question will be able to be settled once and for all. Instead of the Government being criticised for bringing this matter forward they should, perhaps, receive some praise. [*Hon. W. Kingsmill*: You should have brought in the Bill in another House.] Criticism has been levelled at the Government on account of introducing the measure in this House. Possibly had the Government looked at the point in accordance with the arguments which have been adduced during this debate, they might, and probably would, have introduced the Bill in another place. The Government had no motive whatever in introducing the Bill here. There were two reasons which influenced them to do this; one being that the matter came under my own department and I had the Bill ready, and that there was time to deal with the question now instead of waiting perhaps until the end of the session. I do not agree with those who say that this is a party measure. Unfortunately it may be considered so; but members must realise that there is as much in the Bill for and against the employee as there is for and against the employer. The object is to settle disputes just as much in the interests of the employee as in the interests of the employer. The Hon. Mr. Pennefather, when speaking to the second reading, pointed out that on the English Royal Commission it was the employers really who wanted arbitration. After all, perhaps, it is as well that the measure was introduced in this Chamber for, there being no party question involved, fair and calm consideration can be given to the various clauses. [*Hon. W. Kingsmill*: And it will be knocked endway in another place.] It might have happened that the same fate would meet the Bill in this Chamber. Surely the reasons are not very important why the Bill should have been introduced in another place. Had I thought the Council would have taken any exception to its introduction here, the Government would have brought it first before the attention of another place. After all, however, our first duty is to this House, and it would be to a certain extent going against our rights and privileges to shirk the duty of dealing with this question first in this Chamber. I do not know that I have anything farther to add, but I thank hon. members for the reception they have given to the Bill, and trust that the measure will be passed finally by both Houses in a very similar form to that which it presents to-day. I believe it will be more workable than the present Act. After all, no law courts can compel a man to do right if he is not inclined to do so, and that maxim applies more to this measure than to any other.

Question put and passed.

Bill read a second time.

BILL—PUBLIC EDUCATION AMENDMENT.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at 7.51 o'clock, until the next day.

Legislative Assembly,

Wednesday, 31st July, 1907.

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

Prayers.

QUESTION—IMMIGRANTS, SIR W. LYNE'S STATEMENTS.

Mr. MONGER asked the Premier, without notice: Has any communication been received from Sir William Lyne acknowledging or refuting the statements alleged to have been made by him, when in England, as regards the prospects offered by West Australia for agriculturists?

The PREMIER replied: I am not in a position to give the exact words of the communications which I have received by wire from Sir William Lyne, but I am prepared to make them available to the hon. member. As far as I can recollect the full text of Sir William Lyne's wire, it was that the letters which had passed between himself and the Agent General should be made available to the public; to which I replied that the whole of the correspondence had been published.

QUESTION — PRISON WARDERS' HOURS.

Mr. BOLTON asked the Premier: 1, Are the Government aware of the lengthy hours of duty that warders and others of the staff at the Fremantle Prison are enforced to work per shift? 2, Do the Government approve of a section of the warders working a continuous 12½ hours of duty, and another section a continuous 12 hours of duty each day? 3, Do the Government approve of warders working 94½ hours in one week of seven days, and 84 hours in the following week of seven days? 4, If not, will the Government cause inquiries to be made with a view to an alteration in the direction of eight hours continuous duty for each day? 5, Will the Government endeavour to stop the practice of warders being called on duty for broken shifts, two and sometimes three times in 24 hours to obtain one day's pay?

The PREMIER replied: 1, No; as the hours are not considered lengthy. 2, There has been no occasion for the Government to approve or disapprove, as warders do not work either 12½ or 12 hours a day, much less a continuous 12 hours. 3, Warders do not work 94½ hours a week, nor yet 84 hours; consequently there has been no necessity for the Government to approve or disapprove. 4, Answered by 1, 2, and 3. 5, It is not possible to avoid broken shifts if the men are not to be deprived of their meals (breakfast to some and dinner to others). [The return attached shows exactly the hours worked, and hours passed in guard-room for sleep.]

Mr. Bolton: For sleep! That is interesting.

QUESTION — RAILWAY STATIONS LIGHTING.

Mr. WALKER asked the Minister for Railways: 1, Are there or have there been any negotiations proceeding with a view to lighting Perth, East Perth, and West Perth railway stations with electricity to be supplied by the Perth Gas Company? 2, Is it intended to dispense with the lighting plant now in the possession and use of the Railway Department? 3, Is the old Perth lighting plant now lying useless, and is the Department working only the plant removed from Fremantle?

The MINISTER FOR RAILWAYS replied: Yes; a very satisfactory contract has been entered into with the Perth Gas Company for a period of two years, for the supply of electric light in Perth. 2, Presuming this refers to the Perth plant, the answer is, No. It will be tallowed down and used again, if necessity or opportunity arises. 3, No. Portions of both plants are at present in use.

QUESTION—EXPLOSIVES CONDEMNED.

Mr. SCADDAN asked the Minister for Mines: 1, Have the 20 cases of explosives that contained salts of mercury, found on the premises of Guthrie & Co., been condemned in the usual way? If so, were they confiscated and contents destroyed? 3, If not, what course has been adopted by the Department in this case? 4, In view of the discovery made, is it the intention of the Department to thoroughly test other explosives not yet

in actual use that may have been passed? 5, Is it not highly probable that owing to the presence of salts of mercury not being discovered in earlier importations, much injury has been caused to persons employed in our mines by the use of inferior explosives?

The MINISTER FOR MINES replied: 1 and 2, Explosives cannot be condemned, confiscated, and destroyed except by an order of the Court or by the consent of the owners. In almost every case the owners concur in the decision of the Inspector of Explosives and give their consent. In this case, as soon as the presence of chloride of mercury had been proved, the proper legal steps were taken, but the confiscation of the explosives was not pressed for. 3, The withdrawal of the 320 cases of explosives, of which these formed a part, from the West Australian market, together with the imposition of the maximum fine and costs, is considered to have sufficiently met the case. 4, The entire stocks at Fremantle representing those not actually in use have been re-sampled by the Inspector of Explosives and the testing of these stocks is nearing completion. 5, No. There seem to be no grounds for such a supposition.

QUESTION—RAILWAY WORKSHOPS, SCRAP IRON.

Mr. JOHNSON asked the Minister for Railways: Is it true that a quantity of scrap iron has been sold to the Westralia Ironworks, Ltd., from the Midland Junction Workshops? If so, the price paid for same?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, 20s. per ton in the heap.

BILL—THIRD READING.

Public Education Amendment, transmitted to the Legislative Council.

BILL—LAND TAX ASSESSMENT.

Message from the Governor received and read, recommending that provision be made in connection with the Land Tax Assessment Bill.

Bill introduced by *the Treasurer* and read a first time.

BILL—VACCINATION AMENDMENT.

Introduced by *Mr. A. J. Wilson* and read a first time.

MOTION—HEITMANN-LANDER INQUIRY, PAPERS.

Mr. E. E. HEITMANN (Cue) moved—

"That all papers in connection with the Heitmann-Lander case, including the evidence taken and all Departmental files put in as evidence; also all papers relating to the cancellation of Warden Troy's appointment as Commissioner, be laid upon the table of the House."

The MINISTER FOR MINES (Hon. H. Gregory): I have not the slightest intention of opposing the production of these papers; in fact I told the member long before he spoke on the Address-in-Reply that if he called at the Mines Department he would be able to peruse and see all the papers in connection with this matter. [*Mr. Heitmann*: Quite right.] I only wish to make one other statement, that is in regard to certain charges when the hon. member in speaking on this matter on a previous occasion saw fit to comment in exceedingly strong terms on the actions and on the integrity of the gentleman appointed as commissioner, Mr. Walter, the police magistrate in the Geraldton district. The member stated that Mr. Walter was not fit to adjudicate, that his report was untrue, and that the hon. member was not prepared to abide by the decision of this man, and many other similar statements, which I am quite satisfied few members will endorse—that Mr. Walter was engaged in a conspiracy, as suggested by the member, with myself and others with a view of getting a report favourable to the inspector of mines against whom the member for Cue made certain charges. I do not want to deal in any sense with the charges made, but I want as publicly as I can to refute the charges as far as

they concern Mr. Walter. Mr. Walter is a gentleman who has been for 20 years in the State and for 15 or 16 years has occupied a position as magistrate and warden. I have had many opportunities of coming into contact with him, more especially when he was warden on the Greenbushes field, and I am satisfied we have no magistrates or no wardens of higher integrity or more capable than the gentleman who acted on this occasion. I trust the member will withdraw the remarks as far as they appertain to Mr. Walter, because I am satisfied they are not justfied. He may have spoken in the heat of the moment and made statements which in his calmer moments he would not have uttered. Many of us in this House who know Mr. Walter thoroughly realise that he is a gentleman of undoubted integrity, and all of us appreciate the fact that the reflections made upon him amount to serious imputations against his character. I can assure the hon. member that, in asking Mr. Walter to act in this matter, I was influenced with the desire to have someone who was quite apart from local influences, and one who knew neither the member for the district nor the inspector of mines against whom the charges were made. There may be some members of the House who do not know Mr. Walter and they may believe the charges against his reputation which the hon. member has made, but I am satisfied that the general public will have the same high opinion of Mr. Walter in the future that they have had in the past. I hope that in view of the strong statements the hon. member made in connection with Mr. Walter, he will withdraw any imputations he may have made against that gentleman's integrity. I intend to lay the papers on the table to-morrow.

Mr. T. H. BATH (Brown Hill) : In regard to this question I have no intention of dealing with the subject matter of the inquiry on this motion to produce the papers, but I wish to say this, that without desiring to cast a doubt on the integrity of the gentleman who made the inquiry, the finding of the board was very unsatisfactory ; for, while it stated that no charges had been proved, the explanation given of the reasons why they were not held to be true showed that a certain amount of censure was passed on the official of the Mines Department whose conduct was in question. I propose to wait until the papers, together with the notes of evidence, are laid upon the table and everything produced in connection with the inquiry, before dealing farther with the matter ; but I think that, in view of the report, there is need for the matter to be farther dealt with in the House, especially in view of the fact that, as a result of the administration of the Mines Department, great negligence has been shown on the part of mines inspectors. If this were not so we should not have the enormous list of accidents which is contstantly being added to. I would refer to a paragraph in the paper to-day, which states that the big miners' organisations on the fields have to take a referendum of the members on the point whether they should reduce the accident pay of members on account of the great encroachments on their funds due to the large number of accidents. In view of that fact, which is apparent to anyone who reads the paragraph, there is need for inquiry all over the State ; therefore, I think we may well wait for the papers, and I fail to see any reason why the hon. member should apologise before he has had an opportunity of perusing the papers and the notes of evidence.

Mr. HEITMANN (in reply as mover) : I had no intention of speaking to-day on the matter. It is true the Minister for Mines gave me every opportunity of viewing the papers. During the few remarks I had to make on the Address-in-Reply, I merely made certain statements with regard to this inquiry; and if the time ever arrives when I honestly think I should withdraw those statements, or if I am directed by the majority of this House to withdraw them, I will be glad and ready to do so ; but, feeling as I do that the men I represent, the miners on the fields, are not getting a fair deal from the department, I am prepared to go to any extent to draw the

attention of the public to the true state of affairs. I am satisfied, notwithstanding all that has been said, that I have not had a fair deal, that there was something behind the cancellation of Mr. Troy's appointment. Be that as it may, if I can only bring the true state of affairs to light, stir this Ministry and the people of Western Australia to the duty which they owe to the miners on the fields, I will be satisfied. I wish to get the papers and, in the near future, will make a move so as to give members an opportunity of saying whether the report was consistent with the evidence or not; also give them an opportunity of saying whether this particular inspector of mines is a fit and proper person to hold that responsible position.

Question put and passed.

MOTION—LAUNCH FOR BROOME, PURCHASE.

Mr. ANGWIN moved—

"That all papers dealing with the requirements for a launch for the port of Broome and all papers relating to the purchase of the launch Kathleen from Mr. M. L. Moss be laid on the table of the House."

The PREMIER: If the exact wording of the motion were to be accepted, there would be no papers at all to present to the House. He understood from the Colonial Secretary's department that the purchase was decided at the instigation of the Chief Inspector of Fisheries, who reported that it was almost impossible for the inspectors to enforce existing arrangements with the present means of locomotion at the disposal of the department. The sum of £230 was provided on the Estimates for the purchase of a launch, and tenders were called by the Tender Board for a second-hand motor launch. On the recommendation of the Chief Harbourmaster and the Chief Inspector of Fisheries, the tender of the launch in question was accepted at £120. By perusing the papers, he found that the name of Mr. M. L. Moss was not mentioned in connection with the matter. There was no objection to putting the papers on the table of the House. The mover could have perused the papers whenever he liked. Very frequently it was inconvenient to have papers dealing with matters under consideration remaining on the table of the House for a considerable time, as they could not be removed without the permission of the Speaker. In a case where the Minister refused to show a member certain papers in connection with any particular subject, then the member would be at liberty to move for their production; but when there was no objection to his seeing them, why should inconvenience be caused by having the papers kept on the table of the House?

