

Hon. Sir JAMES MITCHELL: But he is never prosecuted. Why should we make ourselves ridiculous and say that a person shall live in a place for a month, but that if he can sneak his name upon the roll no one can say him nay? This is too much to ask us to swallow. It is far worse than the nomad business, which is rotten enough.

The Premier: There are only 190 of those who come under the nomad provisions.

Hon. Sir JAMES MITCHELL: I know this is a painful subject for the Minister.

The Minister for Justice: That is less than one in a thousand electors.

Hon. Sir JAMES MITCHELL: I want to see Subclause 7 struck out.

Mr. J. H. SMITH: Will the Minister explain Subclause 3? It says "no person is entitled to have his name placed upon any Assembly roll, other than the roll for the district or subdivision in which he lives." This means that the regulation brought in last year as to nomads is of no consequence.

The Premier: That regulation is not inconsistent with this subclause.

Mr. J. H. SMITH: It will seriously affect surveyors, shearers and other people who constantly move from place to place. There are two survey hands on the roll for Nelson, but under this clause they will not be allowed to remain on it because the Nelson district will not be their home.

The Premier: The place where a man lives is his home. Those two hands will be secure.

Mr. J. H. SMITH: I look upon this as a defect in our Act.

Progress reported.

House adjourned at 9.38 p.m.

Legislative Council,

Thursday, 15th September, 1927.

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

BILL—NORTHAM MUNICIPAL ICE WORKS ACT AMENDMENT.

Read a third time and passed.

BILL—JUDGES' SALARIES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. E. H. HARRIS (North-East) [4.36]: I was prompted to move the adjournment of the debate on this Bill last evening by the Chief Secretary's reply to an interjection.

The Chief Secretary: I made a mistake.

Hon. E. H. HARRIS: The reply was to the effect that the Bill affected only the salaries of the four judges. I had an idea that it also affected the salary of the President of the Arbitration Court. I have since looked up the statute and found that my impression was correct. Following up the error or omission regarding the salary of the President of the Arbitration Court, I am prompted to inquire whether it is the Government's intention to increase correspondingly the salaries of the laymen associated with that tribunal.

Hon. J. Ewing: They are not judges, are they?

Hon. E. H. HARRIS: No; but if I quote to the hon. member what has been embodied in the Industrial Arbitration Act Amendment Act of 1925, it will make the position perfectly clear. Section 48 provides—

The tenure of office of the President shall be the same as in the case of a Judge of the Supreme Court, and he shall be entitled to all

rights and privileges of a Judge, including pension.

Therefore the President of the Arbitration Court will be entitled to a like increase of £300 per annum.

Hon. A. Lovekin: A later section says he shall receive the same salary as a judge.

Hon. E. H. HARRIS: Section 49 reads—

The President shall receive a salary equal to that of a Judge of the Supreme Court, and each ordinary member of the court shall receive such salary (not being less than £600 per annum) as shall be fixed from time to time by the Governor.

If my memory serves me well, upon the appointment of Mr. President Dwyer the salaries of the lay members of the Arbitration Court were increased from £600 to £750 annually. I believe the object was to bring their scale of salary into conformity with that of members of the Licenses Reduction Board, who receive £750. Now, shall we create anomalies by passing this Bill, which affects the salary payable to the President of the Arbitration Court, and will the Government then come forward to increase correspondingly, or at all events in some measure, the salaries of the lay members of that court? If that occurs, naturally there are other officials who can rightly claim a corresponding increase in their salaries.

Hon. A. Lovekin: The Auditor General and the Commissioner of Police, for instance.

Hon. E. H. HARRIS: I have before me the Public Service List of 1926, in which is also set out a list of officials who are exempt from the Public Service Act, their salaries being fixed by statute. I ask the Chief Secretary, why pick out the judges for special mention? I do not say that they are not entitled to an increase of remuneration after the long years during which their salaries have remained stationary; but there are numerous other public officers who, I understand, have not received increases, and if it be good to give some measure of relief to those associated with the Supreme Court bench, a measure of relief should also be granted to the others.

Hon. J. Nicholson: To whom?

Hon. E. H. HARRIS: The Auditor General, for instance.

Hon. A. Lovekin: He has never received an increase since his appointment.

Hon. J. Nicholson: The Premier stated it was intended to give consideration to the salaries of various officers.

Hon. E. H. HARRIS: There is the possibility of the lay members of the Arbitration Court asking for and receiving an increase. The judges are not affected by any decision of the Public Service Commissioner, and neither, I see, are the judges associates and numerous other officials. It is not necessary to quote them all individually: the list occupies a couple of pages.

Hon. J. R. Brown: The thing might get back to members of Parliament.

Hon. E. H. HARRIS: In their case I do not think it is a matter of getting back. I think we went before.

Hon. J. Cornell: We will go again.

Hon. E. H. HARRIS: It is interesting to recall the fact that the members of the present Labour Government in 1924 roundly denounced, in another place, those who had officiated or were officiating in the capacity of President of the Arbitration Court, saying they were acting in conjunction with the employers and not giving the workers a fair deal. I could quote certain remarks made in another place when the adjournment of that House was moved to draw attention to an industrial award which reduced the workers' wages and was declared to be unsatisfactory. The then Opposition, who happen, by the way, to be the Government of to-day, denounced the judges and all associated with the appointment of the judges. After making what I may term a spirited and even virulent attack on the honesty and integrity of various Presidents of the Arbitration Courts, the then Opposition, or present Government, informed the goldfields workers that they were not getting a fair deal from those men. Let me quote what Mr. Munsie, now a member of Cabinet, then said—

I want both of these gentlemen put out. The position is unfair.

