

is a very short measure. I have already explained to the House that the Standing Orders with regard to private Bills have been complied with, and that a select committee has sat and reported, the report of which is before the House. The object of the Bill is to vest in the municipality of York the land and other assets of the York mechanics' institute freed from the trusts affecting the same, to discharge the trustees thereof from such trusts, and to provide for the payment by the said municipality of all the liabilities of the said institute. Many years ago the land was handed over by Mr. J. H. Monger, the elder, and now it is desired to vest it in the municipality to enable the municipality to build a town hall on the site. I beg to move—

That the Bill be now read a second time.

Hon. W. MARWICK (East): It is desirable that the York municipality should take over this land. Only last week a referendum of the ratepayers was taken on the matter, and they decided by five to one in favour of the municipality taking the land over from the present trustees. I hope there will be no objection to the measure. Plans have already been approved, and it is proposed to expend between £4,000 and £5,000 in erecting a town hall. It is necessary to push this Bill through so as to get the title in order before the building is proceeded with.

Question put and passed.

Bill read a second time.

House adjourned at 9.56 p.m.

Legislative Assembly, Wednesday, 14th December, 1910.

	Page
Papers presented ...	2389
Questions: Friendly Societies Act Amendment ...	2389
Bullfinch Town and District, Macadamising streets, Timber for mining purposes, Police requirements and illicit liquor sales	2390
Lands Department officers	2390
Brands Act administration	2391
Esperance Railway, Advisory Board's report	2391
Leave of Absence	2391
Motions: Police Force and Long Service Leave	2391
Public Servants and Defence Forces	2404
Bills: Supply, £207,448, Returned	2409
Perth Municipal Gas and Electric Lighting, Returned	2409
Workers' Compensation Act Amendment, Com.	2409
Tributers, Com.	2418
Bread Act Amendment, 2s. Com.	2419

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

PAPERS PRESENTED.

By the Minister for Lands: Report on the operations of the Agricultural Bank for the year ended 30th June, 1910.

By the Premier: Regulations of the Fremantle Harbour Trust—Amendment to No. 118.

By the Minister for Works: Plans of railway routes; 1, Wongan Hills-Mullewa; 2, Naraling-Yuna; 3, Wickepin-Merredin; 4, Northampton-Ajana; 5, Wagin-Dumblebung extension; 6, Dwellingup-Hotham; 7, Bridgetown-Wilgarup extension; 8, Quairading-Nunajin.

QUESTION—FRIENDLY SOCIETIES ACT AMENDMENT.

Mr. JOHNSON asked the Premier: Has any alteration been made in the amendment of the Friendly Societies Act as suggested by the select committee's report, dated 2nd December, 1909? 2, If so, what is the nature of the alteration?

The PREMIER replied: 1, Yes. 2, (a) The present valuation of all friendly societies is now being conducted by the Registrar without charge to the societies. The fees paid by certain societies at the beginning of the year have either been refunded or will be refunded on application. The concession represents a gain to

the societies of approximately £500. (b) As a result of the valuations, relief has been granted to the management funds of certain societies: and the financial position of other funds improved. More than three-fourths of the valuations have been completed since the present registrar assumed office, and it is anticipated that the whole work will be finished early in 1911.

QUESTIONS (3) — BULLFINCH TOWN AND DISTRICT.

Macadamising Streets.

Mr. HORAN asked the Minister for Works: When will he be in a position to reply to a request submitted by me for a grant of £1,500 for macadamising the streets of Bullfinch?

The MINISTER FOR WORKS replied: An answer has been despatched to the application made by the hon. member.

Timber for Mining Purposes.

Mr. HORAN asked the Minister for Mines: Will he make adequate provision for the preservation of suitable areas in the Bullfinch district for timber supplies for mining purposes?

The MINISTER FOR MINES replied: Yes; reservations will be created as soon as the necessity arises.

Police Requirements and Illicit Liquor Sales.

Mr. HORAN asked the Premier: 1, Is he aware that the illicit sale of intoxicating liquors is increasing at Bullfinch, and that the local police force are either unable or unwilling to cope with it? 2, Will the request made by the residents for increased police service be promptly complied with?

The PREMIER replied: 1, The police believe that the illicit sale of intoxicating liquor is being carried on at Bullfinch, and proceedings are being taken with a view of checking it. 2, Another uniform police constable will be sent to Bullfinch, and the question of stationing a plain-clothes constable and a detective at Southern Cross is also under consideration.

QUESTION—LANDS DEPARTMENT OFFICERS.

Mr. COLLIER asked the Minister for Lands: 1. Why was F. S. Brockman reduced in status from Chief Surveyor to District Surveyor? 2. Is F. S. Brockman senior to W. Rowley? 3. Why was Mr. Brockman not appointed Chief Inspector? 4. What are the duties of the Chief Inspector? 5. Is it intended to appoint an Inspector of Plans? 6. As Mr. Rowley received a bonus of £100 for acting as Surveyor General, did anyone receive a grant for carrying out the duties of Inspector of Plans? 7. If not, is it intended to make a grant to anyone? If so, to whom? 8. Are the following gentlemen employed by the Government, viz.:—C. Hogarth, H. S. Bartlett, S. E. Smith, A. B. Fry, H. Calder, W. B. Christie? 9. Are any of them licensed surveyors? 10. How many are competent to take charge of a district? 11. Are any of them senior to M. Fox? 12. If so, why were they not given an opportunity to apply for the position of District Surveyor?

The MINISTER FOR LANDS replied: 1. Mr F. S. Brockman was not reduced in status, he having been promoted from being a second-class officer to a first-class officer. An appeal to the Statutory Appeal Board against the alteration in title has been lodged, and that question is at present therefore *sub judice*. He is still the Senior Surveyor, and if the Surveyor General were absent on leave he would be the Acting Surveyor General. 2. Yes. 3. Because within the meaning of Section 38 of the Public Service Act he is for the particular duties of the office in question less efficient than Mr. Rowley and better fitted for the position of District Surveyor. 4. To do inspectorial duties in connection with the work of any division or office of the Lands Department to which his attention may be directed by the Minister, Under Secretary, or the Surveyor General, or which from his own observation require looking into. He will continue to supervise the work of inspection of plans remaining in head office. 5. No, as the bulk of the work will now be done under the direction of the District Surveyors. 6. Mr. Rowley received a

bonus for doing much of the office work of the Surveyor General during the latter's absence. He also carried out the duties of Inspector of Plans. 7, Answered by No. 6. 8, Yes. 9, Yes. 10, None of them are so efficient for the particular purposes as the officers reclassified. 11, Yes, so far as years of service are concerned, but Mr. Fox is senior in official status as a Staff Surveyor. 12, Because the officers who were re-classified as District Surveyors were known to be most suitable, as well as being the senior Staff Surveyors.

QUESTION—BRANDS ACT ADMINISTRATION.

Mr. OSBORN (for Mr. Jacoby) asked the Minister for Agriculture: 1, Who is responsible for the administration of the Brands Act? 2, What action is being taken to enforce the provisions of the Act?

The MINISTER FOR AGRICULTURE replied: 1, The Registrar of Brands, J. E. Lee. 2, (a) The inspection of stock to see that branding is properly carried out. (b) Prosecution where necessary.

QUESTION — ESPERANCE RAILWAY. ADVISORY BOARD'S REPORT.

Mr. COLLIER (without notice) asked the Premier: When will the report of the advisory board on the Esperance Railway be available?

The PREMIER replied: I am unable to answer the hon. member, but I will make inquiries and find out when it will be available.

LEAVE OF ABSENCE.

On motion by Mr. GORDON leave of absence for one fortnight granted to the Hon. A. Male (Honorary Minister) on the ground of urgent public business.

MOTION—POLICE FORCE. LONG SERVICE LEAVE.

Mr. COLLIER (Boulder) moved—

That in the opinion of this House all members of the police force who

have served ten years or more should be granted three months' leave of absence on full pay, without prejudice to their present privileges.

He said: I feel sure there is little need for me to occupy the time of the House long in justification of this motion. In fact, it is rather difficult to understand why this concession has not been granted to the members of the police force this many years past. The motion merely asks that the same consideration should be extended to the members of the police force as is now enjoyed by nearly the whole of our public servants. Indeed, the motion does not go as far as the privileges enjoyed in the way of long service leave by the whole of the officers of our public service. I find that in the Public Service Regulations that any officer who has served a term of 14 years may have six months on full pay or 12 months on half pay, while any officer who has continued in the service for seven years may be granted three months on full pay or six months on half pay. In addition to that, all the members of the public service have all public holidays, and all the days notified in the *Government Gazette* as public holidays. These public holidays amount to something like nine or ten in the year apart from the extra public holidays gazetted from time to time throughout the year. It is contended, and it has been a well established principle in our public service, that men who have occupied their positions continuously for a number of years are entitled to some consideration in order that they may recuperate after their long years of service. In fact, the Public Service Regulations state that long service leave shall be considered as a special period of recuperation after a lengthy term of service with a view of fitting an officer for a further term, and should be applied for as it becomes due after seven or fourteen years. If it is necessary for officers who are enjoying the privileges I have mentioned, who have from 12 o'clock on Saturday until Monday morning, and who do not work the hours of a constable, and whose occupation is not so strenuous as that of a con-

stable—if it is necessary that these officers, and it has been conceded for many years past that it is, should have that period of long service leave, surely there is greater need for it in the case of men who are tied down year in and year out to their stations. The members of the police force obtain three weeks' annual leave; but unlike other members of the public service, they are not allowed to have that leave accumulate if for any reason it is not convenient for them to take it in any particular year. Most other members of the public service are permitted to allow their annual leave to accumulate to the extent of, I think, six weeks; but if a member of the police force allows his to go by he loses it altogether.

The Premier: Not if he has permission to do it.

Mr. COLLIER: But permission is invariably refused. In fact, it is almost always refused—I can assure the Premier of that—except perhaps in a few of the more remote stations in the North-West; and I have known of a case of a constable at a station as far back as Port Hedland who has not been allowed to have his leave accumulate.

The Premier: It is allowed in the case of the North-West staff.

Mr. Underwood: It is only quite recently they have been given the concession.

Mr. COLLIER: It may be quite recently, after a protest was made in the House; but 12 months ago a constable wrote to me pointing out that if he were to avail himself of the annual leave, long before he could reach Perth, or anywhere where it was worth while going for a holiday, his leave would expire. Moreover, if he were to take the leave and merely sit down in his own station, the department would be put to a much greater expenditure in sending up a constable from Perth or perhaps further down in order to relieve him. If, as the Premier says, leave is allowed to accumulate, it is only within the past few months that this has obtained. Certainly it was not so last year. I would like to point out that the pay of a con-

stable in this State, especially if he is stationed in remote parts, does not enable him to save sufficient money to enjoy the annual holiday. For that reason I think there is greater need for members of the police force to have this privilege than exists in regard to other members of the public service. It may be argued that the members of the force enjoy other privileges. They certainly have one holiday in a month, but apart from that they are compelled to be at their stations, tied down to their own little locality during the remainder of the year, except for the annual leave of three weeks. Further than that they are the lowest paid section of our public service. We have heard a good deal of the condition of many employees in our different departments, but, considering the class of man, and remembering that a constable has to pass a fairly stiff examination, I say he is the lowest paid public servant in the State. Until quite recently a constable had to serve 10 years for a wage of 7s. 6d. a day. In July of this year that rate was increased; so that now for the first five years he still receives 7s. 6d. a day, while from five years to 10 years he is in receipt of 8s. a day, and comes into 9s. a day after the completion of his tenth year. Surely for any man who has spent 10 years in one position, and a responsible position at that, a wage of 9s. is paltry indeed. I venture to say there are very few public servants who, after 10 years' service, are not commanding a higher wage than 9s. a day. Moreover a police constable has to remain at 9s. for another five years; in fact many of them have more than 15 years' service and are still only occupying the positions of first-class constables with a wage of 9s. It may be argued this concession would mean an increased cost to the department; but if that argument holds good in regard to police officers it holds good also in regard to the whole of our public servants. Why should it be held that the policeman alone is not entitled to this consideration because of the increased cost involved, when that test is not applied to other public servants? Warders in our gaols and asylums all

enjoy this privilege of long service leave, so there can be no argument urged against the extension of the concession to members of the police force, that is to say, no argument which could not be with equal force urged against the granting of the concession to all other members of the public service. I hope the Premier will not ask for an adjournment of this debate, but will allow the matter to go to a vote. It is a question requiring very little discussion to enable hon. members to make up their minds. I hope the House will come to a decision on the point, and I feel satisfied members will not be prepared to deny to police constables that measure of justice which is extended to other members of the public service.

