

Legislative Assembly, Thursday, 6th September, 1900.

Address-in-reply: Presentation—Perth Ice Company Frauds, Select Committee (a motion)—Question: Central Winery, Mr. Scott's offer—Question: Electoral Rolls, Employment of Police—Postponed Motion: Federation, No New Public Works (withdrawn)—Constitution Amendment Act Errors Bill, second reading, etc., passed—Public Service Bill, second reading—Dividend Duty (Companies): Petition for Repeal (adjourned)—Resolution (Council): Divorce Suit Fees, to Reduce—Adjournment.

The SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

ADDRESS-IN-REPLY—PRESENTATION.

At twenty minutes to 5 o'clock the SPEAKER, accompanied by hon. members, proceeded to Government House to present the Address-in-reply to the opening Speech of His Excellency; and, having returned, the Speaker reported that

HIS EXCELLENCY had been pleased to reply as follows:—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

I thank you for your Address in reply to the Speech with which I opened Parliament, and I am glad to be assured of your continued loyalty and devotion to the Person and Throne of our Most Gracious Sovereign. I receive with satisfaction your assurance that your most careful consideration will be given to all matters that may be submitted to you, so that your labours may result in the permanent advancement and prosperity of the colony.

PERTH ICE COMPANY FRAUDS, SELECT COMMITTEE.

MR. MONGER (for Mr. Ewing), without notice, moved that the Select Committee appointed to inquire into the Perth Ice Company frauds against the Railway Department have leave to sit on days on which the House was adjourned.

THE SPEAKER: This motion was a little out of order; but it would be a great convenience for the committee to get on with the work by being allowed to sit on days when the House was adjourned.

Question put and passed.

QUESTION—CENTRAL WINERY, MR. SCOTT'S OFFER.

MR. OATS asked the Commissioner of Crown Lands, Whether he had received

an offer from Mr. H. G. Scott to erect and completely equip a central winery, provided the Government guarantees interest on capital for a term of five years at 5 per cent. per annum; not less than £10,000 (ten thousand pounds) to be expended by the company the first year.

THE COMMISSIONER OF CROWN LANDS replied:—Mr. H. G. Scott had made a proposal to form a company to equip a central winery, and had asked the Government to guarantee interest at the rate of 5 per cent. per annum on the paid-up capital.

QUESTION—ELECTORAL ROLLS, EMPLOYMENT OF POLICE.

MR. ILLINGWORTH (for Mr. Wallace) asked the Premier: 1, Whether the police in every electorate have been instructed to make an active canvass for the purpose of getting every eligible man and woman on the roll? 2, If not, whether he will issue such instructions?

THE PREMIER replied:—Yes. Instructions have been already given.

POSTPONED MOTION—FEDERATION, NO NEW PUBLIC WORKS.

[WANT OF CONFIDENCE.]

Notice of Motion (postponed from the previous day on division) now read:

That in view of the great alteration about to take place in the constitutional life of this colony, affecting as it will most materially the financial condition and resources of the colony, this House is of opinion that no new public work should be authorised this session, and that no work already authorised and not in progress shall be commenced before the electors of the colony have had an opportunity of expressing their will in this connection.

MR. MORAN (East Coolgardie): I think this is about the last act in the tragedy of the past few days. I am perfectly certain that neither I nor anybody else wishes to repeat *ad nauseam* facts and figures already given in the debate on the Address-in-reply; and after the development of last evening, when the Premier elected to take this notice of motion as a motion of want of confidence after it had been on the Notice Paper some time, has changed the aspect of affairs. I am certain the House will understand me when I say I have taken the precaution of first finding out what likelihood there would be of this motion being carried; and I can assure hon.

members that, if the matter went to a division under the aspect of a vote of want of confidence, there would be a repetition of the division of 22 to 16—that and nothing more. Therefore I think it is not my duty or place to delay the business of the House any longer, nor do I think anybody who sympathises with my motion would support me in such an action. If that were my aim and object—if there could be such an aim and object—I would not mind; but as it is, my object has been defeated by the course taken by the Premier—that I candidly admit; therefore, with the permission of the House, I will withdraw the motion.

Notice of motion by leave withdrawn.

CONSTITUTION AMENDMENT ACT ERRORS BILL.

SECOND READING.

THE PREMIER (Right. Hon. Sir J. Forrest), in moving the second reading, said: This Bill was passed almost in the same shape as it is now, last session, but owing to want of time it was found impossible for the Legislative Council to deal with it. The Bill is therefore submitted again, and I may explain that its object is merely to correct certain errors that unfortunately crept into the Constitution Amendment Act of last year, in regard to the boundaries of two or three districts. The only material error is in connection with the Bunbury and Nelson electorates. Hon. members will recollect that when it was decided to have a South-West mining electoral district, the boundaries were altered at the last moment in the Legislative Council by the Government, so as to make the area larger to the south of Donnybrook than was originally proposed, and, somehow or other, the boundaries of the adjoining districts were not amended. I have been informed that even without this Bill the boundaries would be considered in law as the Legislature intended, and that it would be held the last thought of Parliament was the correct one. But as we have the opportunity, and as it is very desirable to have these districts exactly defined in the statute, I submit this measure to the consideration of hon. members. The districts affected by the overlapping are Bunbury and Nelson, and, to a small extent, Sussex and Wel-

lington. In the Menzies and the Roebourne electoral districts, the errors are merely clerical, the latter being in regard to a line from the sea coast at Peedamullah Hill. There is really no alteration in the boundaries, but when we are on the subject we may as well have necessary amendments placed in the form of an Act. A careful scrutiny was made of every electoral district in the schedule, and the Surveyor General found one or two errors which it is advisable to correct.

THE SPEAKER: I have counted the House, and find there is an absolute majority present, as required in the case of an amendment of the constitution.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Schedule:

MR. GREGORY: How would the schedule affect the Menzies district? He had not had time to look thoroughly into the matter.

THE PREMIER expressed regret that he could not exactly tell the member how the Menzies district would be affected. The object of the schedule being merely to rid the original measure of some verbiage, and make the intention more clear, there was no material alteration whatever.

Schedule put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Standing Orders suspended; Bill read a third time, and transmitted to the Legislative Council.

PUBLIC SERVICE BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said: I may say what I have no doubt will be said by others if I do not, namely that there is nothing very pretentious about the measure.

MR. ILLINGWORTH: There is nothing in it at all.

THE PREMIER: The member for Central Murchison (Mr. Illingworth), in saying that, is absolutely wrong, as he generally is when he criticises the Government.

MR. ILLINGWORTH: Surely you do not expect me to be right.

THE PREMIER: The Bill is founded on one introduced in the Legislative Assembly of South Australia, and passed, I believe, by that body, although I do not think it went through Parliament, because it certainly has not become law. It was introduced by the Premier of the day, Mr. Kingston, having been carefully prepared by him personally. I had a conversation with Mr. Kingston in regard to the Bill, and he told me what, perhaps, other hon. members will say, that it did not seem to be a very elaborate measure, but he assured me he had taken much trouble, and had given a great deal of attention to the drafting, and, in his opinion, it was all that was required for the colony of South Australia. The civil service of this colony, until we had responsible government, was controlled by what are known as the Colonial Office Regulations, which are now in force in Crown colonies all over the Empire. I do not think those regulations have the force of law, but they are the regulations under which everyone is engaged; and everyone in the colonial service of Great Britain, in Crown colonies, holds office during the pleasure of the Crown, or really during the pleasure of the Secretary of State for the Colonies. Those regulations have stood the test of time, and are so clear and so excellent, although not in very many words, that justice can be obtained by the smallest official throughout the whole British Colonial Empire. The rights of civil servants are protected, and everyone feels that so long as he does his duty faithfully and honourably, there is no one who can do him an injustice. Since we had responsible government, there have been no regulations at all applicable to the public service of this colony, and we have, to a large extent, adopted the course previously followed. That is, we followed the practice established by the Colonial Office Regulations; and everything has worked very smoothly. I may say that since we have had responsible government, the civil servants have not had the same protection as they had under the Civil Service Regulations which were in force when this was a Crown colony, because they have now no appeal, as they had then, from the local Executive to the Secretary

of State. In fact, at the present moment the local Executive of this country has power to do as it likes with the colony's civil servants: it can appoint and it can dismiss whom it pleases. The only safeguard a civil servant has is the Governor of the colony; and of course the Governor, under our Constitution, does not take that close interest in political matters or in matters connected with the public service which he took when he was actually the Prime Minister under the Colonial Office; and therefore, if the Ministry were inclined to do a wrong—I do not say they would do it wilfully—but if they, through ignorance or any other cause, did a wrong to a civil servant, the only appeal that civil servant would have would be to the Legislature of the country. That, of course, is a safeguard of great importance and very valuable; but still, we know that under the exigencies of political life in these colonies it is pretty difficult for anyone to attack an Administration with regard to a dismissal or an appointment, if the Administration be firmly established. This Bill, small as it is, and useless as it is in the opinion of the hon. member opposite (Mr. Illingworth), is not designed for the protection of the Government only, but I think it is designed far more for the protection of the individual; because I believe no Government should have the right to dismiss people just as they like, without inquiry; and I believe civil servants should be safeguarded in many other ways, with regard both to the influence of the Government and to the safety of public officers.

MR. MOORHEAD: Where is the right of dismissal taken away?

THE PREMIER: What right?

MR. MOORHEAD: The right of the Government to dismiss.

THE PREMIER: There is no right taken from the Executive to dismiss; but the person dismissed may, under this Bill, demand an inquiry.

MR. MOORHEAD: Then the matter would be referred to the people who dismissed him?

THE PREMIER: I do not think so. If the hon. member will look at Clause 34, he will find the person affected can demand an independent inquiry, and that would certainly be a safeguard; because, if the board found in favour of the appellant, I have no doubt the Govern-

ment would be bound either to accept the decision arrived at by that board, or to give to Parliament some reason for not doing so.

MR. VOSPER: Does "Governor" mean "Governor-in-Council"?

THE PREMIER: Yes. That word always means "Governor-in-Council," unless the contrary is expressly stated. The Bill excludes certain persons from its operation: the Governor, Ministers of the Crown, Judges of the Supreme Court; the Agent General, who is governed by a special Act; the Auditor General, honorary officers, members of the naval and military forces other than the permanent staff; Government school-teachers, who are also under a special Act; railway servants, whose appointment is in the power of the Commissioner of Railways, and who are governed by their own Acts and Regulations; members of the police force, excepting the Commissioner of Police; and in another clause, officers excepted by the Governor. It is provided that nothing in this Act shall operate as an appropriation of revenue. That, of course, is a *sine quâ non* in dealing with this subject. It is also provided that public servants shall be divided into divisions and departments. The divisions are three, namely a professional division, a clerical division, and a non-clerical division; and the constitution of these divisions and departments is, of course, left to the Executive. At the end of Clause 13 are some words which I think I shall have to ask leave to strike out, because I know well that if they are not struck out, we cannot give effect to them under existing conditions. This clause provides that before the Estimates are submitted to this House, there must be gazetted the number of public servants required for each department, the work to be done, and the pay to be received by each servant. If such a return can be gazetted at any time—whether before or after the publication of the Estimates—that is as much as we can do at present. I know it is very difficult now to get the Estimates put on the table of the House; there is always a great difficulty in preparing the Estimates; and I do not think this proposal would be practicable, for the result would be that the required information would have to be gazetted after the Estimates

had been placed on the table. In Clause 14 it is provided that

No public servant whose pay is once determined by the Governor and approved by Parliament shall afterwards, whilst doing the same work, suffer any loss or reduction of pay, except as follows:—(a) on abolition of office; or (b) on removal; or (c) by reduction by parliamentary vote of the amount proposed on the annual Estimates; or (d) on reduction affecting generally the public service recommended by the Governor and accepted by Parliament.

