity of a compromise in the case of a strike, and I want to see the civil servants and the Government in a position to effect a settlement in the event of a further strike arising.

The MINISTER FOR EDUCATION: I hope the clause will not be struck out. This Bill is intended to be an equivalent to the Arbitration Act, so far as the civil service are concerned. Under the Arbitration Act it has been accepted as a sound principle that we cannot have compulsory arbitration unless there is some punishment for disobeying the compulsory sections. Compulsory arbitration goes by the board if penalties for offences are taken away. In many cases in the past awards of

the Arbitration Court have been regarded as binding on the employer, and in some cases as not binding upon the other side. If we give the civil servants the equivalent to a compulsory Arbitration Court we should make it an offence to strike. The service contend that under some existing law they can be punished for striking. This is a contradiction of the attitude set up by the disputes committee during the strike. One of the strong points on which they appealed to the public for support was that they were acting legally. The privileges referred to in the clause are legal privileges belonging to the individual. The clause would be an important factor in preventing a strike. If a strike did occur it would not be competent for the Government to restore these legal privileges to the individual civil servants. They would not be given by any Government. It would be competent for the Government to come to Parliament with another Bill, and ask Parliament to condone the act and restore the privileges forfeited under the Bill. The clause would be a potent factor in deterring public servants from going on strike because they would know that their privileges and legal rights had gone, and could not be restored by means of a conference or agreement with the Government. They could only be restored by the Government bringing down a Bill.

Hon. A. LOVEKIN: What are their legal privileges?

The MINISTER FOR EDUCATION: They are set out in the Public Service Act. In many cases, they are pensions to those who joined before 1904, retiring allowances, and many other privileges. All these would be gone and could only be restored by an Act of Parliament. That is a very strong reason for retaining this clause in the Bill.

Hon. J. E. DODD: I intend to vote against the clause and I desire to give my reasons for so doing and to endeavour to clear away some misconceptions. Speaking last night, Mr. Baglin, according to a newspaper report this morning, said that he regarded the clause as introducing class legislation, as the same restrictions were not placed on other sections of the community. I do not know whether Mr. Baglin is correctly reported or not.

Hon. A. H. PANTON: He was referring to the beef barons then.

Hon. J. E. DODD: The report of that statement will create a sad state of misconception in the minds of many people. Let me point out a few facts in connection with strikes. Compulsory arbitration has been on the platform of the Labour party for many years. It was on the first platform ever formulated in Western Australia, and right throughout the history of compulsory arbitration, penalties have been provided for striking. The present law as set out in the Arbitration Act of 1912, prohibits strikes, and people who go on strike are subject to penalties. That Act is the result of the Labour Government's work, and their ideas on the subject of arbitration. It went

through Cabinet, from Cabinet it went to Caucus, from Caucus to Parliament, and it received the approval of the very highest in the Labour movement in Western Australia. There was not one word against the prohibition of strikes in the course of the debates which took place on the Bill, except, if I remember aright, by Mr. Cornell, who said he did not believe in compulsory legislation of that description, although he was bound to support it because of the labour platform. Despite that fact, the statement of Mr. Baglin goes out that this is class legislation regarding civil servants. It is necessary to remove that misconception. Regarding the Federal Arbitration Act, not only are the same penalties included in that measure, as in our Act, but there is something additional, which is almost entirely on the same lines as the provision which now appears in the Bill. There is a section in that measure which was passed by the Labour Government in 1904 and the section was included in the first Bill regarding arbitration which was put up in 1912 by the Government of which I was a member. Section 50 of the Commonwealth Conciliation and Arbitration Act reads—

Any person adjudged to be guilty of any contravention of Part 11 of this Act or of wilful default in compliance with any award shall, if the Court in its discretion so orders, in addition to any penalty imposed for the offence, be and continue subject to any or all of the following disabilities:—(a) He shall not be entitled to any rights, privileges, benefits or advantages under this Act, and this Act shall, so far as any such rights, privileges, benefits or advantages are concerned, cease to apply to him: (b) He shall cease to be a member or officer of any organisation, or of any association which is, or is part of, any organisation, and shall not be qualified to become a member or officer of any organisation or of any such association: (c) He shall lose all existing or accruing rights to any payment out of the funds of any organisation, or of any association which is, or is part of any organisation, and the receipt by him of any such payment or the making of any such payment to him by any person or organisation, or by any such association, shall be an offence under this Act. Penalty: £20.

I quote this section because I do not want to be under a misapprehension as to what the law really is in regard to this matter. The civil servants are not under further disabilities under the Bill than any other member of the community in Western Australia. There are many organisations in Western Australia registered under the Commonwealth Conciliation and Arbitration Act, and I do not want it to be thought that the civil servants are under any more disabilities than the miners, the timber workers, or any other worker in Western Australia. They are all subject to penalties and disabilities in the event of a strike. Let me deal with another

question in order to show how I can justify my vote for striking out the clause. There are two ways of looking at the position. One is whether we vote to strike it out as the result of experience, and the other whether we vote against it for expediency's sake. My experience goes to show that such a clause as this is absolutely futile, and when the Arbitration Act Amendment Bill comes down this session, as I understand it will, I shall move, if it is at all possible, that all penalty clauses relating to strikes and lock-outs—we must include the two—shall be struck out of the Arbitration Act.

Hon. A. J. H. Saw: For the employers as well?