A monster petition was prepared by Mr. Millington, an Honorary Minister in the present Government, then an official of the Metropolitan Council of the A.L.P., asking for the removal of Mr. Justice Draper. Mr. McCallum, now a Minister, then said he was astounded at the decision of the Arbitration Court. He further said the judges were unreasonable, unfair and unjust, and had proved themselves unworthy of the posi-

tion they filled. Those remarks referred to the judges for whom the Bill proposes an increase of £300 per annum. Mr. Cunningham, also an Honorary Minister in the present Government, said the workers were being robbed. Mr. Collier, in his policy speech, spoke in his usual style denouncing those whom he considered it politically desirable to denounce, and declared that the award was an atrocious award. Those speeches were supported by several other members of the present Government, who also declared the Arbitration Court's decision to be unfair and unjust.

Hon. H. Seddon: That has become the general opinion since then.

Hon. E. H. HARRIS: I do not think so. The workers affected by the award in question, particularly the Eastern Goldfields workers, will see the irony of the action of those who uttered denunciations of the judges, with the exception of the Chief Justice, in now proposing higher salaries for the judges. The Minister for Justice, without anyone saying a word in opposition, introduced a Bill granting the judges increases of salary to the extent of 17.36 per cent. Further, there is the consideration that upon their retirement the judges will receive 50 per cent. of that increase by way of additional pension. The statute bearing on the subject provides that after one has served as a judge for 15 years and has attained the age of 60 years, one may retire on a pension.

Hon. J. R. Brown: A judge does not start as a judge until he is about 60.

Hon. E. H. HARRIS: I am merely pointing out that he may retire at 60. He may start at 59, for all I know. However, he is entitled to be paid, as pension, one-half of the salary that he is receiving at the time of his retirement. Incidentally I may say it is generally rumoured that several changes are to be made in the judiciary; that the Chief Justice is about to retire and Mr. Justice Burnside to be made Chief Justice. Then there is the President of the Arbitration Court, whose decision was approved by all workers when, in fixing the basic wage, he increased it, but who did not give satisfaction when last year he fixed it on a basis of four units instead of five units as was required by the worker's advocate. The President of the Arbitration Court in turn, it is said, is to be elevated to a position on the Supreme Court bench.

Hon. J. Nicholson: Has Cabinet made a decision?

Hon. E. H. HARRIS: I do not know; I am repeating what is generally rumoured.

Hon. J. Nicholson: Is a rumour to be relied upon?

Hon. E. H. HARRIS: We had it rumoured here that a certain gentleman was to be appointed to the Arbitration Court, and that rumour was confirmed when the appointment was made. In my opinion it was a very wise appointment. I will support the measure, but I should like the Chief Secretary to make the position perfectly clear as to whether the Government contemplate further increases. If so, will it not create anomalies in other sections of the service? I should like to know whether it is the intention of the Government to give consideration to officers not on the top rungs of the ladder, and who do not come within the scope of the Public Service Commissioner.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in explanation) [4.48]: With the permission of the House I should like to make an explanation. While I was moving the second reading of the Bill some member asked whether, under this measure, the salary of the President of the Arbitration Court would be increased. I said no, that the Bill dealt only with judges of the Supreme Court.

Hon. J. Cornell: We all knew you were wrong, at the time.

THE CHIEF SECRETARY: I overlooked the fact that when the Industrial Arbitration Bill was before Parliament it was amended, I think in conference between the two Houses, to make provision that the President of the Arbitration Court should have all the qualifications of a judge, should enjoy all the immunities and privileges of a judge, and should also have the same salary as a judge. However, the question being put to me suddenly, when I was concentrated on the Bill before me, I replied to the effect that the salary of the President of the Arbitration Court would not be increased. I was wrong. It will be increased. It was my error.

Hon. A. Lovekin: A perfectly pardonable error.

HON. J. R. BROWN (North-East) [4.49]: I oppose any increase in the salaries of the judges. In my maiden speech in the

House I gave a definition of a judge of the Supreme Court. One of the clauses was that he was never appointed till he had grown old and become bald-headed, that he was then too aged to compete with the rising generation, and in consequence the law took him in, whitewashed him all over and made a judge of him. In my opinion the judges are already getting sufficient salary to rub along on. Surely £1,700 a year is sufficient for that! We are the primary producers of the law.

Hon. A. J. H. Saw: Of gas.

Hon. J. R. BROWN: We are responsible for the statutes; we produce the stuff and the judges retail it out to the public. Yet it is proposed to give a judge four times as much as we get! Some years ago there was a great hue and cry when Chief Justice Griffiths of New South Wales was retired. Authorities wanted to know whether he could rub along on a pension of £3,300 per annum. If these judges worked overtime, I would not mind increasing their salaries. But when workers have come before a judge in the Arbitration Court—three of our judges have all been presidents of the Arbitration Court—the workers have got a rough spin, even though they were asking for an increase of only 10d. or 1s. per day in their wages. Then the workers have wanted hours of labour reduced, but the judges would not listen to them, putting every obstacle in their road. We never hear of a judge working overtime. Judges do not come into court until 10 o'clock or later in the morning, and they never sit on Saturdays. They work only on five days a week. By the time they don wig and gown and have a look around it is almost luncheon time. They are no sooner started in court than they adjourn for luncheon. Resuming at half-past two, they finish up for the day at 4.30—about five hours' per day. I say they are getting sufficient salary.