Mr. TAYLOR: It was true that at times inconvenience was caused owing to departmental papers remaining on the table of the House for a considerable time. This trouble would not apply in the present instance, however, for the purchase of the boat had been made through the tender board, and there would be no necessity for the file to be hurried back to the department. In any event the Premier had started his remarks by saying that there were really no papers to lay on the table.

The Premier: There were no papers relating to Mr. M. L. Moss.

Mr. TAYLOR hoped that the Minister would not oppose the motion. The object members had in desiring the production of papers was that they should be available for the perusal of the public. A member who had privately perused certain papers in the Minister's office could not, when dealing with the subject in the House, speak with the same vigour and force as if the papers had been laid on the table.

Mr. ANGWIN (in reply as mover): Some time ago he applied to see a file of papers in connection with the transaction, but was informed that it was not customary to show these papers to members; consequently he did not see the papers, and this was his reason for bringing the motion forward. He had been told since that he could see any file within reason that he desired to. He was

glad to hear that the papers would be laid on the table of the House.

Question put and passed.

MOTION—RAILWAYS CONTROL, PAPERS.

Mr. J. C. G. FOULKES (Claremont) moved—

"That all papers in connection with the retirement of Mr. George as Commissioner of Railways and the appointment of Mr. Short as Deputy Commissioner, and all papers conveying to the Deputy Commissioner what policy as regards the general management of the Railways is desired by the Government, be laid on the table of the House."

He said: My reason for tabling this motion was with a view to obtaining information from the Government as to the steps they propose to take with regard to the appointment of a successor to Mr. W. J. George. The Government knew that Mr. George's time would expire on the 30th June of this year; and, as I mentioned when speaking on the Address-in-Reply, I consider it was the duty of the Government, knowing that Mr. George would retire at the end of June, to take steps towards appointing his successor. It is of the most urgent importance that immediate steps should be taken to appoint a new Commissioner of Railways. I am well aware that before this can be done the matter will require a good deal of consideration. It has to be decided whether there shall be one, or two, or three commissioners, or none at all; whether the railways shall be under the control of the Minister for Railways—in other words, under political control. My reason for tabling the motion was to get an assurance from the Government that they will immediately introduce a Bill to provide for one of the contingencies I have mentioned, so that the House may come to a decision on the question whether there shall be one, two, or three railway commissioners appointed, or none at all. I consider this question is one of the most important we have to decide, and I regret that already a Bill to amend the Railways Act has not been introduced by the Government, so that they might know the desire of this House on the question. Time is going on—it is now the 31st July—and so far we have had no announcement from the Government, except a statement made in the opening debate of the session, as to when they propose introducing the amending Bill. When the Address-in-Reply was being discussed, I asked the Minister for Railways when it was intended to introduce the Bill, and he replied that it would be introduced as soon as possible. As I then remarked, that was very vague; and I now therefore strongly urge the Minister to see that immediate steps are taken for the introduction of this Bill, which I consider is one of the three most important measures to be dealt with this session. That being the case, I fail to see why this Bill could not have been introduced immediately the Address-in-Reply had been disposed of. I do not attach much importance to the production of the actual papers in connection with Mr. George's retirement. I merely tabled the motion with the object of finding out from the Government and getting an assurance from them that they will, next week at the latest, be prepared to give notice of the introduction of a Bill for amending the Railways Act. I mentioned just now that there were three Bills I considered most important; and though I do not know that I am in order in referring to them, I would like to tell the Government that one of those three is the Local Option Bill. That Bill will require a great deal of consideration, and I would like to remind the Government that it is necessary that the Bill should come into operation before the 1st December next. The annual licensing courts sit early in December, and unless the Bill be passed before that time it will practically have no effect in the administration of the Licensing Act for twelve months. The Premier, I note, is not now in his place; but I should like as soon as possible to get an undertaking from him that the Licensing Bill will be introduced as soon as possible.

The MINISTER FOR MINES AND RAILWAYS (Hon. H. Gregory): I cannot agree to this motion being carried. In the first place, I think it is out of order, because it is asking the Government to lay on the table papers dealing with the Government's policy. On that ground alone I think it is out of order for the House to demand that papers dealing with the policy of the Government, or papers that might be of a confidential nature, be laid upon the table. And on the other hand the hon. member says he does not care much about the actual production of the papers; that what he is most desirous of is that at the earliest possible moment the Government should take the House into their confidence and explain what they propose to do in connection with the administration of the Railway Department. During the next two or three weeks a Bill will be introduced, and it will then be for the House to decide whether we are to have Commissioner control or Ministerial control. One of the provisions of that Bill will have reference to the question of the salary to be paid to a Commissioner.

Mr. Foulkes: But cannot you introduce the Bill before three weeks?

The MINISTER: It may be introduced in a fortnight; but at any rate within three weeks the Bill will be before hon. members. In view of the fact that we intend within three weeks bringing in a Bill asking the House to give us power to amend the Railways Act, I ask the hon. member to withdraw his motion. If he will not do so, I shall ask Mr. Speaker to rule the motion out of order. Dealing with these matters, *May*, on page 510, states:—

> "The opinions of the law officers of the Crown, given for the guidance of Ministers, in any question of diplomacy or State policy, being included in the class of confidential documents, have generally been withheld from Parliament. . . But however ample the power of each House to enforce the production of papers, a sufficient cause must be shown for the exercise of that power; and if considerations of public policy can be urged against a motion for papers, it is either withdrawn or otherwise dealt with according to the judgment of the House."

It has been the practice in regard to questions of policy that the production of papers is never insisted on. I may state in reference to the papers, that while there is nothing contained in them of such a grave nature as to lead me to ask the House not to agree to the motion, still there are papers in the file dealing with the question of retrenchment and other matters.

Mr. FOULKES: I am not pressing for the papers. All I want is a promise of the introduction of the Bill say within a fortnight, instead of offering to introduce it in three weeks. If the Minister will say he will give notice of the Bill within a fortnight, it will be satisfactory to me.

The Minister: If I can introduce the Bill within a fortnight I will do so.

Mr. A. J. WILSON (Forrest): In regard to this matter, it occurs to me that the Government will be acting very unwisely indeed if they accede to the wishes of the mover. We have now had five years' experience of the principle of commercial commissionership in the administration of our railways; we have also had experience in this State of the policy of Ministerial control with a general manager of railways. Before this House is called on to make any change in the policy of administering the railways, or before it is called on to continue the policy that has been in existence for the last five years, we should have placed before us something more than purely departmental information in regard to the wisdom of adopting either a policy of Commissioner control or Ministerial control. Looking round this Chamber, one asks what members here have the necessary and essential railway experience to qualify them to come to a satisfactory and adequate conclusion on evidence before them, or likely to come before them, from purely departmental sources? How many members of this Chamber have the necessary experience and qualification to come to a decision as to the merits and demerits of the two

systems, apart from private or party considerations? It seems to me the right course to pursue in this matter is, before we think either of continuing the present system of Commissioner control or of making any departure from that system and reverting to Ministerial control, there should be a public inquiry and examination into the history of our railway system, and into the capacity of the officers now administering the Railway Department. [*Mr. Gull*: By whom —the same men?] Not by the same men as suggested by the member for Swan, but by practical and competent engineers and people qualified by railway experience. That is what is wanted for the guidance of members in coming to a decision upon this important question, a question which is of far more importance to the administration of the affairs of this State than the introduction of a land tax, or the local option question, or any other of the questions foreshadowed in the Governor's Speech. In the administration of the Railway Department there are possibilities of very considerable economies being effected, and in my opinion what is required is an independent, capable, and efficient inquiry into the whole system of railway management. When such information is before this House, then and then only will hon. members be in a position to decide between the merits and demerits of Commissioner control and Ministerial control. So far as I am concerned, I hope that in the interests of this State and in the interests of members of this Chamber the Government will consider the advisability of having an inquiry made by three independent gentlemen with practical experience in the administration of railways; not only experienced in the running of railways, but gentlemen who also have the necessary commercial experience, and who will have some regard for the interests of the State as a whole. If we had an inquiry of this nature, I venture to think it would be possible to get information placed before this House which would place members in the position of being able to come to a decision on this question entirely apart from any purely party consideration. But until we have that information, I am not prepared to rely upon the information to be supplied to the Minister for Railways, and through him to this House, directly from responsible officers of the Railway Department. I am not satisfied personally, and I do not think this House or the country is likely to be satisfied, that the officers of the Railway Department are competent to give us the absolutely essential and best evidence that we ought to have in regard to the running of our railways. I venture to say that the permanent heads of our Railway Department have been too long running in the same groove to be able to shake themselves out of it and place before the House and the country anything like a radical up-to-date reform of our railway administration. That it is necessary I think everybody agrees. On the one hand we have the people on the goldfields complaining about the exorbitant rates charged for the carriage of commodities, and on the other hand we have the agriculturists in some portions of the State clamouring about the excessive rates charged. Notwithstanding all this dissatisfaction, what is the position of our railways after all? Having regard to the fact that our railways can be made a most important factor in opening up and developing the State, I think the time has arrived when, in the interests of the department itself, and in the interests of the State, of the producing interests of our State, there should be some inquiry by practical men outside political or departmental influence, which would place the whole facts in regard to our railway administration before the people, and would propound a scheme that would place the administration of the railways on a more economical and efficient system, and at the same time one that would fully safeguard and protect the best interests of the State. [*Mr. Scaddan*: What has all this to do with the motion?] I think it has a good deal to do with the subject matter introduced by the hon. member who moved the motion, and it is the only opportunity one has of dealing with the matter. I

venture to say I am justified in dealing with it, and when members are considering the matter of the continuance of the Commissioner system or a reversion to Ministerial control, we are entitled to all the facts that can be placed before us, not only from departmental officers but from the widest possible point of view that these facts could be placed before us.

Mr. FOULKES (in reply as mover) : I do not attach much importance to the production of these papers. It was more with a view of impressing on the Government the pressing necessity of settling this railway matter as soon as possible. The Minister said that he would bring the Bill before the House within three weeks; I urged him to bring it on within a fortnight; now that he has promised that he will use his best endeavours to bring it on within a fortnight I am satisfied and I withdraw the motion.

Motion by leave withdrawn.

MOTION—BOULDER TOWN LOT.

On motion by *Mr. P. Collier,* ordered : That all papers in connection with the lease granted to Mr. Page of portion of lot 664, Boulder, be laid on the table.

MOTION—ROCKY BAY QUARRIES LEASE.

Mr. W. C. ANGWIN (East Fremantle) moved—

"That all papers relating to the leasing of the whole or any portion thereof of the Rocky Bay quarries to Messrs. Briggs and Rowland ; and all papers relating to, and the entering into a contract for the supply of stone for the Fremantle Esplanade with Messrs. Briggs and Rowland, be laid on the table."

He said : Most of the stone for making the breakwaters at Fremantle was taken from the Rocky Bay quarries, about the only spot around Fremantle where sandstone fit for that class of work could be obtained ; but when tenders were called recently for stone for the sea wall along the Fremantle Esplanade, the contractors found that almost the whole of the Rocky Bay quarries had been let to Briggs and Rowland at a rental of about £40 per annum, so that others were almost debarred from tendering. However, after going into the matter carefully it was discovered that a portion of the quarries not leased to Briggs and Rowland could be utilised, and one gentleman submitted a fair price for the 4,500 tons of stone required. That gentleman found that by getting the stone farther out in the quarries he could supply it at something like £140 below the tender put in by Briggs and Rowland. Some time elapsed before a decision was arrived at in regard to the contract, and subsequently the contractor found that the contract was let to Briggs and Rowland. It was considered that the decision was entirely with the Tender Board, but it was discovered that the Tender Board were advised by the Public Works Department that the cost of getting the stone from the spot selected by the lowest tenderer would exceed the difference between his tender and that of Briggs and Rowland. It was apparent that the Tender Board had not treated the contractor fairly ; consequently the matter was of public concern, if the lowest tender was not to be accepted, for which reason the motion was submitted.