Hon. J. E. DODD: Yes, for both. I am going to move that the whole lot should be struck out. I realise that it is absolutely useless to continue these clauses judging by my experience since 1912. Whenever has a Government enforced these penalty clauses, and can they enforce them? The whole experience from 1902 till now, shows that it is almost impossible to enforce the penalty clauses, and for that reason I am going to vote against the clause. I believe that under the Public Service Act, the Government will have sufficient power to deal with the civil service without this clause. The Government had the power in the Public Service Act if they had desired to use it and if, as a result of the strike, the Government had brought the civil servants to their knees, they had sufficient power under that Act to deal with them in any way they thought fit. They will have that power in future and surely that should be sufficient. I am certainly not going to vote to give any more particular privilege to any one section, than I would for any other section of workers in Western Australia. I have been exercised in my mind regarding another point and that is the provision that the decision of the board shall be final so far as the Government are concerned. The Government are the people and in that respect they are in rather a peculiar position. If the decisions are final so far as they are concerned, I am doubtful whether the provisions of the Bill are adequate to provide the Government with a similar alternative regarding the civil servants. I do not know, but I think they have it under the Public Service Act. I feel that my experience extending over 18 years in arbitration work in Western Australia, is sufficient to warrant me voting to eliminate the clause from the Bill.

Hon. J. W. HICKEY: I intend to vote for striking out the clause, but I would remind the leader of the House that so far as arbitration is concerned, the times are constantly changing, and that what applied in 1912, does not apply to-day. The Arbitration Court and its ramifications have arrived at such a position that they rather constitute an incentive to strike. While I will agree to strike out the clause for many of the reasons advocated by Mr. Dodd, I think that hon.

member's memory has failed him somewhat when he suggests that the machinery of the Arbitration Act has proved futile. I have a very vivid, and not altogether painful, recollection of having been placed in the dock by the hon. member's Government and fined £10 and costs. I was not responsible for the strike that occurred, but was the responsible officer of the union and was dealt with accordingly. Mr. Dodd was responsible for putting the machinery in operation, because of the strike, but as a matter of fact, so far from weakening the organisation, that incident strengthened their determination and the employers were tumbling over themselves the next day to sign an agreement. That shows that the Act was operative in that regard. Then again there was the case of the union on the Murchison where they were fined something like £1,000, but that did not stop the organisation from flourishing.

Hon. Sir F. H. WITTENOOM: Were you on the I.A.B.?

Hon. J. W. HICKEY: No, unfortunately. At a later date the organisation was again fined at Youanmi, but it is still going on, and at the present time, the whole of the miners at Meekatharra and Cue are on strike. I have been connected with the settlement of strikes for a considerable time and so far as the Meekatharra trouble is concerned, I hope, that that will be settled next week. At the same time these sections in connection with the Arbitration Act are not enforced to-day and the carrying of this particular clause under discussion, will not stop industrial chaos in future. If this clause is retained, and the civil servants again strike, they will have the whole of the Labour movement behind them, and it will mean that either the Government or the civil servants must be beaten to their knees. I do not use this as a threat; I merely mention it because I know it is correct. Such a state of affairs could only lead to industrial revolution. I oppose the clause.

Hon. J. J. HOLMES: I support the clause. I am watching for the appearance of the Arbitration Act Amendment Bill in order to insert in that measure a somewhat similar clause, so that all employees shall be put on the same basis. The hon. member has lost sight of the fact that the object of the Bill is to establish an appeal board to settle all grievances. If, in face of having such a board upon which the service is represented and whose decisions shall be final, the civil servants decided to strike, in the name of common sense there should be some penalty, and the penalty provided is not too severe. Mr. Panton is armed with a two-edged sword. He spends a good deal of his spare time in the Arbitration Court getting all he can and always with a two-edged sword up his sleeve, the only effective weapon, the right to strike. We can understand his attitude, but reasonable men must admit that if a breach of the law is committed, a penalty must be imposed. I think

this was part of the agreement arrived at with the civil service.

Hon. A. Lovekin. They say not.

The Minister for Education: They would like to have the clause deleted.

Hon. J. J. HOLMES: Yes, and they would like their pay for the time they were on strike.

The Minister for Education: They agreed to the Bill with this clause in it.

Hon. J. Cornell: They received their pay while on strike.

Hon. J. J. HOLMES: The Minister says that they approved of the Bill with this clause in it. If they choose to set the law aside they must pay the penalty. I like the clause because it will take the matter of the settlement of disputes out of the hands of the Government. The position will then be that if these people go on strike and defy the law, there will be only one penalty which penalty should be enforced. This matter should not be at the whim of the Government as in the past. After civil servants have forfeited their privileges they will have to go to Parliament to ask for a restoration of their privileges, and Parliament will have some say as to what should be done.

Hon. A. H. PANTON: Although this is a Bill to provide for an appeal board, I have yet to learn how the civil servants are going to get the findings of the board enforced. It would be quite competent for any future Government to do what past Governments have done, namely repudiate their promises to the civil servants.

Hon. J. J. Holmes: These rights are being embodied in an Act of Parliament.

Hon. A. H. PANTON: If a future Government refused to accept the finding of the board, there is nothing to give the civil servants the right which a union enjoys under the Arbitration Act. The only way to enforce the decision will be to strike. Mr. Holmes said I was armed with a two-edged sword. I would point out that there are very few strikes at present.

Hon. H. Stewart: What about the skin and hide men at Fremantle?