Thus the Government cannot reduce a civil servant's pay unless they find some fault with him, try him, and prove him guilty. Parliament decides the question. That is a security to the public officer. Then it is provided in Clause 15 that "public servants may be transferred from one office to another; and in case of abolition of any office the Governor, in lieu of dispensing altogether with the services of the last holder, may appoint him to some other office." That is a very useful provision. It is even now maintained by public officers that if they get into one department they cannot be transferred to another; that each officer has a freehold tenure of his office; and that we cannot transfer him, no matter what happens. Power is here given to transfer an officer; and in lieu of dispensing with his services we may appoint him to some other office. That will be useful and economical. If a man is filling a post we do not want any longer, we will say to him, instead of dispensing with his services, that he must take some other office as good as the one he holds. This will be a much better plan than to pay him a pension, which perhaps we cannot afford. In Clause 16 provision is made for confidential reports as to the conduct and efficiency of officers being furnished every year to Ministers by heads of departments. That is what is generally done in private businesses. There is not a banker or a head of any other commercial undertaking of magnitude who does not furnish these reports periodically concerning everyone employed in his office; and there is no reason why the Government should not have such reports, either annually or at such other times as may be required, in regard to the conduct and efficiency of every public servant. Another very important clause is number 18, which will be useful for keeping Ministers

in order, if they require to be kept in order:

Vacancies in the public service shall, so far as practicable, be filled by the appointment of some public servant in the division and department in which the vacancy occurs.

If Ministers do not regard that clause, they will have to explain their behaviour to Parliament, and to state why they have not followed its provisions; because here it is said they shall, so far as practicable, do so. Then again, according to Clause 19:

If some public servant in any division or department has a greater claim to be appointed to the vacant office, he may be appointed to such office.

It very often happens that each department looks upon itself as a little principality, and resents any officer from another department having anything to do with it. That is often very inconvenient; but if it be the law that civil servants from other departments may be appointed to fill vacancies, I think such appointments will be more readily accepted. And in the same clause it is provided that in comparing claims, regard shall be had to the relative seniority of the applicants and their qualifications for the vacancy; and if there is no qualified public servant willing to fill the vacancy, some person not in the public service may be appointed. There we have the responsibility thrust by law upon the Minister or on the Government, to see that, before they can take a man into the service from outside, there is no one in the service qualified and suitable for the post. That is a very good clause indeed. And then as to age of appointment, it is provided that "no person shall be eligible for an appointment to other than the non-clerical division unless he shall have attained the age of 16 years, nor unless he shall have passed the prescribed examinations." Here we have examinations for the public service made imperative; and quite right too, I think. It has not been a good thing for this colony that persons have been allowed to enter the public service without any examination. As a result, we get a poorly-educated class of civil servants; and in these days of competition, it is necessary that we should have the best-educated men to fill these positions.

With all the good qualities which my fellow countrymen possess—qualities in which, I think, they are certainly not excelled by any other people in Australia—I regret to say that, owing to their not having had adequate educational advantages in their youth, many of our native-born civil servants have not received that classical education which people in other colonies receive, and which so well fits its recipients for the performance of public duties.

MR. VOSPER: Classical education? An absolute waste of time!

MR. MOORHEAD: Give them a good mathematical education.

THE PREMIER: That may be a matter of opinion. In my opinion, for all the correspondence branches of the service, for all those officers entrusted with correspondence, a classical education is very desirable; because it at all events gives them a knowledge of their own language, of the proper method of constructing sentences, and of writing grammatical letters.

MR. MOORHEAD: Teach them "Shakespeare."

MR. VOSPER: That is news to me.

THE PREMIER: That is my opinion. The civil service examinations of England, the examinations for the Indian civil service and in fact throughout the whole of the British civil service, are very difficult examinations indeed; and what is the result? In those services one finds men of learning and culture, men in every way fitted for the responsible duties they are so often called upon to discharge; and it is not so difficult in our day, with all the advantages the State offers in the matter of education, for candidates to qualify themselves for passing such examinations. I believe that even now, in our State schools, there are many graduates of universities filling positions as teachers; and with our High School in Perth, there is no reason at all why the preliminary civil service examination should not be made pretty difficult. The matriculation examination required for entering the civil service in Melbourne is not very easy. In the Eastern colonies now, a man cannot enter the civil service unless he has matriculated at a university.

MR. KINGSMILL: The junior examination only is required. The candidates are not required to matriculate.

MR. EWING: They have to pass the civil service examination merely.

THE PREMIER: In Victoria, I think they have to matriculate. If you want to raise the standard of the civil service, there is one way of doing it, and that is to make the examination pretty stiff. That will be for those who draft these regulations, which will be placed upon the table of the House, and of course Parliament can alter them if it think fit. People who desire their sons to enter the civil service will take care that they reach the standard, and, if there be a stiff examination, it will prevent many people who are half-educated, or very little educated, from expecting to get into the civil service of the country. People will know that they must reach a certain standard before they can expect to be appointed. Clause 22 says:

No fee, reward, or remuneration of any kind whatsoever, beyond his official emoluments, shall be received for his private use by any public servant for any service rendered in the course of or in connection with his employment.

That is a very good clause.

MR. GREGORY: Will that prevent outside employment?

THE PREMIER: Certainly.

MR. GREGORY: I do not think so.

THE PREMIER: It does more than that, I think.

MR. KINGSMILL: The clause is not wide enough.

THE PREMIER: If it does not provide for that, the hon. member can move in Committee to make it a little tighter. No testimonial shall be accepted by any public officer in respect of his official duties, without the sanction, in writing, of the Minister of his department. There is a practice growing up in this colony of giving a send-off and testimonial to an officer who has made himself agreeable to those about him, and is leaving the district in which he has lived. That is contrary to the civil service regulations of the old country, and contrary to the ideas of the people of South Australia, or at any rate the Premier of South Australia. In my days in the civil service, one never heard of testimonials, pieces of plate, and bags of money being given to civil servants for the way they had discharged their duty, it would not have been allowed for a moment; but, as I say, a practice is

growing up for everyone to think that for the faithful discharge of his duties he must have a reward when he is leaving the district. I think that is a very bad plan, and that the appreciation of the public might be demonstrated in some other way.

MR. VOSPER: Was there not some talk of a watch down Bunbury way, a little while ago?

THE PREMIER: Oh, yes. I have it in my pocket. That was for political services.

MR. HALL: Does this clause apply to testimonials to subordinates.

THE PREMIER: Yes. A great deal of difficulty was experienced in drafting the clause. There is a feeling that if an officer leaving the department is not presented with something, those who have been associated with him do not appreciate him. This has a very bad effect throughout the service, and, in my opinion, a presentation is not necessary. Clause 24, which of course is the a-b-c of the regulations of the civil service in England, says:

No official information out of the strict course of official duty shall be given, directly or indirectly, by any public servant, without the express direction or permission of a Minister.

That is the rule everywhere. Then there is Clause 25, which finds a place also in the civil service regulations of the old country as applicable to the colonial empire. It stipulates that no public servant shall make any communication to the Press upon any matter affecting the department in which he serves, or the business or the officers thereof, or relating to the public service, or his own official position or acts, or upon any political subject or question connected with Western Australia, without the express permission or authority of a Minister. By Clause 26, which also, as far as I know, is the a-b-c of the colonial regulations, public servants are expressly forbidden from taking part in any political affairs, otherwise than by the exercise of the franchise. I think that is a very good clause. Public servants have a choice. If they take up the position of public servants, they cannot be political agitators or partisans. You know I do not insert this in the interests of anyone. Of course the Gov-

ernment of the day would have a great advantage, if all the civil servants throughout the country were to go canvassing and soliciting votes on behalf of the Government; but that would be altogether wrong, and if it existed I do not think it would be tolerated. The civil servants can exercise the franchise, and they have certain advantages, but they have also a lot of disabilities. I was a civil servant, and I know there are great disabilities. Being a civil servant one cannot express an opinion in the same way as he otherwise could.

MR. EWING: Civil servants are generally against the Government.

THE PREMIER: They will not be against every Government, perhaps. Perhaps they might be in favour of the Government, if things were worked with that object. I do not think the statement of my friend the member for the Swan (Mr. Ewing) is quite accurate.

MR. VOSPER: Not here.

THE PREMIER: I believe the civil servants are just as much supporters of the Government, and always have been, as they are supporters of the Opposition; although I do not speak with any great authority, because I do not exactly know. Perhaps the hon. member knows more about that than I do. I know that throughout my connection with the civil servants I have tried to do justice to them, and to do my best; but it is not always convenient to increase their salaries when desired, and if one does not get an increase of salary, he is not quite satisfied. That is the way of the world. We are all the same: we all try to better our positions, and if the Government are economising perhaps they get into disrepute, not only with the civil servants, but other people also. Clause 27 says that no payment for overtime shall be allowed to public servants in receipt of annual pay. I think that overtime, whether in the office or applied to those engaged in what is known as outside labour, is wrong. If a man puts in his ordinary time and faithfully does his duty, that is as much as should be required of him. I have always set my face against overtime for men who work for the Government on railways or other public works. I prefer to employ more people rather than allow overtime. Of course overtime has to be worked some-

times. But this clause will not affect people in the Railway Department, because they have an Act of their own. This will only affect what we may call the ordinary civil service of the country.

MR. VOSPER: This clause does not prevent overtime. It only prohibits payment for overtime.

THE PREMIER: It is well known that the whole of the time of any of the civil servants is at the disposal of the Government. I do not think there is any great complaint. I have never heard of it.

MR. HALL: If a civil servant does not get paid for overtime, do you not think he should have leave in lieu thereof?

THE SPEAKER: Order! Do not interrupt the hon. member when he is speaking.

THE PREMIER: Clause 28 provides for leave of absence to civil servants, the regulations being the same as those under which we have been working for the last 10 years, and which we inherited. They were really not the law in any way, but the custom. The Colonial Office regulations regarding leave of absence are, I think, more liberal than these, but these are, at any rate, as liberal as the Government think desirable. Of course it is a subject that hon. members will themselves express an opinion about. It is a matter of opinion, and a subject perhaps on which they hold strong views. Then there is long-service leave. After six years' continuous service, public servants get a certain long leave. That is the practice at the present time, and it always has been in this colony. And then we deal with holidays, which have been made to agree with the holidays that are in force in this colony. There is also a provision for attendance on public holidays; also a clause relating to "absent officers' duties, how performed." Then we come to a very important matter, and that is that when any public servant is reported guilty of misconduct, he may be suspended by the Minister, and shall be furnished with a copy of the charges made against him; and he may demand an inquiry, but he cannot do that now. He may get an inquiry if he asks for it, under most of the special Acts. For instance, under the Police Act the police have a right to demand an inquiry, and I think it only fair that anyone charged with an offence should be able to demand an inquiry, for otherwise great injustice might be done

without the person inflicting it knowing it to be an injustice. I do not suppose any Minister, and indeed I will go so far as to say any honest person, would desire to do an injustice to anyone, but at the same time he might do so without knowing it; therefore, if a public servant denies the truth of the charge, he has a right to demand an inquiry. If an inquiry be demanded, the Governor shall thereupon appoint a board to inquire into the truth of such charge, and such board shall have authority to hear, receive, and examine evidence, and shall, after fully hearing the case, report to the Governor thereon. After the receipt of the report, the Governor may cancel the suspension and restore the public servant to his office, or remove him from the service, or reduce him to a lower position or pay, or deprive him, for such time as may be thought fit, of any of the privileges of a public servant. Then the Bill provides for payment after suspension. If the public servant be restored to his position, acquitted of the charge, he gets the same amount as he would have received if he had not been suspended; if he be reduced, the reduced rate of pay shall take effect from the date of his suspension; and if he be removed from the service, he will receive no pay. That is the ordinary rule now. The same rule exists in the Colonial Office regulations under which we have been working. If a public officer be convicted of any crime, such as felony, or be adjudicated bankrupt or insolvent, or take the benefit of any law for the relief of insolvent debtors, he shall forfeit his office; but if the officer who has forfeited his office by reason of pecuniary embarrassment prove to the satisfaction of the Governor that such embarrassment has not been caused or attended by any fraud or dishonourable conduct on his part, he may be reinstated by the Governor to his former position. That is the rule which has always existed in this colony, but at the same time it is very necessary that we should have it on the statute book, so that there shall be no doubt about it. Then there is a provision in the 39th Clause that the Governor may require any public servant who has attained the age of 65 years, or who has become incapacitated for the efficient performance of his duties, to resign his office, and if