Hon. A. J. H. Saw: Do you think all their work is done in court?

Hon. J. R. BROWN: Yes. If they cannot sum up on the evidence before them, they are not fit for their jobs, not intelligent enough for their jobs. Another thing: each year they get three months' holiday on full pay, which is to say they have each £425 to spend on their holiday trip. So actually they work only nine months of the year. Since we produce the law and they merely

retail it out, I think we should get as much as they get. In my view the judges are well paid, and I will oppose the Bill.

HON. J. NICHOLSON (Metropolitan) [4.52]: After hearing the remarks made by the last speaker one is almost moved to pity. It is regrettable that the hon. member should be so profoundly ignorant of the duties of a judge. Mr. Brown tells us that the judges work only about five hours a day and nine months in the year. A statement like that shows that the hon. member has not taken the trouble—which as a member of the House he should have done—to ascertain at first hand whether or not his statement was correct.

Hon. J. R. Brown: I know that it is.

Hon. J. NICHOLSON: Because, in saying what he has said, he is misleading his colleagues in the House. I am sure he would be the last member who would desire to mislead anybody. I am going to tell members, perhaps from a more intimate knowledge than Mr. Brown possesses, that whilst a judge may sit in court only a certain number of hours a day, that period of actually sitting in court is only part of the time, often a very small part of the time, that he has to devote to the various cases and problems that come before him. Let us consider the banking profession. It is often said by those who do not know, that bankers have a very easy time indeed: but you, Sir, know, and other members know that a man occupying any responsible position in a banking institution in any large centre has at times great strain and worry. The doors of the bank have to be closed at a certain fixed hour so as to make it possible for those engaged in responsible offices to carry out their ordinary duties. The banks do not open until 10 o'clock in the morning, and they close again at 3 o'clock in the afternoon. Will the hon. member deduce from that that bankers have nothing to do and should be paid accordingly? Anyone who has any business with bankers knows that they are engaged often into the late hours of the night in order to fulfil the duties that have devolved upon them during the day, or to prepare for the following day. The same thing exactly applies to the judges. If they were to continue sitting for long hours they would be unable, physically and mentally, to carry out the responsibilities of their high office.

Hon. W. T. Glasheen: And they have to work for ten years for nothing in order to qualify for the job.

Hon. J. NICHOLSON: That is quite true. Before a man can possibly hope to attain to the honour and dignity of occupying such a position he must pass through years of unprofitable labour, years of study and years of very hard work.

Hon. E. H. Gray: That is not the only profession to which those conditions apply.

Hon. J. NICHOLSON: I can assure the hon. member that the task of a judge is no light one. It is not right that any member should come here and make statements that might have the effect—I do not think they would have—of misleading other members who might be listening to him. I am pleased to be able to say that successive Governments of this State have invariably sought to appoint as judges men of the highest character. How necessary it is that only men of the highest character should be appointed is, I think, patent to everybody; for if we were to go back to earlier years indicated in history when, sometimes, judges were approachable by this, that, or another man, we as a community would have occasion to deplore it exceedingly. But it is a cause for much rejoicing on the part of every citizen that we have a bench of judges who are above reproach, men of the highest integrity and honesty. And we cannot obtain men for that position without providing them with the salary essential to maintaining the dignity of their office. The proposal to increase the salaries of judges has not been brought in too soon, and I re-echo what the Leader of the House said when he emphasised the comparisons made between salaries paid in this State and the other States of Australia. Every member will agree that the salaries of the judges should be raised, and therefore there should be no question about passing the Bill. There was some comment by Mr. Harris regarding observations made by certain members of the party that introduced the Bill. I think those observations were made in the heat of the moment, and were those gentlemen asked to express their opinions to-day they would say something entirely different.

Hon. A. Lovekin: They have now a responsibility they did not have before.

Hon. J. NICHOLSON: Precisely. They realised the necessity that exists for men of honour occupying such positions, and with that responsibility before them we must sup-

port the Government in the direction indicated. I wish to add that I agree with the remarks of Mr. Harris respecting the heads of departments in the Public Service, and particularly his reference to the Auditor General, but as I interjected while Mr. Harris was speaking, the Premier did say something to the effect that he was prepared to consider the position of that responsible officer. I hope that justice will be done in the direction indicated. I have much pleasure in supporting the second reading.