Hon. A. H. PANTON: They did not have an award; they had an agreement, and the employers have refused to enter into another agreement. There have been very few strikes among employees working under awards, unless the awards had expired. I know of strikes which occurred because the employers even refused to meet the men in conference. The Arbitration Court sat at Meekatharra and gave an award. One clause of the award provides—

The CHAIRMAN: The hon. member is scarcely in order in discussing awards under the Arbitration Act. He might use the Arbitration Court as a means of comparison, not of argument.

Hon. A. H. PANTON: I merely wished to point out that after those men got an award, the employers refused to accept it, and consequently the men are on strike

waiting for the Arbitration Court to sit again.

Hon. J. J. Holmes: Why not prosecute the employers?

The CHAIRMAN: The hon. member must confine himself to disussing the clause.

Hon. A. H. PANTON: If the civil service are again forced to go on strike, the whole of the Labour movement would have to swing into line and fight it out. It was just touch and go whether the Labour unions took a hand in the recent strike. Though the civil servants are not affiliated with the Trades Hall, I, as one in the Labour movement, would not see any section of workers faced with such a provision as this clause contains without going to their aid. The Government have sufficient power without this clause, and I trust that this matter will be left to the discretion of the Government.

Hon. Sir E. H. WITTENOOM: There are a good many reasons for the retention of the clause. It is the outcome of a bargain or arrangement between the civil service and the Government, who were representing the public. Everyone must admit that exceptional advantages were given to the civil servants under Clause 10 when we provided that the decisions of the board should be final and that the Government should give effect to them at once. Having conceded so much, surely the Government should have the right to say that, having made these concessions and arranged to settle disputes, knowing the inconvenience that a strike causes throughout the State, the civil service should agree not to strike. This is a quid pro quo for having conceded such unusual advantages, and the Government are entitled to provide that the service shall not inconvenience the public by going on strike.

Hon. A. Lovekin: I understand that the civil servants did not agree to this.

Hon. Sir E. H. WITTENOOM: Of course they would not agree to it if they could get the Bill without it. I am trying to take a reasonable view. I heard a prominent Labour leader from Melbourne tell a shearer on one occasion that if he expected to get everything at a conference, it was of no use going to a conference. He was told that he must concede something, and that everyone had to give way a little. The Government in this case not only gave away a little, but they gave away so much that three of our most intelligent members last night voted against them. Therefore, we say, "Having given you that, you must deny yourselves something, and say that you will not go out on strike."

Hon. J. CORNELL: Mr. Dodd has told the House that I have for a quarter of a century been consistent with regard to the principle contained in the clause. I have always applied this process of reasoning, that such legislation in actual practice and application is useless because it is put into effect—when it is put into effect—after the

calamity has happened. The leader of the House has said that one of the reasons why the clause should go in is that those affected are not covered by any other Statute, that there is no other Statute under which they can be penalised for doing something in the nature of a strike. I have a lively recollection of the passage of the Arbitration Act of 1912, in which Act it is provided that the members of the service may not register. I took great interest in the passing of that Act. The framers of it deliberately excluded public servants from it for the reason that they were governed and safeguarded by the Public Service Act. The Minister has said that the public servants during the time of the strike declared that they had broken no law. If he turns to Section 104 of the Arbitration Act, he will find there that no person shall take part in or do or be concerned in doing any matter or thing in the nature of a lockout or strike. The framers of that Act intended that no persons, whether they registered as a union or not should do anything in the nature of a strike, and made it an offence to strike. The leader of the House told us that the Crown Law authorities advised that there was no machinery under which the members of the service could be prosecuted for doing something in the nature of a strike. I refuse to take the ruling of the Minister or the Crown Law authorities until such time as the statute is tested. I know why it was not tested. Because it was inexpedient to do so.

Hon. A. Sanderson: What is your authority for saying that?

Hon. J. CORNELL: It would only have accentuated the difficulty, and if the law had been put into effect it would have meant the prosecution of every public servant.

Hon. A. H. Panton: But the Crown law authorities themselves were on strike.

Hon. J. CORNELL: It would be unfair to prosecute certain individuals for taking part in a strike and leave others to go scot free.

Hon. A. Sanderson: There could have been a test case.

Hon. J. CORNELL: But where did the advice come from if the advisers of the Crown were on strike?

The Minister for Education: They were not.

Hon. J. CORNELL: The second paragraph of Section 104 of the Arbitration Act provides that no person shall cease work "before a reasonable time has elapsed for a reference to the court in a matter in dispute." The first paragraph ends with a semicolon, and is followed by the word "or." I am not an authority on punctuation, but the smattering I have of it leads me to suppose that where a paragraph ends with a semicolon, something different follows. In this case the word "or" begins the next sentence. Had the Government tested the legality or otherwise of the action of the

civil servants, they would have had some ground for the attitude they have taken up. I claim that the intention of the Arbitration Act is that no person can put forward any excuse to justify him indulging in anything in the nature of a strike. No doubt the Minister with the language at his command will knock my arguments sky high, but he will not convince me after by 25 years experience that there is any use in the penal section I have read. From experience founded on expediency this has been weighed in the balance and found wanting. During the last two years not a month has passed without a strike occurring in some part of the Government service of this State, but never once have the Government sought to put into operation the penal sections of the Arbitration Act, and for good reasons. I intend to vote against the clause for the reason that I have always been against that principle. The clause not only perpetuates Section 104 of the Arbitration Act, but it goes further and says that in addition the civil servants shall forfeit all their privileges.

