

it, because there is plenty of room for it elsewhere. The closure of the street will not interfere with the traffic, which will merely be diverted to another road near the water. The plan will show what is proposed and in what manner the traffic will be deriated.

Mr. Smith: What is the reason for closing the road?

The PREMIER: The reason is that it runs into a dead end.

Mr. Smith: We do not close all roads that run into dead ends.

The PREMIER: I am sure the House will agree to close this road. It is necessary that there should be quietness near the Supreme Court.

Hon. W. C. Angwin: Is this a Government road?

The PREMIER: No, it is a public road 200 yards in length.

Mr. Smith: Have there been any complaints about noise?

The PREMIER: There have been complaints. We only propose to close this road to heavy traffic, not to pedestrians. The portion which is at present a road will be added to the gardens, which will thus have their area extended to that part of the fore-shore now being improved. The grounds are largely used by the general public, and will be of considerably greater value for recreation purposes. The road has only been used so far by motor cars and brewers' carts.

Mr. Munsie: Did the brewers' carts use it to supply the Supreme Court with beer?

The PREMIER: If hon. members have any doubt about the wisdom of closing the road I would like them to visit the locality and see what is going on there. I am sure they will be satisfied that the enlarged grounds will be an advantage. The only inconvenience will be that caused to those who formerly drove over the road with heavy vehicles.

Mr. Foley: Black Maria will have to go a bit further.

The PREMIER: Of course quietness must be observed in the vicinity of the Supreme Court. There were complaints a little while back about the noises that were going on in connection with a Fair which was held on the grounds in the vicinity of the Supreme Court.

Mr. Smith: Those Fairs will continue just the same from time to time.

Hon. W. C. Angwin: Tell us about the other road referred to in the Bill.

The PREMIER: I have referred to four.

Hon. W. C. Angwin: There are five proposals in the Bill.

The PREMIER: I shall lay the plans on the Table of the House and when the Bill is in Committee I shall give hon. members any further information they may desire.

On motion by Hon. W. C. Angwin debate adjourned.

*House adjourned at 10.38 p.m.*

## Legislative Assembly,

*Wednesday, 22nd September, 1920.*

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

### QUESTION—WHEAT FOR LOCAL CONSUMPTION.

Mr. TROY (without notice) asked the Honorary Minister: What quantity of wheat was required for local consumption and seed in Western Australia last year?

The HONORARY MINISTER replied: I am not in a position to answer that question without notice.

### QUESTION—LAKESIDE FIREWOOD COMPANY, HAULAGE.

Mr. MUNSIE asked the Minister for Railways: 1, How much is the Lakeside Firewood Company paying for the use of Government engines to haul firewood from Lakeside to Kamballie? 2, What revenue, if any, were the Government receiving for the use of the line when the company was using its own engines?

The MINISTER FOR RAILWAYS replied: 1, The company now pays 7d. per ton on firewood hauled, being 3d. per ton for the use of the Government engine. 2, Fourpence per ton on firewood hauled.

### BILLS (2)—THIRD READING.

1, High School Act Amendment.  
Returned to the Council with an amendment.

2, Building Societies.

Transmitted to the Council.

### MOTION—AGRICULTURAL BANK.

To permit overdrafts.

Mr. THOMSON (Katanning) [4.40]: I move—

That, in the opinion of this House, the provisions of the Agricultural Bank Act, 1906, should be amended in the direction

of enabling its clients to have overdrafts on similar lines to private banks.

It is not my intention to advocate the establishment of any dangerous precedent. Rather is it the object of the motion to further the interests of those people residing in the agricultural areas. Western Australia has the honour of possessing the most up-to-date and liberal Agricultural Bank of any of the Australian States but, so far, it has been what might be termed purely a development bank. The lines on which the bank works might be described in this way: a man takes up land; he has a few pounds but not sufficient for the undertaking. He desires to clear his land and the bank offers to advance him £100 to clear, say, 100 acres, making progress payments as the work proceeds to enable the holder of the land to pay the contractor who is doing the clearing. Section 28 of the Act reads—

(1) Subject to the provisions of this Act, the Bank may, if the trustees think fit, make advances on the prescribed security for:—(a) Ring-barking, clearing, fencing, draining, or water conservation; or (b) Discharging any mortgage already existing on any holding; or (c) The purchase of stock for breeding purposes. (2) Every application for an advance shall be made in the prescribed form, and shall contain such particulars as may be prescribed. (3) Advances may be made of an amount not exceeding three hundred pounds to the full value of the improvements proposed to be made. (4) Further advances may be made of an amount not exceeding two hundred pounds to one-half the value of additional improvements proposed to be made. (5) No advance shall be made under paragraph (b) of subsection one to an amount exceeding three-fourths the value of the improvements already made on the holding. (6) At no time shall the advances to any one person exceed the sum of five hundred pounds, and no sum exceeding one hundred pounds shall be advanced to any one person for the purchase of stock.

Recognising the splendid work that the bank had done, and realising in the light of experience that £500 was not sufficient, the Government in 1912 amended the Act by increasing to £2,000 the sum which the bank was permitted to advance. We are not protesting against that. The desire of the farmers in my district—

Hon. W. C. Angwin: When was the amending Act passed?

Mr. THOMSON: In 1912. It is one of the measures which stands to the credit of the Labour Government.

Hon. T. Walker: One of the many.

Mr. THOMSON: I defy the hon. member to quote one single instance in which I have withheld any credit which was due to the Labour Government for their work in 1912 and in the subsequent years during which they held office.

Hon. W. C. Angwin: You did not contradict the statements made by Ministers at the congress recently. Silence meant consent.

Mr. THOMSON: Doubtless the Government recognised that the amendment was essential to the progress of the agricultural districts and of the industry. They were the custodians of the public purse, and doubtless they considered this measure a good one in the interests of the State as a whole. While the Labour Government are entitled to credit for having introduced the measure, I dare say that, had any other party been in power, they would have done the same thing and, in saying that, I have no desire to detract from the good work which the Labour Government did.

Hon. W. C. Angwin: But no other party did introduce the amending Bill.

Mr. THOMSON: I must say that, when the Labour Government were in office, I always received all possible courtesy and consideration from them, and I trust they will always receive the same courtesy from me in return.

Mr. SPEAKER: The hon. member should deal with the motion before the House and not with a previous Government.

Mr. THOMPSON: The settlers in my district appreciate the splendid work done by the Agricultural Bank, but have come to the conclusion that it does not go quite far enough. Unfortunately, from the point of view of the State, apart from that of the farmers, the Agricultural Bank carries on a settler for a number of years until he reaches the stage when it can no longer do so. The settler then, by force of circumstances, has to withdraw his business from the Agricultural Bank and go to a private bank. The farming community desire that a small amendment shall be made to the Agricultural Bank Act in the terms of my motion, so that a man who possesses good assets may obtain an overdraft from the Agricultural Bank just as he could do from a private bank. I will give an instance of what I mean. Assume that a man has a farm worth £3,000. He owes the Agricultural Bank £900—less than one-third of the total value of his land. Under the present constitution of the Agricultural Bank when that man applies for a further advance the bank will say, to him, "Here is another £100; clear another 100 acres of land." That is not what the farmer wants; he wants a certain amount of working capital. Unless he is prepared to go on the Industries Assistance Board—

Hon. W. C. Angwin: Which will, I hope, be closed up.