the officer will not do it, the Governor can remove him. That is a very good clause. I do not know whether the age of 65 is a good one, but that is a matter for comment. Some people think that the age should be 60, whilst others approve of 65. I am rather inclined not to make the age too great, especially as we have at the present time a Superannuation Act in this colony. I am glad to say we have that Act, because I think it results in good service, although I know that it is a very unpopular statute. Still, the Act does not give to everyone the right to draw a pension. It only gives that to those who have grown grey in the service and have reached the age of 60 years, and not even then are they allowed to get it, unless the Government choose to let them leave the service. As I say, it is not everyone connected with the civil service who gets a pension, but when persons have served perhaps 20 years, they are very anxious not to do anything to forfeit the pension, and I firmly believe that the experience of the old country for generations and generations in this respect may be followed in Western Australia with very great advantage, although I know a great many people do not think with me. I have had some experience in the civil service, and I believe that provision tends to good rather than otherwise. However, the question of whether the age shall be 60 or 65 is one which we can discuss. The clause is permissive: the Governor "may" require a public servant who has reached that age to retire, but it does not say that he "shall" do so. Of course, the Governor need not require a public servant to resign, if that public servant occupies some position not needing very much energy, but perhaps calling for special or scientific knowledge, which renders it undesirable that he should retire at the age of 60 or perhaps 65. But in regard to many other appointments requiring energy and physical strength, it is very desirable that new men should take up the duties. Clause 40 gives power to make regulations for prescribing the examinations to be passed by persons who desire to enter the service; for the definition of the duties of civil servants, and securing the discharge of such duties, the observation of proper discipline; for prescribing the allowance to public servants travelling on duty, and

for giving effect to any provisions and purposes of the Act. These regulations are to be laid before Parliament as usual, and Parliament can approve of them or otherwise. Clause 42 provides for all notices of appointments, retirements, removals, or dismissals being gazetted in the *Government Gazette*, and the notice shall be deemed to be conclusive evidence of appointment or dismissal. This is the Bill: in my opinion it is a very excellent measure. It does not entail any very great expense on the country, as contemplated by the Bill which was introduced last year, by the appointment of a board, thus relieving Ministers of their responsibility; but it enacts all those matters which were provided for by the Colonial Office regulations under the old Constitution. The fact that this Bill is a transcript almost—I believe I may say it is a transcript—of the Bill introduced in South Australia, where they have had responsible government since 1856, and that Bill was drafted by a man who is acknowledged to be one of the best Australian draftsmen, from whom I have it direct that it is considered a good Bill and fulfills all the necessities of the Government service of South Australia, in his opinion; therefore I think it is a Bill we may give careful attention to. It may not be a final measure. As our conditions change or our population increases and the civil service increases, we may require more elaborate machinery. Notwithstanding we introduced a Bill last year which I think was a transcript of the law of Queensland, and which I have been informed works very badly there, and notwithstanding that we intended to appoint a board almost independent of the Parliament of the country, I think this is a far better Bill for us at the present time. It will cost nothing: it will give the Government all the rights and powers they ought to have, and it will give that security to the civil servant to which he is entitled.

MR. JAMES (East Perth): For some years past, ever since we have had responsible government, the electors of this colony have been insisting and have been asking for a Bill to regulate the civil service. I am astonished, after these ten years, to find the measure introduced is a Bill which, for all practical purposes, con-

fers no benefits at all on the members of the public service. If the Bill is examined it will be found that this statement is fully justified. Although the Bill does contain certain expressions giving the Government power to do this and the civil servants to do that, when the Bill is analysed it will be found that it practically gives no greater power and no exercise of power greater than that which is possessed outside the limits of the Bill. I am quite certain members of this House must have rubbed their eyes and opened their ears when they heard the right hon. gentleman say how desirable it was that this should be the legislation of the country, and how the civil servants should have protection from high-handed tyranny. The right hon. gentleman has been for ten years in charge of the civil service of this country, and he has had the opportunity all that time, by regulations, to carry out almost all the provisions contained in this Bill. As a matter of fact, if you take three or five clauses—five at the outside—away from the Bill, the balance contains provisions which could be adopted by regulation. It is not so in the South Australian Act, because under their Act of 1874 certain rights are given to the civil servants; and if these rights are taken away, if you place it in the power of the Government or Minister to interfere with the privileges given by the earlier Act, the right may be in the Act itself. That is how it happens in this Parliament. The Legislative Council of South Australia found certain permissive words in the Act which really—looking at the matter as a lawyer—would better find a place in the regulations than in a substantive Act.

THE PREMIER: That will not do any harm.

MR. JAMES: The difficulty is this: although I believe these provisions should be inserted in the regulations, we are left with a certain area that has to be covered by regulation. Part of the regulations are in the body of the Act, and part have to be dealt with subsequently. In the Bill which came before the Legislative Council of South Australia, a schedule of proposed regulations was inserted, and on the face of it that Act is what it purports to be, a civil service code. Here we deal with regulations made by the Governor, and any privileges conferred on the civil

service are contained in the right given by Clause 14, and the right given by Clause 34. These are the only two rights of value at all. Clause 13 says :

The Governor shall, according to the work of each department, annually determine (a) the number of public servants required for the efficient working of each department; and (b) the work to be done, and the pay to be received by each. Such determination and any alteration thereof shall be gazetted, and the annual Estimates shall be framed accordingly.

Then Clause 14, following on that, says :

No public servant whose pay is once determined by the Governor and approved by Parliament shall afterwards, whilst doing the same work, suffer any loss or reduction of pay, except as follows: (a) on abolition of office; or (b) on removal; or (c) by reduction by parliamentary vote of the amount proposed on the annual Estimates; or (d) on reduction affecting generally the public service recommended by the Governor and accepted by Parliament.

If members will examine these clauses I think they will agree with me in saying that these provisions, as a matter of fact, for all practical purposes confer on the public servants no benefit whatever. The complaint we hear of now from the men in the service is not that their salaries are unreasonably reduced from one year to another—I do not know of an instance in which I have heard that complaint—

THE PREMIER: But you might.

MR. JAMES: Clauses 13 and 14 are inserted to prevent evils which, so far, have not taken place or occurred. I have not heard of a person whose salary has been reduced between one year's Estimates and another. Clause 13 could be made of value if the provision which is contained in the South Australian Civil Servants Act of 1874 were inserted. This is obvious to members, if you are to give the Government the right to determine the classification of public servants. I go further than that, and say that the Governor-in-Council has the right to determine annually the work to be done and the pay to be received by each public servant. You are giving the public servant little or no redress unless that classification is correct. At present the Governor-in-Council does that. There is no appeal from that classification, nor under Clauses 13 and 14 is any provision made by way of appeal provided. Therefore Clauses 13 and 14 practically give no benefit whatever to the civil servants of

the colony. To what extent do Clauses 33 and 34 assist them? Undoubtedly they are of some assistance in getting a board, if a charge is improperly made against a public servant; but, as the hon. member for North Murchison (Mr. Moorhead) interjected, the appeal given here is granted by the person who appoints the officer. The Minister suspends the official, and the Minister is one of those who sit in Executive Council and decide whether he shall have a board. I think all hon. members will realise that it is undesirable that the Government should be bound to carry out the report of the board. There might be reasons which make it desirable that this should not be the case. I think provision should be made to secure, if not that the finding of the board shall be observed as a matter of right, that there shall be a moral obligation placed on the Governor and the Executive to carry out the recommendations. The person who has been charged and who has had the benefit of the inquiry is entirely unable to say whether the report exonerates him from the charges made. If a provision was made that the person against whom the charge was preferred should have a copy of the report, he could see whether the charge was justified and if it be true. If it is found that the report exonerates him from the charge and justified him in calling for an inquiry, the officer will have an opportunity of bringing pressure to bear to see that this report is carried out. Unless that is done there will be no moral pressure.

THE PREMIER: I think the civil servant ought to have a copy of the report.

MR. JAMES: The Executive Council will then know that the officer has a copy of the report, and can publish it if he likes. Personally I think it would be better if a board were appointed for dealing with the public servants. I think South Australia is the only colony that has not a board.

THE PREMIER: It is a small country, you know.

MR. JAMES: True. South Australia had an Act passed in 1874, and that Act ties down a Minister to a greater extent than this Bill does; and the position of South Australia to-day is this, that for

25 years they have been working under a recognised system, and working smoothly during the whole of that period.

THE PREMIER: They never get increases there.

MR. JAMES: It is an entirely different position when you are going to apply their Act to our service. In South Australia they sought by the measure to apply it to conditions that do not exist here; conditions brought about by the operation of a Civil Service Act for 25 years, an Act containing more stringent provisions than this Bill does. For instance, one of the most important things contained in the Civil Service Act is this. The Governor every year, under Section 12 of the Civil Service Act of 1874, has to determine the classification of officers, and he has to publish that classification from time to time in the *Government Gazette*. That Act goes further, and gives to any person who does not believe he is placed in the right class the power to appeal to a board. If a civil servant does not think he has been properly classified under the Civil Service Act of 1874 in South Australia, he has the right to say, "I have been improperly classified" or "I am being improperly paid." If he be dismissed he is entitled to a board of inquiry. The great grievances which the civil servants have here will remain grievances whether they have a board or not. They do not receive adequate pay. A certain amount of jealousy arises because certain officers get more pay and more rapid promotion than others.

MR. GEORGE: It is the same all over the colonies.

MR. JAMES: It is the same in every colony, and all over the world. But we have to recognise there are grievances; and where there are boards which are or profess to be independent, no accusation can be brought against the Minister of forcing one official on at the expense of others. Though I do not believe boards are an undoubted success—indeed, I do not think any system would give complete satisfaction—the fact that complaints are made about the working of boards in the sister colonies does not alter my opinion that, after all, an independent body of the kind is the only system which will, as far as possible, remove grievances which to a large extent

are bound to arise. The Bill does nothing more than simply render permanent, to a certain extent, appointments made in the past or made in accordance with the measure. That is, if the Bill alters the present law, it gives greater permanence to appointments.

MR. MOORHEAD: The Bill does not alter the present law.

MR. JAMES: I think the Bill does, so far as Clause 34 dealing with suspensions is concerned. The Bill will improve the position of the civil servant, if he has the right of appeal and a right to a copy of the report made against him.

MR. MOORHEAD: If "Governor" is to be read in the same sense as before, that right is not given.

MR. JAMES: I think I previously said that under Clause 34 it is entirely optional with the Governor-in-Council, inasmuch as the board may say a man ought not to have been dismissed, and the Governor may confirm the dismissal.

THE PREMIER: That is the Crown prerogative,

MR. JAMES: It is not possible to have a law providing that the recommendations of the board must be carried out, unless there is all the machinery of an independent board paid regular salaries and carrying on regular duties. Under Clause 34 the board is appointed by the Governor-in-Council, and, in that matter, we can only rely on the sense of fair-play of the Governor and Executive Council. The Bill does not seem to me to remove the grievances, the existence of which has caused the clamour for civil service reform, nor to give public servants any remedy or redress in cases where they think they have been wronged. Unless we have some provision for removing these grievances, we shall not meet the increasing demand for legislation dealing with the civil service; and the Bill will be by no means satisfactory.

THE PREMIER: It will be a beginning.

MR. JAMES: The only danger about the Bill is that, if it be passed, hon. members may say, "We have an Act: what more do you want?" It is far better, when we know there are grievances, to grapple with them, and not accept a Bill which leaves these grievances just as rife as they were before, and thus increase the demand for legislation. The

Bill is a recognition of the need of something being done, and to that extent we should accept it and endeavour to improve it in Committee.