The PREMIER (Hon. Frank Wilson): I do not think the House should be asked to agree to a motion of this description. In the first place, as the hon. member has pointed out, the granting of the privilege would mean a very largely increased expenditure in the department. At any rate it would mean the employment of 10 extra men relieving those on holiday.

Mr. Scaddan: That would be serious; we would have to repudiate our debts.

The PREMIER: No; but it means, perhaps, £1,500 a year. The point we have to consider is as to whether these men are being treated unfairly. The information furnished me shows that in Western Australia the members of the force are treated more liberally than they are in any of the other States of the Commonwealth. In South Australia long service leave is given, but, from what I can gather, that leave is granted according to the merits of each individual application. In Victoria and Tasmania no long service leave is granted. In New South Wales they allow leave to some extent under special circumstances. There is no definite rule, and each case is dealt with on its merits. In Queensland they grant long service leave without pay. In Western Australia, as the hon. member knows, leave is granted up to six months, the first three weeks being on full pay. The annual leave is longer than that of

the ordinary public servant, who gets his fortnight while constables get three weeks.

Mr. Holman: But constables have to work on Sundays.

The PREMIER: They are granted three weeks on full pay, and, contrary to what the hon. member says, the constables in the North-Western part of the State are granted a month's annual leave on full pay, and are allowed to accumulate that month for three years.

Mr. Collier: Since when?

The PREMIER: I cannot answer that question. At any rate that is the regulation now. They have a month's annual leave, and they are not forced to take that annual leave and sit down at the station, but are allowed to accumulate it for three years, when they can come down South and have their three months' holiday. Moreover, on such occasions their first-class return passage money is paid, if they are prepared to return to their appointments on expiration of the leave. In special cases of sickness, or of the sickness of their relatives, or when on urgent private business, they are granted extended periods up to six months on the conditions I have mentioned, namely that they receive only three weeks' full pay.

Mr. Collier: That is the same as is extended to all other public servants.

The PREMIER: No other public servant would be allowed to go away on full pay and get special leave merely because their relatives were sick.

Mr. Collier: That is their annual holiday.

The PREMIER: No. My information shows that that is special leave.

Mr. Collier: Your information is incorrect.

Mr. Scaddan: The period is deducted from their annual leave.

The PREMIER: No, not according to my information. In special cases, for instance the sickness of relatives outside the State, or urgent private business, members of the force are granted extended leave for periods up to six months, the first three weeks being on full pay. In some instances men of long service have been allowed six months' leave on full pay.

Mr. O'Loughlen: Have you their names?

The PREMIER: No; I have not, but if the hon. member can refute it, it is within his province to do so. The members of the police force here are treated considerably, and notwithstanding what the hon. member has said with regard to the pay of these men I believe they are better paid in Western Australia than in the Eastern States. The rates of pay have been compared on many occasions in this House. The hon. member will, perhaps, remember also that an additional sixpence a day has been granted to members of the force who have served for a period of 10 years.

Mr. Collier: Five years.

The PREMIER: No, after 10 years' service; and they can demand that extra sixpence no matter what the report is as to their conduct. If they are retained in the service for 10 years they can demand that extra sixpence.

Mr. Collier: What does that make their pay?

The PREMIER: I do not know; eight shillings, I suppose, if the lowest paid man gets 7s. 6d. as the hon. member says; or in the case of men receiving 10s. it would make it 10s. 6d. It does not affect the principle. The fact remains that they get this increase after a number of years of service. This year that concession alone has meant a payment of £2,650, while during the current year increased allowances have been given amounting to £410 under the scale, and there are also increased allowances granted to native trackers in certain districts amounting in the aggregate to £209. The total increased payment to the force for these privileges reaches the respectable sum of £4,837. Although I am quite at one with members in desiring to improve the status of any section of our public service, it seems to me it is rather an unsuitable way of doing it to move a motion in this House and expect members to support it off-hand—to move a motion that there is to be certain leave granted to men already well treated, and ask that that leave be granted no matter what the cost may be. It is a very easy way for hon. members to make themselves popular by getting up

in the House and supporting a measure of this kind. The practice is getting far too frequent of bringing before the House the case of a man who has been discharged, rightly or wrongly. The public servants are beginning to think that they are the most important people in the State, more important than Parliament itself, and the action of hon. members lends colour to that belief.

Mr. Scaddan: Are you speaking of the member for West Perth now?

The PREMIER: I am speaking of the actions of hon. members generally in bringing forward questions relating to individual members of the service.

Mr. Brown: An election is coming on.

Mr. Underwood: There are other ways of keeping your seat—by gerrymandering and striking out those who vote against you.

The PREMIER: Where?

Mr. Underwood: Sussex for instance.

The PREMIER: I have not struck out any who voted against me, but I hope that the House will agree to hand over some of the trade unionists to my friends opposite, so that there will be community of interests and they will be able to vote according to their instructions, but I am not taking the franchise from them.

Mr. O'Loughlen: Who is instructing them?

The PREMIER: The hon. member.

Mr. O'Loughlen: You have made that statement before, and it is absolutely false.

The PREMIER: I do want to take exception to this motion, and I hope the House will not carry it, because it will mean a considerably increased cost to the department.

Mr. Scaddan: How much do you estimate.

The PREMIER: If the Government adopt this resolution there are 180 men in the force who can claim that three months leave right away, and if that three months leave was distributed, at it would have to be over a long period, we would want at least ten extra men to relieve these officers.

Mr. Scaddan: But what would the cost be?

The PREMIER: The hon. member can calculate that for himself. He wants a calculating machine.

Mr. Scaddan: The hon. Premier can only calculate quickly when it is on the deficit side.

The PREMIER: At any rate the cost would run into a good many thousands of pounds. Police wages here are better than they are in the Eastern States, I am informed. The rates of pay rise from probationers at 6s. 6d. right up to 11s. 6d. per day. Constables after 10 years get 9s., above five years and under 10 years, 8s., and under five years, 7s. 6d., so that the lowest rate is 7s. 6d. This is considerably in advance of the rates that have been paid heretofore, and it has meant £5,000 of additional expense this year to provide these increased payments. There is also the fact that leave, where it is most required, namely in the North-West, is granted by way of accumulation, and that constables do get three weeks annual leave in contradistinction to other branches of the civil service.

Mr. Heitmann: Are they allowed to accumulate three years' leave?

The PREMIER: Yes, in the North-West, and they get first-class return passages.

Mr. Hudson: What about the South-East?

The PREMIER: I cannot say whether they get it in the South-East or not, but I am informed that they get in the North-West portion of the State, and it seems to me that there is no reason why they should not have it in the inland goldfields district, if that is what the hon. member means.

Mr. Hudson: Yes; take such places as Esperance, Norseman, and Ravensthorpe.

The PREMIER: I cannot say whether they are allowed to take accumulated leave there, but as I said before they are allowed it in the North-West, and in addition they are given first-class return passages by steamer. In the circumstances I think the House will do well to reject this motion.

Mr. UNDERWOOD (Pilbara): I trust that the House will not reject this motion, at any rate, not without due considera-

tion of the details. After all there is nothing very extraordinary asked of hon. members, namely, to grant to one branch of the civil service, leave that is granted to another branch, and to admit that a policeman who carries out his duties satisfactorily should receive equally considerate treatment with other civil servants: that is a very fair proposition. The Premier made some capital out of the fact that accumulated leave is allowed in the North-West. I can only say that this is merely a tardy recognition of an absolutely just claim. The men in the North-West were until the beginning of this year, perhaps, the worst treated men in the public service, bar none, and the fact that, after strenuous agitation for three or four years, the Government have recognised that they are entitled to that and have given it to them does not appear to alter the main question of this motion at all. The Premier stated that if this motion is carried it will necessitate the employment of 10 extra men, and if we run out the cost it comes to something like £1,500 per annum, or a little bit less. That is an enormous sum! But when we remember that we are paying that amount for useless lecturers in England, and that there are hundreds of ways in which we are wasting this amount every year, I am convinced that members will do well to grant the leave requested for these officers. If we cannot afford £1,500 a year, we should endeavour to save it in places where it could be much better spared. For instance, we could save it in advertisements given to such papers as the *Sunday Times* and the *Mirror*, not to mention the *West Australian*.

Mr. Hudson: We dare not exclude the *West Australian*.

Mr. UNDERWOOD: We dare not mention the *West Australian*, of course.

Mr. Gill: What about the *Daily News*?

Mr. UNDERWOOD: I do not count that paper at all. It is an enigma, and I do not know why it gets any advertisements. If it is only a question of £1,500 a year I can see many ways by which that money could be made up better and more equitably than by taking it from the police in this State. The member for

Perth has suggested that the elections are coming on.

Mr. O'Loughlen: And he will know it.

Mr. UNDERWOOD: Yes, the hon. member will know it. The Premier infers that this motion is only brought forward because the election is coming on and some members want to hold their seats. As I have said before, there are other ways of holding seats besides giving the policemen a fair deal, and the Premier knows it.

Mr. Gill: They want to give him a chance to hold his seat.

Mr. UNDERWOOD: The policemen would not give him much of a chance. In fact the Premier has invented methods that the policemen would run him in for, if they had a chance and acted as they are supposed to act, that is, run in those who act dishonourably. The Premier says we cannot carry this motion off hand. I do not think it is a matter which requires such an awful amount of consideration after all. It is a question whether a policeman, as a civil servant, is entitled to the same consideration as other civil servants receive, and if members cannot come to a conclusion on that point off hand, I am astonished that the Premier should have kept back his Redistribution of Seats Bill so long as he did and not give us time to consider it. The idea that this House is not capable of considering such a small matter as the granting of this request is a suggestion that the House has no ability whatever; but while that suggestion may represent the capacity on the other side of the House, particularly the member for Perth, the Premier must allow that there are men of intelligence on this side of the House if there is none on his. I trust, however, that there are some on the Ministerial side who will assist us to carry this motion.

Mr. McDOWALL (Coolgardie): I also hope that the House will pass this motion. The other day we had a long discussion as to the non-payment of a decent salary to a man receiving £750 per year. On every occasion members on this side believe in the civil servants being properly paid. Now we come down to the lowest paid men in the service, and the amount

involved, £1,500, is a very small amount indeed. By granting this concession we will certainly make the police service a more contented service than it has been in the past. I therefore support the motion.