The MINISTER FOR WORKS (Hon. J. Price) : There was no objection to laying the papers on the table, but sometimes this privilege was taken advantage of to its fullest extent. Had the hon. member seen him (the Minister) personally the file could have been perused ; but since the hon. member made this public request indicating that there might be something in the transaction making it desirable that full and free information should be given to the public, perhaps he (the Minister) might be permitted to briefly state publicly the facts. Tenders were called for the supply of stone and the lowest tender received was from Mr. M. J. Cullity, whose tender was submitted with the proviso: "This tender is subject to the right of quarrying at Rocky Bay and the right of road to same." The tender was for £750 The tender of Briggs and Rowland, which was subsequently accepted, being

the second lowest, was for £871 17s. 6d., a difference of £121 17s. 6d. for the same quantity of stone. The whole matter was explained in a minute from Mr. Carlin, one of the engineers. Mr. Carlin reported to the Engineer for Harbours and Rivers, and recommended that the tender submitted by Messrs. Briggs and Rowland at 3s. 10½d. per ton be accepted. The minute proceeded :—

> "You will observe that Mr. M. J. Cullity has offered to supply at 3s. 3d. per ton, but subject to the condition that this department gives him the right to quarry at Rocky Bay, and the right of road to same. There are only two places where this department could give the right to quarry from which suitable stone could be obtained, and either of these would entail the laying of half a mile of road, that is railway lines, and the moving of one of the 25 ton cranes. The half mile of railway and moving of crane would cost at least £275 as against £141, the difference we would have to pay at 7½d. per ton on 4,500 tons. It would be therefore cheaper to accept Briggs and Rowland's tender, and I recommend accordingly."

That minute was passed on by the Engineer for Harbours and Rivers to the Stores Manager, and then sent by the Stores Manager to the Tender Board, and the tender of Briggs and Rowland was accepted. Members would not think that it was exceeding his duty if he (the Minister) suggested that unless the case was of vital importance, members should see the papers in his office, and if then the files were found unsatisfactory members could easily then call for them to be published. The preparation of some papers entailed on the part of the officers of the department a considerable amount of work that might often be obviated if members recognised that Ministers were desirous of furnishing all information.

Question put and passed.

MOTION—BOILERS INSPECTION AT COLLIE

Mr. J. SCADDAN (Ivanhoe) moved—

"That all papers in connection with the inspection of boilers Nos. 950 and 951, Collie, South-West District, be laid upon the table."

In this instance it would be useless for him to go to the Minister's office to see the papers, because he was fully acquainted with the contents. His desire was to publicly justify a statement he made last session.

Mr. W. J. BUTCHER (Gascoyne) : It would be well if the papers were laid on the table. The hon. member speaking last session made a rather wild statement affecting one of the principal officers of the Inspection of Machinery Department, which in the circumstances was not justified. Subsequently the Minister for Mines laid on the table a report on that officer. It was to be sincerely regretted the Minister had not felt it a duty to in some way defend this officer under his control. This session, on the Address-in-Reply, the hon. member (Mr. Scaddan) accused the Acting Chief Inspector of Machinery of practically calling him a liar in a report submitted to the House. When the facts were made known members would agree that the hon. member's charges against the department were certainly not true. Towards the close of last session a report was tabled for the hon. member's benefit, and if he did not peruse it that was no fault of the House. [*Mr. Scaddan* : How long was it on the table?] That he did not know. The hon. member said that on a certain mine in the Collie district a certificate was issued for a boiler, after examination under Section 26 of the Inspection of Machinery Act, but that no other examination was made of the boiler, excepting a casual glance under working conditions, for a term of three years. That statement gave, perhaps unintentionally, a very wrong impression. The facts were that the boilers in question were first commissioned on the 20th December, 1902, when, being perfectly new, they were thoroughly examined as provided by the Act, and found in good order. A 12-months certificate was granted for them at 100lbs. pressure, which certificate expired in August, 1904. The boilers were worked for four months at the Collie Boulder mine, whence they were

removed to the Scottish Collieries, and were first worked there on the 8th April, 1905. On that date the proprietors of the Scottish Collieries notified the department of the removal, and asked permission to continue working the boilers under the original certificate. They had been working for only four months at the former mine. He (Mr. Butcher) would not have blamed the department for granting that request, but the request was refused, and an inspector instructed to make an examination, which was made on the 3rd May, being referred to by the hon. member as "a casual glance." It was a working inspection, and a certificate was granted for 100lbs. pressure, the term to expire on the 24th August, 1905. In September, 1905, a working inspection was made and a certificate was granted for 100lbs. pressure until the 24th March, 1906. The management explained that it was impossible to close down the mine on account of the influx of water, and that "within the last three weeks our engineer inspected the boiler and found it was in good condition." In these circumstances the department made another inspection on the 9th March, while the certificate was current. The management asked that as the water trouble continued and a new boiler was about to be erected the certificate should be extended for a term of three months. Another inspection was made, and a certificate granted which expired on the 8th June, 1906. That was the fifth inspection made of these boilers. [*Labour Member* : All casuals.] They could not be called casuals, when the Act provided that working inspections could be made under certain conditions. The inspector was satisfied that everything was right, and that he was justified in giving the certificate. On the 8th June, 1906, the pressure was reduced to 70lbs., showing conclusively that the inspector was alive to his duties, he being unable to make a thorough inspection. The mine manager objected to the reduction of pressure, and was notified by the department as to the reason for making it. This mine was subject to flooding, and had it been shut down, the hon. member (Mr. Scaddan) would have been the first to complain of the men being thrown out of work. As the company were prepared to erect new boilers the inspector was quite justified in his action. On the 13th June another working inspection was made, and the inspector issued a certificate for one month, expiring on 13th July, for 70lbs. pressure—the sixth examination. On the 4th August, a new boiler having been erected, the other boilers were thoroughly examined, No. 950 being reduced to 60lbs. pressure, and a certificate refused for No. 951. This was the first time that a thorough inspection could be made without throwing all the workers out of employment and practically shutting down the mine. [*Mr. Collier* : What time was occupied by an examination ?] Not long ; but new boilers must be erected before the old could be thrown out of commission, the mine being so flooded that it would be seriously injured by the stoppage of pumping. When members perused the papers they would doubtless agree that the remarks of the Acting Chief Inspector of Machinery were to a great extent justified.

The MINISTER FOR MINES (Hon. H. Gregory) : Last session, owing to certain statements by the member for Ivanhoe (Mr. Scaddan), he had tabled a report signed by the Acting Chief Inspector of Machinery, containing a paragraph which the hon. member took as a reflection on himself ; and speaking on the Address-in-Reply the hon. member expressed his intention of securing the papers. To this there was no objection. When the hon. member had perused the papers he could if he wished make an attack by way of motion. Then, if the department needed defending, they could be defended.

Mr. J. EWING (Collie) : The member for Gascoyne (Mr. Butcher) had put the case fairly. This colliery company had for a number of years been very unfortunate, having been obliged to abandon one mine and open another. The tests of the boilers were made as stated by the hon. member. Water gave great trouble in the district, hence it was often difficult to close down boilers for inspec-

tion. Some mines had only one boiler apiece, and if that were put out of commission the mine would be flooded, the pumping-out would cost hundreds of pounds, and the men would be thrown out of work for a considerable time. [*Mr. Scaddan* : What had been the result in this case ?] He agreed that working certificates were highly undesirable, and he would earnestly support a provision for the annual inspection of such boilers. At the same time he could not agree with the remarks of the hon. member as to the action of the department. He (Mr. Ewing) sat on the select committee which inquired into the explosion at the Sons of Gwalia mine, and did not get the impression which the hon. member seemed to have got as to the efficiency of the staff in the machinery branch. He believed the inspector of machinery to be a first-class officer, and all the officers were working in the best interests of the State as far as their ability would allow them. They were subject to criticism by members, for statements might have been made which did not meet with approval; but these statements did not call for such an attack as that made by the member for Ivanhoe. Sometimes inspectors might overstep the mark. It was necessary to have mines protected, but as far as this particular inspector in the Collie district was concerned he was a man who thoroughly understood his work and if he overstepped the mark at all it was in having inspections thoroughly carried out which put mines to considerable expense. He agreed with working certificates being done away with. There had been a difficulty in the past in getting money into the Collie district, but at the present time there was some splendid machinery going into that district. The reason for requiring a working inspection certificate at the time indicated had been fully explained. Now at the particular colliery in question there were two boilers and the owners were putting in machinery to the value of £2,000. It was to be hoped the Minister without jeopardising an industry would insist on thorough inspections being made and that working certificates should be done away with.

Mr. J. SCADDAN (Ivanhoe): It was to be regretted that occasion had arisen for a review of that old case of the Collie boiler owing to the remarks of the member for Gascoyne. One could not permit those remarks to pass without protest and an explanation of the position which he (Mr. Scaddan) had taken up. Though he had made it clear the other evening, the member for Gascoyne was evidently in possession of his facts and could have refuted the statements if he had thought fit. He (Mr. Scaddan) was pretty right in saying that the hon. member had been in possession of the facts for six months, and if the member had taken the time to go through the file instead of being prompted in connection with this matter—one did not think the Minister knew anything about it—he would have found the facts as had been given by the hon. member (Mr. Butcher) were not the facts of the case at all. The member for Gascoyne had been absolutely misled in regard to the position taken up. The hon. member did not know the Machinery Act, for if he did he would know there was no justification under the Act for granting certificates after a working inspection as practised by the Machinery Department. In view of that fact he (Mr. Scaddan) was justified in the action which he had taken, for five of the seven certificates which had been granted on this boiler were absolutely illegal. The Inspection of Machinery Act provided that:—

> "On the first inspection of a boiler the Inspector shall make and keep a complete record of all particulars necessary to ascertain the state and condition thereof. Such record shall contain particulars respecting the type and construction of the boiler; the name of the maker; the pressure which the boiler is calculated to sustain."

It was impossible to calculate the pressure a boiler would stand without in-

specting that boiler thoroughly inside and out. The Act farther said:—

> "On each subsequent inspection of a boiler the inspector shall carefully make a comparison with such standards as aforesaid, and shall record any changes since the previous inspection."

It was impossible to record any changes if a boiler was under steam when the inspection was made. No one could tell if there was any pitting or corrosion inside the boiler. On each occasion that an inspection was made and a certificate granted, he was satisfied that the boiler was not in a proper condition. The Minister could have obtained replies to the remarks which he (Mr. Scaddan) had made last session if he desired to do so.

The Minister for Mines: The reply was laid on the table.

Mr. SCADDAN: But the reply laid on the table did not supply the whole of the facts and he wished now to obtain those facts; and he wished to reply to the remarks of the member for Gascoyne, for he could not allow such statements to go forth without a reply. In connection with the period of the original certificate, the member for Gascoyne said it was granted for a period of twelve months. The certificate did not state 12 months, but from a certain date to another date 12 months hence, so that if the 12 months expired on the 30th June, 1907, and the boiler was worked after that date, it would be worked illegally and in contravention of the Act. The boiler in question was worked for a period under the original certificate; then it was thrown out of commission and sold to another company he presumed; then it was removed and put into commission again long after the original certificate expired. And what did the company do? They informed the Machinery Department that the boiler was in commission and desired permission to continue working; but the Machinery Department notified the owner that the boiler was working illegally, and was told not to do it. The owner said that owing to a heavy inrush of water into the mine they could not throw the boiler out of commission for inspection. That was not a true position, because the boiler was actually thrown out of commission at a later date by the mine owner; otherwise how did he arrive at the internal condition of the boiler as supplied by the engineer of the company? If the company threw the boiler out of commission for themselves, why could they not do that for the department? Simply because they were afraid of the inspection by an officer of the Machinery Department causing the boiler to be condemned. He had stated on a previous occasion that certificates were granted after a casual glance; but the member for Gascoyne who took exception to that remark did not know how a working inspection was made. It was only in the fashion of a casual glance, for the purpose of an inspector satisfying himself that the conditions under which the certificate was granted were being complied with by the owner. The officer had to see that the safety valve had not been tampered with and that the fittings around the boiler were in accordance with the Act. Did it require other than a glance to satisfy an officer on that score? But one could not with a glance satisfy one's self as to the condition of a boiler, but only after an internal inspection. If an inspector was not able to appear at a place and at the time required that was convenient to the persons interested, they could notify the Machinery Department and would receive permission for the mine manager and a first-class engine-driver inspecting the boiler and granting a certificate, so that they could go on. That was the only way in which the Machinery Act permitted them to grant certificates except under an internal inspection. It was to be regretted the occasion had arisen when he had to make this reply, because he preferred the papers to be laid on the table and if necessary for a select committee to be appointed to inquire into the statements which he had now made. An officer of the Machinery Department could then be called to put his side of the case, and he

(Mr. Scaddan) could then put his side and leave it to a committee of the House to satisfy themselves if the statements which were now made were correct or otherwise. The fullest inquiry was courted. If the member for Gascoyne wished to justify the officer of the department, which he evidently wished to do, and one probably knew the reason why, the hon. member could move for a select committee and such motion would be supported by him (Mr. Scaddan) and he would pit his statements against those of the officers of the department. He wished to emphasise the point in connection with the remarks of the member for Collie that if a boiler could have been thrown out of commission for inspection by the officials of the mine, it could have been thrown out of commission for inspection by the officers of the department. The result of the inspection of No. 6 or No. 7, according to a telegram from the district officer, was that the boiler was eaten through the crown in one part, and was then condemned, and the other boiler had to be thrown out at once for inspection. In view of these facts, there was ample justification for the motion. If the member for Gascoyne desired to justify, he should move for a select committee on the question.