MR. VOSPER (North-East Coolgardie): I am inclined to agree with the member for East Perth (Mr. James) in saying that this Bill deals with nothing in particular. The measure has one characteristic which it shares with nearly all Government measures which purport to be of a reformatory character, inasmuch as, while it affords apparently a long series of guarantees and valuable safeguards to civil servants, the whole of these are destroyed by one small and apparently insignificant clause, which I observe the Premier did not read, or, if he read it, took good care not to comment on. If hon. members look at Clause 5, sub-clause (k), they will see there provided, "Nothing in this Act shall apply to any class of officers excepted by the Governor." That is to say, while we pass a measure for the purpose of affording certain tangible guarantees to civil servants, we, on the other hand, leave it entirely optional with the Executive Council to say whether the Bill shall be enforced or not. The Executive are left open to except any class of servants they think fit; and therefore they can except the whole service of the country. If this Bill be of any value it must be made mandatory, and not optional. On the one side, the Premier tells us that this Bill is intended to deprive the Executive of a great deal of the power they now possess, and to give certain guarantees to civil servants; but, as a matter of fact, all is left to the Executive, so that if convenient these guarantees may be given, and as soon as they become inconvenient, immediately withdrawn. The Bill is no charter of liberty for the civil servants, and affords no really useful guarantees, there being as much left to the Executive as at present. In other words, if we pass the Bill, we simply encumber the statute book with so much waste paper; and that is what I have contended is done by the so-called reformatory measures of the Forrest Government. These measures have an illusory appearance of doing some good, but their real value is always destroyed by some obscure clause. That is the case with the Truck Act and many other Acts, and the present Bill is another

example of fulfilling the promise to the ear and not to the sense.

MR. MOORHEAD: The Bill can be amended.

MR. VOSPER: I cannot see any value in the Bill as it is now. It is a curious fact that these saving clauses always appear, and their appearance does not argue any want of skill, but on the contrary a considerable degree of skill in a certain direction, affording as they do a loop-hole for escape. I am not going to deal so exhaustively with the Bill as did the member for East Perth (Mr. James), but I would like to refer to Clause 16, on which I think I ought to have the support of the member for the Murray (Mr. George). The other night I heard that hon. member denounce very strongly the withholding of correspondence from this House; and Clause 16 provides:—

Every head of a department shall furnish to the Minister once in each year, and at such other times as the Minister may direct, confidential reports upon the conduct and efficiency of every public servant employed in his department.

I want to know if "confidential" means, as it has been interpreted in this House, reports which are kept from examination by Parliament. If that be the meaning, this clause ought not to pass.

MR. GEORGE: Surely the clause does not mean that.

MR. VOSPER: It is not at all advisable for any class of documents in the public service to be called "confidential" and kept from Parliament, because the principal value of parliamentary institutions is that Parliament is a general inquisition of the country, able to examine into all affairs of the public departments. If there be a set of confidential documents which are by virtue of the clause the property of the Minister, and may be taken away from him at the end of his term of office, it is a dangerous principle, because the things declared "confidential" are taken out of the jurisdiction of Parliament, the power of which is destroyed. It would be easy, under this clause, for a Minister to come down to Parliament and either in denouncing or protecting a civil servant, say that certain documents were confidential; and, when hon. members contended the documents ought not to be confidential, they would

be informed that under Clause 16 of this Bill, the documents became so. This was instituting a "secret dossier" showing the conduct and character of civil servants, and yet not available to Parliament. Of course, I understand the object of the clause is to prevent these reports becoming public property; but there are emergencies when such documents ought to be the property of Parliament.

THE PREMIER: They might be libellous.

MR. VOSPER: Documents are not libellous when laid on the table of the House.

THE PREMIER: But they might contain very unpleasant things to publish about people.

MR. VOSPER: The Premier does not seem to understand the position. The dearest and most valuable privilege of Parliament is to make inquisition into all such affairs; but by the Bill we establish a class of inquiry which deals with the characters of the civil servants, and makes the documents relating thereto confidential.

THE PREMIER: This clause is in the interest of civil servants.

MR. VOSPER: But it is not in the interest of the country.

THE PREMIER: I think it is.

MR. VOSPER: It gives the Minister autocratic power over the civil servants.

MR. MOORHEAD: Strike out the word "confidential."

MR. VOSPER: The word must be struck out, if we have any regard for public safety.

THE PREMIER: Then nothing would be written, in that case.

MR. VOSPER: Then there would be an end of it.

MR. MOORHEAD: By the clause, reports must be written.

MR. PIESSE: The manager of a private business would not disclose such documents.

MR. VOSPER: The manager of a private business is not the head of a public department; and, as the head ought to be responsible to Parliament, he cannot be unless we know what his actions are. A secretary or manager of a public company cannot have confidential documents reserved from the shareholders; and surely we stand on the same, if not a higher, plane than a public company.

Private employers do as they please, and are responsible to no one; but Ministers are responsible to Parliament, and Parliament is responsible to the country; and any system which destroys that responsibility is detrimental to constitutional government. By Clause 22, while on the one side no fee or award can be given to any official for services performed in connection with his duties, no provision is made in regard to what has become a crying grievance throughout the colony generally, namely the employment of civil servants in their spare hours at ordinary work. It has come within my knowledge that clerks of courts occasionally charge fees for dealing with documents and other work, and I know one case in particular where a clerk in a Warden's Court charged a great deal more for a copy of evidence than would have been charged by a legal practitioner. That sort of thing ought to be stopped, and I would welcome any clause which would have that effect. In many cases we find civil servants employed in outside avocations, thereby depriving other people of the means of earning a livelihood. Such a state of things is not just or fair, because civil servants ought not to be allowed to come into competition with the outside labour market. But we find civil servants all over this city and the colony doing odd jobs of work, which in some degree must infringe on their time which should be devoted to the public service, and depriving others, as I say, of a means of livelihood. I trust that abuse will be put an end to by the Bill, and that can only be done by an amendment of Clause 22. I am glad also to see Clause 23, which prevents the presentation of addresses or testimonials to public servants in respect of their official duties, without Ministerial sanction; and I could not help remarking to my friend on the right (Mr. Wilson) that I wished the clause could be carried a little further, so as to make it high treason to ask a member of Parliament for a donation or subscription; and then I am sure the clause would be carried by general acclamation. With regard to this question of overtime, it is evident the Premier entirely misunderstood the clause when he read it, because Clause 27 simply provides that no payment for overtime shall be allowed to

public servants in receipt of annual pay; and the Premier led us to understand that he was altogether opposed to overtime being paid for. Well, the clause provides that the heads of departments may demand overtime work from their servants, but that those servants may not demand payment for overtime. I cannot conceive of anything more unjust than that clause, which gives to any Minister or head of department power to sweat his employees to any extent: he can employ them, at his mere caprice, for sixteen or eighteen hours a day, and they can obtain no payment for the extra time worked. They have no remedy and no redress, and, on the other hand, they are given no guarantee whatever of being paid. Under the existing law they have a chance of being paid when they work unduly long hours; but by this clause that chance is definitely taken away from them. I say if civil servants be employed for unduly long hours, the Government is not exempt from the common obligation to pay them. Either lay down the principle that there shall be no such thing as overtime in the service, or let it be understood that if civil servants have to work overtime they have a right to be paid for so doing. The member for East Perth (Mr. James) has just pointed out to me that Section 27 of the South Australian Act provides that in all cases wherever practicable, overtime shall be avoided; and that, whenever overtime is worked, it shall be recorded. "Recorded," I take it, means that some remuneration or gratuity will be given to the civil servant at some future period.

MR. ILLINGWORTH: The overtime will be considered in granting holidays.

MR. VOSPER: In any case, we cannot allow Clause 27 to stand as it is at present, because it is simply a bald announcement of the determination of the Government to obtain from civil servants work for which the Government do not intend to pay. With regard to Clause 34, I agree with the member for East Perth (Mr. James). I look upon it simply as giving a civil servant an opportunity to appeal, not to an impartial tribunal, but to his accuser; and I do not think we can ever have any adequate system of appeals unless a permanent board be appointed. I look upon this Bill as being a disappointment, and I do not think it will

accomplish the objects which we are told it is introduced to obtain.

MR. GEORGE: It will be a disappointment to those who last year wanted to get appointments on the Civil Service Board.

MR. VOSPER: I do not know I have ever exhibited any ambition of that kind.

MR. GEORGE: No, no. I am speaking only of the men who did.

MR. VOSPER: I dare say the Bill will disappoint those gentlemen, as well as the civil servants and the public generally. As has been pointed out, public servants have been asking for some complete system of reform, instead of which they get this Bill, which gives them nothing in particular, and not very much of that. It gives a series of guarantees which, upon examination, prove to be absolutely illusory; it does not help the public; it does not help the civil servants; and its only value is that it is a recognition of a principle which has been advocated for many years past in this colony.

MR. GEORGE (Murray): I wish to draw the attention of the House very briefly to Clauses 15, 18, and 19 of this Bill. I do not think the principle should be admitted, as it is in Clause 19, that "If some public servant in another division or department has a greater claim to be appointed to the vacant office, he may be appointed." Clause 18 states that vacancies shall, so far as practicable, be filled by the appointment of some public servant in the division and department in which the vacancy occurs; and yet by Clause 19, if some servant in another division thinks he has a greater claim, he can claim to be and may be appointed to an office for which he is not fitted. A vacancy may, for instance, occur in the Premier's Department, though I do not think that is likely; and some man in the Telephone Department may think he has a better right to that vacancy than anyone in the department where it occurred; and under this clause he may be appointed. Or it may be that in the Colonial Secretary's office a vacancy may occur, and there may be some one in the Mines office who may think he is capable of filling that vacancy, or even a vacancy in the Lands Department, or any other department. As far as possible, if we desire an efficient service,

the men to fill these vacancies should be taken from the department in which the vacancies occur; for by doing so we give the men who are there as "understrappers" a legitimate object of ambition, and an opportunity and incentive to qualify themselves to fill any vacancies which may occur. Suppose certain hon. members were occupying subordinate positions in a department, and suddenly someone from another department were placed over their heads; would they feel particularly loyal to that department? They might do so if they were full of Christian charity; but I think few of us would feel charitably towards the man who came in to take the position which we thought was ours by right. I know in Victoria this same clause created a tremendous lot of trouble. I know of one department into which an absolutely useless man was brought from another department, and placed over the heads of men who, to use a favourite expression of our Premier, had grown grey in the service, and who found a man new to the work, absolutely incompetent, promoted over their heads because he thought he had a greater claim to the appointment. When in Committee, I shall try my best to get this clause struck out, for I say it is prejudicial to the service generally, prejudicial to discipline, and will destroy at one stroke the legitimate ambition which any public servant may cherish to get promotion when an opportunity presents itself. Next, I wish to draw attention to the question of overtime. As far as I can judge of the public departments, this question of overtime should not arise at all; but if men have to work overtime, I can see no reason why they are not as justly entitled to payment for it as any of the men in my foundry. Personally, I do not believe in overtime, because if a man has done eight hours' work fairly and well, he has done as much as should be required of him; and if he be worked longer, he is unfitted for the work of next day. Still, there are emergencies; and if we are sure the overtime has not been necessitated by the men in question shirking their duties, then if we have a right to ask them to work overtime, we have a right to pay them for so doing. Next I come to Clauses 28, 29 and 30; and I draw attention to this matter of

leave of absence and holidays to show the House that the civil servants of this colony are dealt with very fairly and liberally under these clauses. I do not want to be misunderstood; I am not desirous of advocating that these officers should not have holidays if they deserve them; but I want to show what the effect of these holidays is on the finances. By Clause 28, a public servant is to be entitled to an annual leave of absence, for recreation, of three weeks on full pay. Under Clause 29, if he has given six years' continuous service, he is entitled, except during annual leave of absence, to three months' leave on full pay and three months on half pay. In South Australia the provision is as follows: After ten years' continuous service—not six years—the officer is entitled to four months on full pay and two months on half pay. But we go a little further; we say that after six years' service a man is entitled to three months on full pay and three on half pay. Then in Clause 30, practically another fortnight is given throughout the service in the shape of public holidays; therefore a civil servant gets three weeks on full pay, and a fortnight in the shape of public holidays. I think the traders of this colony have very just cause of complaint against those responsible for the gazetted of holidays year after year. At frequent intervals we have holidays gazetted on some paltry pretext. Somebody's cow has calved, or the Premier has not quite decided whether to have his whiskers cut or whether to go to a champagne feast; and so a holiday is gazetted. Those responsible never trouble their heads about how much those holidays dislocate business; and I seize the opportunity of saying that the public holidays gazetted in this colony do a deal of harm to trade and dislocate business in every shape and form to an extent that should be seriously considered by those responsible for their occurrence. However, the public servant is entitled to three weeks' leave of absence under Clause 28, to about a fortnight under Clause 30, Sub-clauses a. and b., which make five weeks, and under Sub-clause c., which provides for "all days which the Governor may appoint and which shall be gazetted as public holidays," we may fairly say without any exaggeration that he gets another week. This six-weeks holiday will thus