Mr. ANGWIN (East Fremantle): There is no doubt in my mind that Western Australia has got as fine a body of men in the police force as exist in any part of Australia; in fact, I do not know that I have come across a more obliging and finer body of men, men who are willing at all times to carry out the duties, some of them very unpleasant ones, which are placed on them. But I do not think that any body of men in Western Australia have the same treatment meted out to them as the members of the police force have. During the past year the Government have very condescendingly given an extra sixpence per day to men who have put in ten years service. When we realise the amount of wages paid to the police, we can only come to the conclusion that members of the force have been more harshly treated than any other men in the State. It has been a wonder to me that it has been possible to get together such a body of men to carry out police duties for so small a remuneration. A number of men have spoken to me with the idea of joining the police force, but when I pointed out the exact position, and the wages they would be likely to receive, on more than one occasion these men declined to proceed any further with their applications. It is no wonder that sometimes discontent prevails when we do not grant to such a fine body of men that recompense to which they are justly entitled for the duties they carry out. I am surprised that the member for Boulder in moving this motion did not make provision for the same terms with regard to holidays as is provided in the case of other civil servants throughout the State. I cannot see any reason why the police force should not be brought under the Public Service Act. My opinion is that we should serve all alike, and if it is advisable that the Commissioner of Police or the inspectors, who cease to be policemen as soon as they become inspec-

tors, should be placed under the Public Service Act. I maintain that the policeman, no matter to what grade he belongs, should be entitled to have the provisions of the Public Service Act conferred upon him. If this were done the members of the police force would know the exact position they were placed in. At the present time they do not know where they stand. They are in a much worse position than any public servant who comes within the scope of the Public Service Act and any private employee. A private employer will take into consideration the value to himself of the employee, but unless the members of our service come under the Public Service Act this question is never taken into consideration. I am surprised to hear the Premier state that if we grant these men a reasonable holiday after ten years' service it will mean that it will be necessary to increase the police force by an additional ten men. If it required an extra one thousand men it ought to be done, but the position with regard to these men as far as holidays are concerned is that they have to depend on the whim of the Commissioner or perhaps the whim of the inspector, because the Commissioner is always guided by the reports of his inspectors.

The Premier: Who is he to rely upon if not the inspector?

Mr. ANGWIN: The police should enjoy the privileges of the Public Service Act. I remember some little time back that among the State school teachers dissatisfaction existed because they had not been granted the privileges which were conferred upon other civil servants. The police force now find themselves in the same position, while many of those who are employed in our gaols and asylums are similarly situated, and I maintain that as long as we do not take action in the direction of doing justice to these men, and seeing that they are granted sufficient leave after they have served the State well for a long period of years, we shall have dissatisfaction. I trust hon. members will recognise that three months' holiday after ten years' service is not an unreasonable request to make.

Mr. HOLMAN (Murchison): I intend to support the motion, in spite of the statement of the Premier that matters such as these are brought forward for electioneering purposes. In all probability we shall soon have a motion from the Ministerial side of the House dealing with the civil servants, and probably that is being moved too because the elections are close at hand; but I would like it known that motions of this description will always be brought forward by members on this side of the House whether it is approaching election time or not. It is when low-paid members of the civil service or policemen require someone to champion their cause that members on this side of the House are forced to take the matter up. There is no occasion for the cases of the higher paid officials to be brought before the House, because we find that increases are always made to their salaries and not a word is said about it, but when the unfortunate policeman who receives 8s. a day and who works in the back country from one year's end to another is referred to, a protest is raised from the Ministerial side of the House. The policeman in the backblocks particularly has to do night duty as well as day duty, and is working all hours and carrying out sometimes unsavoury duties, yet when the Government are asked to give him three months' leave of absence after ten years' service the request is looked upon as in the nature of a crime. I am satisfied it is necessary that the lower paid civil servants and the members of the police force should have their interests guarded, and that not only should we grant them this holiday, but I am satisfied that the members of the police force, especially those employed on the goldfields, should be treated more generously than has been done in the past. We find that during the hot summer months these men are obliged to wear heavy jerseys, collars right up to the neck, and generally heavy clothes.

The Premier: Have they no light clothes?

Mr. HOLMAN: On the goldfields, where the temperature is often 110 and

115 in the shade, and I am speaking now about the Murchison, policemen are to be seen under these conditions wearing heavy tunics buttoned up to the neck, and if they are caught without their uniform a breach of the regulations is committed and the men are fined. Then they are obliged to wear heavy helmets, which are a relic of barbarous times when there was a possibility of a policeman being suddenly attacked from around a corner and hit on the head with a stick. There is no such danger in these days, and therefore the question of uniform should receive consideration. There is no doubt about it that being compelled to wear these helmets in the summer months is responsible for breakdown in health in a good many cases. We are told that if the motion is carried an additional expenditure of £1,500 a year will be involved, but, if by expending that money we can satisfy the service, I maintain that we should do it, and that the money will be well spent. When we come to consider that those who will benefit by this leave will be the men who are earning 8s. or 9s. a day, I consider that we should grant the holiday without any delay. It is a remarkable fact that the big men, or those who have influence behind them, such as that from the Weld Club or the Perth Club, experience no trouble in getting leave, but as far as the unfortunate man receiving 8s. or 9s. a day is concerned, when we champion his cause we are criticised and told that we are doing it for electioneering purposes. As far as my electorate is concerned, I do not think there are more than half a dozen policemen there altogether; anyhow, whether that were the case or not, if I were satisfied, as I am satisfied, that these men are deserving of the consideration sought to be given, I would always speak on their behalf. I am sorry that the Premier always looks down upon the labourer or the man who is receiving low wages as being worthy of no consideration.

The Premier: Oh, no.

Mr. HOLMAN: I have never heard a man speak in a more callous way than the Premier about these people, and just

because the member for Boulder has brought forward this motion.

The Premier: That is not so.

Mr. HOLMAN: Then the Premier inferred it. The Premier has no time for the man without influence. If it is the case of a man in a high position, with the Weld Club, or the Chamber of Commerce or Chamber of Mines behind him, it is all very well for that man.

Mr. Draper: I would sooner have a union behind me.

Mr. HOLMAN: If we had a lawyers' union behind us we would have an easier time. There is no more hidebound conservative body than the body to which the member for West Perth belongs. Reverting again to the subject of the motion, I repeat that these men receive poor wages and have to carry out arduous duties day and night, and work in the back country from one year's end to the other, including Sundays, and when a request is made for a modest three months leave after ten years of service we meet with opposition. I am satisfied there are some members on the Ministerial side of the House who will assist us to carry this motion and in that way to do justice to a body of men who are well deserving of consideration. Comparing the police force in this State with the forces in the other States we know that in Western Australia they are not so well paid. In New South Wales and Queensland particularly, they are better paid and better treated generally, and the conditions in those States are a long way ahead of the conditions as they exist in Western Australia. That is an absolute fact, because I made inquiries when I was in Sydney a short while ago. The police there receive better treatment, and the wages are higher than they are here. The privileges the police get are not much, and I am satisfied they should get the three months leave. I am certain there are a sufficient number of members on the other side of the House to carry the motion.

Mr. BROWN (Perth): As I intimated by interjection, this motion has been brought forward as an electioneering dodge.

Mr. Walker: You look out, Perth has been enlarged.

Mr. BROWN: I am not afraid, and if any member from the Opposition likes to come out against me I am prepared to fight. I am not pandering to any particular class of men. The Government of to-day are as eager and willing as the member for Boulder to make the members of the police force as contented a body of men as possible.

The Premier: And so we have done.

Mr. BROWN: It is most inconsistent on the part of the member for Boulder, for last session when speaking in connection with the motion for an inquiry into the police department he stated most emphatically—

I do not wish to go into the financial aspect of the management of the police force, because I think that is largely a matter for the Government in considering any question of economy.

This I ask the taxpayers of the State to realise.

I could point to the fact that the cost per head of the population is much higher in Western Australia, almost double in fact what it is in any other State of the Commonwealth. In comparison with some of the States it is fully double, and compared with Queensland it is much more than 50 per cent. higher.

That is the speech of the hon. member for Boulder, delivered last session. I am not speaking for votes, although I quite realise that there are a number of members of the police force in my electorate, and I am equally anxious as the member for Boulder, that their lot should be made as happy and contented as the police force in the Eastern States. There are rumours current, and I will ask the member for Boulder to refute them. I ask, whether during the last year or the year before a circular was not sent round to the whole of the police force of the State asking them to present a testimonial to the member for Boulder for the interest he had taken in the police force.

Mr. Price: That is an insinuation such as we might expect.

Mr. BROWN: And will the hon. member tell us the amount that he has re-

ceived from the police force for espousing their cause? If the rumour is a correct one, then we can realise the action of the member for Boulder is for payment received.

Mr. Heitmann: What did you get from the Gas Company?

Mr. BROWN: I have never received one penny from the municipality, or anyone during my Parliamentary career, and I defy anyone in Western Australia to prove to the contrary.

Mr. Price: Then why insinuate?

Mr. BROWN: I said it is a current rumour that the whole of the police force were circularised to present a testimonial to the member for Boulder for the services which he had rendered to the police force of the State, and I ask will the member refute that rumour or tell us the amount which he has received from that testimonial?

Mr. Heitmann: And suppose he does nothing of the kind?

Mr. BROWN: I am only asking the question. I have no doubt the member for Boulder has taken a deep interest in the cause of the police; but we want to know if these rumours are correct. The police force have been fairly well treated. We had the assurance of the Premier that holidays are granted, and the member for Boulder and others must have quite forgotten the fact that although possibly the police are not able to get the average holidays granted to civil servants, they have lodging allowances and medical attendances and uniforms supplied to them, and last but not least a good character man at the end of 12 years receives a bonus of £100. Therefore I think all reasonable persons will admit that the Government are doing their best to make the life of the constable in this State as happy and contented as possible. I trust that, recognising the speech of the member for Boulder last session, he will allow the Government who have control of the finances to make what provision they think reasonable and necessary with the funds at their command.

Mr. Collier: Now, do not run away like a whipped cur as you usually do.

Mr. BROWN: I ask the hon. member to withdraw that remark.

Mr. SPEAKER: The hon. member must not use such an expression.

Mr. Collier: I said the hon. member should not run like a whipped cur; I did not say the hon. member was one.

Mr. WALKER (Kanowna): I am pleased at the very excessive compliment which the member for Perth has given to the police force this afternoon. There is a general opinion that the policeman stands outside the community of citizenship, that he has no sense of gratitude, and no respect for his fellows who are not his friends, but the testimony of the member for Perth this afternoon is that if you do the police a bit of good service they are a grateful class of the community and they will themselves contribute to show the respect they have for the man who will champion their cause when it is just. Undoubtedly that shows that they are deserving of the help given in the past, and which is being given now by the member for Boulder. There are too many people who will allow members in this House and elsewhere to fight their cause, and then turn round and vote against them at an election, or will insult them, or wrong them, in a thousand ways. The police if we are to judge by the testimony of the member for Perth, are not a class of men of that sort. If you do them a service, and it be a just service, they will endeavour to show some visible sense of their appreciation. I do not know whether this circular has culminated in a presentation, or if there was a circular; but instead of it being an insult to the member for Boulder, it is something of which a member may be proud. He could well say to himself, "I have not mistrusted these people; I have not placed a false faith in them." They are men who are deserving of help, and who can appreciate help when it is rendered to them. I am a little surprised at the further argument of the member for Perth that all this should be left to the Government. Does he leave everything to the Government; has he not questioned the Government on some points on which he more or less has been concerned; has he not taken the Government to task; was he not himself in very

sore trouble as far as the Government were concerned in a certain proposal to give a grant of money to a former member of this House?

Mr. Brown: There was force.

Mr. WALKER: Up to now I thought there was something meritorious in that action, and I thought the hon. member did it from a sense of morality, in protecting the finances from unjust aggression.

Mr. Brown: Read the letter which the leader of the Opposition sent to Mr. Justice McMillan.