HON. A. J. H. SAW (Metropolitan-Suburban) [5.4]: I have very much pleasure in supporting the Bill. The salaries of the judges have for many years remained on the same level in spite of the great increase in the cost of living, not only regarding the necessaries of life, but in respect of calls made on people occupying high positions. These facts justify a considerable increase being made in the salaries of those who fill positions such as judgeships. We also have to look to the future, and if we do not pay adequate salaries to those holding offices of responsibility, we shall not attract men of the keenest intellect and the highest character to fill those offices. As a matter of fact, in the past it has been the case that men in the prime of life who have been earning considerable salaries at the bar have declined to abandon a lucrative profession to accept positions as judges. The services of such people are frequently lost to the community, for the reason I have stated. It is high time that the judges were adequately rewarded with a salary to compensate them for the loss of their profession and commensurate with the degree of responsibility they carry. As regards the President of the Arbitration Court, I am glad that he also is to enjoy an increase in salary. This House particularly was insistent that the President of the Arbitration Court should have exactly the same status and should hold the same qualifications as were possessed by judges of the Supreme Court. We therefore should be the last to say that he should not receive a salary similar to that paid to the other judges. I support the second reading of the Bill.

HON. J. EWING (South-West) [5.7]: There can be little doubt about the wisdom of the Government in introducing the Bill. I give them my hearty support, and endorse what has been said by other members re-

garding the judges of the Supreme Court. I am glad the Minister was not correct last night when he expressed the opinion that the judge of the Arbitration Court was not to share in the increases to be given. My reason for rising is to refer to the remarks of Mr. Harris. Many times in this House I have raised my voice against the appointment of two others to assist the judge in the Arbitration Court. I have always opposed this, and I opposed it when the Bill was before this House. The section of the Act provides—

The court shall consist of three members appointed by the Governor. One member shall be appointed on the recommendation of the Industrial Union of Employers and one on the recommendation of the Industrial Union of Workers, and the third member shall be a judge of the Supreme Court nominated by the Governor to act in that behalf. Such judge shall be President of the Court and the other members shall be called ordinary members.

Then under Section 49 it is provided—

The President shall receive a salary equal to that of a judge of the Supreme Court; and each ordinary member of the court shall receive such salary (not being less than £600 per annum) as shall be fixed from time to time by the Governor.

My reason for speaking on this occasion is to enter my protest against any increase being given to the lay members of the court over and above the £600 a year they are receiving.

Hon. E. H. Harris: They are receiving £750.

Hon. J. EWING: I enter my protest against that because—I have often said this and I shall say it again—in my opinion they are absolute partisans. One is appointed by the union of employers and the other by the union of workers, and both have their minds made up before a case is heard.

Hon. J. R. Brown: They do all the work.

Hon. J. EWING: Their minds are made up, either for or against, before a case is heard, and their decisions are, in the case of the employers' representative, that the men shall suffer as big a reduction as possible, while the employees' representative has made up his mind that the award will be in the direction of granting the highest possible increase in wages. This House invariably disagreed with my views on this subject, but I always accepted the decision. I still contend that the course we are following is entirely wrong, and that two laymen should not form part of the Arbitration

Court bench, no matter how able they may be. They are placed practically in the position of judges and the question then has to be determined by the president. Why not let the president himself decide without all this camouflage? We are paying the laymen £750, and it is within the power of the Government now to further increase the salaries.

Hon. J. R. Brown: The judge takes his cue from those men.

Hon. J. EWING: The evidence is given to the court and if the judge is worthy of the position he holds, he should decide on the evidence. We have Mr. Somerville on the one hand and Mr. Bloxsome on the other to do something that should be the duty solely of the judge. Their positions appear to me to be quite unnecessary, and I should like an assurance from the Leader of the House, before the Bill passes the second reading, that the Government will not increase the salaries of these two members of the Arbitration Court. The Government have it in their power to do so; they have already done so to the extent of £150, and I hope it will stop at that. I am not in any way reflecting on the capabilities or integrity of these gentlemen, but I contend they are of no use on the Arbitration Court bench and therefore should not be associated with the Arbitration Court judge. I hope the Minister will be able to tell us that the maximum salary in the case of these gentlemen has been reached, and that the passing of the Bill we are now discussing will not be the means of giving them a further increase. I feel strongly on this matter. I have often given expression to my views in regard to it and will continue to do so even though I have been defeated in this House. I hope the Minister will be able to tell us that the lay members of this court will not participate in the increase to be given to the other members of the bench, at any rate not without Parliament first being consulted.

HON. J. CORNELL (South) [5.13]: A lot of extraneous matter has been introduced into the debate, but I intend to deal with the Bill itself. It is a simple measure; it refers to the judges of the Supreme Court and contains no reference to anyone else. The question for the House to answer is whether the Chief Justice is worth £2,000 a year and the other judges £1,700 a year. If the present salaries were adequate in 1902, are the judges in 1927 entitled to an increase? In

view of the upward trend of costs generally, no one can answer that question except in the affirmative. So far as the Supreme Court itself is concerned, it can safely be said that it enjoys the respect of every section of the community. With regard to the Arbitration Court, it is regrettable that an element enters into that court that does not enter into the functions of the other courts, that is, the intrusion of the politician, who is prepared to belittle the court, not in the interests of the workers who are affected by the decisions, but largely in his own interests and for the sake of getting a place in the Parliament of the country. I have always condemned that stand. Even in those days, when it was said "Cornell wore a red tie," if I went before the Arbitration Court, I was always prepared to accept its decision, whether it was for me or against me, and I never ran it down for the purpose of gaining political kudos. It is unfortunate, and represents an element that should never have entered into the criticisms of the Arbitration Court. Nevertheless Mr. Harris has referred to the position and to statements that were made three and a half years ago on the hustings. It is pleasing to notice that a recent award delivered by Mr. Justice Dwyer and the present Arbitration Court in exactly the same locality, was received without one word of comment from those who condemned another judge in another court.