be equivalent to one-ninth of a year; and if the work of the colony is to be done, we have thus to keep a larger number of public servants than we should otherwise require, and to my mind the number seems larger than we are fairly able to support. I think Clause 29, with its three months on full pay and three on half pay, deserves some consideration by this House. I have no desire to make the position of civil servants irksome in any shape or form; but I say that under this Bill they obtain privileges such as no employee in any commercial establishment I know of ever anticipated in his wildest dreams. Regarding Clause 34, I largely agree with the last speaker (Mr. Vosper) in regard to the board of inquiry, and I say if that board is to be of any use whatever, it must not be a "scratch" board brought together for the time being as occasion may arise; but it must be a board continuously and permanently existing, so that it will understand its business and will gradually acquire the necessary official knowledge which will be required if its functions are to be properly performed. I see, too, in Clause 39 that when a public servant reaches the age of 65 he may be required to resign his office. The age of retirement is usually sixty, but I do not grumble at the extra five years. Now that the mail steamers are calling at Fremantle, and the colony is becoming a pleasanter place of residence, greater longevity may be anticipated; and I think a great number of men who would have been incapacitated at sixty had they lived in years gone by, will be quite well enough to work till they are sixty-five; and I know some men in the service who have accumulated such valuable official experience that it is desirable to retain them as long as they are blessed with the control of their intellects, because that accumulated official experience the country has paid for, and the retention of its possessors is certainly for the country's good. Such men may be called "consulting civil servants." In my trade, when a man becomes too old for the bench or the lathe, he is called a consulting engineer; and when we get a civil servant a little too old to write those tremendous minutes about nothing, which we receive in this House, then we may call him a consulting civil servant, and

utilise his intellect in the best interests of Western Australia.

At 6-30, the SPEAKER left the Chair.

At 7-30, Chair resumed.

MR. SOLOMON (South Fremantle): I am glad to see a Bill of this description tabled. Although the present Bill is not so elaborate as that which was before us last session and was withdrawn, yet in some cases no doubt this Bill will meet the requirements of the situation. Some years ago a civil service commission was appointed, of which I was a member, and I remember that the recommendation of that commission was that a Bill should be brought forward by the Government, doing what was necessary for the protection of the civil servants, as well as giving the Government certain powers. The Premier has made some reference to classical education. I can scarcely see the necessity for a youngster going into the civil service to have a first-rate classical education; in fact I suppose that the examinations will be according to the different grades of the service. It would be almost impossible to find a youngster just from school who had such an education that he would be capable of filling one of the higher positions. No doubt that will come in time, and, whilst a person was in the service as a youngster, he could be so educated either by means of an evening school or in some other way, that he would be able to rise in the service and to take a higher position. One great thing, which has been pointed out by the member for the Murray (Mr. George), is with regard to rising in the service. Great complaints have been made in the past in relation to some civil servants being put over the heads of others who have been in the service for a considerable time, who have grown gray in it, and who were entitled to rise before those who have obtained the positions. No doubt this Bill will to some extent provide a remedy for that; and I think such provision is necessary. Unless some encouragement is given to those in the service, you cannot expect men to do their duty as they otherwise would. From what I have heard, the South Australian Act works very well. I believe that in that Act provision is

also made for the hours of employment. From what was stated here, it did not strike me that even the regulations could stipulate the hours of service. In South Australia the hours of service are from 9 till 5, and of course an hour between 12 and 1 is allowed the civil servants. I think that is very fair. I believe that in this colony the hours are in some cases from 10 to 4, and it is quite time some alteration should be made in this respect. With regard to holidays, very liberal provisions have been made in the Bill. Taking into consideration that, besides the three weeks' holiday annually and the six months' holiday after six years' service, twelve statutory holidays are provided for here, in addition to any other holidays which may be proclaimed, I think the provision in the Bill is very liberal indeed. Altogether I consider the measure a serviceable one, and I shall be very pleased to support the second reading. At the same time, there are clauses in the Bill that will require alteration, and I shall be very pleased to support necessary amendments when they are brought forward. We must recollect that we have only a small population, compared to the population in many of the other colonies. [THE PREMIER: Hear, hear.] At any rate, it is a step in the right direction to get a Bill of this description on the statute book, so that we may see how it will work for a time; and if amendments are needed from time to time to meet the population of the colony, they can be effected.

MR. ILLINGWORTH (Central Murchison): For a long while the civil servants of this colony have been asking to be put on a somewhat satisfactory basis, and for several sessions we have been expecting, and indeed urging, the Government to deal with this great question. There was an attempt to deal with a measure last session. I did not think that the Bill then introduced was by any means satisfactory. In my opinion it could have been put into shape, if we had had sufficient opportunity. The primary basis of a Civil Service Bill, at any rate, was in that measure of last session. It is an independent board that should fix the rates and promotions, and watch the examinations for entering the service. It would be the place of that board to fix the examinations. In Victoria there is a

fixed examination of candidates for the civil service, except a candidate has matriculated, which is sufficient; but if a person has not matriculated there must be an examination. In this colony no attempt to examine any applicant for the civil service is made. They come into the service at the will of the Minister of the day, and no doubt during the hurried state of affairs that has existed in this colony for a long time past—not so hurried perhaps now—a good many persons entered the service who were not so efficient as they might be. A good deal of unrest exists in the service which should be allayed when we take into consideration that the State employs one in twenty of the population, in one form or another. This Bill does not touch the whole of the service—there is the Railway Department for instance, which deals with the railway officials and others—but there are a large number of people in the pay of the State, and I have always held that the State ought to receive and give the very best standard; it ought to receive the best labour and ought to give the best salaries for the work done. If the country wants the best services, I believe it is willing to give a proper and fair salary for the labour received. In the civil service at present a good deal of unrest arises from the fact of the insecurity of the service. It is known that there are men in the service who are working a good many more hours than they ought to be asked to work. These men are afraid to make complaints for fear of losing their positions. And there are men in the service who are not doing their proper amount of work for the State, and this kind of thing ought to be controlled somehow. One hon. member suggests that these officers ought to be “fired out.” If we had a board cognisant of the state of the service, dealing with the hours and so forth, we should perhaps have a more satisfactory state of affairs. We had hoped that in any Bill which the Government brought in they would have attempted to redress these things, to deal with some difficulties: hence this Bill is to me, and will be to a great many civil servants I feel sure, a great disappointment. Still, it is better than nothing. It is desirable to pass this Bill with amendments, I admit, because it is better to have this Bill, imperfect as it is, than no Bill at all. We

have the basis of amendment if we get a Bill on the statute book, but the primary effect of this Bill is simply to establish in their places the present civil servants whether efficient or not, to practically put the service beyond the control of any future Government, and place every member of the service beyond dismissal. If this is not an expression of the public mind, that might be seen from a leading article which appeared in a newspaper; and as this newspaper is published at Bunbury, therefore it may be accepted as having some authority.

THE PREMIER: Why?

MR. ILLINGWORTH: Because it is the only place from which the right hon. gentleman has been pleased to furnish me with a newspaper article. Of course I returned the compliment by sending the Premier one from the Murchison district. The article is contained in the *Southern Times* of Saturday, August 25th; and I quote this not because it comes from Bunbury, although that is an authority in itself, but because it expresses to a large extent the feelings of the public servants. This Bill is intended to deal with the public service, and we have a right to legislate to have a proper service given to us, so that our servants shall be placed in a satisfactory condition. It is just the same as we in our own business or in our own homes like to have our servants on a proper footing, and to see that justice is done to them, as we expect that justice shall be done to us. In the employment of the State there are a large number of people who are engaged on matters that touch the public. The civil servant is not merely a civil servant: he has to meet the public day by day, and if he is working in a condition which is unsatisfactory, dealing with the public at large, then there is an unsatisfactory condition of things in regard to the public. How often have we seen in the service men from incompetency or neglect delaying business for days and weeks, and often months. I have known cases in which men have had to ride 20 or 30 miles to transact business with a public servant: that public servant is either unsatisfactory or incompetent, and the journey has to be undertaken over and over again. It is not only the unsatisfactory state of affairs in the service itself, but this is a

question that touches the public from day to day, and at times the actions of public servants tend to ruffle the public temper and thus do an injury to the State at large. Therefore it is important that the civil servants should be placed in a position in which they can conduct their work in such a spirit that the public time and convenience are considered. I quote this article from the Bunbury newspaper, because I know it expresses the opinions of a large number of public servants. It reads thus:

The mountain has laboured and brought forth a mouse. After many promises and as many postponements, the Government have drafted a Public Service Bill.

It is a pity the right hon. gent. does not hear this article from Bunbury, because it is important. It goes on to say:

But it is a sorry production, and confers little benefit on Government officers which they do not now possess.

The member for East Perth (Mr. James) has pointed out that this Bill practically gives nothing more, or very little more, than there is in the present regulations. The article goes on to say:

Every civil servant would hail with gratitude the enactment of legislation which would secure to them their status in the service, guarantee them an annual increase of salary if they proved themselves worthy of it, and prevent their advancement being blocked or jeopardised by allowing Ministers and heads of departments to promiscuously obtain for their friends fat billets in the service, as is the case under the system now in vogue.

This sentiment may be true or it may be false, but I say it is the existent feeling in the civil service, when men are working under conditions and imagine—it may be imagination only, sometimes—that they are working or being treated unjustly, and that promotion is not given to them as it ought to be; that positions are filled on the grounds of personal service or political influence, and not on merit. We are placing the civil service in a condition which is unsatisfactory to the State as well as to the persons themselves. This feeling exists whether it is true or false, not only amongst the civil servants, but we hear it every day from men in the street that the Government are in the habit of placing persons in positions they are not qualified to fill. I do not say they are not qualified by position, but by the means of promo-

tion under which the civil servants are accustomed to work. When a man has served in the public service for a number of years, and a higher position with a better salary is open, having served the State for these years this officer ought to be not only entitled to the position, but better fitted for the position by the simple fact that he has been in the office and been associated with the work that necessarily falls to him from his superior above him. Take a man who is working faithfully: perhaps he sees that his next superior is likely to advance or that something is going to happen, in which case there will be a vacancy; that official looks to the promotion naturally as a proper reward for the years of service he has given to the State. If you take a man from outside who happens to have personal influence, parliamentary influence, or any kind of influence, and thus fill the vacancy, you demoralise the service, and not only injure some public servant, but the whole of the service. It affects the public outside, because things come out in the working. This is the feeling that exists, and what the civil servants work for and want is an enactment of legislation which will secure for them their status in the service. Does this Bill do that? I say it does not. I do not think it will fix any man's status in the service. It may classify to some degree, and that may be of some assistance and help in this direction; but we ought to be able to classify and fix the status of every public servant in the State. What is asked for is the guarantee of an annual increase of salary if officers deserve it. There may be and are conditions of the State in which annual increases cannot be given; indeed, when annual decreases are more in order. What is unsatisfactory is that some men are getting increases from time to time, while others do not, and without the civil servants understanding the why and the wherefore. If such individual happens to be a friend of the Minister, the other officers naturally think the increase is given because of the friendship. But the Minister may know nothing about it, and care less. If it should happen that these irregular advances take place, when one man gets £10 or £20 increase and another man of equal merit does not get any, it brings

about discontent in the service. There should also be a provision so that when a man is moved from one office to another the salaries should be attached to the office, and not given unless the person is properly fitted and entitled to it. The salary should be fixed to the office.