The MINISTER FOR MINES (in explanation) : On the 11th December last year the report of the Acting Chief Inspector was placed on the table of the House, and those figures were available to members which had been used by the member for Gascoyne this afternoon. A full statement of the case had been sent to him, and arrived at the House only this afternoon. No other member had an opportunity of seeing it ; he had given no information concerning it to anyone, nor did he ask any member to speak about the case. He had thought that when the motion was brought forward there would be no discussion. He did not wish the House to imagine, or any member to think, he had given certain members information concerning the case in question.

Question put and passed.

MOTION—MINES INSPECTORS, HOW APPOINTED.

Mr. SCADDAN (Ivanhoe) moved—

"That all papers in connection with the calling for applications, examination (if any) and subsequent appointment of mines inspectors during the year, together with any correspondence between the Mines Department and the Public Service Commissioner, be laid upon the table of the House."

He had seen the papers but did not think the Minister would have any objection to laying them on the table. [*The Minister for Mines* : If the papers were wanted they would be laid on the table of the House on the following day.] Certain statements had been made and contradicted in connection with the appointment of the inspectors and, in justification to all parties, the papers should be laid on the table and thus be available for publication in the Press, so that it might be seen who had made correct statements and what procedure had been adopted in connection with the appointments.

The MINISTER FOR MINES: There was no objection to the papers being laid on the table. They had been perused by the hon. member who was evidently satisfied with the attitude he (the Minister) had taken in connection with the matter. In connection with the calling for papers members should be able to show some special justification for their production. In the case in question, however, as members other than the hon. member for Ivanhoe might desire to see the papers, he would table them. It would be wise to have a rule that, after the expiration of a certain period, the papers should be returned to the office from which they were obtained. It frequently occurred that farther correspondence relating to the same matter took place, and a new file had therefore to be started with the result possibly that mistakes might occur. There was power to ask for a release of the papers, but one never knew what construction might be placed on the action of a Minister who took those papers away. He hoped all official papers would be permitted to

be released after they had been on the table for a month or six weeks.

Mr. TAYLOR: In view of the statements which had been made in the House and elsewhere in connection with the appointment of inspectors it would be wise for the papers to be laid on the table of the House. He felt that the Minister had nothing to fear in connection with their production, but he doubtless did not recognise that the statements had been so severe as they were. The Minister was right when he referred to the inconvenience caused by papers remaining on the table for a considerable time, and it would be wise if they were permitted to be released after remaining on the table for from five to six weeks.

Mr. SCADDAN (in reply as mover): It would be well for a rule to be made providing that papers should be allowed to be released after a fortnight or a month. With regard to the papers in question he would be quite satisfied to have them returned to the department in a week's time.

Question put and passed.

MOTION—POLICE FORCE ADMINISTRATION.

To Inquire.

Mr. T. H. BATH (Brown Hill) moved:—

"That a select committee be appointed to inquire into the administration of the Police Department."

He said: In moving this motion I desire to say that I have no wish under its cover to make any personal attack on those who have charge of the administration of the department. In dealing with this question I wish to emphasise that the administration I refer to is that of the permanent heads of the department. On various occasions in this House in the discussion on the Estimates and in the consideration of matters where the interests of the police have been brought up either directly or indirectly I have had reason to believe that the administration of the department is not all that it might be, and moreover that there is need for the strictest inquiry. I have been influenced in that belief by a number of things, but by one to a greater extent than any other and I will refer to that later on. In referring to the cost of that administration it has been repeatedly pointed out by members on both sides of the House that where administrative economy has to be effected, the Department of the Colonial Secretary—being almost purely one of administration—is the one in which the pruning knife can be used with advantage, not only in the way of saving money to the Treasury but also in the working of the department itself. In comparing the cost of administration in Western Australia per head of the population with that in the other States we find that the cost is in Western Australia 10s., in Queensland 5s. 10d., in South Australia 4s., in New South Wales 5s. 11d., and in Victoria 4s. 7d., so that the cost in Western Australia is almost double that of the next highest. [*The Premier*: There are far larger areas.] I recognise that there are facts which must be taken into consideration and which modify comparisons of this kind. For instance, in Western Australia higher wages are paid in the case of the higher paid officials than in Queensland, and, in comparing with Victoria, we must bear in mind that that State is comparatively a small one and therefore the police administration would not be likely to cost so much per head of the population as here. You have to bear in mind, however, that I am comparing Western Australia with a State like Queensland, which is on a par with this State, and with South Australia, which has a very large and sparsely populated territory. With these two States, therefore, comparisons may well be made. I have noticed in the Press a letter which stated that the larger number of arrests for drunkenness in this State in comparison with the other States may have accounted for the greater cost of police administration here; but I contend, and I think members will agree with me, that Western Australia is as law-abiding as the other States and that there is not such a great

amount of crime or of the offence of drunkenness here as to justify so great a disparity in the cost of police administration. I believe that the extra cost in this State can be traced to the greater percentage of commissioned officers we have here. There is only one other State that approaches us in this respect and that is Queensland. In Western Australia the proportion is 1 to 27, in Queensland 1 to 33, in New South Wales 1 to 36, in Victoria 1 to 43, and in South Australia 1 to 46. When we take into consideration the number of rank and file here the Police Department reminds one forcibly of communities in the United States where almost every man you meet is either a colonel or a major. In our department every policeman one meets is either an inspector or sub-inspector. In Perth we have an inspector of police in charge of six mounted men, and in addition there is also a non-commissioned officer in the person of a corporal connected with the body. There is no justification whatever for the payment of the salary of an inspector to any man to look after six mounted police in the metropolis of Western Australia. In order perhaps to justify the retention of this officer and to make it appear that his services are necessary, we are having mounted men in the near suburban districts where they are connected with the central headquarters by telephone, and in the event of the services of mounted men being required they can be immediately dispatched. In some of the country districts in Western Australia I find that we have either an inspector or sub-inspector in charge with a sergeant under him. I do not know of any district in Western Australia where there is any justification for this extra cost of administration in the shape of commissioned and non-commissioned officers. If you have an inspector in charge of a station surely he can undertake the work a sergeant now has to do. [*The Premier*: Where an inspector is in charge of a certain district he probably has three or four sergeants under him who are located in different stations.] Surely it would be sufficient to have the services of one inspector or a sub-inspector to control two or more of these districts. I cannot admit that there is any district in the State where the services of a sergeant in addition to those of an inspector are necessary. In my opinion rather than have an inspector in each of the districts it would be better to join two or more of them together, place the inspector in charge of the combined district and a sergeant at the head of each station.

At 6.15, *the Speaker* left the Chair.
At 7.30, Chair resumed.

Mr. BATH (continuing): At the tea adjournment I was dealing with the question of the large number of commissioned officers in proportion to the total number of the rank and file in the police service. It is only natural, if an undue number of commissioned officers be employed, that they have to make it appear there is sufficient work for them to do. That is characteristic not only of the Police Department, but of all other departments where sub-branches are overmanned. To make it appear that they are earning their salaries, in lieu of more useful work it is only reasonable to expect that these officers will try to justify their appointment and the tenure of their positions by a sort of military control of their departments, and by indulging in that form of control which results in numerous pinpricks being administered to the rank and file of the staff. And there is no reason to doubt, from the information I have at various times received, that pinpricks are administered, and that they very naturally result in considerable dissatisfaction in the minds of the ordinary rank and file of the Police Department. This tendency to domineer over the rank and file is naturally passed on by them, with the probable result that where the ordinary constable comes in contact with the public he vents on them some of the resentment which he feels against his superior officers. It reminds me of a story I once read in a novel, where an employee when overhauled by his master and brought to task for some offence used to

get out and vent his feelings by kicking the dog. And so where a constable is hampered and irritated in his work by the interference of those over him, as he cannot have redress against them owing to the rules of the department, he vents his resentment on those with whom he comes in contact in the discharge of his duties. That is one of the grievances which I think should be inquired into, and one which would come within the purview of any select committee inquiring into the administration of the police force—the impracticability of a member of the rank and file securing any redress for his grievances. I am not making this statement without authority, because cases have come under my notice which prove to my mind that there is justification for the statement. Of course I wish to point out that a member of the police force, if he were known to make any complaint or give any information as to his treatment in the service, would find things made very uncomfortable for him; and therefore in making this statement I am not in a position to use the names of any particular constables or officers in the department. But there is one case to which I referred during the last session of Parliament, and which has unfortunately been brought into much greater prominence by what has occurred since the motion was tabled by me last session; and it is this case which makes me feel that there are in the administration of the Police Department those things which do not tend to the efficiency or good conduct of the police force in this State. I refer to the case of ex-Constable Tyler, an officer who held a splendid record in the department, a record which is testified to by the late Federal Treasurer, Sir John Forrest, I believe by our present Premier (Hon. N. J. Moore), and by others in high places in this State; an officer in the service for a great many years, who was sent on special and important duties, and always acquitted himself well and did excellent service in difficult situations. Whatever treatment he has received which has practically reduced the man to the condition he is in to-day, has practically deprived him of his right senses and caused him to seek redress by the terrible crime of trying to shoot the head of the department—that treatment proves the existence in the service of something absolutely wrong, when it has compelled a good servant to come to such a pass as that. And it is this case above all others which has convinced me of the need for strict inquiry into the administration of this department. [*The Premier*: But he had an inquiry.] Yes: I will refer to that. I went carefully through the papers and was convinced that Tyler, during many years of good service, gave practically no trouble and caused practically no complaints; but when he had a grievance it was the nature of ex-constable Tyler to brood over that grievance. And the Commissioner of Police had to depend, for the information on which he founded his decision, on the sub-inspector in charge of the district where Tyler was then stationed. The result was that every reference made was made to the very man against whom Tyler had lodged his complaint. I do not know whether members have perused the file; but in it will be found a minute which the Commissioner wrote practically administering a rebuke to Tyler's superior officer for his conduct in the case. Then apparently the Commissioner got tired of the complaints passing between the two officers, and practically determined to make Tyler the example. I am satisfied there was a genuine grievance at that time, and it was Tyler's absolute failure to get redress, his failure to get his case properly heard, which resulted in his becoming practically insane over the treatment he had received. He had an inquiry, but in that as in other cases the inquiry was made by those who moved in exactly the same social circle as Tyler's superior officer. I wish to say that in criticising the conduct of those who conducted the inquiry I do not wish to reflect on their honour or their honesty from their own point of view. But in this, as in every other particular, their judment was insensibly but irrevocably influenced by their environment: the inquiry was conducted by those who came in contact with the superior officer, who moved in the same circle, who asso-

ciated with him in society, in the club, and in the street and everywhere else they met; and they would naturally be influenced in favour of the superior officer and against the member of the rank and file who was making the complaint. And it was only natural to expect, however just may have been the constable's grievance, that their decision would be in favour of the man with whom they associated. That is a rule which is recognised by everyone who studies the subject; and from my point of view, the system of appointing these inquiry boards is not calculated to do justice to any constable making a complaint against his superior officer. That is one defect which I think needs a remedy. In a semi-military department like the Police Department it is essential that when a constable thinks he has a grievance, and desires that grievance to be heard, the board appointed should be one to which the police can look with absolute confidence, and from which they can expect to secure an absolutely fair deal. To show that injustices are committed, I will quote the case of one man who was dismissed on the complaint, I presume, of his superior officer. This man was filled with a sense of injustice and resentment against his treatment, and being possesed of funds and the determination to justify himself, he instituted legal proceedings. He was thereupon sent for by the Commissioner, was reinstated in the police force, and the Commissioner paid his expenses. Another constable who was dismissed, I think five years ago, had not the money to institute legal proceedings, but he kept bringing forward his case, hammered at it ever since he was dismissed, with the result that only the other day he also was reinstated, in pursuance of an inquiry, I believe by the Minister controlling the department. That brings me to a case where a man was not possessed of funds, and was therefore unable to take legal proceedings. I refer to the case of ex-constable Casserley. He referred his case to prominent lawyers in this State, and they assured him he had every ground for legal action, and that if he brought an action he was sure to win. But, unfortunately, this constable had a wife and eight children, and he was not likely to save much out of a police constable's wages in this State. Hence he had not the money to initiate an action at law. The position was this. Casserley had been employed for 17 years in the service of the State, and when he resigned from the service he was stationed at York. He had an opportunity of buying a carrier's business there, and he thought that if he resigned and secured the amount due to him from the Police Benefit Fund, that amount would set him up in this business. But those who administered the Police Benefit Fund absolutely refused to pay him his gratuity, and gave as their reason that he had certain misdemeanours against his name. But I submit that a man who has been 17 years in the service, who was not discharged from the service, who was considered good enough to remain as a police constable until he resigned of his own accord, had not committed misdemeanours of so serious a nature as to warrant his superiors in denying him the gratuity to which he himself contributed by monthly payments. [*Mr. Monger:* Did they not give him some gratuity?] I will come to that. In calling it a gratuity which is paid from the Police Benefit Fund they are calling it by a wrong name, because the agreement is in its essence a contract entered into by the State with the members of the police force. These members contribute just as the members of a friendly society, or a trades union which runs a benefit fund, contribute; that is, at the end of a certain time, when retiring from the service, to secure a stated sum of money. And there was nothing that I can see in the case of ex-constable Casserley to warrant those who administer the police benefit fund in denying him the gratuity for which he had contracted when entering the service, and to which he had contributed sums ranging from 3s. to 3s. 6d. a month, according to his rank in the service. While they stated there were certain misdemeanours against him, it appears that in three cases he was punished under the regulations which provide for the punishment of misdemean-