THE MINISTER FOR EDUCATION: I suggest it is hardly sufficient to read a single clause and make a statement on that. It is necessary to turn to the definition of "strike." If hon. members look at that definition, they will see that it is an effort to compel an employer to do a certain thing. "Employer" means employer within the meaning of the Act. That should be fairly clear. A strike must be an effort to compel an employer within the meaning of the Act to do a certain thing. Section 103, which precedes the section quoted by the hon. member, reads as follows—

Except as provided in this part, and in Section 126, nothing in this Act shall apply to the Crown.

Consequently it seems fairly obvious that under this Act the public servants could not be convicted of striking, since it could not be shown that they were trying to compel an employer to do a certain thing—the Crown not being an employer within the meaning of the Act.

Hon. F. A. BAGLIN: I consider Clause 15 should be struck out. It is not restricted to the public servants engaging in a strike of their own, but extends to a public servant who, in the event of a strike of, say, tramway employees, helps the tramway men financially. Under this clause he would be doing something in the nature of a strike, and could be penalised. The board under this Bill is being appointed because, as we are told, the public servants are entitled to it. If they are entitled to the board, why should we now demand from them something in return for the appointment of the board? Again, the board may be found altogether unworkable and unsatisfactory, and in that case the public servants should have the right to say, "We disapprove of the board altogether;

and unless the Government of the day are prepared to give us some other tribunal, or to allow us to go to the Arbitration Court, we shall drop our tools." Now, there are penalties for refusing to obey the decisions of the Prices Regulation Commission.

THE CHAIRMAN: The hon. member must discuss the provisions of Clause 15.

Hon. F. A. BAGLIN: I wish to point out that boards and commissions are appointed to decide certain matters, and that there are penalties for refusing to abide by or obey such decisions; but we hear nothing about those penalties being enforced. This clause however, proposes to penalise the public servants. That is class legislation. The leader of the House this afternoon said, in effect, that the clause must be retained because it would be a bludgeon held over the heads of the public servants. If the clause remains, much uneasiness and unrest will be created.

Hon. H. STEWART: The impression I have gathered from the general tenor of the debate is that at the time of the strike the Government were in a position to deal with the public servants. On the other hand the public servants, when on strike, declared that they were not acting illegally, and that their privileges were not in any way prejudiced. The Government have stated that they were in a position to interfere with some of the privileges of the public service, because the public servants were not acting within the law. What redress had the Government, and in what way were the public servants acting illegally? The answers to those questions have a decided bearing on this clause.

THE MINISTER FOR EDUCATION: There is no doubt that in going on strike the public servants were offending against the Public Service Act itself.

Hon. H. Stewart: Which section of that Act?

THE MINISTER FOR EDUCATION: Against Section 47, which deals with dismissals and removals, and against Section 60, which refers to absence without leave and sanction. It would have been competent for any of those officers to be brought before the Public Service Commissioner and to have penalties imposed on them, even to the extent of dismissal from the service.

Hon. J. Cornell: Competent, but impracticable.

THE MINISTER FOR EDUCATION: The other point is that the public servants were not offending against the law of the country in striking. However, in doing so they were subjecting themselves to penalties under the Public Service Act.

Hon. J. CUNNINGHAM: I shall vote against the clause. Not one member has yet taken upon himself the task of explaining it. To my mind this is not a matter of strikes. We all know what a strike is. But the clause goes further. If the public servants desired, for instance, to take a day off in order to discuss and consider business of importance to them, and if they did take a day off, what would their action be termed? Would it be termed a strike, or a simultan-

eous cessation of work? Would the clause apply, as suggested by Mr. Baglin, to a public servant who assisted another set of workers on strike? Would the powers that be take action in such a case against a public servant for "doing something in the nature of a strike"? It is well known that bodies of workers like the public servants, or say the miners or the railway employees, cannot always make it convenient to discuss their business at night time, after doing their day's work. For the purpose of arriving at a sound decision, they may find it necessary to take a day off to consider questions of great importance to them. If they do that, will it be termed a strike?

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. CUNNINGHAM: The leader of the House has not yet explained the real and full meaning of the clause. In the event of the public servants taking a day off to deal with any important business concerning the service, would that action be construed as something in the nature of a strike? Recently the members of a certain union took a day off to deal with important business, and as a result, a disastrous strike was averted. How would this clause apply to a similar action on the part of the public servants?

Hon. J. J. Holmes: What is the board for?

Hon. J. CUNNINGHAM: Something may arise out of a decision of the board. We have had instances of representatives of employees losing the confidence of those they represented. What is to be the redress of the employees in such a case? It seems to me that under the clause the public servants could not hold a stop work meeting for the purpose of selecting some other representative in whom they have confidence.

Hon. Sir E. H. Wittenoom: There is always Sunday.

Hon. J. CUNNINGHAM: I think Sunday should stand apart. If there is important business to be transacted, the men should be given an opportunity through the week for attending to it. Under the clause public servants will be forced either to meet at night or on Sunday.

Hon. J. J. Holmes: What about Saturday afternoon?

Hon. J. CUNNINGHAM: That is for recreation.

Hon. Sir E. H. Wittenoom: Why should they be allowed to take a day off whenever they like?