THE PREMIER: It is a matter of opinion whether an officer is fitted or not.

MR. ILLINGWORTH: We know it is a matter of opinion. We know that in every hundred men who are employed it is very difficult to fix the actual worth of every one of them. It is very difficult for everyone of us in our own business to fix the worth of a servant. I have found the difficulty myself. We ought to make an attempt, and do make an attempt in private life, to try and find out where the worth is. If a man in the service fills a certain position and there comes a time when a vacancy or an opportunity occurs—we have all felt it ourselves, and I suppose our feelings are all the same—he desires that he should obtain proper promotion accordingly. If the increment were attached to the office or to the position, a man would work for the position and naturally get the increment. What civil servants are asking for is to have their status and increments fixed; but what does the most mischief is disclosed in a statement for which a Bunbury newspaper is responsible and not me.

MR. A. FORREST: We do not follow everything at Bunbury.

MR. ILLINGWORTH: If anything is followed, it is Bunbury.

MR. D. FORREST: And quite right too.

MR. ILLINGWORTH: There is no thought of debate, of conviction or conscience, or any idea of the sort, if Bunbury be the authority. Hon. members make me diverge from the subject of debate, but I must say there has been spent at Bunbury £150,000 on the harbour.

MR. KINGSMILL: Alleged harbour.

MR. ILLINGWORTH: Very much "alleged," having regard to the sand. The point of the complaint is that Ministers may, under the present system, obtain "fat" billets for their friends in the service. We know that Ministers deny this is done, and it is to be supposed they would, because I should be disposed to deny such an allegation myself. I should suppose that the

Ministry who have given complete satisfaction to the members of the House for ten years ought to be, and I assume must be, above reproach. I will take it for granted that all that is in the article from Bunbury is not fact but imagination; but the effect on the service is the same whether it be truth or whether it be imagination. What we want is an Act to prevent such things, and to lift the civil service above suspicion. Here I have a statement which the Government may verify or contradict as they please, but it comes from Bunbury, and the writer says there are men in the service drawing £300 a year whose work belongs to a class the remuneration of which should justly only be £100.

MR. A. FORREST: It is only one man who writes that letter.

MR. ILLINGWORTH: Of course it is; only one man can write a letter at any time. Only one man may express an opinion, but if he happen to express the convictions of hundreds of men, or the feelings of hundreds of men, then his word is worthy of notice. I have sufficient personal knowledge of the civil service to know the statement made in the letter is believed by the civil servants. Whether the statement be true or not, I am not in a position to say, but I am in a position to say that the civil service is suffering from a conviction that such a state of things exists. It is believed by civil servants that there are men in the service drawing £300 a year for work, for which they should only be paid £100 per year. This is no reflection on the men who do that work, because they are doing what is set before them from day to day.

MR. A. FORREST: They always do.

MR. ILLINGWORTH: I do not think they do. My experience of the civil service is that there are men who do not do a day's work, although I know there are other men who do two days' work in one; and the men who only do a half day or less are—I was going to use a strange word and say "sponging" on their fellows. There are men, and not a few, in the service who do not give an honest day's work for their pay, but simply throw the duties on men of greater ability, honesty, and honour in the service. Referring once more to the letter, I see the writer goes on—and I

commend this to the Government, because I am not speaking adversely to them, but on behalf of the civil service—

Such officers, it is suggested, should either have their salaries reduced to a payment equivalent to the nature of the work they do, or they should be given work of a high enough standard to justify their being paid the higher salary.

Can anyone object to that, seeing all that is asked for is proper classification? I admit that so far as this Bill gives classification, there is an advantage, because, with classification, the objections to a large extent would be removed. A man may be put in a position with £300 a year because he has been so many years in the service, and the work to which he has been accustomed may have become unnecessary, and, there being no desire to dismiss him, he may be given work worth only £100 a year. In such a case something should be done, because the man's abilities are not being used to the full extent: he possesses abilities which the State is not using, and his time is occupied in doing inferior work. A remark has been made to-night—I do not know by whom—that the Queensland Public Service Act is a failure. This paper written in Bunbury says:—

In Queensland the Civil Service Board justified its existence by reducing the cost of the service by £90,000 in three years, without doing a single officer an injustice or impairing the efficiency of the service in any way.

The Premier spoke very decidedly to the effect that the Bill would be cheaply administered; but there are some things so cheap as to be absolutely valueless. If a civil service board can save for the State of Queensland at the rate of £30,000 a year, there is room for a civil service board to save this colony a vast amount of money, and to more than justify its existence and cost, if there be a cost, as of course there must be, though that cost need not be very much. And not only could money be saved for the State, but it could be done by a civil service board without injury to the service. There is a good deal too much said in a sort of careless way of the civil service, as though it did not matter what became of it. But that is not my idea, and I am sure it is not the idea of the Ministry, because we are greatly indebted to our civil service, and desire that it should be placed on

such a footing that we may be proud of the men engaged in it, and satisfied that they are treated as well as they are treating the State. Until we attain that object, we shall not have the efficiency we ought to have, and more than that, the civil service will always be expensive.

THE PREMIER: We have good civil servants now.

MR. ILLINGWORTH: I have not said we have not, but the fact that we have good servants is the reason why we ought to treat them justly and remove causes of complaint, which this Bill does not very largely do. In regard to the question of overtime, an attempt is made in the Bill, in Clause 27, to deprive a man of extra payment, no matter whether he be called upon to work on Sundays—which has been done in this colony in the civil service—and no matter whether he is compelled to work twenty hours a day, which has also been done.

THE PREMIER: I do not think that has been done.

MR. ILLINGWORTH: That is all very well, but I am speaking of things I know. Clause 27 provides that although a public servant may do two days' work instead of one, no notice whatever is to be taken, and no payment allowed if the servant is in receipt of an annual salary. My argument is that there should be no overtime, because it is far better to employ more men and to pay two servants for doing the work than to pay one. "A fair day's work for a fair day's pay" is the ideal which we should endeavour to realise; but the Bill not only does an injustice, but allows the inefficient servant who cannot get through his day's duty, to leave it to his fellows, who may have to work four, five, or six hours extra in order to get through the necessary work of an office. Under the Bill the man who gets the extra work cannot complain, or if he does he may lose his situation, and the chances are that we lose the services of the efficient and industrious man, and retain the lazy and inefficient. Clause 27 altogether appears, to my mind, calculated to do an injustice. In the Bill from which the present measure is taken—that is the Bill introduced by Mr. Castline in October in South Australia, though I do not think it was ever passed—there is a provision which the Premier either did

not notice or purposely left out. In the equivalent clause in that Bill to Clause 27 in the present measure, it is provided that in all classes wherever practicable overtime shall be avoided, and that whenever overtime is worked, it shall be recorded; and really the least we could do would be to record the overtime. If a man, with a laudable desire to serve the country, puts in all his time, we may at any rate record his overtime, even if we do not propose to pay him for it. I would especially call the attention of the Attorney General to the fact that a man may have been engaged long hours on special work, and the next week may make some blunder. Such a man ought to be in a position to say "Well, I confess I made a blunder: I was very tired, having worked so many extra hours last week"; and the extra work which has overtaxed such a man's powers ought to be considered and recorded. In the South Australian Act it is provided that those receiving daily pay are to receive time and a quarter for overtime, but a record is taken of the overtime of every man in the service. I think the Premier will see how desirable it is to have a similar provision in the Bill.

THE PREMIER: That is a revise of the South Australian Bill, which was brought in afresh.

MR. ILLINGWORTH: Possibly; but anyhow this is a point of great importance, because we deal in this Bill to a large extent with holidays: in fact, the two principal points I see in it are the fixing of holidays and the classification of the service. If a man has been doing extra work, there are claims in regard to his holidays which are worthy of consideration. For instance, where a head of a department is granting this three-weeks holiday, he cannot always let the man go when he wants to go, and the head ought to be in a position to take into consideration the work that man has been doing and the necessity there is for his having a change; because the object of the holiday is to give the man a change and to enable him to keep up his powers and his energies. It may be that this man has done good service, that for weeks and months, perhaps, he has been exerting himself to get through a considerable amount of work for the benefit of the State, and being worn out he per-

haps asks the head of the department for this three-weeks holiday; but there may be at the same time an older claimant for leave, perhaps his senior by a year or two, or it may be by an hour or a day, who may be entitled for that reason to priority: then the head of the department should be in a position to know exactly what extra service has been given by each applicant; and on looking up the record, he may perhaps see that the junior applicant deserves the preference, in which case that preference should be given him. I think the Premier might introduce in this measure the same condition as is found in the South Australian draft Bill. I think the idea of a three-weeks holiday is a good one, and I do not see any reason for changing from the draft Bill from which this measure is taken. I see by Clause 29 an officer is entitled to long-service leave after six years' duty, while in the South Australian Act 10 years' service is required.

THE PREMIER: The South Australian draft Bill was introduced first in the Assembly, and did not pass; and then it was afterwards introduced in the Council.

MR. ILLINGWORTH: Neither of the Bills passed in South Australia.

THE PREMIER: What is the date of the introduction of the draft from which you quote?

MR. ILLINGWORTH: This is Mr. Castline's Bill, prepared by him, settled by the Attorney General in 1898, and introduced in the Legislative Council of South Australia.

THE PREMIER: Your draft is a revise of the Bill introduced in the Assembly. The draft used in the preparation of the Bill now before us was the actual Bill introduced in the Assembly of South Australia.

MR. ILLINGWORTH: I am dealing with the Bill which passed the South Australian Legislative Council, and these amendments evidently commended themselves to that Council, and I think ought to commend themselves to us. Like the member for the Murray (Mr. George) I do object very strongly to this long list of holidays under Clause 30. We have our public offices closed on the slightest pretext. This may seem all right to the Government; but why should the public come into the city to find the offices closed, simply because

a mail steamer has arrived at Fremantle? Now that occurred recently, and similar things are constantly occurring. We go as commercial men to transact our business at offices where we ought to be able to transact business; and when we have wasted some time in going and some time in finding out what is the matter, we ascertain that a public holiday has been proclaimed because a mail steamer has arrived. Surely we must consider the public. While I plead for justice and equity for our civil servants, our civil servants must nevertheless be at the public disposal.

THE PREMIER: There was no holiday proclaimed owing to the arrival of the mail steamers.

MR. DOHERTY: It was a half-holiday on account of Sir Malcolm Fraser's death. It had nothing to do with the steamers.

MR. ILLINGWORTH: There was a holiday on one day on account of the death of Sir Malcolm Fraser, and on another day because of the mail steamer's arrival.

THE PREMIER: There was only one half-holiday.

MR. ILLINGWORTH: Then if a half-holiday were granted for both reasons, the civil servants were to rejoice and to mourn simultaneously, on one day!

THE PREMIER: The holiday was intended as a mark of respect.

MR. ILLINGWORTH: Is that mark of respect to take the form of disorganising the business of the city? If that is so, it is not a very good way of paying respect to the dead. That is all I can say. The irritation and annoyance caused to the public are not conducive to any respect to the deceased gentleman. I only mention that in passing; but this sort of thing is of constant occurrence. I do hope, and I wish to express myself definitely, that if we are to pass these holidays mentioned in Clause 30, this will be the end of the matter. If civil servants get three weeks at once, three months on full pay and three on half pay, together with all these other holidays amounting to nearly a fortnight or three weeks, I hope this list of holidays will be the only holidays which civil servants will have. Then, at any rate, we can post up the list in our offices, and say, "Well, such a day is a holiday"; and then we shall not lose any

time in trying to do business with the civil servants. But when we go to public offices and find that for some reason entirely unknown to us those offices are closed, the thing is past a joke. What is the use of telling civil servants at 12 or 1 o'clock that they can go for the afternoon? Such a holiday is of little use to them, but it is a great annoyance to the people of the city. I am not complaining about the thing myself, but I am using it as an illustration to show that a great many holidays are granted without regard to the public interest and convenience. If then we agree to this list of holidays in Clause 30, I hope it will be understood that these are to be the civil service holidays, and that no others will be given. Of course, there are exceptions to every rule: I am not going to draw a hard-and-fast line—something very important may necessitate an exception; but, in the main, let us understand, and let the civil servants understand, what their holidays are. I am, perhaps, occupying too much of the time of the House, but I want to say that this Bill, though I am going to vote for the second reading, and to aid in amending it as well as I can in some small respects when in Committee, is a very great disappointment. I have been working for it for years, and have been pledged to my constituents over and over again with regard to it, and have promised over and over again to work with a view of getting a proper Bill introduced; but to me this Bill is a very great disappointment. At present I am prepared to accept it for what it is worth: I wish it were worth more. It may be worth more than I can at present perceive. But I want to say I hope the Government will not look on this as finality. By introducing this Bill we shall make a start, and I hope we shall wind up by placing on our statute book some Act worthy of the importance of the question. I hope, as we see the working of this Bill, we shall make such amendments as will perhaps meet the necessities of the case. My deep-seated conviction is that we shall not get our civil service upon a proper basis until we have a civil service board with proper control, with fixed salaries to officers, with promotion according to merit, and with all influence, parliamentary and personal, entirely shut out. Of course that is, perhaps, a sort of paradise that we can only

wish for rather than expect to witness; but we want, if we possibly can, to travel in that direction. I think this Bill does not do so. I hope with perhaps some future amendments, we may be able to get something out of it; and for that reason I propose to support the second reading.