Mr. THOMSON: The Government cannot give him any assistance. If a man in this position goes to a private bank, such an institution will readily pay off the debt to the Agricultural Bank, and grant him an advance, or an overdraft, up to £1,500 in all. In the present circumstances the farmer, being unable to get money from the Agricultural Bank, has to go to the storekeeper, who will carry him on for a period, but will charge him up to 15 per cent. interest for the accommodation. The machinery firms

are also prepared to carry him on, but if he has to buy his machinery on terms it means an additional outlay of from 15 to 20 per cent. It is felt that the Agricultural Bank should have authority to grant an overdraft to a client of £200 or £300 at the current rate of interest. This would be a decided advantage, not only to the State and to the farmer, but to the Agricultural Bank. It may amount to a form of State banking, which I am inclined to support, but it would also mean that the farmer, who has been placed on his feet through the assistance rendered by the Agricultural Bank, and has no desire to transfer his account to a private bank, would be able to get the accommodation he needs from the source from which he desires to get it. At another period of his operations the farmer may be in credit with the Agricultural Bank, and in this case it would mean increased funds for the Agricultural Bank and probably cheaper money for the agricultural industry generally. Hon. members will realise the advantage to be gained by such a policy. The State would be justified in saying to the farmer, after the necessary inspection, "Your assets are of a sufficient value to warrant us giving you an overdraft of £200 or £300 at current rates of interest." The farmer would thus have an opportunity of drawing that money against his securities, and would probably be able to save, directly and indirectly, £30 or £40 a year.

Mr. Johnston: That is where the big gain would come in.

Mr. THOMSON: The bank would also gain, because, having carried on so many of the farmers of the State until they can manage for themselves, the bank should not then cease its functions as a bank, and lose the advantage of clients for whose prosperity it has been responsible.

Mr. Mullany: Having reared the farmer to maturity!

Mr. THOMSON: It is only fair that the State as a whole should reap the benefit of having brought the farm to this state of maturity. I leave this motion to the judgment of the House. If it is carried it will be a direction to the Government to amend the constitution of the Agricultural Bank. I hope to be able to convince the Government that it is desirable to introduce the small amendment necessary before the close of the session.

On motion by the Minister for Works debate adjourned

#### MOTION—ELECTRICITY, TIDAL GENERATION.

Mr. UNDERWOOD (Pilbara) [4.55]: I move—

That in the opinion of this House it is desirable that the Federal Government should offer a substantial reward for the invention of a successful method of generating electricity by tides, and that the Government make representations to the Federal Government accordingly.

This is an Australian matter, rather than a purely Western Australian matter. The tides in this country that are likely to be used for the generation of electricity are found practically on the north coast, but they may come down a little south on the east coast of Queensland. It may be a fair thing for the Federal Government to say that they are not prepared to put up the whole of the reward, in which case, the Governments of Western Australia and Queensland and the Commonwealth Government should do it between them. The problem of populating the northern portion of this continent is essentially Australian, and not one for Western Australia only. It has been suggested that this scheme applies only to the Yampi Sound iron deposits. If electricity can be generated by means of the tides, the power can be used in almost every industry in the north of this continent. Instead of carrying coal from New South Wales to Port Hedland we could electrify the Port Hedland-Marble Bar railway. Instead of carrying coal to Wyndham, or using oil, the Wyndham meatworks could be run by electricity, not only as regards power but also heat. The rise and fall in tide at Wyndham is something over 30 feet.

Mr. Mullany: It is 28 feet.

Mr. UNDERWOOD: I am asking that a reward be offered for an invention for the harnessing of these tides. If no one can produce an invention, we have to pay no money. The only expenditure necessary would be on the advertisements published in various countries in the world. If we intend to go on with this, we should endeavour to bring to bear on the question the best minds the world has. This does not apply alone to Yampi Sound. At the same time, we have 100 million tons of over 60 per cent. iron ore at Yampi above water level. In other words, we have 60 million tons of iron there. In treating iron, we have either to bring the coal to the iron or take the iron to the coal. If we could generate electricity on the spot there would be no need for coal. The use of coal could be abolished, and in its place we could have electric power and heat alongside the mine. If this can be done, the Yampi iron deposits are beyond all shadow of doubt the most valuable iron deposits in the world. The offering of a reward to obtain that position is certainly one of those things we should do. My motion suggests a substantial reward: I would say £10,000 or £20,000 or £30,000. If we can solve the problem it will be worth—without trespassing on the Premier's prerogative—millions to us. It has been said, "If this can be done, why was it not done before?" But let me point out that in its practical use electricity is not more than 30 years old. As a matter of fact, electricity has not yet come entirely into its own. The minds of electricians have up to date been devoted mostly to improving on existing methods with power already found, and have given little, if any, time to searching for

power to generate electricity. A pretty important person to whom I shall make further reference directly has said that the method has been tried elsewhere. That is true; it has been tried elsewhere, and not altogether unsuccessfully. But even the fact that a method has been tried unsuccessfully should not necessarily deter us from trying it again. For as far back as I can remember, people were trying to fly. I can remember attempts to fly 40 odd years back. After 30 years of trying, people learnt to fly. The fact that something has been attempted unsuccessfully is in no way a conclusive proof that success is impossible. I have here a cutting from the "Western Mail" which shows that this method of generating electricity has been engaging the attention of people in England and in other parts of the world. The "Western Mail" states—

Electricity by tidal action. Recent experiments in River Mersey. In view of the announcement that the Minister for Mines is supplying the Agent General with full information respecting the Yampi Sound iron deposits and their proposed treatment by electrical furnaces, special interest attaches to some recent experiments in the River Mersey with an apparatus for obtaining cheap motive power from rivers and tides, reference to which is made in a late number of "Chambers's Magazine." As the result of a long series of experiments concluded towards the end of last year, Mr. Joseph Clarkson, engineer and manager of the Air Power Company, of Manchester, claims to have invented an improved form of the old current water wheel for generating electricity from tidal rivers and oceans. In order to obtain more power without proportionately increasing the size and cost of the apparatus, Mr. Clarkson has invented an endless chain which runs round sprocket wheels at each end of a floating frame moored in a river or tideway. Attached to the chain (or chains) are buckets or flatboard floats: those on the portion of the chain under water are pushed along by the current until they emerge from the water at the rear and return to the front through the air, the contrivance bearing some resemblance to the caterpillar traction belts used on battle tanks or harbour dredges. Experiments recently conducted in the Mersey by the chief engineer of H.M.S. "Conway," who holds the rank of lieutenant-commander, proved, it is claimed, that power could be developed from currents of only two miles an hour at a lower cost than from coal.

Those are some of the experiments which have been made in England.

The Honorary Minister: It is really an undershot water wheel.

Mr. UNDERWOOD: This is a sprocket wheel. I will deal with the undershot water wheel in a moment. Now I come to our university man, whom we pay £800 or £1,000 a year. I will give the

reason why I do not like university men. The experimenter referred to in the "Western Mail" has put in years at his experiments. The university man knows nothing of the tides in this country, has never seen them, but has read a report on them by the State Mining Engineer.

Mr. Griffiths: What is the rise and fall of tide at Yampi Sound?

Mr. UNDERWOOD: About 36ft. I will deal with that also in a moment. Professor Ross's views are as follows:—

Referring recently to the inventions mentioned above, Professor Ross, Professor of Mathematics and Physics at the Perth University, stated that the H.M.S. "Conway" experiments might be of interest in showing what could be done in a small way in generating electricity from tidal power, but they offered no solution to the Yampi Sound problem.

The professor offers no solution of the Yampi Sound proposition. As a matter of fact he has been reading all his life, and possesses what may be termed a ready-reckoner education. He looks through his ready reckoner and cannot see in it anything referring to tidal powers, and so he says, "It cannot be done." I am not blaming Professor Ross. It is the system he has been reared under. But, seeing that he draws from us £800 or more a year, I have one or two calculations to put up to him. He goes on to say—

For the successful working of the iron deposits on the spot it would be necessary to provide for over 100,000 horse-power. According to the report of the State Mining Engineer, the "canal" at the east end of the Sound was about 300 feet wide, with depth up to 20 fathoms at low tide. That is to say, the "canal" is 300 feet wide and has a depth of 120 feet at low water. The professor continues—

It therefore appeared that the whole volume of water rushing through this channel at mid-tide would be insufficient to provide the necessary power, even if the machinery employed could have a 100 per cent. efficiency and could collect all the energy of the moving water. Machinery consisting of buckets attached to endless chains on sprocket wheels would necessarily have a very low mechanical efficiency. It would rapidly deteriorate by corrosion in sea water.