Hon. J. CUNNINGHAM: Not whenever they like, but only when there is important business affecting the service to be attended to. I ask hon. members to vote against the clause, because no good purpose can be served by its retention. In the event of a strike in the public service one of the terms of settlement would be "no victimisation." That being so, where will the clause come in?

The MINISTER FOR EDUCATION: I very strongly commend to hon. members generally and to Mr. Lovekin in particular, the arguments advanced by Mr. Cunningham, who desires that the clause shall be struck out in order that public servants may not be precluded from taking at their own sweet will a holiday merely for the purpose of holding a stop work meeting. I do not wish to argue the matter any further.

Hon. A. LOVEKIN: I am supporting the striking out of the clause, not on the grounds put forward by Mr. Cunningham, but on the ground that it is an unnecessary provision which can never be enforced. Mr. Holmes thought that the passing of the clause would take away the rights of public servants in the event of their going on strike. That is not the object of the clause. The clause says that their rights shall be taken away on their conviction. Who is going to convict them? None but a court of competent jurisdiction. And the very magistrates of those courts are members of the public service! I object to a clause which will bring the law into ridicule. We have had experience of a similar provision in the Arbitration Act, where it is quite inoperative.

Hon. J. CORNELL: The leader of the House has not effectively answered my contention that there is in the Arbitration Act a provision under which the public servants who went on strike could have been prosecuted, and that the Government did not put the statute to the test. The Minister merely said that they were excluded from the Arbitration Act and therefore were not liable to prosecution. Not only do the Government want to make the Bill a court of arbitration, but they want to perpetuate and add to the penal provisions which can be enforced in a court of common jurisdiction under the Arbitration Act. It has frequently been urged that public servants should not be brought under the provisions of the Arbitration Act. In 1912 the basis of the reasoning in support of that contention was that they were provided for in the Public Service Act. Now the Government propose to place the public servants in the same category as other workers under the Arbitration Act in reference to strikes and the penal provisions. It is considered that the Arbitration Court is not a fit and proper body to deal with the civil servants, and that the penalties laid down under the Arbitration Act are not sufficient, when civil servants do something which they ought not to do. It is also proposed to take away the privileges of civil servants in the event of their striking. The Government were afraid to go to the Arbitration Court to test the actions of the civil servants, and for the first time in the history of the world they adopted a new procedure, that is, they paid the civil servants for work which they did not do while on strike. I hope that every worker who goes out on strike in future will ask

his employers for the same terms as the Government gave to the civil servants. Of course the Government say that the civil service will have to repay this money over a period. In my opinion Section 104 of the Arbitration Act provided all that was required, if only the Government had had the backbone to take the necessary action. If they had prosecuted the civil servants under this section, I believe they could have secured a penalty against each one of them. Now, the Government have recognised the Civil Service Association, and this clause is almost identical with the recognition accorded to a trade union. The Government may prosecute an individual civil servant, but the proceedings that will be taken will be against the association. In the event of an officer, who is not a member of the association, being prosecuted, that body no doubt will tell him to look after himself. I told the civil service that they would gain nothing by going on strike, because they were not producers of anything that the public wanted and only wielded the pen. Members of Cabinet were most affected by the strike, because without their officers they could not carry out their duties. This clause will not have the effect that is anticipated, even by a hardened old Tory like my friend, Mr. Lovekin. Its only effect will be to make martyrs where it was thought it would kill impostors.

Hon. A. SANDERSON: How many persons are affected by this clause?

The Minister for Education: The whole of the public service and the teachers' union.

Hon. A. SANDERSON: How many people in the State will come under the clause?

The Minister for Education: Say 1,000.

Hon. A. Lovekin: There are 1,816 officers on the public service list, and then there are the teachers. There must be fully 2,000 persons affected.

Hon. A. SANDERSON: Is this clause a handicap upon those 2,000 individuals or is it a benefit to them?

The Minister for Education: It is not a benefit.

Hon. A. SANDERSON: Why, then, handicap these persons when the rest of the civil servants, the officers of the railways and trading concerns, are not affected?

The Minister for Education: They are in the same position. The employees of the Railway Department come under the Arbitration Act, which makes it an offence to strike.

Hon. A. SANDERSON: If it is a handicap upon the people concerned, it should not be inflicted upon them.

The Minister for Education: It is not.

Hon. A. SANDERSON: The Minister for Education says that this places a man in the service in exactly the same position as a man in the Railway Department.

The Minister for Education: With the difference that this forfeits privileges which the railway man has not got.

Clause put and a division taken with the following result—

Ayes	11
Noes	5

Majority for	..	6
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AYES.

Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. Mills
Hon. J. Nicholson	(Teller.)

NOES.

Hon. F. A. Baglin	Hon. A. H. Panton
Hon. J. Cornell	Hon. J. Cunningham
Hon. A. Lovekin	(Teller.)

Pair—Aye: Hon. R. J. Lynn. No: Hon. J. E. Dodd.

Clause thus passed.

Clause 16—agreed to.

Clause 17—Regulations:

Hon. A. H. PANTON: I do not know whether the leader of the House is going on with this clause, as it will be affected by the decision of the Committee on postponed Clause 3 which has reference to the board and the percentage of members required in the Civil Service Association and the Teachers' Union.

The MINISTER FOR EDUCATION: I do not think that affects the position. In any case paragraph (a) is the only part of the clause affected. I understand it is the intention of the hon. member to endeavour to amend Clause 3 by reducing the necessary percentage to 50. If the amendment is agreed to, the paragraph will be altered to make it applicable.