Hon. E. H. Harris: You evidently have not read the latest discussions regarding that point.

Hon. J. CORNELL: It only goes to show that responsibility brings tolerance and reticence. That is a phase of our industrial legislation and of our Arbitration Court that, I hope, will be relegated to the scrap heap henceforth. Reference has been made to an increase for the President of the Arbitration Court. It goes without saying that we all agree he should be placed on the same basis as a Supreme Court judge. I regret that Mr. Ewing's remarks were made at all.

Hon. J. Ewing: I have always said that.

Hon. J. CORNELL: The best of intentions sometimes go astray, and things are said here that were better said elsewhere. Parliament has laid it down that the lay members of the court shall receive not less than £600 a year. Whether or not they are to receive more than that salary, was left to the discretion of the Government of the day.

Hon. J. Ewing: Their salaries were increased.

Hon. J. CORNELL: Those men are worth more than £750 a year. If we left it to the discretion of Governments to increase the salaries of the lay members, why object? The constitution of the Arbitration Court was fixed with the approval of Parliament, and we agreed that the President should be on the same basis as a Supreme Court judge while there should also be two lay members, one representing each side. That was no hasty decision, and it has operated since 1902.

Hon. J. Ewing: That does not prove it to be right.

Hon. J. CORNELL: One lay member has occupied his position for almost a quarter of a century. Mr. Somerville has qualified himself for that position, and the knowledge he has acquired should be invaluable.

Hon. J. Ewing: But it is all onesided.

Hon. J. CORNELL: It is not. In a recent case concerning which great interest was aroused, the decision of the court was unanimous. I have every reason to believe that the court will be continued as at present constituted, and that being so, if the President of the Court, who is a very old friend of mine, for whom I have every respect, is worth £2,000 a year—and I agree that he is—then I claim the other two members of the court are worth at least half as much.

Hon. J. Ewing: But the President decides everything.

Members: No, he does not.

Hon. J. CORNELL: Mr. Ewing forgets, or else he knows little about the work of the Arbitration Court. The point he has in mind has been argued by him until it has become almost an obsession with him. That point is as to whether the court should be constituted by a judge alone, or as at present. Mr. Ewing has been beaten in season and out of season on that point. I would remind him that the lay members of the court are not there of their own volition. They are there because Parliament has provided for them and, as I have already indicated, one of the lay members has given almost a life-time to the work.

Hon. J. Ewing: That does not prove that the principle is right.

Hon. J. CORNELL: Mr. Ewing has been beaten so often on that principle that he should give it a rest. I would point out that although Mr. Somerville has been for so long a lay member of the court, there is no pro-

vision for a pension for him in his declining days, nor is there one for the employers' representative. When we consider the volume and importance of business transacted by the various courts, the comparison is wholly in favour of the Arbitration Court. If we think about it for a moment we must realise that the ramifications of the Arbitration Court are such as to almost appal us, particularly when we appreciate its possibilities for good or evil. Despite its faults, I am prepared to admit that the Arbitration Court has done exceedingly well on the whole. I have pleasure in supporting the second reading of the Bill and in apologising for taking up so much time, I would point out that it was due to the introduction of extraneous matter into the debate.

HON. A. LOVEKIN (Metropolitan) [5.23]: I am in agreement with Mr. Cornell except in his reference to the introduction of extraneous matter concerning which he criticised Mr. Harris. I think Mr. Harris was quite right in dealing with that extraneous matter.

Hon. J. Cornell: I tolerate Mr. Harris, but not Mr. Ewing!

Hon. A. LOVEKIN: There is no Minister to whom an officer, I have in mind can refer to have his salary reviewed. The Auditor General is really an officer of Parliament. If members of Parliament do not take up his case, there is no one to act on his behalf. It requires the approval of both Houses of Parliament to get rid of that officer. Under the Audit Act of 1904—that is 23 years ago—the Auditor General was given an annual salary of £900, such salary being chargeable against Consolidated Revenue. That salary has never been altered. Nothing has ever been said of a helpful description to get an increase for that officer, and so to do justice to him. The work of the Audit Department has materially increased since 1904 and I think Mr. Harris, therefore, was perfectly right in bringing this matter forward. There are other officers, such as the Commissioner of Police, who should follow in the wake of the judges by having well deserved increases granted to them in view of the difference between the cost of living now and at the time when their salaries were fixed. I hope the Government will see their way clear to give a measure of justice not only to the judges but to other officers equally worthy of consideration.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [5.26]: I am rather astonished at the course the discussion has taken. When the Bill was placed before Cabinet by the Treasurer, the whole discussion centred on the question whether the time had arrived to increase the salaries of the judges. The discussion was very brief, for a conclusion was arrived at quickly. It was that not only there should be the increases, but that it was regrettable the judges should have been passed over for so long. During the debate there was no discussion regarding the position of members of the Arbitration Court. Had there been, I would not have fallen into the error I committed yesterday. The facts would have been fresh in my mind that the salary of the President of the Arbitration Court would automatically be increased with the passing of the Bill. In these circumstances it would be impossible for me to pledge the Government one way or another as to whether the salaries of the lay members of the court would be increased or not. I could not do it. I do not know what the Government propose to do. The matter has never been discussed. If we decide to increase the salaries of lay members of the court, the Government will certainly approach Parliament in the ordinary way.