Now I want to put up one or two propositions to Professor Ross. He says there is not sufficient power. Let us take, in the first place, a tide running at five miles per hour. We are told that two miles an hour will suffice. I can assure hon. members that in the vicinity of Yampi Sound there are tides running up to eight and 10 miles an hour. The member for Yilgarn (Mr. Hudson) and the member for Williams-Narrogin (Mr. Johnston) once went through these passes on the ship "Penguin." She used to steam fully 10 knots per hour. In an endeavour to get out of Derby to King's Sound she encountered the tide, which had changed.

She was going through a narrow passage, and she could not steam against the tide. She simply had to turn round and go out through a wider passage.

Mr. Angelo: The "Gorgon" had to do the same once.

Mr. UNDERWOOD: Those two hon. members and the member for Collie (Mr. Wilson) will recollect an occasion when the same steamer was going through the narrows of Cambridge Gulf, with Captain Airey on the bridge, and with Commander Bruce taking observation. For two or three miles the ship was being driven through the water at the rate of 20 miles an hour. That fact gives an idea of the tides in that locality. Many members of this House might think that I was telling a North-West tale if I said that it is not possible to anchor a lugger in those tides, because they are so strong that they will pull the boat down to its anchor. But if those hon. members will cast their minds back, they will remember reading a couple of years ago about an accident to the Forrest River motor launch near Wyndham. A party were out on the motor launch picnicking, and they dropped anchor in a very strong tide, and in consequence they had a narrow escape from drowning. They got away in the dinghy, but the motor launch was pulled to the bottom, and she lies on the bottom still. That fact, again, gives an idea of the strength of these tides. Professor Ross, without any knowledge of these cases, and without any personal observation, says clean off the ice, "It cannot be done." He says also that sufficient power cannot be generated. But there is a canal 300ft. wide with a depth of 120ft. at low water. Now I will put up this proposition to the professor. Take the ordinary form of paddle wheel and say it is 200ft. wide or long, or in other words it is reaching 200 feet across the canal with a 5-mile current. The blades of the paddle wheel at the deepest immersion dip 10 feet into the water. What, then, is the horse-power? I would like the Government representatives on the university senate to put that proposition to Professor Ross, and ask him to supply the formula by which he works it out. I would also put up the same proposition as regards the sprocket wheels and the floats. We will say there is a five mile current, and we have an endless chain of 60ft. running over 30ft., and we have 3ft. square boards going into the water. At 3ft. apart, there would be 10 of these boards in the 30ft. of chain. There is width sufficient to allow of 100 of those boards being put down. Then, what would be the horse-power in a five mile current of 100 boards of that description running on sprocket wheels? Will the professor work that out for us? Again, if 300ft. is not sufficient width, it is easy to find places where a width of 1,000ft. is available. I will say, further, that if one or two sets of sprocket wheels will not do the professor, he can get five or six sets, or 50 sets. I will put up yet another proposition

for Professor Ross to work out. We will take, not altogether a turbine wheel, but a wheel somewhat of the description of a ship's log; that is, blades turning in the water. Those blades may be placed in a tube with a 10ft., or a 12ft., or a 15ft. radius, 100ft. long, fixed on a shaft. Can Professor Ross tell us the horse-power that will thus be produced? Because if we knew the horse power of one shaft we could get the horse power of 50—and we can put in 50 if they are required. Then there is another way: It has been declared by the State Mining Engineer that this scheme would not succeed, because the tide is not even; that is to say, it runs faster at one time than at another. But of course anyone with the least possible knowledge of engine-driving knows that it is possible to gear up according to the power available. Leaving that aside, or even admitting that it may be necessary at neap tides, when there is very little current to keep the gear running; suppose the undershot wheel, or the endless chain, or the turbine is put on to lift the water into a reservoir above the tide level, and that the flow is used to drive machinery on top, just as is being done in Tasmania. All these things are possible. I am confident that as soon as the engineers of the world have some inducement to go into this matter, they will find a solution of the problem. There is another way of dealing with it, but I am not going to tell the House about that, because I may be putting it forward myself later. The professor goes on to say that the machinery containing the buckets attached to the endless chain and sprocket wheels would necessarily have but a very low mechanical efficiency—I agree with that—and that it would rapidly deteriorate by erosion of the sea water. That is exactly what the university professors said when first the building of iron ships was mooted, that they would erode in sea water. I can see two or three ways of overcoming the difficulty, as for instance, putting no iron in the water at all, having the paddle wheel entirely of wood, if necessary. But it is not necessary, because iron ships have proved that the erosion of sea water can be overcome. The best ships in the world to-day are steel ships and if steel ships will do in sea water, so will other things of steel. I do not desire to labour the question. I am sure that such a motion will be carried, because this Parliament, like the municipal councils and the road boards, is always prepared to pass a motion calling upon some other body to spend money. At the same time, I desire to give publicity to this question, and to bring under the notice of the engineers of the world the great possibilities of the northern tides. If the Federal Government are not inclined to offer a substantial reward the State Government can safely do so.

Mr. Harrison: What do you mean by substantial?

Mr. UNDERWOOD: Anything up to £10,000, £20,000 or £30,000. The reward could be made subject to the successful

patent belonging to the Government, or to any other reasonable conditions.

On motion by Minister for Mines, debate adjourned.

# MOTION—COMMISSIONER OF RAILWAYS.

Appointment of Lieut.-Colonel Pope, C.B.

The MINISTER FOR MINES AND RAILWAYS (Hon. J. Scaddan—Albany) [5.20]: I move—

That the appointment by His Excellency the Governor of Lieutenant-Colonel Harold Pope, C.B., as Commissioner of Railways, at a salary of £2,000 a year, in the terms of the Executive Council minute laid on the Table of the Legislative Assembly on the 25th day of August, 1920, be approved.

I do not think it is necessary for me to say more than that the applications received from various places in the Commonwealth and from overseas for the position of Commissioner of Railways at the invitation of the previous Government, of which I was not a member, were carefully considered, and that finally Colonel Pope was given the appointment on probation. At the end of the probationary period he was appointed by the Governor-in-Council, an appointment which requires the endorsement of Parliament. I think hon. members are familiar with the ability Colonel Pope has already displayed in filling the office of Commissioner while passing through a very trying period, during which he has had to face many difficulties which previous Commissioners were spared. I venture to say that he has got over those difficulties with credit to himself and to the State. During the last 12 or 18 months we might easily have had a tremendous turmoil in the great system which means so much to our primary industries, but fortunately our railways have not ceased operating for a single moment. I believe that is in no small measure due to the tact exercise by Colonel Pope. It is because of the thoroughness with which he has attended to his duties that he is not to-day in the best of health, for in that respect he has given far too many hours of attention to the task he has in hand. But in the face of the many difficulties which have arisen and are still cropping up, it is essential that he should do this. I believe the House will be wise in endorsing the appointment of Colonel Pope. It is possible that there may have been a good deal of criticism at the appointment; because it was breaking away from the established practice that the appointee should have already held a position of a similar nature in some other part of the world before being deemed fit for the office. However, we considered that Colonel Pope had displayed certain outstanding abilities, not so much perhaps in railway operations, but in controlling men during the great war, and had a fair technical knowledge of railway administration, because he had been attached to the Commissioner's office

for a number of years. Consequently we took the risk and, as has now been proved, successfully. It is, I think, a good policy to adopt from time to time, this taking of a man from the ruck and giving him a chance to show his ability, especially if the precaution is observed of appointing him for a probationary period. In this instance what we did was in the best interests of the State and of the railway system. Colonel Pope is a local man. We have frequently to take a man from some other part of the world, without any knowledge of his practical ability, take him on his value as disclosed by testimonials—and, seeing that from time to time I have had to act on testimonials, I know of what value some of them are. But in this case we were able to take a man of known ability displayed during a great crisis. In these circumstances I leave the motion to the House, believing that it will be carried without a dissentient voice.

Mr. GRIFFITHS (York) [5.25]: Before the motion is carried I should like to ask a question: Is the Minister aware that there has been amongst railway employees certain talk which suggests a feeling of discontent that an office man, with no technical experience, should have been raised over the heads of men with full technical knowledge? I am a strong supporter of the appointment of Colonel Pope, but I should like to hear from the Minister whether there is really any dissatisfaction amongst the railway staff in regard to that appointment. I am an admirer of Colonel Pope and I should like to see his appointment confirmed.