MR. KINGSMILL (Pilbarra): I must confess also that on reading this Bill through I suffer from the same disappointment as seems to have affected other hon. members. I cannot say I see very much to object to in the Bill, which is somewhat too cloudless and shadeless, somewhat too indefinite, for any member to find a point whereon to hang an objection. The method of selection of this measure by the Government appears to have been rather peculiar. We find, firstly, from the Premier, that this is in the opinion of the South Australian Legislature the worst of two measures. It was rejected in favour of the 1874 Act, by which the South Australian civil service is now controlled.

THE PREMIER: No; it did not get through the two Houses in that colony.

MR. ILLINGWORTH: Your draft Bill did not amend the 1874 Act of South Australia.

MR. KINGSMILL: This Bill was rejected by the Legislature of South Australia in favour of the Act under which they then were working.

MR. ILLINGWORTH: The existing Act.

MR. KINGSMILL: The draft from which this Bill is compiled was proposed as an amendment to that Act of 1874, and was not passed; and now we find that this is the worst of two measures introduced into the South Australian Legislature, at least we may naturally suppose so, because the Bill of later date, from which the member for Central Murchison (Mr. Illingworth) quoted, having been introduced in 1898, with amendments, into the Legislative Council of South Australia, we may naturally suppose is a better version than the draft from which the Bill now before this House is taken. Why, therefore, the Government should have chosen to lay before this House the worst of three measures which were on their trial before the Legislature of South Australia, I cannot understand. But still it is here,

and I suppose we have to deal with it. For my own part, I can easily understand on reading the Bill, the preference which the South Australia Parliament showed for the Act under which their civil service is conducted. I have had some experience, some years ago, in the South Australian civil service. I can quite understand the preference which the Legislature showed for that Act in preference to this draft. I do not propose to labour any of the points, which have been very fully dealt with by members on this (Opposition) side, with regard to some of the more obvious objections to this Bill. I should like to say I am thoroughly in accord with those members in their objections to the overtime clause; and to balance that, I should like to congratulate the Government on their at last beginning—I think it is only a beginning—some system of promotion in the civil service, instead of what has been termed the haphazard method in which they have conducted promotions hitherto. [MR. ILLINGWORTH: Hear, hear.] As some other member has said, there is absolutely nothing more demoralising to a man who has spent some years in a department than to find, when a vacancy occurs above him, instead of the promotion which he justly expects—it is not parliamentary to impute motives, so I shall not do so—to find that some other individual, with less claim and possessing less ability than he himself possesses, is pitch-forked into that department. The Premier has exhibited a good deal of nervousness about his civil service. He says it is a good civil service. I am inclined to believe it is—in part, at all events. Taking it on the whole, I think it is. I do not know that the Premier need be very nervous about it, because, as far as the appearance of things goes, he is likely to have the control of it for several years to come. But he has displayed an amount of nervousness which, while natural as far as the civil service is concerned, is no compliment to those gentlemen who, he supposes will, succeed him in office. And I think there is a little mistake in the title of this Bill. I fancy the Bill, instead of being called a “Public Service Bill,” might perhaps have been more fitly entitled, “An Act to protect the public service from future Governments.”

SEVERAL MEMBERS: Hear, hear.

MR. ILLINGWORTH: That is what it will do, whether it is intended to do so or not.

MR. KINGSMILL: I am getting somewhat tired of talking in this House about the part which regulations play in comparison with the main Acts of Parliament under which they are framed. I have suggested, or rather have pointed out to the best of my ability, that when a Bill comes before the House, the very life of which is in the regulations to be made thereunder, it would be far better, far fairer to the House, if we had some inkling of what those regulations were to be. This again is a case in point. The greater part of the life of the Bill is, I maintain, in the regulations which are to be made by the Government. That, of course, is a matter of opinion. I am simply stating my own opinion. For instance, the right hon. gentleman spoke a good deal about the educational test for civil servants. I do not believe in having too high an educational test for civil servants, and more especially would I condemn the educational test taking the form the Premier evidently desires, that of a test in classical education. I think the tendency of a classical education is to produce habits of mind not suitable to the requirements of civil servants. If the education is to be classical it should, at all events, be confined to the English classics. Such education as is provided by the State schools of Western Australia, which are very excellent institutions, and are conducted on most excellent standards, would, I think, form a most excellent basis for the examination for the civil service. The right hon. gentleman has mentioned the English civil service and also the Indian civil service. If he had pursued the question to its logical issue, and had taken that country where the highest educational gifts are required for the civil service, he would have gone a step further, and have mentioned China. China is the one country in the world where the most highly educated man—I refer, of course, to Chinese education—obtains the best position in the civil service; and I do not suppose the Premier has any intention of starting a Chinese civil service here. If so, I am afraid he will gain very little support from members on this

(Opposition) side. Again, if I may make a suggestion with regard to the regulations to be issued, it would be in reference to allowances for travelling. At present these allowances are regulated upon the most irrational scale. Suppose one man gets £200 a year and another £400 a year, and they both travel, as far as I know their experiences are the same. They naturally would pay the same, yet the man who gets the larger salary gets the larger travelling allowance. That is most distinctly unfair, because if you come to the justice of the thing you will see that if there is any loss on the travelling allowance, the man who is obtaining the larger salary can better afford to pay it than the man who is receiving the lower salary. I hope the suggestions which have fallen from several members on this (the Opposition) side of the House will have due effect when we consider the Bill in Committee. The measure contains the groundwork of a good Act, but, so far as I can see, practically only the groundwork, and members on this side may depend on my support in the direction which they have suggested towards amending the Bill.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I think it will be satisfactory to know that members who have spoken from the Opposition side of the House have in the main agreed that this Bill certainly ought to see its way into Committee. The provisions of the Bill have been confined mainly to the establishment of, I may say, certainly two very important principles that do not at present obtain in the civil service of this country. The first is that no admission into the civil service after the passing of this Bill shall be allowed without the candidate has passed an examination. There is no doubt whatever that this is a step in the right direction, because in order to make a person eligible for the civil service of this colony, it is absolutely necessary that such person shall reach a standard of education that is recognised by the commercial world, a standard that is deemed necessary to fit a person for the performance of his duties in the world; particularly so when he has to deal with Government departments. I understand that it is the object of the State to compensate public servants reasonably for the abilities they bring to

bear upon the performance of their duty; and, if that be so, before a person submits himself for admission into the civil service he must have passed an examination. As regards the quality of that examination, or the standard to which it may be raised, that will be dealt with by the regulations. Some may ask that the standard shall be so high as to be equivalent to the matriculation examination at one of our big universities. Others hold that the examination ought to be confined only to such subjects as are usually included in what is termed the civil service examination; those, I understand, consisting mainly of four subjects.

MR. ILLINGWORTH: That is high enough.

THE ATTORNEY GENERAL: It may be high enough for entrance into the civil service, and then follows the question whether, in regard to admission to the higher ranks of the civil service, the State ought not to insist upon a further examination to justify such admission; and upon that point there is a great deal of doubt, not only in this colony but, I am sure, in most countries. Whether a man who has been admitted into the civil service on having passed a small initiatory examination, and who is a type of man who barely does his duty and has no ambition in his work, should be entitled to higher classification simply on account of the lapse of time, and without showing by examination that he is fit for such promotion, is a question that requires investigation. However, this is a step in the required direction. I dare say the time will come when, under the peculiar position of this service—because it must grow on account of the population, and the standard must be raised according to the position of the country—it will be necessary to consider the secondary question of a further examination. With reference to transfers, objection was made by the member for the Murray (Mr. George) that it is not right to transfer an officer from one department to another. On that point there is, of course, considerable variance of opinion. If you have an officer in one department equally as competent to perform the duties as another officer in the same department, of course you give it to the officer by seniority; but if you step outside that department and see in

another department of the service another officer equally competent to perform that work, and who by seniority in the service has a right to get the vacancy, I think it would be very wrong to circumscribe that selection to the limit of the small department in which that vacancy exists; because, after all, the rights of the civil servants are determined according to the time they have been in the service, whether it be in one department or in another. Supposing that in a technical department a vacancy occurs, the man next in order clearly has a right to it, because one must have technical knowledge to fill that position. To select a man outside who had not that technical knowledge would of course clearly be adverse to the interests of the public service; but where there is no technical knowledge required, and where an officer outside would be just as competent as the one inside the department, the question of seniority should be considered, and not merely the fact that a vacancy has occurred in a particular office. Therefore, the provisions in the Bill dealing with that point are absolutely necessary. There will be cases in which that principle will be violated, but I dare say that in the main it will be followed. In regard to overtime, I would like to be with the hon. member for Central Murchison (Mr. Illingworth). As far as I can see, there ought to be a record kept of those officers who put in overtime in the public service. The principle is laid down that payment should not be made for overtime, and I think that principle is a salutary one, because, were payment made, the system might tend to abuse. As regards Clause 29, objection is made that six years is too short a period to entitle an officer to what is termed long-service leave. I submit very earnestly that if an officer has performed his services faithfully and well for six consecutive years, he is entitled to this consideration, because if you treat him well—

MR. ILLINGWORTH: He will have had 18 weeks, you know.

THE ATTORNEY GENERAL: Yes; that is true. If you treat him well, as a rule he responds to that treatment by efficient work. A period of ten years—a whole decade—to entitle one to the long-service leave would be much too long. As regards Clause 34, dealing with a

board of inquiry, there is no doubt that when an inquiry has been held, and the board has formulated its opinion on the charge, the accused ought to have a copy of that report. There is not the slightest doubt about that, because he will then be in a position to see the result of the inquiry, and, if anything is done afterwards, he will know at once what it is founded on, whereas otherwise he would not. I think that when in Committee Clause 37 should be amended, for I see in it this phrase:—"If any public servant be convicted of felony, or be adjudicated bankrupt or insolvent." We know there are many serious offences which are not felony in the criminal calendar, and I think we must amend the clause so as to include what I may term misdemeanours of a serious character. I would point out to members that all these regulations can only be framed within the scope of Clause 40 and the four sub-headings there enumerated. The regulations cannot travel outside those headings, and when they are framed they must be placed on the table of the House. That is a very salutary provision. Of course it may be suggested that these regulations provide for things that ought to be included in the Bill; but I really think that, if members look at the clause, they will see that the points referred to are such as require the framing of regulations. When these regulations are placed upon the table of the House, it will be competent for this House, and for any member of it, to object to any if considered not fair. Although this Bill is not an elaborate one, and does not provide for a paid board, I think it is a good one. I have had some experience in another colony of the exertions of a paid Civil Service Board. I know that in Victoria the Civil Service Board became such a menace to the service itself that the service prevailed upon the Government to establish another board, called the Board of Anomalies, to check the Civil Service Board. That is one illustration showing that paid boards are not necessarily perfection.

MR. VOSPER: The title was perfect, anyhow.