ours, and in the other two cases he was not given an opportunity for reply. Also, it was unfair that while they placed these things on his record sheet, they placed no mention of another thing that was to his credit. It appears that in the course of his service, while stationed somewhere on the Midland Railway, he was instrumental in saving the Midland train from being wrecked, and the Midland Railway Company thanked him for the services he had rendered and also made a donation to him of £10. When a grant such as that is made it has to be made through the Police Department, and had the department done justice to Casserley they would have entered it on the credit side of his record sheet; but no mention of it appears on his record sheet. The result was that when he left the service and resigned, he was left with a wife and eight children to provide for, and all he received out of the amount due to him—I believe it was £150—was the sum of £50. He tried to get redress but had no means of instituting legal action, as I have already said; and in his utter despondency he at one time attempted to commit suicide. The position is that officers of the department have to contribute to that Police Benefit Fund. I believe quite recently the sum which they have to contribute has been raised in the case of first-class constables to 7s. 9d. per month. The sum of 7s. 9d. per month out of a first-class constable's wages is a considerable amount, and it should entitle the man to decent consideration when he retires from the service. [*The Premier* : The fund was almost insolvent.] The position is that the police did not know how the fund was administered: and if they are called upon to contribute to the Police Benefit Fund the members of the force should have the right to a considerable say in the administration of the fund. I do not care what business or department of activity in the State it is, we find that where people are compelled to contribute to a fund of that sort, they have some say in the administration. [*Mr. Monger* : What about bank clerks and their surety fund?] That is altogether different. That is surety for their honesty while in the service. [*Mr. Monger* : No.] Anyhow, be it bank clerks or anyone else, I contend that if they are called upon to contribute to a fund they should have a say in its administration. It is absolutely opposed to the sense of justice of any man that they should be compelled to contribute to a fund and have no opportunity of having a say or any voice in the administration of it. That is the great objection. They pay this money; but it is not a case of "pay your money and take your choice," because they have no choice. They have to pay the money; that is all they do.

The Premier : Your argument is that they should have representation on the board.

Mr. BATH : I think they should have more than representation. I think they should have the management.

The Premier : But the Crown finds the major portion of the money.

Mr. BATH : If the Crown has to find the major portion of the money, then the Crown should have representation according to the amount found. It should either be based on an actuarial basis and the amount contributed should be sufficient to guarantee the payment of this, or the contributors should have a say in the administration according to what they contribute to the fund. That is fair; but as it stands now they do not know how it actually rests. We see how unfairly the fund is now administered. If an ordinary member of the rank and file draws his gratuity he has to leave the service; but only quite recently out of this very fund a payment amounting to £900 was made to two of our police officers who were promoted to the rank of inspectors. [*Mr. Taylor* : That is in accordance with the Act and Regulations.] I suppose they had not paid more than £100 from their salaries to the fund. But at the same time that they got this £900 out of the fund, they also got promotion, and by the promotion they received they are entitled to pensions on retiring from the service. There is no justice whatever in the administration of the fund when it is administered on lines like that, and there is need for

the inquiry of a select committee or some authority in regard to the administration of this fund in order to place it on a proper basis. There is one other matter in regard to the Police Department, and that is the question of promotion. While I say that it would not be likely to conduce to the most effective service to say that promotion should be solely based on seniority, I think that merit should enter into consideration, but the fact remains that the method adopted in the Police Department is altogether haphazard, and the result is that, in promotion, men who have given good service, who have not a stain against their characters, and with nothing against them in the record sheets, are passed over by men not equal to them in the service, and not their superiors in ability, in capacity, or in record of service. So I say on the question of promotion there is need for inquiry. I have had a number of cases brought before my notice where members of the force have been very unjustly dealt with in regard to promotions in the force, and while I am not in a position to give names, I say that an investigation by a select committee would prove that this unfairness has taken place and would show there is need for remedy in this direction. Thus it is on these three things especially that I think inquiry is necessary and upon which I base my argument for a select committee: Firstly, on the question of means of redress for those in the service who have grievances. Naturally in a department like the Police Department there is strict discipline, in fact, as I said before, a semi-military discipline; but that gives all the more opportunity for the just grievances of the men in the service being smothered by the head of the department; and I say there should be some means given to the force of having a fair inquiry into any complaints they make against those who are over them. Then in the second place, I think the administration of the Police Benefit Fund, the manner in which it is raised and administered, should be inquired into and some more satisfactory basis adopted. On the third ground, the question of undue preference for promotion, the haphazard method adopted, there is also need for inquiry. While my motion says "inquiry into the administration of the Police Department," I would be quite satisfied if the inquiry covered these three points, and I believe that if a select committee were appointed and the matter carefully inquired into, it would result in the smoother working of the Police Department of this State.

The PREMIER (Hon. N J. Moore): There are several matters on which I would like to give the House information, before a vote is taken on the question; therefore I move—

"That the debate be adjourned."

Motion passed, debate adjourned.

MOTION — COMMISSIONER OF TITLES, AS TO A PENSION.

Mr. T. WALKER (Kanowna) moved—

"That a select committee be appointed, with power to send for persons and papers, to inquire into the retirement of the late Commissioner of Titles, and the refusal to grant him a pension after twelve years' service."

He said: I do not think it will be necessary for me to enter into the career of Dr. Smith, the ex-Commissioner of Titles. He is well known, I think, to every member of this House. His services have spoken for themselves. He is one of those who happen to have come under the new management of the Public Service Commissioner, and in the desire of that gentleman to vindicate the justice of his appointment, he has, I think, shown an unnecessary eagerness to make retrenchments in the public service, and he has taken, not in my opinion exactly the exigencies of the service or the need for an alteration of the service, but he has taken advantage of the age of Dr. Smith to effect economy in the Crown Law Department. I want to point out that Dr. Smith has been in continuous service as a public servant in a high and responsible position for 12 years; that when he came here he had already obtained a reputation for his great abilities and his services to other States; not only that, but I take it that his value as a man of distinction and learning had preceded even

his advent to Australasia. He is one of those gentlemen who had taken a very prominent part in that reform of the law from which the whole British Empire at this very moment is benefiting. When he came here, men of his type were rare. Men of his type I venture to say are rare in any part of the world, but particularly were they rare in this part of the British Empire. He arrived in this State in May, 1895, and was appointed as Parliamentary Draftsman at a salary then of £500 a year. In February he was appointed Deputy Commissioner of Titles during the absence of Mr. James, and he continued in that office until the return of Mr. James to this State. Afterwards continuing as Parliamentary Draftsman his salary was raised to £600, and in March, 1898, Mr. James having been raised to the Bench, Dr. Smith was appointed Commissioner of Titles. He continued, his salary being raised in the meantime, in that office until the Public Service Commissioner thought it right to dispense with his services. A small *brochure* has been handed round to members which will disclose the correspondence which took place between the Public Service Commissioner and the Commissioner of Titles. In July last year the doctor received this communication :—

> "I have the honour to inform you that on representation being made by your department, as required by the regulations, that you had attained the age of 65 years, His Excellency the Governor directed that you should continue in the performance of the duties of your office during his pleasure."

I wish to draw members' attention to that letter. During last year the doctor received a communication that His Excellency the Governor directed him to continue in the performance of his duties although he had attained the age of 65 years. Members will mark, therefore, that notwithstanding his having attained that age, there could not be against him any charge of unfitness, of incapacity, of failure of duty. He was requested to continue ; but as members will see by reference to this *brochure*, the Public Service Commissioner ultimately resolves to dispense with the doctor's services on the ground that the Public Service Act required those who have reached a certain age to retire from the service; and on that score alone has Dr. Smith been retired from office. I wish members to notice that the Public Service Act, in dealing with this matter, contains a direction, not to the Government, but to every officer in the department. Section 67 reads as follows : "Every officer shall retire on attaining the age of 65 years." That, it will be observed, is a direction to an officer that he, being in the service and attaining that age in the service, shall thereupon retire. To retire is a duty imposed upon the officer. Now there is nothing in this Act that gives authority to the Government to discharge an officer that says, "The Government must dispense with the service of an officer who attains the age of 65 years." There is nothing whatever making that a compulsory step on the part of the Government ; but the duty is imposed on the officer, who, unless he is specially retained, must retire from the public service on his attaining the age of 65 years.

The Attorney General: What then if he does not retire?

Mr. WALKER : Very well ; the Governor may direct such officer to continue.

The Attorney General : Suppose he reaches the age of 65 and the Governor does not wish him to continue, what do you say will happen?

Mr. WALKER : I presume, in that case, some intimation will be given him that he has attained the age.

The Attorney General : What then?

Mr. WALKER : Then, if the Governor wanted him he would be ordered to continue. But the Minister has not seen the point I am trying to elucidate. This being a direction to an officer to retire when he attains that age, what becomes of an officer who, after attaining that age, joins and is permitted to join the service? That is the point I am making. Dr. Smith never could obey this order. Dr. Smith never could reach the age of 65 in the service, for he had reached that age before he joined the

service. Members will see it was absolutely impossible for Dr. Smith to retire at 65, or for this section to apply to him. It could apply only to officers in the service who could reach that age of 65, and therefore could obey the law. But if anyone has joined the service after attaining 65, how can he retire at 65? It is impossible for him ever to be 65 after he has passed that age, impossible for him therefore to come under the operation of this Act. That is the point I wish the Attorney General to note. Dr. Smith was over 65 when he joined the public service, and he joined, of course, with the cognisance of the Government at the time, who knew his age; he was kept in employment by successive Governments, and during the life of the present Government. Still the Government recognise that public servant, and authorise him to continue during the Governor's pleasure. I submit, then, it is absolutely ridiculous to apply the Public Service Act to Dr. Smith, because it can never touch him. It can apply only, as members must see without my stretching the facts, to men who were in the service before they attained the age of 65. Moreover, I wish to draw attention to the fact that Dr. Smith joined the service before we had a Public Service Act. He joined while the service was under an Act assented to on the 8th August, 1874 —"An Act to regulate superannuations and other allowances to persons having held civil offices in the public service under the Colonial Government." And if members will read Section 1 of the Act they will see that—

"1. Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent civil service of the Colonial Government, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision is not otherwise made by legislative enactments in force at the time of the commencement of this Act or hereafter to be passed, shall be as follows, that is to say:—

"To any person who has served ten years and under eleven years, an annual allowance of ten-sixtieths of the annual salary and emoluments of his office.

"For eleven years and under twelve years an annual allowance of eleven-sixtieths of such salary and emoluments;

"And in like manner a farther addition to the annual allowance of one-sixtieth in respect to each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of forty-sixtieths may be granted, and no addition shall be made in respect of any service beyond forty years."

Under that Act a permanent public servant is by law entitled to the allowance specified in Section 1; and moreover, Section 6 goes farther by providing that:—

"It shall be lawful for the Governor in Executive Council to grant to any person retiring or removed from the Public Service under the Colonial Government in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the Governor in Council to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act if ten years were added to the number of years he may have actually served, such allowance shall be granted by special minute stating the special grounds for granting such allowance, which minute shall be laid before the Legislative Council, and no such allowance shall exceed two-thirds of the salary and emoluments of the office."

Under the Superannuation Act Dr. Smith would be morally—I was about to say legally—entitled to claim under

Section 6. That is to say, the Government would be authorised under Section 6 not only to count the twelve years' actual service that Dr. Smith has rendered to this State, but would be entitled to give him an additional ten years' gratuity, so to speak, because his service had, as it were, been dispensed with on the ground of public economy. I ought not, I suppose, to ask for any special consideration of Dr. Smith's case; but I do say that under Section 1 he is entitled to the allowance granted for twelve years' service as a permanent officer. I know there are those who will tell me that since Dr. Smith joined the service conditions have changed; that the Superannuation Act is no longer in force. But I wish to say, that Act has not been abrogated with respect to those officers who were in the civil service before the Public Service Act came into operation. Section 83 of the Public Service Act provides that:—

> "The provisions of the Superannuation Act shall not apply to any person appointed to the Public Service after the commencement of this Act, and nothing in this Act contained shall be deemed to confer on any person whomsoever any right or privilege under the said Act."