Hon. W. C. ANGWIN (North-East Fremantle) [5.27]: I support the motion. It is pleasing to feel that at last we have recognised that there is some ability in Western Australia. Only too frequently have we made the mistake of going elsewhere when requiring an officer to carry responsibility. In the past this State has suffered greatly by going outside for advice, and for the appointment of officers. We have in our department officers who have been brought up in the service from boyhood, and who know the ABC of every position in the department. Notwithstanding this, past Governments have gone outside the State to bring in some engineer to advise our officers on reports received from their own experts. It would be better for the State if many important appointments could be made from the staff without any regard whatever to seniority. There are some good men in the Railway Department, and no matter who might have been appointed Commissioner, there was bound to be someone who thought he was better entitled to the position and who consequently would grumble at the appointment. We have in the present Ministry a gentleman who successfully carried out the duties of the Commissioner's office for five years, and who during that time let the people know who was the Commissioner of Railways, who was in charge of the sys-

tem. Surely that hon. member, being in a position to know the abilities of Colonel Pope, would not have agreed to the appointment had he not been satisfied with those abilities. I think the Government did right in appointing to the position a man from the service. I am not going to say, as the Minister for Mines said, that Colonel Pope's chief qualification was his ability to handle men in the field. There is a good deal of difference between controlling men under military law and controlling men in civil life. In the one instance the men are bound to obey, but in the other they are free to clear out. That is the difference. However, that is not intended to discount Colonel Pope in any way, because he was an excellent officer in the Railway Department for long before his appointment as Commissioner. Moreover, he was appointed acting Commissioner for a probationary period, during which he gave every satisfaction. Now we are asked to confirm his permanent appointment. I hope that when the appointment is confirmed, Colonel Pope will let the Government know that it is his fixed intention to maintain the railways in good order. Under the Act he has certain powers and responsibilities, one of which is that he shall keep the railways in good working condition. If we permit the Minister for Railways, no matter who he is, to let the railways drift into a bad condition, as happened on a previous occasion when there was a change of Commissioners, the result will be detrimental to the best interests of the State, if not an actual danger to the travelling public. I hope that Colonel Pope will see that the railway lines are kept in good working order and condition. I have much pleasure in supporting the motion.

The MINISTER FOR MINES (Hon. J. Scaddan—Albany—in reply) [5.32]: I desire to reply briefly to the point raised by the member for York (Mr. Griffiths). I have heard all sorts of rumours of persons being dissatisfied. That kind of thing, however, is not common to the appointment of Colonel Pope as Commissioner of Railways. There is always somebody who imagines that he should have received the position for which he was an unsuccessful applicant. That will always be the case so long as life continues, and I am not a bit disturbed in consequence. My own view is that if a person feels disappointed because he himself has not received the position that he was an applicant for, and from that date onward does not display that loyalty that is expected of him, and does not give to the State the services that he is paid to render, no matter what position he fills, we should take the earliest opportunity of allowing him to find a position elsewhere. If I knew of a disgruntled railway servant who was disloyal, and who refused to give his best service to the State because he was not fortunate in securing an appointment that he was after, I would ask

the House to give me power to dispense with that officers services. But I do not think the position is such as has been made out. There may be a little soreness because Colonel Pope was taken from the ranks, a soreness perhaps on the part of some who were his senior, but so far as I am aware those who were senior to him are to-day working loyally with him and giving him every assistance. With regard to the point raised by the member for North-East Fremantle (Hon. W. C. Angwin), we need not worry about the Minister refusing to allow the Commissioner to keep the railway lines in good order. As a matter of fact the reverse is the position. I look upon it as the first duty of the Commissioner to see to the safety of the travelling public. Not being a professional railway man, I am not going to take that responsibility on my shoulders. If the Commissioner tells me that the railway system is not safe, I shall tell him as quickly as I can put it on paper that he must do everything in his power to render it safe.

Hon. W. C. Angwin: You know that it cost us a million of money to put the lines in order on a previous occasion.

The MINISTER FOR MINES: I know certain things happened and I know that even now our railway tracks are not in the best possible condition. There is a difference however, between that and saying that the lines are not safe. The position which exists to-day is due to circumstances over which we have no control. It has not been possible to get suitable material, but notwithstanding the fact that Colonel Pope has been acting as Commissioner during a probationary period, I know of no instance where he declined the responsibility of putting forward what was essential in the best interests for the safety of the travelling public, although doing so might have meant unpopularity. That is evidence of the fact that we have the right man in the right place. A man who will shirk responsibility in order to gain popularity is a dangerous man to have in control of any organisation. My experience of Colonel Pope is that the attitude he has adopted is evidence of the fact that he is a strong man, and one whom we can rely upon to run our railway system satisfactorily. I agree with what has been said, that during the next five years there is likely to be an expansion of our population and of our industries, and that there may also be industrial turmoil, and my belief is that Colonel Pope will handle every question that arises as well, if not better, than anyone we might have imported from overseas.

Question put and passed.

On motion by the Minister for Mines resolution transmitted to the Legislative Council for its concurrence.

[The Deputy Speaker took the Chair.]

# MOTION—RETIREMENT OF J. J. O'NEILL.

To inquire by Select Committee.

Debate resumed from 15th September on motion by Mr. Smith—

That a select committee be appointed to inquire into the circumstances surrounding the compulsory retirement of Mr. J. J. O'Neill from the position of acting land resumption officer.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [5.36]: I regret that I was absent from the House when the member for North Perth (Mr. Smith) brought this motion under notice. I have, however, read the hon. member's speech. The information he evidently had with him would have been more clear and would have enabled hon. members to form an opinion more thoroughly if he had shown his hand entirely with regard to the case. As the matter has been brought before the House, it is necessary for me to state how the Government of the day viewed the matter, and how they view it to-day. The hon. member referred to me and said that I had spoken highly of Mr. O'Neill. That is quite correct. The records of the House will show that. Whatever my faults may be, I am not slow in admitting the good qualities of a man who has done good work. Mr. O'Neill did good work in the position he held as acting land resumption officer. I always regarded him as being a man of rather mysterious origin. He was very proud of the fact that he was an Irishman, but I concluded, from the dealings he had with people whose land was being resumed, that he had a fair share of the Jew in his composition.

Mr. Johnston: We thought he was Scotch.

The MINISTER FOR WORKS: I thought he was a bit of a Jew, and I think so still. At any rate he was a man of that peculiar temperament who delighted in dealing with a matter from the point of view of what, I think, General Joffre called, nibbling at the enemy. In Mr. O'Neill's case, every person from whom he had to make a purchase was nibbled at by him.

Hon. W. C. Angwin: And it was a good job for the State that he did.