Mr. WALKER: I have read it, and it is a very good sensible letter, one of those things which make me proud of my leader. I am glad he had the sense to word the letter in such phraseology, to convey lofty sentiments, to show his intense knowledge of the occasion, and the constitutional law by which we are governed. But to return to the member for Perth, what were his motives then in questioning the Government? Does he trust the Government in all cases where the finances are involved? Not he! But he says now if anybody else does it that they are doing it for the most sordid of all motives, to catch votes. Did you, Mr. Speaker ever hear such puerile argument since you have been in this Chamber? A member who is constantly taking this course of action in defence of the police and the betterment of their lives has taken that course for what reason? The member has admitted that the member for Boulder has always been urging the betterment of the life of the police; he has always done it. The hon. member has said that in consequence of his always having taken the cause of the police in hand that they have recognised the fact, and are going to give him a testimonial of their appreciation. And now he is doing what he has always done, to get votes. The member must have some little sting of fear of the coming of that doom which the Government are now defending. The Redistribution of Seats Bill is rankling in his breast, and it is so touching him that he cries out, "and there are lots of police in my electorate." I do not say to him that he requires some, but I say he is now

trying to take a definite attitude in respect to them in order, if he cannot win them by the generosity of his services, that he may get a vote now and again from those who say he has the pluck of his opinions, and perhaps these are the tactics he is adopting. The very fact that the hon. member should conceive such an argument shows the character of his mind. What kind of meanness in political life is there that will accuse a man in the performance of his duties with corrupt motives because the excellence of his actions have been recognised. What kind of composition in the mental and moral character of a human being must that be which can see in the very best of human actions only mean, sordid self-seeking? Well, I return the *tu quoque* argument. The man who can conceive the argument is the man who needs the sermon in reproach of it, and the hon. member is welcome to his private reflections on the point. I will not make the sting any bitterer. But to leave the hon. member and to advance the facts. Is there any argument that can be adduced for placing the policeman on a different footing in regard to rest and recuperation to the rest of the civil service, or to the rest of the servants of the State in any capacity? Is there any sound argument for saying that because a man is a policeman he is a man who can do without holidays or without recuperation? We know that it is absurd. We know that a policeman is just as much a servant of the State as those who come under the Public Service Act; and if he be so, what solid ground of argument can there be for creating any distinction? Yet these distinctions are created, and it is to these distinctions that the motion objects? Now, by way of fortifying, or rather of excusing, the Government for its inactivity and for its intended rejection of the motion, the Premier's one argument—and he speaks in that respect as Treasurer also—is that it will cost us some £1,500 a year more. I thought we were living in a period too humane to listen to such an argument as that in this Assembly of Western Australia—flesh and blood nothing; money everything; never mind how you wear out your servants; never mind how they give way under the strain upon

them; never mind if by injustices heaped upon them occasionally you produce from their ranks men similar to the one who, revolver in hand, confronted the chief officer in his room; never mind how you goad them, what sufferings they undergo, so long as you do not have to pay for altering this condition of things; keep your cash, never mind your men; lock up coffers and break lives! It is in little incidents of this kind that the whole contrast between the Labour party and the Government side of the House is made manifest. Occasionally we hear it said that there is very little difference between the Labour party and the Government; that it is practically the same thing, except that the one party is in office and the other out. It is said that the Labour party would do what the Government are doing if they were in office. But it is here where we show the difference. Whenever it is a question between flesh and blood and mere cash the Labour party are always on the side of flesh and blood, and wherever in a like measure it is a question between cash and humanity the other side are on the side of cash against humanity. Now that is the broad line: it is there where the two trees separate their roots and enter into different soils. What if it does cost £1,500 a year for the whole State in order that every policeman in the State may have the necessary chance to recuperate his health if exhausted after excessive service! Is it too great a price to pay? Have we not a duty to our citizens, even though the citizen may wear a uniform? We have been engaged long hours, long weeks in discussing a measure called the Health Bill, the object of which is to take under our tutelage and protect the citizen in regard to health. Yet the State is setting an example which says to the whole community, "Work your willing servants until they drop in the service, because we are not going to give another man a job to relieve them for an hour—it costs too much; we cannot afford to pay for their recovery even if they have been in our service; let them like cattle, when they are of no further service, be sent to the shambles; or let them be like the steed put out to find its own pastures when we have done with it." That is not

the way a humane Government would conduct its affairs. True there is a necessity for the observance of finances; we know that; but there is no necessity for saving a few pounds, even to the extent of £1,500, at the expense of the health of the lives of a large section of the community.

Mr. Heitmann: We spend that on ceremonials.

Mr. WALKER: Yes. If the Auditor General had the full liberty, which he had a few years ago, of giving us all the details of the State expenditure, we should find in picnics, in electioneering trips of Ministers, in special cars for this and that, and in expenditure to enable distinguished visitors to ride at the cost of the Treasury of the State, far more spent every six months of the year than is required annually to give the policemen a rest.

Mr. Heitmann: To say nothing of perquisites to city members.

Mr. WALKER: But leave all these out. It is an empty answer to an urgent question to tell us that it would cost too much. Let us try to be just to the police as to all others, and let the policy of the State lead in this respect that it is an example in humanity to every private employer of labour.

Mr. COLLIER (in reply): First let me satisfy the curiosity of the member for Perth, and inform him that I did receive a testimonial from the members of the police force of this State, but rather than its being something I should be ashamed of, as the hon. member seemed to think, it is a matter I am quite proud of. The hon. member trotted it out with that glee one would imagine he would exhibit if he was disclosing to the House the fact that I had tried to pick someone's pocket. That is the character of the man. We have had opportunities of observing his calibre. On one occasion he charged his present leader with favouritism, practically with corruption, practically with giving some money to a relative of his in connection with Claremont Asylum. Every member had the opportunity on that occasion of seeing the contemptible manner in which the hon. member acted, how he whined out these charges, how he hurled charges against his leader that

made his leader tremble with passion when he heard them; and now this sycophant fawns on that same leader and would attempt to belittle me. The hon. member said that perhaps this testimonial is a reward for services rendered. Let me tell the hon. member that every year in the House when the Estimates are before members I have championed the services of the police force; and it is only two months ago since I received this testimonial and not two years ago as the hon. member insinuated. But this is the class of man the hon. member is, always chasing and always ready to cry when deprived of a few pickings, a few paltry pence. When for twelve months the Government deprived him of a seat on the Fire Brigade Board, what did the hon. member do? He snarled and sneered at the Government, could not utter a decent word for them; and when he stood up and attempted to move the adjournment of the House not one of his own party would rise and support him. Now let us see his attitude. Are we to believe that because he was restored to that position of £50 a year, because that little picking of £1 per week was restored to him, he was silenced? If I were to insinuate that he was bought by that £50 the hon. member would resent it; but he insinuates that I was bought by this testimonial in connection with the police force. However, that is the calibre of the man. No one has time for a man of that character. Everyone knows what he is like. We know that the hon. member is antagonistic to justice being done to members of the police force; we know that there is a section of the community in every town ever ready to look with a favourable eye upon the man who is opposed to the police force. There is a section—no inconsiderable section—of the hon. member's constituents who do not look with favour upon the police force. Is it perhaps because he is fighting for the support of that section that he is opposing this motion? Is it because he hopes to curry favour with that section in the City who always slink round a corner when they see the uniform of a policeman? Does he hope to obtain the support of that section at the next election? There

are about ten or twelve police constables in Boulder. I am not seeking to get their support. I had a majority of 1,200 at the last election, the largest in the State; and let the hon. member and every other member remember it, that after three years' service in the House I was returned with the largest majority at the general elections. I am done with the hon. member; he is not worthy of notice.

Mr. SPEAKER: The hon. member must confine himself to the question.

Mr. COLLIER: I regret that the Premier indulged in a rather unworthy sneer. He remarked in opposing the motion that it was easy for an hon. member to make himself popular. Now, I think a remark of that kind was unworthy of the Premier, because throughout every session of this Parliament and other Parliaments members on both sides of the House avail themselves of the opportunity of bringing forward motions of a similar character dealing with all sections of public servants. I ask the Premier, why did he reserve this sneer for this particular motion, and why he did not reserve it for the motion set down in the name of the member for West Perth, affecting not a few dozen, or three or four hundred men in the State, but affecting many thousands. I am not imputing any unworthy motive to the Premier, but there are motions moved in the House dealing with many thousands in our public service, and the Premier has not thought fit to make a sneer of this kind.

The Premier: I did not sneer at all.

Mr. COLLIER: It was nothing less than a sneer for the Premier to observe that it was an easy way to make one popular with the electors.

The Premier: Is that not true?

Mr. COLLIER: The hon. member knows of much easier ways to make himself popular with the electors, when he trots out a railway after 24 hours' notice for his sweating mining magnates. He knows the means of making himself popular with the electors when he runs new railways out to agricultural areas held by many of his particular friends at the Palace Hotel. He knows how to make himself popular with the electors.

Let me remind the Premier that his colleague the Minister for Mines showed that knowledge of making himself popular with the electors when he dealt out £7,000 from the mining vote just prior to the last general elections, and when he dealt out large sums of money when he was not even a member of the House and was standing for election again. That is also a means of making yourself popular with the electors, and it is a fact that should not be overlooked when the Premier chooses to indulge in these cheap, petty sneers. I could talk for an hour on the methods of the Premier in regard to making himself popular. He is making himself popular with his Tory friends in Busselton by cutting out a handful of unionists and putting them into Collie. And I say it was, or should have been, beneath the dignity of the Premier to single out this particular motion for the sneer. Perhaps he was possessed of the knowledge of the member for Perth but did not like to mention it in a more direct way. All I have to say in regard to the motion is that the action of the Premier in opposing it is in accordance with the attitude he has always exhibited, in the House or out of it, when an effort is being made to increase the remuneration of the poorly paid servants of the State. When it is a matter of slinging a hundred pounds at some head of the service or some other aristocratic johnny, the Premier does not hesitate, nor does he hesitate when it is a matter of some consideration for a timber combine or for Mr. Doolette; but in a case like this he trots out the argument that these men have received an increase of 6d. per day, and he sits down quite satisfied that further argument would be superfluous, because he has proved that these men, after five years of service, get 8s. a day, and after ten years 9s. a day and, in consequence, no further consideration is required. Seeing there are only about 400 members of the police force in the State it is sheer nonsense to say the motion has been moved for electioneering purposes. On an average there are about four policemen to an electorate and yet the intellectual giant

comes down and talks about electioneering purposes. I do not wish to say more, I am satisfied to allow the motion to go to a vote.

The MINISTER FOR MINES: On a point of explanation. I want to say the statements made by the hon. member in regard to my circulating money before the election are not correct. Questions were answered in the House later than that.

Question put and a division taken with the following result:—

Ayes	..	..	..	19
Noes	..	..	..	20

Majority against	..	1
------------------	----	---

AYES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. O'Loughlin
Mr. Bolton	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Taylor
Mr. Heltmann	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Underwood
Mr. Johnson	(Teller).

NOES.

Mr. Brown	Mr. Monger
Mr. Carson	Sir N. J. Moore
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(Teller).
Mr. Mitchell	

Question thus negatived.

MOTION—PUBLIC SERVANTS AND DEFENCE FORCES.

Case of Warder Wise.

Mr. TROY (Mount Magnet) moved—

That in the opinion of this House it is desirable that Warder Wise should be reinstated in the position in the Prisons Department from which he was recently dismissed.