Hon. J. Ewing: They need not do so, need they?

THE CHIEF SECRETARY: Mr. Harris asked why we had picked out the judges for a special increase in salary.

Hon. E. H. Harris: And omitted the Auditor General!

THE CHIEF SECRETARY: It is necessary to bring in a Bill to increase salaries, and a start had to be made.

Hon. E. H. Harris: My only object was to see whether you had dealt with other officers as well.

THE CHIEF SECRETARY: This is only a commencement. It is not advisable to mention the names of other officers who have been neglected for years. Mr. Lovekin, I know, mentioned the name of one. Their cases will receive consideration at the hands of the Government, and, I hope, at an early date. We had to make a start and surely the judges, who have received no increase in salary during the last 25 years, are entitled to special recognition. I do not think anyone will object to that. I do not agree with

Mr. Brown in his references to the judges sitting for a few hours.

Hon. C. F. Baxter: Neither does anyone else.

The CHIEF SECRETARY: We know that when the courts adjourn, the judges have to study the law and prepare their judgments. It might as well be said that the few hours I spend here during the three days of the week represent the full extent of my Parliamentary work. I can assure hon. members it does not do so by any means.

Hon. J. R. Brown: That applies to all of us. Mine takes me a full week.

The CHIEF SECRETARY: We all know that judges work continuously throughout the year, except during vacation, hearing cases and coming to a decision, not abruptly but after long consideration and consultation with the different legal authorities. I have no doubt they realise that great interests are involved in many cases and that their decisions are subject to review. No doubt they are ambitious also and like to avoid making mistakes, not only because there are interests that might suffer but also for the sake of their own reputations. I can imagine them sitting long into the night on some cases to prepare their judgments.

Hon. J. R. Brown: They go down the river yachting.

The CHIEF SECRETARY: I do not think members expect me to defend statements alleged to have been made by members of the Government perhaps years ago.

Hon. C. F. Baxter: Fortunately, you did not make any.

The CHIEF SECRETARY: As to myself, I should not like to be held responsible for my criticisms of public men in the last 20 years. The President of the Arbitration Court is a public man open to criticism. I should be sorry if anyone reflected on his integrity, but still he is open to criticism. The position is a very difficult one to fill. I do not know of one judge who has not had to submit to adverse comment, and it will always be so. Decisions cannot be universally acceptable and there will be people who will denounce the decisions of a judge one week and probably applaud the decisions of the same judge in the next week. I do not think we have been assisted to any extent by the quotations of what any private indi-

vidual or public man might have said years ago, perhaps in the heat of the moment and without due consideration. At any rate, this Bill represents the view of the Government regarding the judges of the Supreme Court.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CLOSER SETTLEMENT.

Received from the Assembly and read a first time.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. LOVEKIN (Metropolitan) [5.36]: I moved the adjournment of the debate yesterday because the Minister, having already spoken, was unable to do so, and it was desirable that there should be an opportunity to consider the point raised by Mr. Stewart, which apparently was an important one. I have looked into the matter and I find that this Bill is really necessary. It appears that in 1919 a Bill was introduced that amended paragraph (a) of Section 4 of the Act making the interest payable at the rate prescribed in the General Loan and Inscribed Stock Act. The amending measure omitted to amend the following paragraph (b) in order to make it uniform with paragraph (a), so this Bill seeks to amend paragraph (b) and make it consistent with paragraph (a). I see no objection to the Bill.

HON. H. SEDDON (North-East) [5.38]: One point arises out of the interpretation given by Mr. Lovekin. By deleting the words "at a rate of interest not exceeding four pounds per centum per annum," the rate of interest that may be paid to the State Savings Bank will be practically unlimited. In 1919 Parliament decided that the rate of interest should be that provided by the General Loan and Inscribed Stock Act.

Hon. A. Lovekin: That will be the effect if we pass this Bill.

Hon. H. SEDDON: No, the deletion of the words will leave the rate of interest unlimited.

Hon. A. Lovekin: If you look up the Act you will see the rate in the General Loan and Inscribed Stock Act will apply.

Hon. H. SEDDON: I should like the Chief Secretary to reply to the point, because it might be necessary to move an amendment. The rate of interest should not be unlimited. I take it the intention is to pay the rate prescribed in the General Loan and Inscribed Stock Act.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [5.40]: If this Bill becomes law, Section 4, Subsection 1, of the Act of 1909 will read as follows:—

The Colonial Treasurer may, with the approval of the Governor, from time to time exceed in the purposes of this Act sums not exceeding in the aggregate, with the moneys expended under the Acts hereby repealed, four hundred thousand pounds out of (a) moneys voted by Parliament for the purposes of this Act; or (b) moneys borrowed (and which the Colonial Treasurer is hereby authorised to borrow) from the funds of the Government Savings Bank and secured by any Government securities in accordance with Section 27 of the Government Savings Bank Act, 1906.

The State Savings Bank will not be limited to any rate of interest it might charge the Colonial Treasurer, but the intention is that the bank shall receive the same rate as is provided for under the General Loan and Inscribed Stock Act. If the money were borrowed to-day the rate of interest that the Savings Bank would receive from the Government would be approximately 5½ per cent. The rate at which we borrow in London may advance to 6 per cent., and the Savings Bank would be justified in charging the Treasurer 6 per cent. for money. On the other hand, the rate might come down to 5 per cent. or 4¾ per cent., and the Savings Bank would adjust its rate accordingly.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BREAD ACT AMENDMENT.