The MINISTER FOR WORKS: I am not denying that, but I had to reprove him for it on one or two occasions. I desire that the House should know from me the full facts and to say that the Government had no desire other than to do what was right and proper. Mr. O'Neill held the position of acting land resumption officer for something like five years, a most unsatisfactory position. As the papers will show, I endeavoured for a considerable time to have the matter put right. I was of the opinion, and I still hold the opinion, that an acting appointment should not extend over a long term. If a man has to do the best that is expected of him, he should have at his back the full authority of the position he holds. For reasons which the Public Service Commissioner and others, who were the persons to decide, con-

sidered right, Mr. O'Neill was kept in the acting position for a number of years. He drew his own salary as it appeared in the classification, and he was allowed, according to the regulations, a certain increase which is provided for when an officer is discharging what are known as higher duties. Mr. O'Neill was not satisfied. For my part, and the flies will show it, I endeavoured to get for him further recognition, not because a man's service, honesty, and honour should depend upon the amount of money paid to him—the Government have a right to expect loyalty from any servant, no matter what salary is paid to him—but if a man is doing good work he should receive adequate payment for the ability he displays. The member for North Perth spoke about the work that Mr. O'Neill had done. I am not going to detract from the assistance Mr. O'Neill gave, but I cannot allow the hon. member's remarks to pass that that special work was carried out at Mr. O'Neill's own instigation, or was carried out by him as the principal man in that particular office. Mr. O'Neill acted under instructions given by myself. The member for Irwin (Mr. Gardiner), who has occupied the portfolio of Colonial Treasurer, knows well with regard to the reorganisation of public departments—which is one of the points brought forward in favour of Mr. O'Neill—that the matter was discussed between us—Mr. Gardiner and myself—time after time before we arrived at the point at which we could bring the matter before Cabinet. Finally I received authority to proceed with the work, and then I gave instructions to Mr. O'Neill and to other people to procure certain information and to finally carry out the decisions which I had arrived at. I desire to say for Mr. O'Neill that he carried out those instructions well, and that he did his work well. As I have already said, Mr. O'Neill is a man of peculiar temperament and he seemed to delight in dealing with a matter which gave him a certain amount of importance. He revelled in the work he was given to do. If hon. members will refer to the papers they will see that the evidence which I gave before the inquiry bears out what I am saying, I will now tell the House what really happened. At the beginning of November I was out of town for several days and on my return, on Tuesday, 4th November, the Premier saw me privately and stated that during my absence information had come before him which it was necessary should be immediately investigated. Apparently O'Neill, in interviewing certain land agents, had endeavoured to obtain a commission, presumably for himself, in connection with this particular purchase.

Hon. T. Walker: Of course that is the whole point.

The MINISTER FOR WORKS: I shall give the facts fairly. The matter was reported to the Premier—I might mention that Sir Edward Stone was concerned in it—and was discussed by the legal advisers of the Government, and it seemed right to



them that certain action should be taken, and it was taken. The result was handed to me just before lunch on the Tuesday, for me to take necessary action under the Public Service Act. This I did. I saw the Under Secretary, Mr. Munt, head of the department, and gave him the information which had been given to me, and required him, as was laid down in the Public Service Act, to take the necessary steps to ascertain whether this accusation had a full basis or not, whether the department had an officer who could not be trusted, or whether this officer had been maligned or in any way misrepresented. It was quite clear that, when the honour and integrity of an officer holding an honourable position and acting as representative of the Government was impugned, the matter had to be dealt with, and dealt with at once. This gives the history of the case up to a certain point. The case was submitted to the Public Service Commissioner as provided by the Act, and he held an inquiry. At the inquiry, certain evidence was given, and it is my intention to lay the papers on the Table so that members can see for themselves and judge for themselves as to the action taken and the result of the action. There is no bias or feeling against this officer in any shape or form, but we claim that the Government could not take any other steps than those which were taken, and that we have given, according to our lights, a fair and impartial opportunity for Mr. O'Neill to state his case before those who should be, and who we believe were, entirely without bias or feeling. The property referred to is that in Hay-street now occupied by the Tramway Department as offices. It formerly belonged to Messrs. Stone and Burt and, following on the death of Mr. Sept. Burt, negotiations were entered into with the object of selling the property to the Government. The matter came before me, and I reported to the Government that I did not require the property, as I could see my way clear to house all the Government officers under Government roofs, and therefore it was not necessary to add to the Government purchases. I had nothing whatever to do with the railways, and I had no idea that the Railway Department wanted these offices for the tramways. I was simply dealing with the whole of the Government service excepting the railways. Mr. Robertson, auctioneer, of 91 St. George's-terrace, Perth, was employed as agent by Sir Edward Stone in the estate of Stone and Burt, and he brought this matter under the notice of the Railway Department. The matter came to the Public Works Department because we had the land resumption officer under our charge. The price had been irrevocably fixed at £6,000, and on that price the question as to whether the offices were or were not suitable was decided by those who had to deal with it. According to page 53 of the file, at the inquiry held by the Public Service Commis-

sioner, William Robertson, auctioneer, 91 St. George's-terrace, Perth, was examined by Mr. Munt, who, in explaining the position to the witness, said—

On the 30th October Mr. O'Neill presented to me a file of papers containing correspondence with the Railway Department in regard to a property which you had in your hands—Stone & Burt's property, Hay-street. On the file which he handed to me was the following:—"Mr. Tobin, Railway Department, handed me these papers with a verbal request that I should make a valuation of this property, as Cabinet would not approve of the purchase until my report and valuation." I then wrote on the file, "Mr. O'Neill, value please." Following on that was Mr. O'Neill's authority to make a valuation. Now, I understand that following upon that he had interviews with you.

Mr. Robertson was then asked what took place, and this is his evidence—

It was on Friday, 31st October, that Mr. O'Neill first rang me up. He told me that Stone & Burt's premises had been put on to him for valuation, and asked if I had the key. I told him I thought that Mr. Taylor of the Tramways had it, and he said he would get in touch with him and obtain it. This was about 10 o'clock, and he asked me if I would be in during the morning and he would come and see me. I said I would be in all the morning, and he said he would come and see me. Probably about 12.30 he came in to see me and told me it was with reference to Stone & Burt's property, that he had got the key and inspected it, and then he said, "I can sell it or I cannot." He asked me what was the amount of my commission. I worked it out at Chamber of Commerce rates and said to Mr. O'Neill that it was £132 10s. He said, "Is that all? I thought it would be more than that." I said "No, that is all it works out at." And he said, "How do I stand?" I said, "What do you mean?" and he said, "With reference to commission." I said, "What would you suggest?" and he said, "About £50; how would that do?" I said, "I could not agree to a proposition of that sort without discussing it with my brother, because I do not interfere with the financial part of the business at all." I talked it over with him. He said, "I will see you later about it." He left me, I presume, to make the inspection, and I asked him to look in on his way back. I do not know if he looked in or not. I was out most of the afternoon, but he rang twice during the afternoon for me, but I was out both times. After he had left, I told my brother and my partner Mr. Beatty, what had transpired, and we agreed that the only course we could take was to submit the matter to Mr. Frank Stone, our principal, and let him know exactly what had happened.

As members know, Mr. Frank Stone is a lawyer and would look at the matter from a legal point of view.

I saw Mr. Frank Stone and told him exactly the nature of the conversation. He decided he should at once communicate the facts to the Premier. Before doing that, he discussed the matter with Mr. Pilkington, his partner. Mr. Pilkington stated that that was the only course for Mr. Stone to follow. Mr. Stone then rang up the Premier's office and they came straight across that afternoon, and he laid the matter before the Premier, and asked for leave to withdraw the property from the option.

So far as I can judge, and I think I am regarding it absolutely without bias, Mr. Stone thought that he would not run any risk of being mixed up with what might be termed a secret commission, and he took the only course that an honourable man could take.

The Premier granted him that leave, and the next morning Mr. Stone rang me up at my house, first thing in the morning, and asked me not to do anything further till I saw him first thing in the morning. I might state when I had left Mr. Stone I tried to ring Mr. O'Neill on the telephone about 5 o'clock to tell him I could not do anything in the matter, but I could not raise anyone at the Public Works Department as it was too late, so I did not speak to him. Mr. Stone told me not to do anything further till I had seen him. I saw Mr. Stone at a quarter to 9 on the Saturday morning, and he said he wanted to see the Premier again, and not to take any further steps till he had seen him. The Premier rang for me during the morning. I expect it would be about 11 o'clock. I went over and met the Premier, and Mr. Draper and Mr. Frank Stone and Colonel Pope at the Premier's office. Mr. Stone had evidently told him what had transpired and he wanted my version of it, and I told Mr. Draper. Then the Premier said that it was a very serious matter, and he wanted the matter put in the hands of the police, and he rang up the detective office. The Commissioner of Police—Mr. O'Connell I think it was, but I am not sure, I have not met him before—came down and the Premier instructed him to take steps to ascertain what had transpired, and asked me to ask Mr. O'Neill to come down to my office on the Saturday morning to further discuss the matter. I went back to my office and the detective came round from the department, Detective Jackson. He said he had been instructed to call and see me with reference to this matter of O'Neill's. I was instructed to telephone to Mr. O'Neill and ask him to come to the office, which I did, and Jackson listened on the telephone to our conversation. It was done through the extension of the telephone. I rang Mr. O'Neill and told him I wanted to see him, and he asked me how long I would be