Hon. A. H. PANTON: I did not intend to move to secure 50 per cent., but I desire to move that the Civil Service Association and the Teachers' Union shall have the right to appoint their representatives.

The MINISTER FOR EDUCATION: If the hon. member moves in that direction and succeeds, it will simply mean that this clause is knocked out.

Clause put and passed.

Clause 18—agreed to.

Clause 19—Repeal:

Hon. A. LOVEKIN: I do not intend to go over the arguments we advanced last night. I will simply direct attention to the fact that this clause repeals Section 19 of the Public Service Act. Section 19 of the Public Service Act provides that the officers in the administrative division, except in the case of those paid a special rate under any Act, shall be paid salaries fixed under the Appropriation Act. If we repeal that section, the effect will be that the officers in the

administrative divisions will not have salaries provided for them, and they will therefore not be able to appeal to the board, because the right of appeal is simply given as against a salary which has been fixed. There being no salary fixed, they will have no right of appeal. There is another point of view which I would ask the leader of the House to consider. Section 18 of the Public Service Act states that the administrative division shall include all permanent heads of departments, and all persons whose office the Governor shall, on the recommendation of the Public Service Commissioner, be included in such division. Thus, these officers will be deprived of their salaries, seeing that no provision is made for them when we repeal the section which provides for their salaries, and as I have already stated, they will be deprived of the right of appeal.

The MINISTER FOR EDUCATION: I explained in moving the second reading of the Bill that the object of this clause was to give officers on the administrative staff the same rights under the appeal board as other members of the service have. Their salaries are provided for. At the present time they are fixed by Parliament, but Clause 12, which we have already passed, states that, notwithstanding any provision of the Public Service Act, 1904, to the contrary, the classification of offices and officers under the Public Service Act, 1904, and the fixing of salaries of officers, inclusive of officers in the administrative division, shall be vested as from the 30th day of June, 1920, in the Public Service Commissioner, subject to an appeal to the board under this Act.

Hon. A. Lovekin: What clause is that?

The MINISTER FOR EDUCATION: Clause 12 of this Bill. Clause 19 is simply consequential on what the Committee has already adopted.

Hon. A. Lovekin: I see that. I omitted to notice that that was so.

Clause put and passed.

Postponed Clause 3—The board:

Hon. A. J. H. SAW: I have an amendment to move and I apologise to members for not having placed it on the Notice Paper. The matter is quite a simple one, and the effect of it will be to give the Civil Service Association on the one hand and the State School Teachers' Union on the other hand, the right to appoint their respective members to the board. I think it is undoubtedly to the benefit of the civil service and to the State, that the Civil Service Association should be a strong body, and that public servants should be encouraged to link up with the teachers' union or the Civil Service Association, as the case may be. I hold it is much better for the public servants to link up with their organisations and to make their weight felt in their organisations, rather than to hang back, take advantage of whatever benefits their organisations may gain for them, and criticise Ministers.

The CHAIRMAN: This is an amendment of considerable size. It has always been the custom, at my request, for members to have at least three or four typed copies of their proposed amendments for the convenience of the Committee, in cases where they have not had time to place their amendments on the Notice Paper. The Committee will be dealing with this amendment without having seen it, and will have to endeavour to retain in their minds the effect of a somewhat lengthy amendment, which they have not seen. The hon. member can move his amendment, of course.

Hon. A. J. H. SAW: I am sorry that the amendment is not on the Notice Paper. The fact that it is not there is due to a misconception. The purport of the amendment is simple and it is practically in the language in which I have expressed it. It will give to the Civil Service Association and the Teachers' Union the power to appoint representatives, except in the case of the judge. I move an amendment—

"That all the words after 'follows' in the third line be struck out and the following inserted:—"(a) If the appeal relates to matters with which the teaching staff of the Education Department is not concerned, the board shall consist of a judge of the Supreme Court who shall be chairman, one member to be appointed by the Governor, and one member to be appointed by the Civil Service Association. (b) If the appeal relates to matters with which the teaching staff of the Education Department only is concerned, the board shall consist of a judge of the Supreme Court who shall be chairman, one member to be appointed by the Governor, and one member to be appointed by the State School Teachers' Union of Western Australia."

Thus, instead of the representatives being elected by the civil servants as a whole or by the teachers in the Education Department as a whole, the power of appointment will be in the hands of the association and the union.

Hon. H. Stewart: Why not in the hands of the council of the association?

The MINISTER FOR EDUCATION: Dr. Saw proposes to strike out a large number of words which he really wishes to retain, and there is undoubtedly an objection to dealing with a clause in the way he suggests unless members have an opportunity to read it. I suggest that the amendment be withdrawn and that Dr. Saw move to strike out all the words after "be" in line 6, paragraph (a) of Subclause 2, and insert whatever words are desired.

Hon. A. J. H. SAW: Acting on the suggestion of the leader of the House I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. J. H. SAW: I move an amendment—

That in paragraph (a) of Subclause 2 the words "elected in the prescribed manner by the public servants exclusive

of the teaching staff of the Education Department" be struck out with a view to inserting "appointed by the Civil Service Association of Western Australia."