Second Reading

HON. E. H. GRAY (West) [5.43] in moving the second reading said: This is a simple measure that should appeal to members. Its object is to rectify an error that was made in 1919. In that year, after considerable agitation and spasmodic experiments in day baking, the Arbitration Court awarded day baking, which necessitated Sunday baking. Before the award was delivered there had been Sunday baking, but under the day baking award it became necessary to start Sunday baking earlier in the day. I have read carefully the debates in another place. I hope members here will not make the mistake that was made by several in the Legislative Assembly. Sunday baking has been an established practice in the bread industry for half a century.

Hon. A. Lovekin: Do the employees get double time?

Hon. E. H. GRAY: No. Saturday is the baker's sabbath, and has been ever since I can remember. If members can fix that in their minds I do not think there will be any trouble about the Bill.

Hon. Sir William Lathlain: Is the baker omnipotent?

Hon. E. H. GRAY: The Master Bakers' Association is taking advantage of the omission from the Act, and trying to persuade everyone, including myself, that it is better for the industry to leave Section 16 in the 1903 Act.

Hon. E. H. Harris: To leave the position the same as it has been since 1903?

Hon. E. H. GRAY: Yes.

Hon. J. Nicholson: What does Section 16 say?

Hon. E. H. GRAY: It says—

No person exercising or employed in the trade or calling of a baker shall make or bake any bread, rolls, cake, or other article for sale before the hour of 5 o'clock p.m. on Sunday without the permission of an inspector, except so far as may be necessary to set and superintend the sponge, to prepare the bread for the next day's baking.

This Bill adds a proviso to Section 16 as follows:—

Section 16 of the Bread Act, 1903, is hereby amended by adding a proviso as follows:—
“Provided that this section shall not apply in any district or area for which an industrial award or industrial agreement relating to the baking trade is for the time being in force in which a time for the commencement of work on Sunday is prescribed.”

The position to-day is that after all these years in Western Australia, in the metropolitan area and on the goldfields especially where the common rule is in operation, in September, 1925, an enforcement case was brought before the industrial magistrates against the employers.

Hon. E. H. Harris: You want the industrial award to override the clause?

Hon. E. H. GRAY: A bright young lawyer, who is an ornament to the profession, discovered that this section had never been repealed. He was, therefore, successful in inducing the industrial magistrate to send the case on to the Arbitration Court. The court made a declaration that the award could not be enforced as the Act would override it.

Hon. A. Lovekin: Does the Sunday Observance Act apply?

Hon. E. H. GRAY: Acting under the section permitting an inspector to grant Sunday baking, the union, instead of complying strictly with the award, which meant that they were confined to baking for two hours on Sunday, that is from 5 until 7 p.m., a position that would have created chaos in the trade, approached the Government, and was successful in getting permission to continue as it was doing pending the repeal of the section.

Hon. E. H. Harris: When was that agreed to?

Hon. E. H. GRAY: In September, 1925.

Hon. J. Nicholson: What permission was given?

Hon. E. H. GRAY: To carry on in contravention of the Act.

Hon. E. H. Harris: In other words, permission to break the law.

Hon. E. H. GRAY: That is what it amounted to.

Hon. E. H. Harris: Did the Government agree to that?

Hon. E. H. GRAY: The law was stretched in order to prevent chaos in the trade. Anyone who reads that section will see that the permission of an inspector would not be given for general conditions of working, but for the special conditions which sometimes occur in the baking trade when instantaneous action is necessary. The law was, therefore, stretched while the award was in operation in order to prevent chaos in the trade.

Hon. E. H. Harris: Is the award operating now?

Hon. E. H. GRAY: It has expired.

Hon. J. Nicholson: Could we not insert in every Act some little clause giving power to the Arbitration Court to stretch it?

Hon. J. R. Brown: Not in every Act.

Hon. E. H. GRAY: I want members to take this seriously. The Bakers' Union has appealed to the court. Both the employers and the employees have agreed on the question of a substantial rise in wages, I understand.

Hon. J. Nicholson: Who is paying for the rise in wages?

Hon. E. H. GRAY: I do not think there is any difference between the employers and the employees in the matter of wages, but they cannot agree as to the starting time. The function of the court is therefore restricted, because the employers desire to take advantage of Section 16 of the Act and have placed a severe handicap upon the union in its application to the court.

Hon. A. Lovekin: You do not want the poor working man to work on Sunday?

Hon. E. H. GRAY: The baker's sabbath is on Saturday, so that the remark does not apply. When the Act of 1903 was passed, night baking was in general operation. At that time it had no serious effect upon the trade, because the men did not start work, preparing sponges, making doughs, etc., and baking bread until after 5 p.m.

Hon. A. Lovekin: Then they got their Sunday.

Hon. E. H. GRAY: Members will recollect the numerous reports that were presented to the Chamber some two sessions ago. Everyone is familiar with the worldwide agitation for day baking. Mr. Lovekin and others were enthusiastic advocates of it. The change over from night baking to day baking necessitated either the making of bread on the Saturday, which was an impossible proposition, or an earlier start with making the bread on Sunday for Monday's delivery.