He said: I do not want to discuss this subject *ad nauseam*, because it has already been discussed in the Chamber on a motion for adjournment. Up to the present time justice has not been done to Warder Wise. He has not been compensated

for his dismissal, nor has any action been taken with a view to reinstating him. In considering this matter I have from the first kept in mind the principle attached to the dismissal of Warder Wise. When moving the adjournment of the House I stated that Warder Wise had been dismissed because he adhered to a principle which he was justified in fighting for, and on that occasion the Premier made statements regarding the leave granted to Warder Wise, which though given to the Premier by the responsible officers, according to the files, were not entirely accurate. I find for instance that Warder Wise did not have that leave from his duties which the Premier said was the case, and I regret to say that whilst the Premier undoubtedly thought he was speaking truthfully he was misled by officers holding high positions in the service and who should have known better. I hope the Premier will turn up this file.

The Premier: I had it before me when speaking.

Mr. TROY: On that occasion the Premier complained that the motion had been launched without proper notice being given to him, and that he had not the necessary time to make himself conversant with the file. But I notice that although the Premier made that statement he must have had opportunity of going through the files, because prior to his speech he attached to the file a lengthy statement addressed to the Prime Minister, in which the whole position is reviewed. I regret to say the Premier seems to have been influenced largely by his officers in this case or, alternatively, he has not made himself acquainted with the details on the file; therefore my intention is to give the particulars as they are on the file to-day. In the first place Warder Wise did not frequently ask for leave of absence in order to attend military parade; when he did ask for leave of absence it was owing to the illness either of himself or of his wife, or because he desired to attend a benefit concert in aid of a hospital or other charitable institution. I find from the files that application for leave was made by Warder Wise on the 3rd June, 1907, when he asked the chief warden to be allowed to go home on going off duty,

in order that he might look after his children, his wife being sick in the Fremantle hospital. This leave was granted. Again, on the 16th March, 1909, he wrote to the chief warden, pointing out that his annual leave for the current year was due, and asking that it be granted in order that he might attend the Easter encampment. Warder Wise did not ask for any leave other than what he was entitled to; his annual leave was due on the 4th April, 1909, and it was granted, but not by way of special leave. On 28th May in the same year he applied for half a day's leave of absence to enable him to attend a special military parade before the State Commandant. That was the only leave Warder Wise asked for to enable him to attend a military parade. On 9th October, 1909, he applied for two days leave on the grounds of private business. He had had no leave during that year. On the 21st October he again wrote, because he had not received a reply to his communication of the 9th October. He asked for two day's leave, explaining it was his desire to assist in a benefit to the Fremantle hospital. The superintendent of prisons replied stating that Warder Wise might change his duty with Warder Bolger for one day and that the other day he required would be charged against his annual leave. On the 11th March 1910, Warder Wise wrote to the superintendent asking that arrangements should be made to grant his annual leave when it should fall due on the 4th April, since he had a relative coming from the Eastern States with whom he intended to take up land. This was granted on the 17th March. On the 5th June this year Warder Wise asked permission to change leave with Warder Bates on a Sunday night, Warder Bates being agreeable to the change.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TROY: I was referring to a minute in the file dated 5th June when ex-Warder Wise asked the chief warden for permission to change with Warder Bates for Saturday night. This warden was agreeable to the change, and permission was granted, but not for the purpose of allowing Warder Wise to attend

any military parade or any other engagement in connection with the military force. Therefore, so far as the personal file of Warder Wise shows, he was granted only half a day leave to attend to military duties during the whole time that he was in the prison service. Since 1907 whenever he was absent from duty, it was by virtue of his right to annual leave, with the one exception of an occasion when he played with the band in aid of the Fremantle Hospital, and one other occasion when he had to go home to look after his family owing to the fact that his wife was ill in the Fremantle Hospital. In this way nothing in the nature of absence from duty for military purposes can be found other than the half day I have already mentioned. Undoubtedly the officials at the head of the department told the Minister that Warder Wise had been absent through military duties on numerous occasions, even though they themselves knew, if they had perused the file, that they were misleading the Minister by that statement. I find that late this year when the trouble became prominent, and the matter received a good deal of publicity, the under secretary wrote to the Comptroller General of Prisons as follows:—

You told me that you have come upon additional documentary evidence confirming the statement that the late Warder Wise's connection with the military service interfered with his prison duties. The hon. Minister desires to have this evidence to attach to the file to be laid before Parliament. I am not aware whether this file which I am sending you contains all the evidence to which you refer. If not, please attach any further evidence and return immediately.

That is signed by Mr. North, under secretary. The comptroller general replied as follows:—

What I told you is what I have since stated in my minute to you of 10th November, 1910, on another set of papers, namely, the exchange of duties with other officers, and "leave off" to attend military duties by Mr. Wise can be proved by documentary evidence in

my hands. This file contains all the evidence.

This contains nothing of the kind, and therefore the comptroller general was not writing the truth when he penned this minute. I shall show that the comptroller general and the under secretary apparently wilfully and knowingly endeavoured to confuse Warder Wise's connection with the military with his connection with the band. The band was in no way connected with the military service: it was a private institution, and when playing with the military bodies it only did so by way of courtesy, and in that way only was the band at any time associated with military affairs. On the other file to which Mr. Burt refers, he pointed out—

Warder Wise has not asked for leave. He was, I find, allowed to attend his band on Hospital Monday last week and cannot be allowed to do so next Saturday. There are others in the service at Fremantle Gaol who are members of bands, and if one is given a privilege all will expect it. Besides I understand they are paid when playing with their band, and I am opposed to the whole thing.

Mr. Burt shows here his intention: he cannot point to one occasion where Wise was absent on military duty, except a half-day in 1907, to which no exception was taken until 18 months afterwards: but, when he finds out that the men are paid some slight remuneration for playing in the band he is opposed to the whole thing. That is the crux of the whole question. I find that at the end of November, 1909, Captain Hill wrote to the Superintendent of the Fremantle gaol—

As to-morrow the King's birthday review is being held on the Esplanade, Perth. I would esteem it a very great favour if you would be so kind as to allow J. Wise to attend same. His absence would cripple our band, and we are most anxious to attend in full strength.

On this occasion the Colonial Secretary stated that it would be wise if the application were granted because of the cir-

cumstances. The comptroller general accordingly gave permission that Wise should be absent for two hours, but later on that officer wrote to one of the warders in charge—

No doubt when Superintendent Hill wrote to you our band had decided to accompany the garrison artillery to Perth. Since then the Committee decided otherwise; consequently I will be pleased to be on duty at 5.30 p.m. as usual.

So that although Captain Hill wrote for this permission and it was granted, Warder Wise did not avail himself of that privilege, but went back to his duties in the prison as usual. The next letter on the file which has relation to this question of absence for military purposes is a letter from the under secretary to the Comptroller General of Prisons in which he stated—

The Hon. the Premier has promised the Commandant that, providing the exigencies of the service allow, leave will be granted to enable officers of the various departments to attend the military encampment at Tammin from the 20th to 28th instant inclusive. This encampment will take the place of the one usually held at Eastertide, and the Premier has promised the Prime Minister that leave granted on this occasion shall not count against the annual leave of officers concerned. Will you kindly make the necessary arrangements in respect of officers of your department connected with the military forces.

Here it is plain that, dealing with the Deakin Government, the then Premier was most liberal in regard to meeting the desire of the Commonwealth Government. He asked that the officers should be allowed eight days' leave of absence from the prison, and that that absence should not be charged against their annual leave. It is a strange thing that this liberality ceases to exist when a new Government comes into office with whom the State Government are by no means friendly. The Comptroller General of Prisons granted leave for officers to attend the camp at Tammin. Later on Mr. George, the superintendent, wrote to the

comptroller general, on the 28th January of this year and made his first complaint in regard to officers attending military service. He said—

I find it very inconvenient to allow warders to attend military duties with my present staff, as it imposes duties on others. At present I have two warders who belong to the band; one Warder Wise who is on sick leave, and P. W. Dymock. However, I arranged for Mr. Dymock to go into camp Saturday and Sunday, and gave him Monday leave, also Thursday, the 27th. I beg to recommend that warders be not allowed to join the military service, as the exigencies of the Gaol Department will not permit of their attending the parades, which is disappointing to the commanding officer, and also upsets the duties of the prison.

This is the first occasion on which any objection was raised to officers attending to military duties. The comptroller general forwarded these remarks to the under secretary, and the matter was dealt with by the under secretary on the 4th of March of this year. The under secretary wrote to the Colonial Secretary as follows:—

The question is submitted of prohibiting warders from attending military parades. It seems to me that under the new Commonwealth Military Scheme it will be compulsory for all persons to attend, within certain ages, unless otherwise exempted. If it be considered that warders, or any other class of Government servants, should be exempted from military duty by reason of the same interfering with their civil duties, no doubt the necessary legislation could be passed; but the question will have to be considered as to how far the State should set a good example to other employers by regarding military duty as coming first.

The Colonial Secretary then penned this minute—

Whilst agreeing with the sentiment expressed by you that the State should set an example in allowing officers to attend military parades, etc., at the same time I think the position of ward-

ers should be classed with the police disciplinary staff and exception made for the reasons stated in the comptroller general's minute in their case. To make up for this, could not the warders engage in rifle practice? This should meet the case to some extent and would be of service to them in their duties as warders.

The Colonial Secretary merely repeats the opinion expressed by the comptroller general. Apparently he has no initiative and cannot think for himself; he adopts the suggestion of a petty officer in his department. The matter is referred back to the comptroller general and he replies to the Under Secretary in the following manner—

If many warders desired to join the military forces it would be impossible to work the prison control efficiently, and I am glad to see that the Minister is inclined to agree that warders should not be allowed to join the military forces. In this case the warder concerned, though a bandsman, was under no military control, although Captain Hill wrote that his absence would cripple their band. Wise, it turned out, was not a member of any band under military control at all, as is proved by his letter of 20-11-09. I hope the Minister will decide that warders shall not join the military forces. There is no objection to warders joining rifle clubs, if they so desire, so long as they understand that they cannot be exempted from duty to attend rifle practice.

Motions interrupted by Standing Order.

Mr. SPEAKER: Two hours have expired, and it will be necessary if the motions are to be continued, that someone shall move in that direction.

The Premier: I propose to go on with the Orders of the Day.

Mr. TROY: Is the Premier not going to allow me to finish my remarks?

The PREMIER: It is the Speaker's ruling not mine. I am not going to move that motions be continued. The arrangement is that the members for Norseman and Kanowna should have an opportunity of dealing with their two

Bills and it is proposed to proceed now with the Orders of the Day. If the hon. member would only take ten minutes to finish his remarks perhaps the House would not object.

Mr. TROY: Give me half an hour.

Mr. DRAPER: We have had an announcement that this would be practically the last private members' sitting. I was not a party to any arrangement. There is a motion standing against my name on the Notice Paper, and I should certainly like some assurance that there will be an opportunity given to discuss it.

Mr. UNDERWOOD: Move that the motions be proceeded with.

Mr. HUDSON: May I be permitted to say that the Workers' Compensation Bill was the first private members' proposal made this session, and it was before members last session, and it has not been considered yet.

Mr. FOULKES: I am going to appeal to the Premier to give facilities to the member for West Perth to bring forward his motion.

The PREMIER: I do not know that this is the proper time to discuss the question of giving opportunities to members to bring forward certain motions. I wish to say that I desire to give every member who has an important motion on the Notice Paper an opportunity to discuss it before we prorogue.

Mr. SCADDAN: Do you mean every important member to discuss his motion?

The PREMIER: The hon. member can take it in any way he likes. If the member for Mt. Magnet wishes to finish his speech and the Speaker will permit him to do so I will not stand in the way. I want to fulfil the promise I made that the two Bills which are first among the Orders of the Day shall be gone on with.

Mr. SCADDAN: What is the position? Can an hon. member be interrupted for the purpose of moving a motion, or has he to complete his speech, and then, although the time has expired, can the Premier move that the Orders of the Day be continued or that motions be continued?