This clearly means—what? That the rights accrued under the Superannuation Act are recognised, reindorsed, if I may so express it, by the Public Service Act itself. Our latest law on the subject recognises the rights that have accrued under the Superannuation Act. So far as the future is concerned, officers now joining shall not be able to claim under the Superannuation Act. Those who after 1904 joined the Public Service can expect only such allowances or such consideration as are granted by the Public Service Act; but we have not only the inference but the assertion that those who joined before the Public Service Act became operative should have the rights accruing to them by the operation of the Superannuation Act. I do not see how we can get behind that. But perhaps some members will tell us that we get behind it by virtue of a minute passed by the James Government. On page 8 of the pamphlet distributed will be found this resolution, to which Mr. Jull refers as his basis. This, members will observe, is prior to the passing of the Public Service Act:—

> "Cabinet Resolution of the James Ministry 10th and 12th September, 1903.
>
> "Circular 1128/03. — From the Under Secretary to the Hon. the Attorney General.—The following Cabinet decision is forwarded for your information by direction of the Hon. the Premier.—D. B. ORD, for Under Secretary."
>
> "10th September, 1903.
>
> "1. *Cabinet decides that the following rules should be adopted*":—
>
> "*Permanent.—The rule shall be one fortnight's pay for each year of continuous service up to fifteen years. To this should be added annual leave for two weeks if accumulated by consent.*"
>
> "*Temporary and Loan.—The rule should be one week's pay for each year of continuous service.*"
>
> "*In the case of permanent officers whose service exceeds fifteen years, the officer may apply for a pension, and each case will be dealt with on its merits.*"

And then as explanatory of the circular issued by Cabinet, we have the statement from the Under Secretary to the Attorney General.

> "From the Under Secretary to the Hon. the Attorney General (Circular 1128/03.) In reference to my circular No. 1128/03, of the 10th inst., forwarding a Cabinet decision for your information, I have to inform you that the decision deals with the question of allowances to officers who are retrenched."

First of all let me draw the attention of members to the fact that this circular was intended to deal only with a certain section of the public service, those who from any cause were retrenched, and it cannot be claimed that Dr. Smith retires as a retrenched public servant, but a more serious aspect of the case is, here we have the attempt of the Cabinet to upset the law of the land. The At-

torney General, I may say, will not state that a minute of this kind can possibly have the authority of law, that it can override law, or upset law in any form. It must be operative simply by consent or simply because no one likes to take objection to it, or fight his case in the law courts, but you cannot possibly upset the law by a minute of that kind, and yet the correspondence between the Public Service Commissioner and the late Commissioner of Titles clearly shows that the Public Service Commissioner is screening himself behind that minute which is not operative, which is only, if I can use the expression without being offensive, a tool to serve the public ends. No legal value can be attached to that purely Cabinet expression of opinion, or the mere direction for the suspension of the law. We have never given to any Cabinet that power, nor could we by the law of the land; yet screened by that inoperative Cabinet minute Dr. Smith is retired from the public service, and I will venture to say is retired to the detriment of the service which he has left. I am not in a position to judge in the way perhaps the Attorney General is, of the needs and requirements of that branch of the Crown Law service, but from my conversations and my acquaintance with certain members of the legal profession I am informed that the public and the profession are incommoded and inconvenienced by the fact of the removal of that skilled and experienced officer.

The Attorney General: I have heard of no complaints.

Mr. WALKER: Perhaps not. If the public knew as much as I know of the hon. member they might be a little nervous about complaining. There is the fact that they are inconvenienced, and I venture to say if the member made inquiries even in the department over which Dr. Smith presided, he would meet with some dissatisfaction there. How is that department being run? Practically without a Commissioner. It is true, I doubt not, that the need for skill and continuous and assiduous labour of a gentleman of Dr. Smith's attainments may be decreasing as the operation of the Transfer of Land Act runs on, and the advantage of the simplicity of titles becomes recognised by the general public. I admit the work may not be so arduous now, but I am pointing out that Dr. Smith was there when difficulties were in the way, when there was need for close scrutiny, when he saved this State, we cannot say how much, from losses that might have accrued from injudicious judgment in the validity of titles. We know he has for the Crown stood in the Supreme Court again and again pleading for the rights of this State as against the avidity and dishonesty, I may say, of the outside public. We know he was intimately connected with the protection of this State, the adviser of the Crown in these circumstances, in the Spencer case.

The Attorney General: How did it turn out? What is the result?

Mr. Walker: What is the result since? I submit that shows he is undoubtedly right. Through the whole of his career he has been recognised as of value. I do not think the Attorney General would deny that Dr. Smith has given valuable service to the State, both as Parliamentary Draftsman, and as Commissioner of Titles, and that he undertook that work and performed that work when it was more difficult, more trying and arduous than it is at the present time. What I understand now is, a gentleman against whom I have nothing to say, and I specially recognise his ability, is performing the functions that appertain to the positions of Parliamentary Draftsman, Commissioner of Titles, and Solicitor General. I have not one word to say against Mr. Sayer, or his ability, but I say this, the State is riding the willing horse very much too much; it is utilising him in such manifold capacities that if he were a perfect man with days of 36 hours in them he could not possibly, with safety to his own health, perform the duties allotted to him, and not only that, I think he himself would admit if he were here that he has to neglect those duties which devolve on him in his multifarious tasks imposed by the Government. I do not think he

would deny, for instance, that he is compelled now only by limit of time to give a few hours a week, perhaps one or one and a half a day to the management of the Commissionership of Titles. In consequence of that these important duties have to be undertaken by those who are the subordinate officers in that important branch of the Lands Office; that he himself has to sign blank documents and leave them there to be filled in by those who, without disrespect to them, may be called clerks, that much is now left to chance. It may be we can get over all the difficulties, we may never have any accident, but it is not safe, it is not wise management and it may not ultimately prove economy. For I understand it is only for the sake of economy that Dr. Smith has been got rid of and Mr. Sayer has undertaken his duties. I do not say Mr. Sayer wants this billet, I do not think it is of his own free will this extra imposition has been placed on him; I think he is perfectly content for Dr. Smith to have the post which he is fitted to fill, and fill for years to come, if there is any indication in the vigour, strength, and brightness of the aged gentleman at his time in life. But Mr. Sayer is placed there by his chief. I object to using anyone in such a way. That he is fulfilling the duties of half a dozen, he may, being an extraordinary man as undoubtedly he is, be capable of giving satisfaction in all of them, but it is a precedent that ought not to be set. One man one job applies as much in the Government service as it does in general outside routine. We may not be able to get another Mr. Sayer capable of fulfilling all these tasks with satisfaction and to utilise him now in that form. The precedent is dangerous to the good government of this State, and he does not want it, yet he is made to do it in order that Dr. Smith may be got rid of; got rid of, not as I say for any incapacity, because he was directed by the Governor-in-Council to discontinue his duties; not for any fault or failing in the performance of his duties, for his excellent qualities in this respect are recognised by everyone, but on the supposed plea of economy, that fad that the Commissioner of Public Service has got for amalgamating five or six offices in one, and utilising one officer in some instances not accustomed to the particular duties that are imposed on him, in order to get rid of someone and pay poor salaries. I am not going into the question to-night as to the overstocking of the service, because in some quarters very much pruning may be done with advantage, but this is not one of those instances. This is one of the instances in which he has put extra duties on a public servant in order to dispense with someone, although he could make one man satisfactorily earn his salary if he attended to the little branch and directed the matters that come directly under the observation of the Attorney General. The Attorney General will tell you, I am sure, that in that respect Mr. Sayer is just about paid what he is worth, that is to say he is not worth less than is paid to him, and there is sufficient to engage his attention and his ability, not to strain a man, in the due performance of that, and any additional work will tend to weaken administration in some part of the State; therefore in all phases of his official duties there is some harm in placing on him these additional two hours or one and a half a day as Commissioner of Titles. Be that as it may, this fact is clear that Dr. Smith is entitled to consideration on the score that he could not possibly obey this Public Service Act and retire at 65; that he joined the service under the Superannuation Act that provided for an allowance on his retirement. That Act is not in any way modified or rescinded so far as those who joined the service before this Act came into operation, by the passing of the Public Service Act; and if he be allowed to go without remuneration the State has broken faith, broken its contract, and entered on a policy of repudiation. Can it be denied that when Dr. Smith took up the position of Parliamentary Draftsman or Commissioner of Titles he did so with the knowledge and experience of the Superannuation Act, he knew what to expect; and was it not part of his contract? He agreed with the State to undertake services at

such and such a salary, plus the promise in the Superannuation Act. That was part of the condition, of the terms, of the thing he had before his eyes all the time. It was worth while a man of his capacity and attainments joining a service under the pledge, the pledge of law, the pledge of this State, that when he had arrived at a certain time of life, when he had served the State so many years, he should not be neglected or forgotten, that he should receive a certain allowance. Was that not part of his contract? Has any Cabinet the right to break that contract, to repudiate it? A contract which has the weight and force of law, can that be broken easily? And yet at the will of Cabinet this contract is repudiated; the law annulled at the sweet will of those who were present at that particular Cabinet meeting. I submit that it is a policy that does honour to no State; besides which I recognise, in this age of commercial activity, in this age of greed for gold, we too often forget there is something more necessary than monetary economy in the Government of the State. If we cannot recognise the merits of our public officers, if we cannot recognise and reward faithful and long service, if we cannot take care of our aged servants who have passed their lives in doing the State good service, we have indeed become exceedingly callous; the State is not progressing, however it may be enriching. The moment we lose the element of heart in Government, Government is going back. It is our duty, if we cannot be generous to our public servants, at least to be faithful to them. If we cannot pour down over them from our superabundance in their old age, we can at least keep our word, our pledged faith. That is not what we have done in the case of Dr. Smith. I want to ask: Is he not the first example? Were there not others that the Commissioner (Mr. Jull) marked out at the same time as over 65, to leave the service of the State? Yet they are in the service still. Was Dr. Smith to be made the first example? I am not pleading alone for Dr. Smith when I urge the arguments I use; I plead for all who may be situated as he is; I plead for many in the poorer ranks of the service. This is a try-on, so to speak. Is Dr. Smith not being made a particular example; is he not the first to suffer? [*The Attorney General*: No.] I would like to know who else has been made to suffer in a like manner? [*The Attorney General*: Everyone.] Everyone has not. There are others who may have been marked out who have not left the service, who are still being retained though marked out at the same time as Dr. Smith. I deny the right of Mr. Jull to dismiss in this manner which is illegal. He has not the power, and it is the duty of the Government to correct him. At all events what I am asking for now in this brief, imperfect and inadequate statement of the case is that we should have an inquiry, that a select committee be given to me so that I may prove to the hilt or else go down upon it; and, unless I can prove to the hilt that Dr. Smith is entitled to what I am asking for, namely, recognition of his services in old age, a recognition which I would wish to be given to every man in this State because it is only another phase of asking for an old age pension for him, no more than what we should have for the poorest in the land as well as for Dr. Smith—if I cannot prove that he is entitled to that, I will willingly go back upon the arguments I have used, that is, upon the production of their answer, their complete answer. If I can show that by the absolute law of the land unimpaired, untouched and unrevoked, Dr. Smith is entitled on the honour of this State to a pension of £140 a year—that is all he is asking for, and the man may not live more than two or three years—then I ask for the power to recommend— after all it will depend on the Government who act on the recommendation made—but I want to make my inquiries, and I want a committee to help me make them, and I want the assistance of the Attorney General in the conduct of that inquiry so that I may report to the House, and so that on the merits of the evidence then obtained the House may be able to form its judgment.

Mr. T. H. BATH: I second the motion.