Hon. J. Ewing: What time is it intended to start?

Hon. E. H. GRAY: That is for the court to say. The men now start at midday. If members defeat this Bill they will not abolish Sunday work. The Act of 1903 provides for Sunday work. The baking trade cannot be carried on either with day baking or night baking without Sunday

work. I hope no member will make a speech about the non-observance of the sabbath, because it has been proved that we cannot do without Sunday baking. It has been repeatedly stated that all these industrial matters should be taken to the Arbitration Court. It would be just as reasonable to expect the court of to-day to award a 16-hour working day instead of a 44-hour week as it would be to expect it to bring in night baking, when day baking has been in operation now for so many years. It is generally recognised, on medical grounds and other grounds that day baking is necessary. The matter has been thrashed out in this Chamber time and again. It has proved successful. It is better for the employees on every possible ground to work during the day. No matter how we look at it we find that day baking is better for everyone. By the award of the court the hours for baking have now been transferred from the night to the day, so that the employee is able to work under natural conditions. I do not blame the employers for the attitude they are adopting. If I were a master baker I might think as they do. They want to introduce night baking in small stages. If the Bill is defeated, they aim at persuading the Arbitration Court to start the men at about midnight on Sunday, or perhaps a little earlier. They desire to reintroduce night baking on Sunday. Their next step will be to endeavour to persuade the court to impose night work on Friday. Their aim is gradually to get back to the bad old system when night baking was in general operation.

Hon. E. H. Harris: They say that is not the correct view.

Hon. E. H. GRAY: I know as much about the matter as anyone else, and I say it is the correct view. They want these things because they will make more money. They would sell more bread, and could conduct their operations with greater profit. The greater profit will come as a result of the fresher bread. That is the whole thing in a nutshell. I hope members will support the Bill. It will give the Arbitration Court power to make an award in keeping with modern demands of the baking industry. If it is defeated, members will be handing over day baking to the master bakers, and will bring about great industrial trouble in the trade. This can be avoided if the House will stand up to the

opinion it has expressed on many previous occasions. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

BILL—PERMANENT RESERVE.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Price of land:

Hon. J. EWING: The Government are to be congratulated on bringing down this Bill. They are following in the footsteps of Governments in the Eastern States, where the savings bank buildings are a credit to the institutions concerned. I am pleased that the Bill has been introduced. I hope that the matter to which it relates will be expedited, and that in the near future our savings bank will be housed in a splendid building.

Hon. Sir WILLIAM LATHLAIN: I am pleased that the Government are about to house the savings bank in a building more befitting its importance. It seems, however, a pity to alienate land that is in the centre of a very important block. The savings bank should stand at the corner of some block so as not to interfere with the continuity of any other building that may be erected upon it. This particular block would be a good one for municipal purposes, but the erection of a savings bank building in the centre of it may spoil the usefulness of the block as a whole. As regards the use of the entire block for the erection of a complete set of buildings for Government or other purposes, the excision of the proposed portion for Savings Bank purposes may cause some difference as to the architecture of any large building that may be erected on the remainder of the block. However, I offer no opposition to the proposal.

The CHIEF SECRETARY: The question of securing a suitable site for the Savings Bank has exercised the minds of the Government, but it has not been possible to find a site better than that proposed by the Bill. I am glad to acknowledge that Sir William Lathlain has taken a practical interest in the State Savings Bank. Some time ago he made in this Chamber suggestions that were noted by me, and have been adopted by the management of the bank with gratifying results. On the second reading I had intended to give figures showing briefly the progress of the bank during the last seven years, but could not lay my hands on them. I have the figures now, and with your permission, Mr. Chairman, will read them—

—	No. of Accounts.	No. of transactions.	Deposits during year.
1920	164,053	1,008,216	£ 6,070,618
1927	225,490	1,418,116	7,095,271
Increase	61,427	409,900	1,014,653
Average increase per year	8,775	58,557	144,929

During recent months the deposits have been increasing to an extent which may almost be described as disproportionate, the reason being that the management have been conducting an advertising campaign as suggested by Sir William Lathlain last year.

The CHAIRMAN: Strictly speaking, the whole of the discussion on this clause has been out of order. It should have taken place on Clause 2.

Clause put and passed.

Clause 4—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 6.7 p.m.

Legislative Assembly,

Thursday, 15th September, 1927.

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

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for a fortnight granted to Mr. Lamond (Pilbara) on the ground of urgent private business.

BILL—CLOSER SETTLEMENT.

Read a third time and transmitted to the Council.

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Lutey in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: Clause 18, dealing with the claims for enrolment or transfer of enrolment, is under discussion.

Mr. SAMPSON: Subclause 2 makes provision for the residence of an elector for one month in a district or subdivision before being entitled to have his name transferred to the roll for the district or subdivision, but there is no reference to residence within the Commonwealth. Is that provided for elsewhere?

The Minister for Justice: Yes.

Hon. Sir JAMES MITCHELL: I do not wish to go over the whole of the ground we have already traversed, but I again protest against the inclusion of Subclause 7, which sets out that the validity of any enrolment shall not be questioned on the ground that the person enrolled has not in fact lived in the district or subdivision for a period of one month. This means that if a man's name appears on the roll rightly or