there. I said, "Till a little after 12 o'clock," and he said he would come straight away. He came down and then I told Mr. O'Neill that I had discussed the matter and decided that we could do nothing, that it was a serious matter, that it might be considered as bribery if I paid him money in a case of this sort, and I could not consider it. O'Neill said, "Nonsense, it is only a question of commission." I said, "No, I could not agree to it," and O'Neill asked me if I was dividing commission with anyone else. I said, "No, I am getting the whole commission," and he said he did not see why he should not get portion of it, that he was getting nothing from either the Government or anyone else in connection with the transaction, and he should get portion of it. I said I was sorry I could not meet his request, and that was the end of it. He pointed out to me that the matter had been passed on to him for his decision, and considered he was entitled to the commission. I said, "But, Mr. O'Neill, the property is practically sold to the Government. I have already submitted it to them and they have agreed to purchase. It is only a question of your inspecting the property." Mr. O'Neill then said, "That is where you are wrong, Robertson, I thought you would make that mistake." He said, "Cabinet have not approved of it; as a matter of fact Cabinet have turned it down and it has been passed on to me." He said, "However, if that is your decision we will let it end there. Forget I ever mentioned the matter." That is practically the conversation which took place between us. Mr. O'Neill then left my office.

That statement, on which members can form their own opinions, was repeated on the appeal. The matter was dealt with by the Public Service Commissioner, and there was an appeal to the board consisting of the Public Service Commissioner, Mr. Hampton, of the Crown Law Department, and Mr. O'Mahony, representing the Civil Service Association.

Mr. Johnston: It was an appeal from the Public Service Commissioner to the Public Service Commissioner.

The MINISTER FOR WORKS: It was an appeal from the Public Service Commissioner sitting as a judge to the Public Service Commissioner as chairman of an appeal board on which was a member representing the Government, namely Mr. Hampton, of the Crown Law Department—and members know perfectly well that he would sit upon the question in a thoroughly judicial manner—and Mr. O'Mahony nominated I presume by Mr. O'Neill or the Civil Service Association.

Mr. Johnston. An appeal from Caesar to Caesar. It is absurd and should be abolished.

Mr. Nairn: The question is whether the chairman would be impartial.

The MINISTER FOR WORKS: When hon. members peruse the file they will find

on the appeal from the Public Service Commissioner to the Appeal Board that the following statements were made. Mr. Simpson said to Mr. O'Neill—

I understand you desire to make a statement in connection with this charge against you.

Mr. O'Neill replied—

This case should be simplified by the fact that I have admitted I tried to obtain a commission from Robertson Bros. That admission is my first reply to the charge. The only point I take it, which has to be decided, is, what was going to be done with that commission, and I say that the commission, if granted, would have followed the same course that the commission did in all other cases that I have been dealing with for the purchase of property by the Government, where commission entered into the negotiations.

Mr. Munt then said—

You have admitted the accusation is correct.

and Mr. O'Neill replied—

Yes, to a certain extent, and that is the reason I say that this case can be boiled down to this point, "What was I going to do with this commission." I say I should not be asked to prove what I was going to do with that commission, but it should be proved against me that I was going to put it in my pocket. There has been no evidence to show that I was going to put £50 into my pocket or use it for my own benefit, not a tittle of evidence.

The member for North Perth (Mr. Smith) has already stated that Mr. O'Neill had beaten down reputable citizens by getting them to deduct commission, and that he produced three witnesses who had allowed him commission which had been deducted from the settlement. Mr. Mosey, one of the witnesses, stated (page 70) that the price was knocked down to the extent of the commission. Mr. Briggs, the lime merchant, said (page 72) he had reduced the price as there was no commission to pay. Mr. Cook, as shown on page 84 of the file, said that no question of commission was ever discussed or brought up before him, except that Mr. O'Neill remarked that he wanted no commission. In dealing with Mr. Mosey and Mr. Briggs, Mr. O'Neill was not dealing with commission agents. He was dealing with the property owners, who wished to sell and were dealing direct with the Government. The question of commission, however, was put before them in this way, "If you were selling this to an agent you would have to pay a commission; consequently it cannot be wrong for you to reduce your price by the value of the commission." It is one thing when a man is dealing direct with owners. In the case of Robertson Bros., Mr. O'Neill was dealing with a commission agent, and not with the owners, Messrs. Stone & Burt. The commission agent was asked by Mr. O'Neill what commission he was going to get, and he was told that it

would be £132 10s. Mr. O'Neill then says, "I thought it was more than that." He follows that up immediately by asking what commission he himself is to get. Hon. members can read the papers and form their own opinion. I want them to understand clearly that, to my mind and to the minds of other members of the Cabinet, there is a distinct difference between bargaining with a property owner and asking for commission which it is stated would otherwise be deducted, and dealing with a commission agent, who is not the owner, and trying to get a commission, which it was not stated by Mr. O'Neill would be reduced from the price. Whether Mr. O'Neill intended to make this reduction afterwards or not is a matter of opinion, and I intend to make no comment on the point. The price fixed by the owners of the property, Messrs. Stone & Burt, was £6,000.

Mr. Smith: Was that the original price?

The MINISTER FOR WORKS: That was the price fixed when it came before Mr. O'Neill. He did not come into the question at all before that.

Mr. Smith: Was he asked to report on it on the basis of that valuation?

The MINISTER FOR WORKS: Not that I am aware of.

Hon. W. C. Angwin: Who fixed up the valuation?

The MINISTER FOR WORKS: The Railway Department.

Hon. W. C. Angwin: Why should they have done so when Mr. O'Neill was the land resumption officer?

The MINISTER FOR WORKS: I do not know why the Railway Department negotiated in the matter before it was sent up to the land resumption office. I have never asked the question.

Hon. W. C. Angwin: I should have done so had I been in your place.

Hon. T. Walker: But you read a minute showing that Mr. Munt had given instructions as to valuing.

The MINISTER FOR WORKS: That was after the price had been arranged by the Railway Department.

Hon. T. Walker: What was the good of valuing the property after the price had been fixed?

Mr. Thomson: As a check to see that it was a right one.

The MINISTER FOR WORKS: I am not in the box as a hostile witness. I am trying to give the House the information I have in a fair and impartial manner. Does the hon. member wish to cross-examine me? The file will be here for hon. members to look at. At the time when the Public Works Department came into the matter we were informed that the price arranged was £6,000, irreducible, and that Messrs. Stone & Burt had fixed this as the figure. I presume that Mr. O'Neill's idea in valuing was either to bolster up the price of £6,000, or to do whatever he could do to get it for less. Mr. O'Neill's valuation was not £6,000, but £5,000. Hon. members will see from his evidence that he says

he had discussed the matter with the valuer of the Commonwealth Taxation Department and had said to him that his valuation should not exceed £5,000. If Mr. O'Neill's valuation had been fixed at £5,000, and he knew that the seller's price was unalterably £6,000, what was the use of his trying to alter it by attempting to get a commission from the agent to reduce the price to the Government? If Mr. O'Neill had received a commission of £50, that he had asked Robertson Bros. for, that would only have brought the price down by £50, whereas according to his valuation a sum of £1,000 was required to bring it down to £5,000 before he could recommend the purchase of the property to the Government.

Hon. W. C. Angwin: We do not know what took place between the officials of the two departments.

The MINISTER FOR WORKS: I do not know more than that which can be obtained from the papers.

Hon. W. C. Angwin: The Railway Department fixed the price first of all.

The MINISTER FOR WORKS: An inquiry was held and a charge was laid against Mr. O'Neill, who had every opportunity of bringing forward the witnesses he wanted, but he did not bring any witnesses to give evidence along the lines pointed out by the member for North-East Fremantle.

Mr. Smith: Do you suggest he valued it at £5,000 because he did not get a commission?