The MINISTER FOR EDUCATION: I hope that the amendment will not be accepted. I endorse what Dr. Saw has said with regard to the association. This Bill is intended to give individual rights of appeal to every member of the service, and for this reason the right of appointment by the association to the exclusion of any public servant who is not a member of the association should not apply, unless and until the association has a dominating number of the officers in its ranks. I understand that the association has more members than are necessary under the provisions of this subclause, and if the subclause is retained as printed what Dr. Saw desires will be done. The Civil Service Association and the Teachers' Union will elect the representatives to the board. The Government have no objection to this so long as a dominating number of employees in each section is represented, but there should be a safeguard so that, for reasons which we may not be able to foresee at present, the whole body of civil servants should have the right to appoint the representative. Some little time ago certain teachers did not see eye to eye with the Teachers' Union, and a second body was formed. Each of the two unions had a large number of members, and some teachers were probably not members of either. In such circumstances it would not be desirable that one union should be selected to exercise the privilege of electing a member of the board. I hope that such a position will not recur, but that these bodies will be conducted in a manner which will command the respect of all the civil servants and all the teachers. In the event of their not commanding the respect of their members, however, the election should lie with the members of the service and with the teachers.

Hon. A. H. PANTON: I support the amendment. I do not see why any section of Government workers catered for by the Arbitration Act should be treated differently from members of the civil service. Fifteen men or women in an industry may form a union, secure registration and get an award covering the whole of the workers in the industry. If it is good enough for outside people to do their business through an organisation, it should be good enough for the civil servants. Evidently the Government fear that the Civil Service Association or Teachers' Union may have a tendency to prevent individuals from going to the board. That is not likely, though I should be glad if it did prevent them. The Civil Service Association will be in a position to engage counsel for the whole of the appeals, and this would be to the advantage of an individual who appeared before the board as an individual. Whether an individual is a member of the organisation

or not, he generally goes to the secretary of the organisation when he gets into trouble. The association has a membership of more than 85 per cent. of the civil service, and that percentage is not likely to dwindle. The Committee should be consistent. Members stuck to the penal clauses because they are included in the Arbitration Act, and I hope that they will stick to the amendment because that is similar to the provision in the Arbitration Act.

Hon. J. CORNELL: I cannot understand why the framers of the Bill should stipulate that while the association membership is below a certain percentage one form of procedure should apply, and that when the membership exceeds that percentage the procedure should be altered. Fifteen persons in an industry may register as a union.

The CHAIRMAN: I do not wish to restrict the hon. member, but I ask him, for the quicker transaction of business, to confine himself to the question of striking out these words. I think his remarks would apply more strictly to Subclause 3.

Hon. J. CORNELL: I hope that the words will be struck out and that the Civil service Association and Teachers' Union will have the right to elect the representatives.

The MINISTER FOR EDUCATION: There is nothing inconsistent in stipulating this percentage. A member of the board is elected to represent the public service, and so long as the association is substantially representative of the service, the association may appoint the representative. This Bill, however, seeks to give certain powers and privileges to every member of the service, and the right to select a representative should not belong to the association unless that body is thoroughly representative of the service. There is nothing illogical about that.

Hon. J. J. HOLMES: I think it is very democratic.

The MINISTER FOR EDUCATION: Quite so.

Hon. J. W. HICKEY: The reasoning of the leader of the House is truly wonderful. On the one hand he insists upon dealing with combinations of workers, and yet he is asking that individuals be permitted to approach the appeal board.

The CHAIRMAN: I would ask hon. members not to follow one another out of bounds. The question before the Committee is that the words "elected in the prescribed manner by the public servants, exclusive of the teaching staff of the Education Department" be struck out.

Hon. Sir E. H. WITTENOOM: I cannot help once again reminding the Committee that we seem to forget we are discussing a Bill which is the outcome of a conference between two conflicting parties. The Bill was framed after a great deal of trouble and much negotiation, and it has already passed another place. We shall not be doing right if we strike out anything in connection with it for the purpose of inserting other words.

Hon. A. J. H. SAW: I agree with what Sir Edward Wittenoom has said, but unfortunately for him he is hoist with his own petard. The amendment I have submitted is the result of the conference to which he has referred, the conference which took place between the Attorney General and the representatives of the Civil Service Association, and it was in the form that I have submitted it that it left their hands.

Hon. F. A. BAGLIN: Hon. members should consider what might happen if the 85 per cent. goes in. If the association have not the right to appoint their own representatives, a dissatisfied few, and a small percentage at that, having become dissatisfied with the control by the association, can withdraw from the association, and will be able to defy the wishes of the majority. If that is democracy I have to learn what democracy means. Democracy teaches us that we must abide by majority rule. The time has arrived when all bodies of workers should form themselves into groups or associations for the protection of their interests. The civil servants have recognised the full value of their association, and they have recognised that the association is the only competent body who shall have power to say who their representative shall be. I want to see the clause struck out and the amendment inserted, so that the exclusive right may be given to the association to say who shall be their representative on the board. If we allow the clause to go in we shall provide a happy breeding ground for bogus organisations.

Hon. J. NICHOLSON: For whom is the board being constituted? Is it being constituted for the association as an association or for the individual members of the service?

Hon. A. H. PANTON: Who conferred with the Government to get the board?