THE ATTORNEY GENERAL: The board was anomalous, and the appellation of it is the most curious one I ever heard of. Apparently this paid board

worked in grooves, cutting the civil service like one would cut a cheese, and perpetrating such grievances that the public service called out against it, and the Government established what was called the Board of Anomalies. I believe up to this day there is a constant conflict going on between the paid board and the Board of Anomalies, and it is a question which will attain superiority in the end.

Question put and passed.

Bill read a second time.

DIVIDEND DUTY (COMPANIES)—PETITION FOR REPEAL.

A petition from commercial, shipping, and banking companies carrying on operations in Western Australia, praying for the repeal of the Companies Duty Act (Dividend Duty Act) having been previously presented by Mr. Wilson, the same was now considered.

MR. WILSON (Canning): I rise to move that the prayer of the petitioners be granted, and in doing so I wish to say very few words, because I take it the petition has been read through by hon. members. It sets forth fully the reasons why the prayer should be granted. I should like to say that when the Companies Duty Bill was before the House last session, I spoke pretty strongly on what I thought was the inequity of the measure. The remarks I made were as follow:

If we tax the incomes of limited liability companies, why should we not tax the incomes of private firms also? And I go further still and say: if the finances of the colony are in such a state that it is necessary to raise more revenue, then tax all alike. Let us be just and equitable in our legislation; and if we are going to tax limited liability companies and private firms also, let us go further and tax individuals: go right down to bed-rock and tax the incomes.

That is the argument I adduced last session when the Bill was before the House, and I have simply to repeat the argument this evening. It appears to me we are on a wrong basis of taxation altogether. By all means let us tax the wealthy, those who can afford to pay; but in doing so let us be equitable, and treat all alike. Taxation should not single out one class alone, and in this Bill we have singled out one class in the shape of the limited liability companies to the detriment of that class. The arguments

in the petition are incontrovertible, because the Act imposes taxation on companies when they happen to be limited liability companies; whereas those trading as private firms and private companies escape the tax altogether.

MR. GEORGE: They are not making any profits.

MR. WILSON: The private firms are in a position to make better profits than the limited liability companies are. As a rule, private firms work more economically and always manage their concerns in the commercial line in such a way as to make more profit than limited liability companies do. If we take that view of the case we must come to the conclusion that it is very unfair to tax companies only and leave private firms out. Whatever we do in the shape of legislation, I maintain we should endeavour to preserve the balance between those who enter into competition with each other in the commercial world. This Act does not do so. We have a limited liability company like Dalgety & Co. paying this tax, and on the other hand we have a firm like J. & W. Bateman trading in Fremantle which escapes scot-free. Therefore the taxation is not on a fair basis. Apart from that we have a better security, as the member for West Kimberley (Mr. A. Forrest) reminds me, with private firms to their creditors than ever a limited liability company can give. There is another point in considering this matter: the tax itself is an abnormally high one when we consider it amounts to one shilling in the pound. It is higher than the income tax paid in the old country or in any of the other Australian colonies.

THE PREMIER: They have raised it in England, I think.

MR. WILSON: It is 8d. in the pound.

MR. GEORGE: It will be more before they have finished the war.

MR. WILSON: I suppose there is a special tax put on to meet the present circumstances. Paragraph 3 of the petition sets forth that the companies do not derive any special advantages in this country that would warrant taxation, and I think that is a very strong argument. Those people whom we are taxing are entitled to some special advantages. That cannot be argued in the case of the gold mines, because all recognise that the gold-mining companies who are paying dividends are

getting wealth from the national estate for which they pay a very moderate rental indeed. We only tax a mine when it is paying. We know of mines that are paying dividends of many thousands of pounds each year, some running into hundreds of thousands of pounds, and these mines pay something like £25 or £50 for the ground from which they derive this enormous wealth. Therefore, as I argued last session, we are justified in deriving some extraordinary revenue from those mines which are reaping such large profits from the national estate. This cannot be argued in the case of companies trading in ordinary commercial circles. These companies have no special advantages from the national estate, indeed they have no advantages whatever over private firms competing with them, and yet we single them out and say they shall pay this taxation and that others shall go scot-free. There is another aspect that is set forth clearly in paragraph 7 of the petition, which shows that although we have legislated to endeavour to force all limited liability companies trading in our country to pay this taxation, yet many use methods to escape from the tax. We find companies trading here through their agents. I know of many instances of companies trading in a large way in the name of their agents in Western Australia, and of course they escape the tax altogether. On the other hand we have companies consigning goods, at a very high price, to their agents, and these companies would probably be trading at a loss if the actual prices of the sales of the goods were taken into consideration. But the goods may be invoiced at a price far in excess of their value in Western Australia, and if such companies' transactions were seen it would be discovered that they were trading at a loss, therefore they are not subject to duty. These are all reasons which must have due weight, because we do not want to do anything unfair here: all are agreed on that. I think every hon. member who spoke on the Companies Duty Act last session was agreed that this was an unfair method of taxation, and it was only the power of the Premier and his colleagues that forced the measure through this House. I think it would have been better to have

adopted my suggestion, which was this, that if we want revenue in Western Australia, let the Government bring down an income tax, although I, for one, would rather not have anything to do with an income tax; not because I have much of an income to tax, but because no man cares to have an income tax. Rather than tax people who have invested their capital in a company who are trading here for the benefit of the country, let us have an income tax on all alike. I hope members in discussing this measure will keep this clearly in their minds, that when we tax, we should tax all alike, and make no exception, like we have done in this instance.

MR. GEORGE: I formally second the motion.

THE PREMIER (Right Hon. Sir J. Forrest): I am sorry the hon. member has moved in this matter, because he must remember the Act we passed last session is limited in its operation to three years; and I think the Act might fairly be allowed to run its time, and when the three years have expired it will be time enough for us to reconsider it.

MR. WILSON: If the tax is unfair why not repeal it now?

THE PREMIER: Last year we received in dividend duty £25,015. There has been some difficulty in collecting it, many of the companies thinking that because they considered the tax ought not to be imposed by Parliament, they ought not to pay it; and it was only when we had to take very strong measures indeed that many of those companies, amongst them those who make the most money, were obliged to comply with the law. I have been approached about this matter by a petition or a letter from many of the mining companies in London, and I may say before I go further that those who oppose the tax most strongly are the mining companies, who make most money. All the commercial companies trading here comply with the law, or try to do, without demur or with very little demur. The mining companies who have made immense sums and divided, I may say, many hundreds of thousands of pounds are those which seem to take the most exception to the law. My reply to the companies when they approached me from London was to this effect:

"You seem to have no objection, or rather you pay five per cent., which is one shilling in the pound income tax, to the British Exchequer, the country which does nothing except to receive your money and distribute it; and you seem to object to the country where the money has been made and where all the responsibility connected with the administration of affairs is held, you seem to object to this country receiving the same amount. I should advise you to use all your influence and endeavours with the British Government to forego charging duty on products which have already paid duty in a British colony." That seems to me to be the object to which their energies should be directed; but they rather seem to think this colony, where the mines are and the money is made, and which has all the obligation and responsibility of providing for the administration of the law and the protection of life and property, should be paid no duty whatever, while Great Britain, where the money is only spent, should receive a shilling in the pound as income tax. That, in my opinion, is not reasonable, and we must not forget that this duty has been in force in Queensland for ten years. It is in force in that colony to-day, and it cannot be so inequitable or unfair, or it would have been repealed there long ago. As to the argument of the member for the Canning (Mr. Wilson) that the duty has to be paid only by incorporated companies and not by private individuals, that phase of the question was discussed thoroughly last year, and Parliament was not prepared to impose an income tax on the whole community. The dividend tax is not so unfair as the member for Canning would make us believe. In a limited liability company, the liability of the shareholders is of course limited, and it is not unfair that such a corporation should have to pay a duty when it has the protection of the law, and that private individuals, whose whole fortunes are risked in their business, should have no tax imposed on them. I think I speak for everyone else in the House, when I say that if we were asked which we would prefer to be, a member of a limited liability company with our profits taxed to the extent of five per cent., or an individual with our whole fortune, whatever it might be, at

stake free of such a duty, we would every one of us prefer to belong to the limited liability company. A member of a limited liability company can go home and sleep in content, knowing full well the extent of his liability; but a man engaged in business, perhaps with partners, may have transactions the result of which he may not foresee, and he may regard himself as a rich man to-night, and to-morrow find himself *in extremis*. It is not at all unfair to say that persons whose liability is limited should pay for the privilege, and contribute to the country a shilling in the pound on the profits made; and it must be remembered that the tax is only on the profits—no profit, no tax. The tendency of the times is such that people are unwilling to go into partnership or carry on business on their own account unless they are very wealthy, because the risk is too great; but they form incorporated companies, and a tax such as the dividend tax, will not in any way deter the people from that course. I see no reason to repeal the Act, which was thoroughly discussed over some weeks with much care and thought. Why should Parliament be asked to interfere with the operation of the Act so soon? That operation is limited to three years unless the measure be re-enacted, and it is wise and in the interests of the colony that it should run its course. I have not referred, but I think I may, to the question of revenue, and say that £55,000 is not easily recouped. The member for the Canning was one of those who said the other night that the country was not in a satisfactory financial condition, and yet he comes here to-night and asks us to throw away or at any rate to lose £55,000.

MR. WILSON: Did I say anything about the revenue last night?

THE PREMIER: I think the hon. member voted with those who believe the colony is not in a sound financial condition.

MR. WILSON: I voted against your administration.

THE PREMIER: And gave your reasons for it.

MR. WILSON: Yes.

THE PREMIER: And you come to-night and ask us to throw away or at any rate to reduce the revenue of the

country by £55,000 a year! The action of the hon. member is inconsistent.

MR. WILSON: Nonsense!

THE PREMIER: I hope the House will not agree to the motion.

MR. HIGHAM (Fremantle): I regret this matter has been brought forward when the House is only about half-full, and when several members who take an interest in the question are absent. No doubt this motion should be fully considered, and I see no other course open but to move the adjournment of the debate, which I now do.

Motion put and passed, and the debate adjourned till the next sitting.

RESOLUTION (COUNCIL)—DIVORCE SUIT FEES, TO REDUCE.

On motion by MR. JAMES, the House resolved into Committee to consider a resolution passed by the Legislative Council, and transmitted for concurrence, as follows:

That, in the opinion of this House, the fees payable in divorce suits should be reduced so as not to exceed £2 in the aggregate; and that the fees payable in filing affidavits, and on notices of motion, should be similar to those on the Common Law side of the Court.

SIR JAS. G. LEE STEERE (in the absence of Mr. Harper) took the Chair.

IN COMMITTEE.

MR. JAMES (East Perth), in moving that the House do concur in the resolution, said: These fees now amounted to about £15, which amount was excessive, because in a great majority of cases the matters were of comparatively small interest and the cases were undefended, and the persons concerned in them could not afford large expenditure. The present fees were based on a scale which had been abolished for some time in the old country; and it was proposed to reduce the scale in this colony to the same as that which now prevailed in England. The object of the mover of the resolution would be sufficiently served by the fact of its having passed in another place. The Judges, having their attention drawn to the matter, would no doubt move in the direction indicated; therefore, though it was hardly worth while for the Assembly to pass this formal resolution, he moved it for hon. members' consideration.

THE ATTORNEY GENERAL: These fees were exceptionally high, and probably the proposed message would have the intended effect of reducing them considerably, and the House should certainly concur in the resolution, as an expression of opinion.

MR. MITCHELL: Divorce would now be made easy.

MR. EWING: While on this subject, the attention of the Attorney General might be drawn to the matter of the fees in bankruptcy, which were simply tremendous, and well worthy of Ministerial consideration.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly transmitted to the Legislative Council.

ADJOURNMENT.

THE PREMIER: I move that this House do now adjourn.

MR. GEORGE: Before the question is put—

THE SPEAKER: Let me put the question first. The question is that the House do now adjourn. There can be no debate upon that. You must vote for it "aye" or "no."

Question put and passed.

The House adjourned at 9:18 o'clock until the next Tuesday.