The ATTORNEY GENERAL (Hon. N. Keenan): If we were to consent for a moment to a motion of this character it would necessarily place the Ministers, not only of this Government but of successive Governments, in the position that when any public servant leaving the service considered in any way that his treatment was not in accord with his deserts, he could procure the services of any member of this House to ask for a select committee and it would be granted. It would be intolerable for any Minister if a position of that kind were to be recognised; therefore I at once let the hon. member and the House know—and shall give my reasons fully—that I intend to oppose this motion. The hon. member has pointed out in terms of laudatory reference the services of Dr. Smith to this country, and I am not going to challenge them. I would not challenge them even if I were able to do so, because it would be a course of conduct that would be absolutely repugnant. We are not here to examine into the qualifications of Dr. Smith, or during the time he was in the Government service how he discharged his duties, because necessarily it would be my duty to point out that he joined the service at an age when most men in ordinary prudence have made provision for their own old age; and in the circumstances that would be a consideration to be taken into account if any question arose as to reward for those services. In order that I may avoid that point of discussion I do not refer to the references made by the hon. member, and I would ask the House to look on them in the same light. The argument as put forward—and if I am mistaking it I hope the hon. member will at once correct me—touches on two separate branches. In the first place the hon. member contends that Dr. Smith was entitled under the Superannuation Act to pension rights. Is that not so? [*Mr. Walker*: Yes.] The other argument is that Dr. Smith should not have been retired at all from the public service, because, inasmuch as he was over 65 years of age when the Public Service Act was passed, it did not apply to him. Is that not the point? [*Mr. Walker*: Yes. I think he could not retire at 65.] Let me deal with the latter argument first. When the Public Service Act was passed it was expressly set out in the Act to whom it did not apply and to whom it did apply. Section 5 of the Public Service Act sets out that the Act should not apply to certain parties who are therein fully described; and naturally it does not refer to any officers, but it refers to particular posts in the service. It applied at the time it was passed to every office in the service except those offices that were exempted from its operation under Section 5. Section 5 did not exempt the office of the Commissioner of Titles. The consequence is that it is beyond any argument that this Act did apply to this particular office. [*Mr. Walker*: Not to that particular man.] The Act does not apply to any man at all; it applies to offices. The holders of the offices come under the Act. I do not think it is suggested with any great degree of seriousness that because Dr. Smith was over 65 when the Act was passed, though the Act applied to the office it did not apply to him. [*Mr. Walker*: He was over 65 when he joined the service.] Consequently he was over 65 when the Act was passed, and the argument is that though the Act applied to the office he held it did not apply to him. I have had interviews with Dr. Smith, and I know he put forth that contention and I think that is why the hon. member puts it forth to-night. [*Mr. Walker*: I think it is sound.] All I can say is that Dr. Smith did not persevere with it. He had good sense enough to see that it was plausible and good enough to put forward as a short argument, but he did not continue it; and I think the House will agree with him there. What was the meaning of the Act? That all the officers in the Government service, no matter what their ages were, were to come under the Act unless specially exempted. It was clearly intended that every servant in the service, except those specially exempted, was to come under the Act. What was the result of that? One of the duties of permanent heads

of departments was to furnish to the Public Service Commissioner every year the age of all those in the employ of the department, and the consequence was that in 1906, the age was supplied of Dr. Smith among others who had exceeded the age of active service. Let me refer the House to Section 67 of the Public Service Act: "Every officer shall retire on attaining the age of 65 years unless he is required to continue to perform his duty in the public service as hereinafter provided, and is able and willing so to do." The policy which the Act directs the permanent heads of the department and the Government to carry out is first of all to allow every officer of 60 to retire if he chooses to do so, and to make it compulsory on every officer of 65 to retire unless for special public reasons it is necessary to retain his services. When the Public Service Commissioner was notified in due course that Dr. Smith had attained the age of 65, in order that he could continue for a single day in the service of the Crown a special certificate had to be issued notifying that the Governor directed Dr. Smith to continue in the performance of his duties during his, the Governor's, pleasure. That was necessary in order that Dr. Smith might legally continue in office. That was in the month of July, 1906. When subsequently in October, 1906, it became possible without detriment to the public service by arrangements that were made to retire Dr. Smith, it then became the duty of the Public Service Commissioner, without any question, to ask for his retirement, and it became the duty of the Government to see that it was carried into effect, unless we were to set on one side an Act Parliament had seen fit to put on the statute book. Accordingly the Public Service Commissioner informed Dr. Smith that the Governor in Executive Council had approved of his retirement from the public service as on the first December then following. Again I say there was no option in the matter, unless we were to take the responsibility of setting at defiance the deliberate and express wish of Parliament in our Public Service Act. Then we come to the change made in consequence of the retirement of Dr. Smith. Before dealing with that, however, I would ask the indulgence of the House to enable me to refer to a matter brought into the debate, although not a portion of it, that is the arrangements made for carrying out the duties of the office. The registrar of titles in our State is not a trained barrister or solicitor, and therefore is not capable of giving advice on questions of title. If he were so fitted, it would undoubtedly be the duty of the Government to amalgamate the offices of registrar and Commissioner, but for the present all that was necessary was to give the registrar such legal advice as is required for determining matters of title. On consulting with the Solicitor General, who in 1901 filled the office of Commissioner of Titles for a year and subsequently took up the duties of Crown Solicitor, and then Solicitor General, I found that his experience during the time referred to by the member for Kanowna had satisfied him that an hour or an hour and a half a day was ample for the duties properly pertaining to the office of Commissioner of Titles. Remember, that was not the experience of to-day but of the year 1901 when the officer filled that position and no other. [*Mr. Scaddan*: There are scores of similar offices in other departments.] I am not here to investigate other departments but to deal with the matter before the House. I did not act hastily but on the advice of a man who held the position for a year, and at a time when probably our titles were more numerous and required more investigation than they do to-day. That man was perfectly satisfied that, with the arrangements I could make to relieve him of his minor duties, he would have ample time to act also as Commissioner of Titles. [*Mr. Scaddan*: He admits then that he held the office previously under false pretences.] The hon. member is not justified in saying that. If a man who holds a certain office has not what he thinks enough to do, he is not holding the office under false pretences. The hon. member should be one of the last to say such a thing. [*Mr. Walker*: You do not make Mr. Sayer

responsible for the retirement of Dr. Smith.] That is an extraneous matter brought in by the hon. member for Kanowna. The present arrangements do not really affect the question, but I wish to clear the matter up. The arrangement now in force is one with which I am perfectly satisfied and it is giving full satisfaction. It is only one which, so to speak, will remain in existence until the registrar of titles is a man properly trained in the legal profession, and then the two offices of registrar and Commissioner will be amalgamated. As to the right alleged on the part of Dr. Smith to a pension under the Superannuation Act, if hon. members will look at the pamphlet which has been issued, they will see that some of the clauses of that Act are set out. The effect of that Act is not what the member for Kanowna thinks—and I think I will be able to convince him and the members of the House of this—but something very different. Before the Superannuation Act was passed, it was not lawful for the Governor of a colony to make any payments of this kind to a public servant. The effect of the Act was to make lawful that payment if the Governor in Council thought fit to do so. The Act is an exact copy, word for word, of the English Act of 1859, and includes in Section 12 a section taken from the English Act of 1834. The English Act of 1859 has been the subject matter of two decided cases in the English Courts ; the first is that of Edmunds *v.* the Attorney General, reported in 47 Law Journal Chancery, page 45, and the second, Cooper *v.* the Queen, reported in 14 Chancery Division, page 311. These are the only two decisions on an Act which is the same, word for word, as ours, and they were two claims brought by public servants in the one case against the Queen and in the other against the Attorney General, claiming pensions under the English Act. The judgments in both cases were delivered by the Vice Chancellor. What did he point out ? I will read a portion of his judgment. He said :—

> "A servant of the Government has rights conferred on him, but all those rights are dependent entirely upon the bounty of the Commissioners, and, in order to guard themselves and to prevent claims like the present from being made before the civil tribunal of the country, the Act provides Section 30."

The Commissioners referred to in this judgment are equivalent to our Governor in Council, and Section 30, also referred to, is identical word for word with our Section 12. His Honour in his judgment also says :—

> "The Crown in fact says, 'this is what we intend to give you but as a matter of bounty only, and you shall have no legal right whatever and it is not intended to give any person an absolute right of pension for past services or for an allowance under this Act.'"

That is the only authority on this point, and makes the memorandum or the minute of the Cabinet of the James Ministry absolutely and entirely a legal one. The hon. member has asked how the Cabinet can override the law. It did not do that, but defined the extent of the bounty of the State, and was quite justified in doing so. It is absolutely a matter for the Government to determine to what extent the bounty shall be extended to public servants. In September, 1903, the Cabinet or the Government in power determined the extent to which the bounty should go, and it was this. For up to 15 years of service the public servant would receive an emolument equivalent to one fortnight's pay for each year of service ; for over 15 years' service the officer would come under the Superannuation Act and obtain a pension. That has been acted on since, and as far as I know without a single exception. Certainly since I have had a knowledge of affairs of this country there has not been an exception to that rule, and every public servant who has retired has had the amount of the bounty which he is to receive under the Superannuation Act measured out strictly in accord with that minute. [*Mr. Angwin*: Did Dr. Smith get it?] Exactly the same. I want the House to realise that, as far as I am personally aware, there has not been one exception

to that rule. Some hon. members opposite held office in the Government and they will know what happened at that time. I have known of an instance where a man has had 13½ years' service, and where that period has covered the prime of his life, and he simply received the bounty fixed under that Cabinet minute.

Mr. Foulkes : Do you remember the Pombart case ?

Mr. Taylor : That was dealt with by Parliament.

The ATTORNEY GENERAL : I am not concerned with what Parliament does in that sense. If a matter of this kind goes to a select committee we know that that body is swayed by reasons which possibly are very humane but are not logical, and are inclined to recommend the Government to pay a sum which would be unfair to all those who cannot get someone to rise up in the House and move for a committee in their case also. Are we to differ in the treatment of our servants and say that a rule that has been followed for a considerable time should be infringed in one special case because an eloquent member can make out a strong argument for a particular servant ? [*Mr. Walker* : Be just to all.] The hon. member will recognise that I have taken no objection to anything he has said on behalf and in favour of that public servant. I did that to avoid conflict of opinion, but it would be disastrous to the public service if one public servant were to have extended to him certain treatment which has been denied to every other public servant ever since 1903. [*Mr. Walker*: Wrongfully denied.] I join issue with the hon. member on that point. I have pointed out the legal position and that it is the duty of the Government to govern the bounty in accordance with the resources of the country. What has been done in Dr. Smith's case? He has had, you will see by the correspondence, six months' leave of absence, three months on full pay and three months on half pay, dating from December 1st, 1906. [*Member*: Was that accumulated leave?] No. In the public service there is a rule that accumulated leave is not allowed except by special permission, and that permission is only granted in special circumstances. It is absurd to say that because a man does not take his leave each year he is entitled to accumulated leave. I do not wish to dwell on that point, it might appear invidious. Dr. Smith was granted six months' leave at the end of which he was to receive a fortnight's pay for each year of his service. This gives him the full compensation or perhaps a little more, and is what he is entitled to under the Cabinet minute of 1903. [*Mr. Hudson*: What does that amount to? About £300?] I do not know. I have very little more to say except to ask members to bear in mind that in a question of this kind they must not allow their sympathies to decide the issue, particularly they must not allow their judgment to be biased by possible feelings of sympathy. If it were possible to be generous, even to be generous at the expense of the State, without dereliction of duty, I would be the first to be generous; but it is impossible to make an exception for one public servant without being prepared to do the same thing in every case. We have absolutely and entirely refused to do so in the past. Every public servant who has retired receives the bounty of the State on the terms of that minute. I am not prepared to consent to a committee whose finding would have no possible effect. I would refuse personally to be responsible to carry on the administration of the country unless it were on equal terms to all concerned.

Mr. J. C. G. FOULKES (Claremont) : The Attorney General was quite correct when he said that in this matter no distinction should be made between one civil servant and another. No one can complain of the manner in which the mover brought forward his case. He, like myself and other members, is anxious to see at all times that justice is done to our civil servants. I well remember the time, I think about three or four years ago, when we were asked to give compensation to another

civil servant, Mr. Pombart. Mr. James, the then Leader of the Government, opposed the motion, practically on the same grounds as those now taken by the Attorney General. [*Mr. Taylor* : The positions were not similar.] Mr. Pombart had been removed from office, and the House decided that no action should be taken regarding him, nor was any compensation agreed to by that Parliament. In the course of time a fresh Ministry took office, a motion was again made by a member, and a select committee appointed. The committee reported, and as a result a sum of £750 was paid to Mr. Pombart. Unfortunately there is no gainsaying the fact that Section 12 of the Superannuation Act does practically override that Act of which it is nevertheless a part. It depends entirely on the Government of the day whether they shall give a public servant any exceptional gratuity. Even if the whole House, with the exception of the Ministry, were unanimous, if they all said that a large sum should be given as compensation to a civil servant for loss of office on his retirement, even then the Ministry could ignore that decision. As I read the Act, the decision depends entirely on the Ministry. Even if the whole House decided that a large sum was due to Dr. Smith, the Ministry need not give him anything. [*Mr. Walker* : I am not asking for a large sum.] Small or large, the Ministry can ignore the request. The House is anxious to do justice to any civil servant, and I have no objection to the appointment of a select committee; but I am afraid that will not carry the case a step farther, for we have it stated by the Attorney General that he will practically ignore the recommendation of the committee. Nor will anything be gained by taking the case to the Supreme Court. I know that in the old country the Crown has been repeatedly sued by civil servants and by some distinguished army officers for compensation for loss of office; but it has again and again been decided that there is no case whatever against the Crown. When extra gratuities are given for loss of office, even after the most distinguished service, it is necessary either to pass an Act of Parliament, or to have a sum placed on the Estimates, to enable the Government of the day to make the grant. Only a few weeks ago the Press announced that the British Government had decided to vote £50,000 to Lord Cromer for his distinguished service in Egypt, of which he had been Governor for about fifteen years. But even then, it was found necessary practically to pass an Act of Parliament to enable the Government to make the grant to that nobleman. I shall feel obliged to vote for the select committee, for I think it is at all times our duty as members of Parliament to give a hearing to every person who claims our assistance; but I am afraid that even if the committee ask the Government to give either a small or a large sum to Dr. Smith, the request will not have any effect.