Hon. J. NICHOLSON: I am merely asking the question. I think the board is being appointed for the individual members. I would refer hon. members to Clause 6, which sets out the jurisdiction of the board, and the fact that it will adjudicate on the claims of individual members and not on the claims of the association. I recognise the advantage of having the association, and the good work that it has done and I admit it should be supported. But that does not get away from the fact that the board is to be constituted to deal with the individual, and the only way in which we can preserve that right is to pass the clause as it stands. So long as the association consists of a certain percentage of the members of the service, then the representative should be elected by the association. That is the fairest method. Did I not believe it was the fairest method I would not support the clause as it stands. In the interests of the association, as well as the members of the service, the clause in the Bill is the fairest to all concerned.

Hon. J. W. HICKEY: Why confine yourself to any percentage?

Hon. J. NICHOLSON: Because a percentage such as this is a fair percentage, getting as near as possible to unanimity. So long as this clause remains in the measure, the members of the public service will take care to remain members of the Civil Service Association.

Hon. A. LOVEKIN: The Bill deals, not with individuals, but with public servants, who, under the Public Service Act, are in various divisions. The better course is to deal with those divisions through the Civil Service Association rather than let each division go before the board.

The Minister for Education: That is not what we are discussing now.

The CHAIRMAN: The greater part of the debate latterly has been quite out of order. What we are discussing now is the striking out of certain words. If the words are struck out, then the discussion which is now taking place will take place more rightly as to the words to be substituted for those which are struck out.

Hon. J. CORNELL: I cannot follow the arguments of the leader of the House, but I consider that Mr. Nicholson put up an excellent case. Both gentlemen based their views on the fact that the association agreed to a certain percentage. But does not the right to appoint vest in the remainder of public servants who do not join the association, as well as in those who do join it? I support the deletion of the words.

Hon. A. H. PANTON: When and why was an alteration made from the original draft Bill agreed to on the 23rd August at a conference between the Civil Service Association and the Teachers' Union on the one hand, and the Government on the other? What Dr. Saw's amendment proposes was practically agreed to at that conference.

The MINISTER FOR EDUCATION: Undoubtedly there has been some difference of opinion between the Government and the public service on this point. In the letters written to the public service during the strike, the expression invariably used was that "the board should be comprised of a judge of the Supreme Court, a representative of the service or a representative of the teachers as the case may be, and a representative of the Government." But in a letter written by the Premier on the 27th July, the following occurs:—

"As regards disputes in which only the public service is concerned, the board will consist of a representative of the service, a representative of the Crown, and a Supreme Court judge to act as chairman. As regards disputes in which the teachers' union only is concerned, the board will consist of a representative of the union, a representative of the Crown, and a Supreme Court judge to act as chairman."

Hon. members will note that in this letter two conflicting ideas are set out. As I ex-

plained in moving the second reading, an agreement was arrived at, and it was decided that details should be discussed at a further meeting between the Attorney General and representatives of the Civil Service Association and the Teachers' Union. At that meeting—not at a conference with the Government—the Bill originally drafted was agreed to, and that Bill provided for appointment by the Civil Service Association and the Teachers' Union.

Hon. A. H. Panton: That was at a conference with the Attorney General?

The MINISTER FOR EDUCATION: Yes.

Hon. A. H. Panton: Well, the Attorney General represented the Government.

The MINISTER FOR EDUCATION: In the circumstances I am quite free to take up the position that the House is perfectly at liberty to decide the case on its merits, because there is a difference of opinion between the Government and the Civil Service Association as to what is the agreement arrived at.

Hon. J. DUFFELL: The main point is, why should certain words be struck out? Dr. Saw's amendment represents the understanding arrived at on the 23rd August by the Attorney General and representatives of the Civil Service Association; that is to say, if the words proposed to be struck out are struck out, and certain other words are inserted in lieu. There will be no trouble in getting hon. members to amend this clause so that it will accord with the agreement reached at the conference held on the 23rd August. I shall vote for the amendment.

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

Ayes	10
Noes	7

Majority for .. 3

AYES.

Hon. F. A. Baglin	Hon. A. H. Panton
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. W. Hickey
	(Teller.)

NOES.

Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. C. McKinnon
Hon. J. Mills	(Teller.)

Amendment thus passed.

The CHAIRMAN: The question now is that the words proposed to be inserted ("appointed by the Civil Service Association of Western Australia") be inserted.

Hon. J. CORNELL: I move an amendment on the amendment—

That after "by" in the proposed amendment "a ballot of the members of" be inserted.

The MINISTER FOR EDUCATION: I think that after the suggestion I made to Dr. Saw I should give the Committee a chance to carry that suggestion to its conclusion. My suggestion was that the issue should be decided on this point, and that if it were carried an opportunity should be afforded to place the proposed amendment on the Notice Paper so that members could see exactly what was being done.

Progress reported.

House adjourned at 9.5 p.m.

Legislative Assembly,

Thursday, 4th November, 1920.

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

QUESTION—RAILWAY FARES, CONCESSION TO JUNIOR WORKERS.

Mr. DAVIES asked the Minister for Railways: 1, Seeing that concession fares on the railways of two-thirds of the ordinary rate have been granted to apprentices, will he see that the same concession is granted to junior workers receiving no higher remuneration than apprentices? 2, If not, why?

The MINISTER FOR RAILWAYS replied: 1, I propose to further confer with the Commissioner of Railways with a view to ascertaining what can be done. 2, Answered by No. 1.

QUESTION—INCOME TAX, DEDUCTIONS FOR BUILDING COSTS.

Mr. DUFF asked the Premier: 1, Is it correct that, under the State Income Tax Act, those who invest their capital in erecting business premises on leasehold land are