Mr. SPEAKER: If it is desired that motions shall be continued it is necessary

that a motion should be moved in that direction, otherwise the motions lapse by virtue of the expiration of the two hours allotted for the debate. If the member for Mt. Magnet will only take a few minutes to finish his remarks I have no doubt the House will not object to allow him to conclude.

Mr. TROY: I would like to finish my few remarks.

The PREMIER: May I move that the hon. member be permitted to conclude his speech?

Mr. SPEAKER: As long as the House does not object the hon. member can conclude.

Mr. HUDSON: I would like to say that on the last two private members' days the Orders of the Day were allowed to stand over in favour of the motions. In fairness now I think the Orders of the Day should be taken.

Mr. SPEAKER: If the House has no objection to the member for Mt. Magnet concluding his remarks he may proceed.

Mr. TROY: I shall endeavour to conclude my remarks as quickly as possible.

Debate Resumed.

Mr. TROY: I want to point out that after all the question of objecting to warders attending to military parades was not raised until early this year, and then it resulted in an attempt being made by certain officials to prevent warders having this small privilege. Nowhere on the files can it be shown that a warder, except for one half-day, was absent on military parade. Where it came to the struggle of a warder fighting for a principle against the petty tyranny of the officials of that department, then we find that this action was taken which resulted in Warder Wise being dismissed. It was said by the Premier in his remarks when the adjournment of the House was moved, that Warder Wise acted contrary to the regulations and that he rebelled against the responsible officers and against the decision of the Minister. I want to point out that this file shows conclusively that Warder Wise, far from

rebellling, wrote an appeal to the Premier himself asking the Premier to go into the full particulars and if he gave them full consideration and found him at fault he would resign. Unfortunately this letter did not get to the Premier's hands. It was stopped by the comptroller general who stated in a minute on the file that he would not allow the letter to go to the Premier. In every manner obstruction was placed in the way of this officer receiving justice, and it was fighting that principle that he brought upon himself his dismissal. I want to say in conclusion, since the rules of this House will not allow me to read the files in connection with the whole transaction, that Warder Wise was fighting for a principle, that he was subjected to the tyranny of those officials who would not allow him to get to the ear of the Minister to receive ordinary justice, and the Minister was not advised correctly in regard to the absence Warder Wise had had in the way of leave. The true position was never placed before the Minister by the comptroller general or superintendent, for on no occasion, as pointed out by the officials directly concerned, who numbered no fewer than 23, did Warder Wise get leave of absence to their detriment. I say therefore there was no justification whatever for the dismissal of this official. I hope the House will take into consideration the matter and endeavour to secure justice for this officer. There can be no doubt that a great principle is at stake, and I am satisfied from a perusal of the file that if the Premier had had the matter brought before him, and if the letter which had been written to him had been allowed to reach him, the issue would have been different. The whole thing shows that the tyranny in official circles is as bad as is the despotism of the Czar of Russia, and that the Minister merely marking his approval to the instructions of the heads of departments resulted in injustice being done to individuals in the service. I hope that the House will agree to the motion I have moved.

On motion by the Premier debate adjourned.

BILL—SUPPLY £207,443.

Returned from the Legislative Council without amendment.

BILL—PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING.

Returned from the Legislative Council with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from 26th October: Mr. Taylor in the Chair, Mr. Hudson in charge of the Bill.

Clause 3—Liability of employer to pay compensation:

Mr. HUDSON moved an amendment—

That in line 3 after "subject as" the words "in the principal Act and" be inserted.

This was a formal amendment and he would like the Committee to dispose of it prior to discussing the general principle involved in the clause. The amendment would not affect the general discussion.

The Minister for Mines: Did the hon. member wish the clause to stand subject to the amendment?

Mr. HUDSON: The amendment was purely formal in this sense: the payment of compensation was subject to the principal Act and this Bill. If the clause went through in its original form it would have been as "hereinafter mentioned." If the amendment was accepted it did not follow that the clause would have to be accepted.

Amendment put and passed.

The MINISTER FOR MINES: The principal feature of the amendment of the original Act was in the proviso of the clause which was to the effect that if it was proved that the injury to a worker was attributable to the serious and wilful misconduct of that worker, any compensation claimed in respect of the injury should unless the injury resulted in death or serious and permanent disablement, be disallowed. The intention of the member was to provide for compensation being made payable to a person in the event of

permanent or serious disablement, or death, should the injury be caused by the wilful misconduct of the worker. We should not agree to that. If an accident was caused through the wilful misconduct of a worker compensation should not be paid. He (the Minister) had read some observations the other day and one question was put, "supposing a man employed a coachman to take his wife and children out for a drive and the coachman got drunk—"

Mr. Hudson: Already the Committee had struck out the general clause in regard to workers, we were confining ourselves now to dangerous occupations.

The MINISTER FOR MINES: The argument he was submitting was a very good one. If the coachman got drunk and upset the carriage and killed the wife and children, and also maimed himself for life, the husband would have to provide compensation for the drunken coachman. A man could go into a mine in a drunken state and cause serious injury, and in the event of the man himself being injured, he was entitled to claim compensation, but we had to look at the matter from the point of view of the employer as well as the employee. We must deal fairly with both sides. If a man was drunk and careless in the conduct of his work and injury was caused which was due to the worker's misconduct, compensation should not be paid. He (the Minister) asked the Committee to throw out the clause, the present provision went far enough.

Mr. DRAPER: The proviso was certainly not in accordance with the evidence taken before the select committee, and in addition to that he thought there was no similar clause in any of the Acts dealing with workers' compensation throughout the Commonwealth.

Mr. Hudson: New Zealand.

Mr. DRAPER: No; the only precedent he thought there was was the English Act. The New Zealand Act, Section 5, dealt with the question of incapacity and compensation in a lump sum. It was a corresponding section to our Act and he did not think so far as he could see, that there was anything in the Act exactly similar to the Bill as proposed. If the member would look at the evidence he

would find all that was said in favour of his proposition and that to the contrary. There was no evidence in favour of allowing a man to claim compensation for what undoubtedly he was responsible for. If a man was so neglectful as to hurt himself without any fault of the employer we should not insert a provision to protect him.

Mr. HUDSON: Section 5 of the present Act provided that the employer should not be liable in respect of any injury directly attributable to the serious and wilful misconduct of the worker. That was the law accepted for a considerable time in England, but they found it worked an injustice, and amended the Act on almost the same terms as the wording of the clause now under consideration by the Committee. Was any man of his own volition going to seek serious and permanent disablement or death?

The Minister for Mines: Suppose a man is given instructions not to go down a certain shaft, and he goes down?

Mr. HUDSON: The question of what was serious and wilful misconduct had exercised the minds of the judges in this State and in English courts for a considerable time. The defence raised in the majority of cases was that serious and wilful misconduct consisted in disobedience to orders. There were employments in which it was necessary that certain work should be done as expeditiously and economically as possible, but the employers put up notices prohibiting the men doing certain things, which things the men must do in order to carry out their work as expeditiously and economically as possible. For instance a notice might be put up that men must not ride on trucks, but in order to keep their employment the men must contravene that notice and ride on trucks to get the work done expeditiously, and the notice was brought up as a defence against any claim for compensation if a man met with an accident. If a man was killed what chance would his dependents have of answering the defence raised that the man did something contrary to orders? The employers might come along and say that the man

was told not to go down a certain shaft in which he was killed, and no one could contradict it. Members should pass the clause because it only dealt with those cases where others suffered; that was to say, in the case of permanent disablement, or in the case of death. The whole question was argued in the English courts and in committees of the House of Commons, but there was no desire to weary the House by repeating all the debates.

The Minister for Mines: Why not go further and give compensation in any circumstances?

Mr. HUDSON: Though one might desire to go that far, the clause merely asked that wilful misconduct should not be a bar to a claim for compensation in the case of permanent disablement or death, where persons other than the worker himself was affected.

Mr. BATH: A proviso of this kind was essential if we were not to deprive many deserving cases of compensation which ought to be paid. It was customary on many mines, especially those working on a big scale, to post notices that things were not to be done, and at the same time to make it generally understood that the men were expected to do them or not remain in the employ of the mine. There were provisions under the Mines Regulation Act to protect the lives and limbs of those employed underground, but as a matter of fact those regulations were broken. For instance working under dangerous ground or running passes hung-up was prohibited under the Mines Regulation Act, but these provisions were contravened, and if a case came into court the management would bring evidence to show that they gave orders that these things should not be done, though as a matter of fact they expected the men to do them or give up their jobs. In such cases it would be wrong to withdraw compensation when men did that which the management expected them to do though there was a notice posted prohibiting them from doing it. No one would deliberately place himself in the position of being disabled or killed for the mere fun of the thing; but to secure employment, or to avoid being unemployed, men must undergo these risks and do things against

their safety, and in many instances against the Mines Regulation Act; and hardship would be inflicted if this clause were struck out. The experience of the administration of the English Act showed the necessity for the provision. This should be a good guide to us, as also the fact that injury would be done to many people who would be deprived of compensation.

Mr. DRAPER: The New Zealand provision was Section 15 of the Act of 1908 which said, "No compensation shall be payable in respect of any accident which is attributable to the serious and wilful misconduct of the worker injured or killed." The New South Wales Act passed this year was similar, "The employer shall not be liable under this Act in respect to an injury which is directly attributable to the serious or wilful misconduct of the worker."

Mr. HUDSON: The New South Wales law was in its initial stage; and even if in New Zealand they had not seen fit to make the necessary provision for the occupations to which the Bill was limited, there was no necessity why we should be behind the English Act. If New Zealand relaxed, why should we relax? We need not wait for other States to make laws to follow their example.

The MINISTER FOR MINES: It mattered very little what the legislation might be in other States or countries. We should regard the justice of the case. If the hon. member would make compensation payable in the case of death or permanent disablement though there was misconduct, he might as well say in every instance where a man was injured he should receive compensation. In justice we could not pass this clause. If a man received distinct instructions not to do certain things and deliberately did those things—

Mr. Hudson: Suppose he was killed, what chance has he of controverting the evidence of instructions?

The MINISTER FOR MINES: It would be a good thing to amend the principal Act in such a way as to insist that where this defence of serious and wilful misconduct on the part of the employee

was raised it should be supported by corroborative evidence, that more than one person should have to swear that the employee had infringed the rules and regulations.

Mr. Hudson: You are only side-stepping now.

The MINISTER FOR MINES: Nothing of the sort. He did not see why another should take the responsibility for the serious and wilful misconduct of an employee.

Mr. A. A. Wilson: There will be plenty found to swear to save their own skins, and, being dead the man cannot answer.

The MINISTER FOR MINES: In the case of such a defence being set up any Judge would require particularly strong evidence that the accident had, as a matter of fact, been due to serious and wilful misconduct on the part of the worker. The words of the statute were very strict.

Mr. Walker: Yet they are interpreted against the employee every time.

The MINISTER FOR MINES: The hon. member was not justified in making such a statement, because Judges of the Supreme Court were just as human as was the hon. member.

Mr. Collier: But they have to interpret the Act.

The MINISTER FOR MINES: It should be necessary to clearly prove the serious and wilful misconduct, and, as he suggested, it would be wise to amend the Act to provide for corroborative evidence in respect to such defence. On the other hand, he thought it would be going altogether too far if we passed the clause as it stood.

Mr. DRAPER: From a practical point of view corroborative evidence would not help us very much. Regulations were posted at the head of a shaft and the inference was that a man who went down the shaft had read the regulations. But this had to be proved, and all these cases were purely a question of fact. The defence of serious and wilful misconduct was not successfully pleaded once in 50 cases. It was almost impossible to prove that a man was so foolish as to wilfully injure himself. There were times when the negligence of a man was so great as

to amount to misconduct; but that was a question of fact. It had been said that the Judges had to interpret the law without regard to humanity, but that was not his experience of practising in the courts, for a Judge very properly remembered that he was a human being, and construed an Act of Parliament in the light of the apparent intention of the human beings who had made it. He thought the clause should either stand as proposed or else be deleted. His objection to the clause was that to his thinking the employer should not be responsible for an injury caused to one of his workmen solely through the wilful misconduct of that workman.