Mr. WALKER (in reply as mover): The Attorney General has endeavoured to make it appear that my case is exceedingly weak, on the score, first, that the Superannuation Act is not a compulsory Act, but is only declaratory of the Crown's bounty under certain conditions, and that therefore the resolution of the James Cabinet, which was only a definition of the bounty of the Crown, is equally authoritative; in short, that it is the Government which grants compensation in all cases, and that it is incumbent on the Government to declare what the bounty of the Crown shall be. But the hon. member forgets that in one case we have had the bounty of the Crown declared by an Act of Parliament. Admitting the full force of his statement that it was not an Act making the bounty compulsory—I will grant him that ; I will admit that the cases he has cited are lucidly illustrative of that fact, and clearly demonstrate that it is not compulsory for the Crown to give effect to the details set forth in the Act; that the compensation must always be considered as a bounty and not as a right. The Act itself declares that. The hon. member has quoted Section 12, and I will read it once more:—

> "Nothing in this Act contained shall extend or be construed to extend

to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the Governor of the power and authority to dismiss any person from the public service without compensation."

That clearly makes compensation discretionary; but within what bounds? Why do we have this declaratory statement in Section 12 ? Because clearly if the law set forth that every person, no matter what his character or service, should be absolutely entitled by law to claim a pension, and to be free from dismissal, we could not possibly administer our civil service. But this section gives discretion to those in authority to dispense with the services of an unsuitable servant. If a man is dishonourable, dishonest or in a constant state of intoxication, it is absolutely necessary to dismiss him. Even though he may have been four, five, six or a dozen years in the service, if he turns out disreputable or otherwise unfit for his post, it is necessary to have power to dismiss him, and to dismiss him on his deserts : that is, not only with the sacrifice of his billet, but with the sacrifice of the Crown's bounty. Section 12 permits of that, gives the Crown power to refuse a gratuity when those who are leaving the public service do not deserve that bounty. But inferentially, to the same extent and with the same power, it says that those who have faithfully served the State, those who have done their duty, those against whom no complaint has been made, shall be recognised and shall have their services remunerated :—

"Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who have served in an established capacity in the permanent civil service of the colonial Government, whether their remuneration be computed by day pay or weekly wages or annual salary, and for whom provision is not otherwise made by legislative enactment in force at the time of the commencement of this Act or hereafter to be passed, shall be as follows."

Thus those who, relying upon the promise expressed in the law of the State undertake their duties, do so with the assurance that if their service be honourable, if they attend to their duties as men ought —in other words, if they faithfully discharge the duties allotted to them—they shall be entitled to this compensation as a bounty promised by law. Now, where is the necessity for a law to declare this bounty if a minute of the Executive Council is equally valid ? It is only a declaratory law, but it requires a law to do it ; and this is the declaration, not of a Cabinet, but of the two Houses of Parliament, with the signature of the representative of the Crown attached to it. What then ? Can we by a minute, not of the Executive Council but of Cabinet, override that declaration of the State's bounty declared by law ?

The Attorney General : In the English cases I cited the Commissioner overruled the declaration.

Mr. WALKER : I will admit that. I am not denying the contention that it is not an absolute right. This Act itself so declares. It is not as an absolute right that compensation can be claimed ; otherwise, there would be no need for me to plead this case in Parliament. If it were an absolute right I should say to Dr. Smith, "There is your legal remedy; go to the Supreme Court and fight out your case there." It is not a legal right. I am coming now to that department of the Government of the State which can do more than a technical duty, which can execute that justice not always obtainable from the law ; and I am pointing out now to the Attorney General that it is no answer to the Superannuation Act to say that a Government resolution is just as good.

The Attorney General : Is not the Government of the country allowed to determine the bounty to be given ?

Mr. WALKER : Not as contravening the declaration of that bounty by an Act of Parliament.

The Attorney General : The Act gives no rights.

Mr. WALKER: The Act sets forth the kind and character of the bounty. The Act says, "If you are bounteous at all, you shall be bounteous in this way." The Attorney General says, "Notwithstanding the Act says we shall be bounteous in a particular manner, we will contravene that Act, or annul that Act, and be bounteous in the manner that we choose." The Minister must admit that the Government can, with the subsequent recognition of this Parliament, be bounteous in any way apart from this Act; but if the Government elect to deal with a civil servant in the way of bounty, the manner is set forth in the Act.

The Attorney General: Can the Government of the day say "We will give no pension at all"?

Mr. WALKER: Yes; undoubtedly.

The Attorney General: If they can say they will give no pension, can they not say what part of a pension they will give?

Mr. WALKER: If you are to give a pension, you will give it according to this form. You cannot reduce it. But if it be granted, this is the way it shall be granted. This is what the Act is for. This is what the man is entitled to if he is entitled to a pension at all. If he behaved himself as he ought to have done, it says this is the way the bounty shall be given. You cannot upset it by a minute of Cabinet. The position taken by the Attorney General is that other people have been treated on the resolution of Cabinet instead of under the law; there is no reason why Dr. Smith should be treated as an exception. I agree; I do not want to make Dr. Smith an exception. Every public servant starting before the Public Service Act became the law should be entitled to the same consideration as Dr. Smith. I recognise in pleading Dr. Smith's case I am pleading the cases of others and they have a right, and it should not be left to members of Parliament as put by the Attorney General to take up the case of some very unfortunate injured civil servant in the House. It should be done as a matter of right or equity by the Government. There should be no screening of those who have been unjustly treated by the Government here to-night by the Attorney General. Every case on a par with Dr. Smith's should be treated as I am pleading that Dr. Smith's should be treated. Is the Government to prevent me or is the Attorney General to prevent me having a committee of inquiry on the score that if Dr. Smith has been unjustly treated dozens of others have been unjustly treated?

The Attorney General: My contention is that none have been.

Mr. WALKER: If none have been, what is the harm of the inquiry? I am pointing out that a very serious element is being introduced into the Government of the country, the power of the Government to repudiate laws and pledges. Can anything be a more sacred pledge than the Superannuation Act?

The Attorney General: If no injustice has been done?

Mr. WALKER: I want to inquire "if." I say an injustice has been done, not only to Dr. Smith but to others; and I am afraid that Dr. Smith is to be made the excuse for preventing others obtaining their rights. Other men who have been in the public service under the Superannuation Act, under the faith they have in the Government, under the faith they have in the laws of the country and under the faith they have in the integrity of the nation, have been in the service so long and are entitled to consideration. Is this Act mere waste paper? If they are not entitled to any consideration then the Act is no good; it is not worth a snap of the fingers. Is that not a species of repudiation?

The Attorney General: Is that not the first element of bounty?

Mr. WALKER: Not necessarily. I mean to say it is not necessary to a bounty that there shall be anything definite; that is not the nature of bounty.

Mr. Bath: The Queen's bounty is a fixed amount.

Mr. WALKER: Undoubtedly. A bounty may be either indefinite or definite; it may be vague, or strictly definite as it is here.

The Attorney General: Can you not vary it?

Mr. WALKER: Not if it is fixed by law. I say this is the widest form on which bounty can be prescribed, because it is clear bounty given to every public servant. There is no favouritism, a bounty to one and not given to another under a different declaration. It is equal bounty, and given to every civil servant of the State so long as he acts faithfully and does his duty. If he does that there is the promise of the Crown that he shall receive the bounty, with this provision that he is not entitled to it by right, but by the generous recognition of services by the State; not bebecause he can claim it, but because the State promises faithfully by law to give it. And now we say what is the promise of law? It is a declaration of intention on which a civil servant has relied for 12 years of faithful service, and now it is not worth a snap of the fingers. That is it. One would think I was asking for an enormous lump sum to be voted out of the Treasury for this gentleman. I am asking nothing of the kind. I am asking that Dr. Smith shall be granted that bounty, that generosity of the State in its promise in the Superannuation Act. The most it would come to would be about £140 a year to an old man over 75. I am not asking therefore any extreme step to be taken, and while I am asking for him I am asking for all those who come in a similar category with Dr. Smith. It should be no argument against me that there have been injustices done to others already; it should be no argument against me that there will be others entitled to it as he is. Poor as the State may be in its financial resources, it can always find that amount of money to carry out its word faithfully with its subjects; always can find enough money to be just, to carry on its public duties without repudiation, without breaking its pledges or breaking its laws. That is what should be done. I ask to-night, notwithstanding the opposition of the Attorney General, that the select committee should be granted. I want it for no idle purpose, for no special favouritism to Dr. Smith. Dr. Smith stands like everyone who is similarly situated stands. He asks for cold, bare justice, on the Acts of Parliament that relate to his case. No more. I want to inquire how far these Acts apply to him. When the committee reports, the House can take what course it may. Some may ask what good can an inquiry do if the Attorney General will not act on the report? This good can be done. We can put the evidence together that will show distinctly how Dr. Smith stands in the light of those Acts of Parliament which I have quoted to-night; what are his exact rights; and by that way show exactly the position in which every other civil servant stands to-day who was in the service before the passing of the Public Service Act, or the appointment of the Public Service Commissioner. This motion has a far wider purpose than merely serving Dr. Smith; it is of public importance. It is wide reaching, especially as it affects the public servants of the State. I hope therefore the Minister will withdraw his opposition and grant me the select committee.

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

Ayes	..	..	12
Noes	..	..	20
Majority against	..		8

AYES.	NOES.
Mr. Angwin	Mr. Brebber
Mr. Bath	Mr. Butcher
Mr. Bolton	Mr. Cowcher
Mr. T. L. Brown	Mr. Davies
Mr. Collier	Mr. Gordon
Mr. Foulkes	Mr. Gregory
Mr. Holman	Mr. Gull
Mr. Scaddan	Mr. Hardwick
Mr. Taylor	Mr. Hayward
Mr. Underwood	Mr. Keenan
Mr. Walker	Mr. McLarty
Mr. Heitmann (*Teller*).	Mr. Monger
	Mr. N. J. Moore
	Mr. Price
	Mr. Smith
	Mr. Veryard
	Mr. Ware
	Mr. A. J. Wilson
	Mr. F. Wilson
	Mr. Layman (*Teller*).

Question thus negatived.

BILL—STATISTICS.

Received from the Legislative Council and read a first time.

PAPERS—RAILWAY CARRIAGES CONSTRUCTION.

On motion by *Mr. W. D. Johnson* (Guildford), ordered: "That all the papers relating to the proposal to construct additional railway carriages, and the subsequent decision to call tenders for the same, the tenders received, and the final acceptance of the tender of the Westralia Ironworks Ltd., be laid upon the table of the House."

RETURN—ADVERTISING IN PRESS, COST.

Mr. W. D. JOHNSON (Guildford) moved—

"That a return be laid upon the table of the House showing amount spent in advertising each year for the past three years, the newspapers advertised in, and the amount paid to each."

The information was required to see if it were possible to economise in advertising in this State. In his opinion, a good deal of economy could be effected in this direction. The return would be an education to the House and would assist Ministers in ascertaining whether economies could be effected in this direction.

Mr. A. J. WILSON (Forrest) : Similar motions had been moved in the House. It was not fair that a member under cover of a motion of this kind which might merely be brought forward to gratify a morbid curiosity should ask the House, without showing some justification, to put the country to the expense of getting out a return of this kind. No member should unnecessarily waste the funds of the State in getting a return prepared, unless there was public necessity for the information. Surely the hon. member should show some justification, and not sit down with an indifference worthy of the motive for requesting such a return. The time for the hon. member to give information was not after a motion was opposed, because members opposed the motion or agreed to it according to the case the mover had made out. These remarks were directed at the haphazard method of some members in putting the country to expense to get returns which served no useful purpose other than gratifying their curiosity.

The PREMIER (Hon. N. J. Moore) could appreciate the desire of the last speaker to study economy in connection with these returns ; but the matter the subject of debate would not entail great expense. At the same time, members would recognise that some of the returns asked for entailed a great deal of expense and labour. As a matter of fact, a motion was carried in another place last night for a return that would entail an expenditure of at least £250. It did not seem reasonable that the country should be put to this great expense, without some very important object was to be served. In the case under review the Government did not intend to offer objection, because it was believed the information could be supplied at a reasonable cost.

Question put and passed.

ADJOURNMENT.

The House adjourned at 9.35 o'clock, until the next day.

Legislative Council,

Thursday, 1st August, 1907.

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

Prayers.