The MINISTER FOR WORKS: I did not say anything of the kind. The hon. member should know that only a few moments ago I stated that Mr. O'Neill had brought as a witness the valuer of the Federal Taxation Department to prove that he had discussed the question of the valuation before Mr. O'Neill sent in his report, and that they both agreed that Mr. O'Neill's valuation need not be more than £5,000.

Mr. Smith: It shows that Mr. O'Neill was anxious to find out the true value of the property.

The MINISTER FOR WORKS: The reason I am mentioning the price of the sellers, £6,000, and Mr. O'Neill's valuation, £5,000, is to show hon. members that there was no necessity for him—indeed it was only silliness and waste of time if he were genuine—to ask for a commission of £50 off the £6,000 to enable the purchase to be made.

Hon. W. C. Angwin: It would have been £50 off our deficit.

The MINISTER FOR WORKS: I suppose so. Mr. O'Neill spoke about this report having been made before this commission was talked about. The evidence shows that his report was not given out to be typed until the Monday afternoon. Presumably it was gone through on the Tuesday morning, and finally typed on that day, 4th November. During the appeal this question was put to Mr. Cook by Mr. O'Mahony—

Did Mr. O'Neill suggest to you that you would not be called upon to give him a commission, and could you not reduce your selling price by the amount of commission

that you would probably have to give to an outside person?

And Mr. Cook replied—

No, he did not.

Mr. Robertson gave evidence along the lines of his statement, and we have the admissions of Mr. O'Neill with regard to the commission. The point is whether or not the board, which sat upon Mr. O'Neill's case, acted justly in stating that they could not give him the benefit of the doubt. I will read the finding of the board. The board consisted of Mr. Simpson, as Chairman, Mr. Hampton, the member appointed by the Government, and Mr. O'Mahony, the member elected by the officers of the clerical division. The finding of the Public Service Commissioner, from which Mr. O'Neill appealed, was—

1, That the charge that Mr. O'Neill suggested to Mr. Robertson that he should receive a commission of £50 is sustained.

The finding of the board was—

Finding No. 1 is admitted.

*Sitting suspended from 6.15 to 7.30 p.m.*

The MINISTER FOR WORKS: Before tea I had arrived at the point of saying that the manner in which Mr. O'Neill put his case before the Appeal Board seemed to me inexplicable. With regard to the matter of commission he said that the amount mentioned was £50. According to his own valuation the property was worth £5,000, and he knew perfectly well that Robertson Bros. were only authorised to close at £6,000. Therefore it is inexplicable to me that Mr. O'Neill should have approached the question of a commission which could not under any circumstances have exceeded £150, even if he had received the whole of it.

Mr. Smith: Did not you say he was a Scotch Jew?

The MINISTER FOR WORKS: I should like to tell the hon. member my opinion of him, but it would be unparliamentary. I am dealing with a very serious matter so far as the Government and the country are concerned.

Mr. Smith: I am repeating a remark that the Minister made.

The MINISTER FOR WORKS: The hon. member is trying to make fun of the matter, but the whole thing is most painful to me. If I were to let myself go as a prosecutor, I could say a great deal more than I have said. The hon. member is like one of those foolish virgins mentioned in Scripture, without a lamp full of oil. I was pointing out when I was interrupted in such an unmannerly fashion by the member for North, South, East, or West Perth, who like the newspaper which belongs to him misrepresents everything that can possibly be misrepresented, and with a kind of perversity—

Mr. SPEAKER: The Minister for Works is not in order in discussing that matter under the motion before the House.

Mr. Smith: I rise to a point of order. I must ask that the Minister for Works withdraw the reference to myself.

Mr. SPEAKER: What was the reference?

Mr. Smith: The Minister referred to me as the member for North, East, South, West Perth.

The MINISTER FOR WORKS: I will say the member for North Perth. I am now speaking of the member for North Perth, and I hope there will be no mistake about that. Incidentally I am also speaking about the proprietor of the "Sunday Times."

Mr. Smith: The member for North Perth has never been ordered out of the House, anyhow.

The MINISTER FOR WORKS: I do not suppose he has. It is only the men who have the strength of honest convictions who are ordered out of the House. I was ordered out of the House for adhering to my honest convictions. The hon. member will never be ordered out on account either of convictions or honesty.

Mr. SPEAKER: I do not know that the Minister is in order in discussing the member for North Perth.

The MINISTER FOR WORKS: I was saying that the statement put forward by the special advocate for Mr. O'Neill seemed to me absolutely inexplicable. The statement was that the commission was intended to be taken off the purchase price. But Mr. O'Neill knew that the only price at which the property could be purchased was £6,000. He also knew that that price had been agreed to; and he knew—at least, according to his evidence he knew—that his valuation was going to be, only £5,000. So that he was either acting what is called the "giddy goat" in trying to get the £50 off, or there was some other motive as to which hon. members must judge for themselves.

Mr. O'Loughlen: Does it not seem remarkable that the price was agreed on before the responsible officer had been consulted?

The MINISTER FOR WORKS: I offer no opinion on the point raised by the member for Forrest. It is not a matter that has in any way come before me for my judgment or my decision. However, the fact remains that £6,000 was the price agreed to by the Railway Department. The Public Works were asked to deal with the matter because in that department is the land resumption officer, who knows all the ins and outs of the methods of resuming properties. I have dealt with the suggestion put forward that this officer had previously succeeded in obtaining reduced prices by getting the people concerned to allow a deduction for commission which they otherwise would have had to pay. I have pointed out to the House the difference between dealing with the owner direct and dealing with an agent, which is another matter altogether; and in this case Mr. O'Neill was dealing with Mr. Robertson as an intermediary. In those circumstances Mr. O'Neill asked for a share of Mr. Robertson's commission. What he was going to do with that share is a question which the board of inquiry answered. The board evidently did not accept Mr. O'Neill's explanation that he intended his share of the commission to be deducted from the purchase price. Assuming

now that it had been agreed that £50 of the commission should be paid to Mr. O'Neill, what would Mr. O'Neill's valuation have been then? Would it have been £4,950, or would it have been £5,000, as shown by the report made on the Monday following the Saturday on which the absolute refusal to pay commission was given? Or what price would it have been? Who can tell? Again, it has been stated that the Government were aware that Mr. O'Neill was in the habit of asking for commission to be allowed in this way. I give that statement an absolute denial. I never heard in any shape or form from Mr. O'Neill of such a practice; and neither did Mr. Munt, the Under Secretary, hear of it. It may have been done. Possibly it was done. I am not going to deny that Mr. O'Neill has said in his evidence that he frequently endeavoured to get commission off. Perhaps he did. I do deny that either the Under Secretary for Works or the Minister for Works knew of anything of the sort. I say, therefore, that if I had known of it I would not have approved of it. I quite agree with a man doing his best for his employers, but that sort of business is too dangerous altogether. It may be embarked upon in all good faith and in all honour, but as time goes on an occasion might arise when perhaps the officer had become involved in financial trouble and thus temptation would have a very easy road before it. I do not know that I can say much more on the matter; I do not desire to say much more. I have had to utter things to-night for which I am very sorry indeed. The affair has hurt me very much. I am perhaps foolish, but I think a good deal of the officers who work for me. I give them my full confidence in the belief that they will do the same by me. I have explained my personal part in the matter. I would not have shrunk from any action that my conscience told me was right. However, the only thing I had to do after my Premier had brought the matter before me was to ask the Under Secretary for Works to deal with the question in the way which is laid down by the Public Service Act. In conclusion I wish to say to hon. members that we cannot carry on the public service of the country, either in the salaried or the wages staff, or any other staff, if after two complete and full inquiries have been held into a case—in my opinion, fair and just inquiries—and those two inquiries have resulted adversely to the officer concerned, the case is to be brought before Parliament and to be dealt with by a select committee of the House. There are big problems affecting the welfare of everyone in the State which await the discussion of hon. members. I would not shrink from any inconvenience or any cost in securing justice to the poorest man that could appeal to me, but still I feel that sufficient has been done in this case of Mr. O'Neill. Two thorough and complete inquiries have been made into his case, and

if thereafter the time of the House is to be taken up and Ministers are to be put in a most distasteful position, it must re-act disadvantageously on the administration of the country. I have tried to be scrupulously fair. The man concerned is one who has been in my full confidence for four years, and I repeat that it was most distasteful to me to say the things which I have had to say to-day. I have had to be severe with men in my time, but I have never previously had to speak of a man as I have been obliged to speak this evening. The bringing up of this matter once more is a jag upon an open sore. There is hardly a member of this House or of another place who has not been worried over this matter until the very name of the affair has been anathema to everyone who has heard of it. If members of Parliament and Ministers are to be heckled as they have been in this instance, it is not a fair thing. Certainly it is not fair to the country. We now have problems of the greatest importance to consider.