Mr. HUDSON: The hon. member had based his argument upon the evidence given before the select committee. But that committee had been dealing with the Bill, as then presented, as a whole, and in that Bill the provisions had extended far beyond the limits now proposed; that was to say, the definition of worker in the Bill upon which the evidence had been given was very different from what it was to-day. Another point was that the hon. member had argued that Judges of the Supreme Court would always take the humanitarian view. Naturally they would, but it was to be remembered that these cases did not come originally before Judges of the Supreme Court but before assessors, and the police magistrate of a district who, possibly, were subject to local influence.

Mr. KEENAN: One aspect of the question was clear, namely, if the injuries were solely attributable to the action of one of the parties, it did not in equity lie on the other party to be called upon to pay compensation. But no provision was made for the position in which negligence might be traced to both parties. For instance, the worker might have been negligent, but at the same time the employer also might have been guilty of a degree of negligence, and in these circumstances he did not think reasonable objection could be taken to the worker recovering compensation. But if the worker was solely guilty of negligence, and if the employer had carried out every duty cast

upon him, then we would be going beyond the bounds of reason to ask that the worker should still have the right to claim compensation from the employer. To be successful a Bill of this kind required to be drawn on lines of equal justice, and it was unfortunate that the language employed in this subclause neither protected the worker where he had been guilty of misconduct and possibly there had been negligence on the part of the employer, nor, on the other hand, did it sufficiently protect the employer where the accident had been due solely to negligence and misconduct on the part of the worker.

Mr. JOHNSON: It was an easy matter for the employer to make regulations governing the system of work, and if the regulations were broken, to construe the breach into wilful misconduct on the part of the worker. It was laid down in the railway regulations that a ticket collector should not pass along a train on the steps outside the carriages, while, as a matter of fact, if he did not do that he could not carry out his duty, and would certainly be dismissed. At the same time, if anything happened the ticket collector while on the steps the department was protected by the regulation. The same thing applied in connection with our tramways, for under the regulations, if strictly enforced, the employees could not shift a tramcar. In respect to mining there was a recognised regulation that men should not ride in the cage with tools. But if the platman refused to go in the cage with the tools he would be dismissed. Another rule was that a miner should not go back to the face within an hour if a charge had missed. If that miner was contracting he could not afford to lose the hour, while if he was working for an employer and lost the hour, he would be dismissed for that very fact. The law as it stood was against the worker all the time. As soon as compensation was paid under an accident further regulations were framed with the view to avoiding payment next time. Speaking, not from a knowledge of law, but from actual practice and everyday experience, he knew that that was so. If they did not break the law they lost their employment, and

if they did break it they were refused compensation.

Mr. HARPER: In nothing like as many instances as had been stated to hon. members were men asked to do work against the Mines Regulation Act. It was pure imagination to say that men were dismissed because they had not returned to a misfired hole within the hour. It had never occurred within his experience of mining.

Mr. JOHNSON: Your experience is not what is being done on the Golden Mile to-day.

Mr. HARPER: It was to be regretted if men were to be sacked for taking precautions. With regard to wilful misconduct that could be very well altered to negligence. How would members deal with an accident which occurred owing to the negligence of two persons?

Mr. JOHNSON: What is your definition of negligence?

Mr. HARPER: Negligence to his mind was working in dangerous ground and not taking precautions to make it safe. He knew of an instance where a man had been told to knock down a dangerous piece of ground, but the other miner had said that the ground was safe, and it had been left. In one case a miner coming off shift had said, "We had better pull down this piece of rock," and the other man had said, "It is all right." The piece of rock was left, and when the next man came on duty it fell and he had his fingers cut off close to the hand.

Mr. A. A. Wilson: It might be an instance of bad judgment.

Mr. HARPER: Was an owner to be responsible for the bad judgment of his employee? A miner was paid a higher wage than any other worker and should have expert knowledge, in fact, he should have just as much knowledge as the manager who employed him.

Mr. Holman: You cannot see some of the backs on the Golden Mile.

Mr. HARPER: To his mind stopes of ten or twelve feet were high enough, and he had always followed the policy of filling in backs where men were working. So far as his knowledge went the mine owner and employer were not so much

against paying compensation for honest and legitimate cases, but there were many deliberate cases.

Mr. JOHNSON: It is the insurance companies.

Mr. HARPER: The more the compensation and the heavier the damages the higher would be the premiums. The present rate of 30s. per cent. for compensation was very high, and if we were to go on increasing the rate we would be doing an injustice to miners. The law as it stood at the present time was fair and equitable. He would like members to mention any cases of men who had suffered through being instructed to take great risks. He believed that such cases were very few, and he certainly would not like to hear of men being discharged because they took precautions against danger. With regard to passes, the greatest care should be taken, but it was very awkward when a pass was blocked up and ore could not be run out of it. If the pass was not cleared the work would be stopped; but if the miners worked properly they could always get alongside the pass and clear it without taking any great risk.

Mr. TROY: Despite the protest of the member for Beverley it was his intention to support the contention of the member in charge of the Bill. He had very vividly in his mind an accident which had occurred during his sojourn on the Murchison, about eight years ago. On that occasion one man had been killed and another badly injured through going back to the shaft before the charge had exploded. The manager was able to truthfully swear that he had not ordered the men to go back before the proper time, but they knew from experience that if they did not go back they could leave the mine. Frequently they had stated that if a charge missed fire the manager would curse about losing time and wasting money, and the result was that the men thought they ought to go back even at the risk of their own lives. That would be called wilful misconduct by the court, because the men had gone back to work when the mines regulations did not permit them to do so.

Mr. Harper: Where was that?

Mr. TROY: That had been at the Brilliant Mine in Cue about 8 years ago. In regard to compensation and wilful misconduct, he could not understand any man wilfully misconducting himself in order to be injured. Therefore he thought that the section acted most disadvantageously and unjustly to the worker and the Committee would be quite in order in striking it out.

Mr. DRAPER: The Committee had struck out the definition of "injury" and of "worker" and the original Act stated that the employer should not be liable in respect of any inquiry "which is directly attributable to the wilful misconduct of the worker." The hon. member would effect his object by adding the words "or solely" after the word "directly," but to pass the amendment as proposed would be to enact something which was a contradiction of Clause 5.

Mr. HUDSON: Clause 5 would be amended consequentially.

Mr. DRAPER: If Clause 3 were passed Section 5 would be done away with.

Mr. HUDSON: It will work out all right.

Mr. BATH: There were instances of where men had been practically forced to do work at the risk of their own lives. He knew of an instance where sands had been put down a pass for filling up purposes, and the pass had become blocked. The men had tried to "run" it from above, but it had continued to fill up. The boss had then come along and ordered them to go up underneath and fire the shaft. There was another instance within his knowledge of where shovellers were filling in ore in a stope; the roof was 14 feet high, and there appeared to be a very heavy piece of ground hanging. The men decided to wait until the shift boss came down, and he immediately ordered them to go on with their work under that overhanging piece of ground. There were many instances where the men were faced with the alternative of obeying the boss at the risk of their own lives or going up the shaft. If a plea of serious and wilful misconduct could be urged, hardships would be inflicted.

The MINISTER FOR MINES: For his own part he did not think that the

breaking of a rule should be looked upon as serious and wilful misconduct. If we put "solely" in the Bill it would make it clear that it would be in the case of absolutely and solely wilful misconduct that compensation would be paid.

Mr. WALKER: The Committee would not improve the Bill by the proposed amendment. The law was slowly changing with regard to employees. It was not very long ago since anybody who undertook an employment was supposed by the very act of undertaking it to undertake all the risks, and, therefore, the employer could not be responsible, and however dangerous the employment, there could be no action. It was only after the Fatal Accidents Act that there was any chance of getting anything for the dependents upon those working in dangerous employment, and then it was known that whoever contributed to an accident, that in itself was a good defence to an action for compensation. This amendment sought to go along in the steps taken in the improvement of the law. It would be no excuse for the master to say that the person injured did not have enough common-sense, or sound judgment, or enough self-possession at the right moment, or enough foresight at the time; it would be no use for the master to urge these pleas. The very fact that an injured man was in his service, doing work for which he was paid, and performing the duties expected of him, and that the accident occurred in the course of the performance of those duties, that very fact rendered the insurance fund liable; that was what was meant. It would enable us to bring the law into harmony with humanity, for the law on this subject was very old and very imperfect. The law upon the subject of masters and servants went back to the time when servants were actual slaves and the property and chattels of the employer, and we had only been emerging from that state step by step, and we had not got out of it yet. This was only one measure, and it was only partial in its effects, that was endeavouring to lift us out of the ruck. It was to be hoped the clause would be carried as it was, and we should then be saying that

life, whether of the poorest or of the richest worker, had its value, and when it was lost in the service of another, that loss would have to be compensated for.

Mr. KEENAN: If a worker met with an accident which was not of a serious or permanent character, and did not result in death, and it could be shown that that accident was due to misconduct on his part, although his employer may have led to that misconduct, he was entitled to no compensation under the clause as printed in the Bill. That was an injustice to the worker. On the other hand, if an employer had discharged to the fullest extent the duty that was imposed upon him, and if, notwithstanding that, an accident happened, which was entirely and solely attributable to the misconduct of the worker, the employer, if that accident led to permanent disablement, would be liable. It placed an injustice on the worker in the first set of circumstances, and an injustice on the employer in the second set of circumstances; therefore, the clause could not be accepted as it appeared in the Bill.

(Clause (as amended) put and a division taken with the following result:—

Ayes	..	..	..	19
Noes	..	..	..	23

Majority against .. 4

AYES.

Mr. Angwin	Mr. O'Loughlin
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Heilmann	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. Johnson	Mr. Underwood
Mr. McDowall	(Teller)

NOES.

Mr. Brown	Mr. Keenan
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Jacoby	(Teller).

Clause thus negatived.

The MINISTER FOR MINES: If the member for Dundas desired, an opportunity would be given him to recommit the Bill so that he might deal with the matter.

Mr. HUDSON: I will give the matter consideration.

Clause 4—agreed to.

Clause 5—Amendment of Section 9:

Mr. DRAPER: The evidence which was given before the select committee was largely to the effect that the clause would encourage speculative litigation. Under those circumstances he felt it would be necessary to vote against the clause as it stood.

Mr. HUDSON: The effect of the amendment to the Act would be that in the event of a worker having suffered an injury and bringing an action under the Employers' Liability Act or at common law and failing, under the present law he would have to pay the costs of the action from the compensation due to him under the Workers' Compensation Act. Under the amendment it would leave to the discretion of the judge who tried the action at common law or under the Employers' Liability Act to determine whether the whole or any part of the costs occasioned by the action having been brought before him should be paid by the worker who brought the action out of the compensation he would be entitled to under the Workers' Compensation Act. Those who voted against the clause would deliberately say, not only that the worker should have to pay the whole of the costs incurred owing to his having brought the matter under the wrong Act but would also say that the judges of our Supreme Court were not sufficiently competent to determine whether or not that worker, in equity and justice, was entitled to be relieved of a portion of the payment of the costs. The member for West Perth had said that the amendment would encourage litigation. The select committee that was elected to consider the Bill was comprised of three members from the Government side and two members from the Opposition side, and the three members drew certain conclusions from the evidence while the other two members

drew certain other conclusions. The evidence was purely opinions. Many cases had arisen where a worker entitled to damages under the Employers' Liability Act and common law had been defeated by a technical point and practically deprived of compensation under the Workers' Compensation Act.

Mr. DRAPER: In the Queensland and New South Wales Acts there was a provision that threw the onus of proof on the person who brought the action to show that he had good cause for doing so.

Clause put and a division taken with the following result:—

Ayes	..	..	..	19
Noes	..	..	..	22

Majority against .. 3

AYES.

Mr. Angwin	Mr. O'Loughlin
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Heltmann	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. Johnson	Mr. Underwood
Mr. McDowall	(Teller).

NOES

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. S. F. Moor
Mr. Daglish	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. Foulkes	Mr. Piesse
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Hardwick	(Teller).
Mr. Harper	

Clause thus negatived.

Clause 6—agreed to.

Clause 7—Application of Act to Industrial Diseases:

Mr. DRAPER: This was consequential, the Committee having struck out the definition.

Clause put and a division taken with the following result:—

Ayes	..	..	..	19
Noes	..	..	..	22

Majority against .. 3

AYES.

Mr. Angwin	Mr. O'Loughlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scadden
Mr. Collier	Mr. Swan
Mr. Heltmann	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. Johnson	Mr. Underwood
Mr. McDowall	(Teller).

NOES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. Foulkes	Mr. Piessie
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Hardwick	(Teller).
Mr. Harper	

Clause thus negatived.

Clause 8—Amendment of Schedule 2:

Mr. DRAPER: The select committee recommended that where incapacity resulting from an injury extended over two weeks, compensation should be payable from the date of accident. Paragraph (a) of the clause proposed to make it payable in any event from the date of the accident. It was found from experience that a certain period was necessary. No other places made compensation payable in any event from the date of accident. In order that the Committee might fix a definite period, he moved an amendment—

That paragraph (a) be struck out.

The MINISTER FOR MINES: The member for Dundas intended to move a clause providing that in the event of the incapacity extending over a certain period compensation should then be payable from the date of the accident. It would be impossible for the hon. member to move in that direction if paragraph (a) were struck out. The idea was to make the period two weeks.

Mr. Hudson: I intend to propose that amendment.

Mr. Draper: Then I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. HUDSON: Under the principal Act the employer was allowed to apply

to the court to have a lump sum fixed after weekly payments continued for six months. In drafting the Bill he proposed to allow either party to apply after weekly payments continued for one month. The select committee considered that either party should have the right to apply, but it was generally accepted that one month was too short and that three months was a reasonable proposition. With that end in view he moved an amendment—

That in line 3 of paragraph (d) the words "one month" be struck out and "three months" inserted in lieu.

Mr. Angwin: Would this debar a workman from entering into a contract with his employer during the three months?

Mr. Hudson: The principal Act allowed agreements to be made.

Mr. DRAPER: The evidence taken before the select committee showed it was desirable to fix a longer period than one month, and three months was the compromise suggested. The reason was obvious. After one month the injured worker would run the risk of not fully ascertaining the extent of his injuries, and might in the stress of circumstance accept a sum that would not be an adequate payment.

Amendment put and passed; the clause as amended agreed to.

Clause 9—Repeal of Sections 4, 5, 6 of principal Act:

Mr. DRAPER: The clause would have to be consequentially struck out.

Mr. HUDSON: It was proposed to allow the clause to go out and amend Section 5 of the principal Act.

Clause put and negatived.

New Clause:

Mr. HUDSON moved—

That the following be added as a new clause:—"The employer shall not be liable in respect of any injury which does not disable the worker for a period of one week from earning full wages at the work at which he was employed. Provided that if such disablement continue for a period of two weeks or upwards, the compensation shall be payable from the date of the accident."

In view of all that had been said, there

was little necessity to add much in support of the clause. It had been accepted by the select committee that in the event of an accident lasting more than 14 days compensation should be paid from the date of the accident. The difference between the recommendations of the select committee and the proposed new clause was that the clause asked that compensation should be paid after the expiration of one week in every case. The evidence taken before the select committee had gone to show the desirability of this clause.

Mr. DRAPER: If the proposed new clause were accepted it would be necessary to strike out Subsection (a) of Section 5 of the principal Act.

Mr. Hudson: I propose to do that.

The MINISTER FOR MINES: Having consulted with some of his colleagues, he agreed that it would be a fair thing to accept the clause.

Mr. ANGWIN: Payment should date from the date of the accident in all cases. The Workers' Compensation Act was largely for those in constant employment, and the casual labourer was denied the benefits of the measure. He had known instances in which the family of the victim of an accident urgently required assistance during the first week after the accident. No man was likely to remain off work in order to secure a small compensation. Being a new clause it was somewhat awkward to frame an amendment to it.

Mr. Hudson: You have no possible chance of carrying it, so what is the use of trying.

Mr. ANGWIN: There were many clauses which members had no chance of amending, notwithstanding which they tried their best to amend them. He moved an amendment—

That the word "not" in the first line of the proposed new clause be struck out.

Mr. HUDSON: You had better vote against the whole clause.

Amendment put and negatived.

New clause put and passed.

New Clause:

Mr. HUDSON moved—

That the following be added as a new clause:—"Section 5 of the principal

Act is amended by striking out Subsection (a.) thereof."

New clause put and passed.

Schedule put and negatived.

Title—agreed to.

Bill reported with amendments.

BILL—TRIBUTERS.

In Committee.

Resumed from the 9th October; Mr. Taylor in the Chair, Mr. Walker in charge of the Bill.

Clause 8—agreed to.

Clause 9—Insurance against liability under Workers' Compensation Act:

Mr. WALKER: It was his intention to move that all of the succeeding clauses should be eliminated, and so far as the main purposes of the Bill were concerned, to rely on Clause 8. The remaining clauses simply provided the machinery for applying Clause 8. He would ask the Committee to delete the succeeding clauses and afterwards he would move to add a new clause.

Clause put and negatived.

Clauses 10 to 13—negatived.

New Clause:

Mr. WALKER moved—

That the following be added as a new clause:—"No royalty shall be charged on the gold recovered by a tributer unless and until the tributer shall have earned £3 per week as a result of his labour whilst tributating, and when there is more than one man working on the tribute, then before any royalty shall be charged there shall first be deducted three pounds per week per man working on the tribute."

The MINISTER FOR MINES: The intention of the mover was certainly good, but the effect of the clause would be extremely bad. There could be no objection to allowing the tributer to earn three pounds per week, but the omission which the hon. member had made was that he had allowed in his new clause for no deduction for mining expenses and treatment of the ore, which might amount to very much more than £3 per week per man. He suggested that the new clause should read in this way, "No royalty shall be payable by any tributers unless the

tributers have earned £3 per week per man after paying the costs and expenses of mining and treatment."

Mr. WALKER: This Act is to be read with the regulations, and they will deal with that.

The Minister for Mines: Oh, no.

Mr. WALKER: Although believing that the regulations would apply, he was willing to accept the amendment of the Minister in order to shorten the debate.

The MINISTER FOR MINES: If the Bill contained provisions which were contrary to the regulations the latter became *ultra vires*. If the hon. member withdrew his amendment and moved that which he (the Minister) had suggested, he would support him.

Mr. WALKER: Although believing that the two clauses were six of one and half a dozen of the other, he was willing to accept the suggestion of the Minister for Mines.

New clause by leave withdrawn.

New clause:

Mr. WALKER moved—

That the following be added as a new clause:—"No royalty shall be payable by any tributers unless the tributers have earned £3 per man per week after paying the cost and expenses of mining and treatment."

Mr. HARPER: The amendment was objectionable. At the end of a month the tributers on cleaning up might find that they had not earned £3 per week, but at the end of six months they might find that their earnings had been nearer £20 than £3 per week. Was it proposed to take the average for the month or the average for the six months? The provision would militate seriously against tributing, which was a speculative business. Each tribute was governed by its own conditions. He knew of hundreds of men who had made fortunes by tributing, and he had done well out of tributing himself at Kanowna. It was impossible to frame an Act to comply with all the requirements and conditions of tributes; the matter should be left only to the judgment of those concerned in the tributes.

The Minister for Mines: This only means that a man shall be allowed to earn his wages.

Mr. HARPER: Tributers worked for him, paying 5 per cent. royalty, and they could go anywhere they liked on the lease. They rented the machinery. It was a most difficult matter to control by Act of Parliament.

The MINISTER FOR MINES: It would be better to deal with the matter by regulations, but mine-owners would not object to the provision in the proposed clause.

New clause put and passed.

Title:

The MINISTER FOR MINES: The Title said "An Act to amend the Law affecting Tributers on the Gold Mines." Some alteration was necessary. Tributaries might be let on other mines.

On motion by Mr. WALKER, the Title was altered to read, "An Act to amend the Law affecting Tributers on Gold and Other Mines," and as altered was agreed to.

Bill reported with amendments, and with an alteration to the Title.

BILL—BREAD ACT AMENDMENT.

Second Reading.

Mr. BATH (Brown Hill) in moving the second reading said: This is a small amendment to the Bread Act of 1903 for the purpose of applying the monthly holiday granted to bread carters in the metropolitan district under the Bread Act Amendment Act of 1906 to a similar radius from the general post office of Kalgoorlie. The amending Bill of 1906 providing for the monthly holiday was arrived at by agreement between the master bakers and the employees. It was introduced by the then member for Balkatta, Mr. Veryard, and was supported by myself, and went through without opposition. There had been an agreement in regard to the holiday; but owing to difficulties which arose as to its observance, it was thought better by agreement between the parties to give it the effect of an amendment. A similar agreement applied to the Kalgoorlie district, and I am given to understand that there is no objection

whatever to the enactment of this measure. When I first gave notice to move for leave to introduce the Bill I informed the member for Kalgoorlie of its purport and told him I did not intend to proceed with it for some time in order to give him ample time to consult the master bakers of his district. The effect of the measure will be that the bread carters within a 14-miles radius of the post office of Kalgoorlie will enjoy the same privilege of the monthly holiday in the same manner as the bread carters within a similar radius of the general post office of Perth do. I do not think any further explanation is necessary. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 10.28 p.m.

Legislative Council,

Thursday, 15th December, 1910.

	PAGE
Question: Titles Office, delays	2420
Paper presented	2420
Bills: Land and Income Tax, 3B.	2420
Fremantle Freemasons' Lodge No. 2, Dis-	
position, 3B.	2420
York Mechanics' Institute Transfer, Com. ..	2420
Permanent Reserves Rededication (No. 1),	
Com.	2420
Licensing, Com.	2420
Bread Act Amendment, 1B.	2438
Christmas Holidays	2438

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the operations of the Agricultural Bank for the year ended 30th June, 1910.

QUESTION — TITLES OFFICE DELAYS.

Hon. J. W. LANGSFORD asked the Colonial Secretary: 1. Has the attention of the Government been drawn to the delay in the Titles Office to clients when lodging documents for registration, both in the Strong Room and the Accountant's Room? 2. Is it because these offices are undermanned? 3. Will the Government have inquiries made with a view to remedying the inconvenience and delay caused to the public?

The COLONIAL SECRETARY replied: 1, Yes. 2 and 3, The delay is only temporary, owing to a large and sudden increase in dealings with land; but additional hands have been and are still being engaged in order to cope with the extra work.

BILL—LAND AND INCOME TAX.

Read a third time, and *passed*.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Read a third time, and *passed*.

BILL—YORK MECHANICS' INSTITUTE TRANSFER.

In Committee.

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

BILL — PERMANENT RESERVES REDEDICATION (No. 1).

In Committee.

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

BILL—LICENSING.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair.

New clause:

Hon. S. STUBBS moved an amendment—

That the following be inserted to stand as a new clause:—"No person