Hon. W. C. Angwin: I said that four years ago, but it was no good then.

The MINISTER FOR WORKS: At any rate there is the position. Mr. O'Neill had his opportunity in those two inquiries. I warn hon. members that if they agree to the appointment of this select committee it will be only the beginning of trouble which will take away from us the time which should be given to the deliberations that are necessary for dealing with the big problems affecting this State.

Mr. O'Loughlen: This is not the first case of the kind.

The MINISTER FOR WORKS: That is all I have to say on the subject. With the permission of the House I shall lay the papers upon the Table, where they will be available to hon. members. The file is the original file, and the papers of course are valuable, not only so far as the Government are concerned, but also so far as the man himself is concerned.

Mr. Johnston: There have been two inquiries before one judge.

Mr. ROBINSON (Canning) [7.44]: Mr. O'Neill admits that he asked for the commission, and the question the tribunal had to decide was whether he was going to put that commission in his own pocket or whether he was asking for it in order to give it to the Government. Whatever other tribunal has to settle the matter, it will have to weigh that point and find whether there is any evidence that O'Neill was going to put the money in his own pocket, or whether there is any evidence that he was going to hand it over. Neither the Minister nor the member for North Perth (Mr. Smith) referred to this point. There is some evidence which will support the theory that O'Neill was not going to put the money into his own pocket, but was going to give it to the Government. We were told that the meeting with Robert-

son Bros. was on the Friday or Saturday. It was not till the following Friday that O'Neill was suspended. What happened in the meantime? On the Monday morning he went to his chief, Mr. Munt, to report to him in the ordinary course, and we have Mr. Munt's evidence as to what took place. Mr. Munt admits that O'Neill told him that he had been to Robertson Bros., but could not get them to budge on the price of £6,000, and that he had even tried to get a commission out of them, and had failed on that also.

Mr. Davies: When did he tell Munt that?

Mr. ROBINSON: On the Monday morning, before there was any suggestion that he had done wrong.

Mr. Gardiner: What right had he to go to the Robertsons at all?

Mr. ROBINSON: That is another point. Do not let us miss this point. I venture to say that, if it was placed before a jury, it would be given due weight. Mr. Munt's exact words are as follows, the question being put to him by O'Neill:—

I told you Robertson would not budge, and I said I tried to knock off about £500—But after impressing me with the point that they would not budge from £6,000, that they would not even knock off anything on account of commission, or words to that effect, I must have looked surprised and said, "How did you approach that subject of commission?" and you then explained that you felt you should approach the subject because you were a third party, acting for the Railway Department, and I then said "That is a peculiar or rummy view for you to take" and then I said "The fact that you are a Public Works officer cuts no ice in the matter" and the subject passed off. But I was impressed with what was passing through my mind, and the words in my mind were: "What dashed cheek." That was the impression, a bit too smart; but the way it was put to me would not even for a moment suggest that he was scoring for himself.

Mr. Gardiner: There was £1,000 between them; why haggle over £50?

Mr. ROBINSON: I am not going to discuss other matters; I do not know enough about the case, but I know that point in the man's favour, and I say it will have weight with any reasonable men.

Mr. UNDERWOOD (Pilbara) [7.48]: I am going to follow the course I have followed during my 14 years in the House, namely, to oppose the motion. It has been said that O'Neill had not a fair trial. He has had two trials. If the board is not right, let us alter it. But I contend that we are belittling ourselves as a Parliament in becoming a court of appeal for public servants and cases of this description. Members come along, some of them pushed by their electors, and put up a case. One is allowed considerable rhetorical license in Parliament. What is said in Parliament is not evidence; yet

we are asked to decide a case on that. This is not the place to which to bring these cases. This man was employed in the public service, presumably in a reasonably good job. The department was dissatisfied with his work, and he was dismissed. He had the right of appeal. He appealed to a board appointed under the Constitution of the country. That board supported the head of the department. We are not an appeal court for public servants.

Mr. Nairn: Which is the right place to take such a case to?

Mr. UNDERWOOD: Let me ask the hon. member which is the right place for any employee of his to appeal to on being sacked? Such an employee has no appeal at all. The Government give their employees infinitely more scope than the member for Swan, acting as a manager, gives his employees. And seeing that public servants, after being practically dismissed, are allowed to go to an appeal court, I say they have no right subsequently to come to Parliament. Parliament is not, and should never be made, a court of appeal for the hearing of grievances of public servants. The member for Kanowna (Hon. T. Walker) has said that Parliament has been belittled in the eyes of the people. What can more belittle us than to sit here as an appeal court on a trumpery public service case? I hope the motion will be defeated.

Hon. W. C. ANGWIN (North-East Fremantle) [7.52]: I have always understood that Parliament is the last court of appeal. We are here to see injustice removed, and justice done. Here we have a man dismissed from the public service for dishonesty, and the evidence given this evening by the member for Canning (Mr. Robinson) has proved distinctly—

The Premier: Evidence, you call it?

Mr. Underwood: You mean quotation.

Hon. W. C. ANGWIN: Well, quotation from evidence given on oath. It proves distinctly that there was no dishonest intention on the part of O'Neill. This is more than actually dismissing a man, because a man holding the position O'Neill held for many years, and in the end being dismissed for dishonesty, will find great difficulty in obtaining his livelihood in future. It is all very well for the special pleading of the Minister for Works about making inquiries into cases of this kind, but it was entirely different four years ago, when it was proposed that not only a select committee, but a Royal Commission, should be appointed to inquire into my action as Minister for Works. It is all very well for hon. members to say that such inquiries interfere with the conduct of the affairs of State; but when the other fellow is concerned, some hon. members are anxious for inquiry. What is sauce for the goose is sauce for the gander. I have known several select committees appointed to deal with public service grievances, and in some instances the actions of the officials have been

upheld. What have the Government to be afraid of in the proposed inquiry?

Mr. Pickering: How are you going to reach finality?

Hon. W. C. ANGWIN: By the evidence given. I have every respect for the Public Service Commissioner—

Mr. Underwood: I have not.

Hon. W. C. ANGWIN: I believe he tries to carry out his duties faithfully. But I do not agree that the Public Service Commissioner, having first decided a question, should then sit as chairman of the appeal board on the same question. He is not likely to alter his opinion.

Mr. Underwood: Well, alter the board; do not come here with the case.

Hon. W. C. ANGWIN: We are not in a position to alter the board at present.

Mr. Davies: Why have not the Civil Service Association taken up the case?

Mr. O'Loughlen: They have.

Hon. W. C. ANGWIN: I am not worrying about the Civil Service Association. I think they had enough troubles collectively lately, without taking up individual cases. Here is an appeal made to hon. members by the member for North Perth to deal with a case in which he believes an injustice has been done, a case in which an officer has been dismissed for dishonesty, although there is no proof of dishonest intention.

The Minister for Works: Dismissed! He got £575 compensation.

Mr. Underwood: Can we move to take that back from him?

Mr. O'Loughlen: Why not hang him? You objected when the Minister for Works wanted to take off what you were paid.

Hon. W. C. ANGWIN: It is a new way of sacking a man, this giving him an opportunity to avoid dismissal. If a select committee investigates this case I believe they will deal with it fairly.

Mr. Underwood: The Appeal Board dealt with it unfairly!

Hon. W. C. ANGWIN: I will not say that. The committee will take evidence. If they consider that O'Neill was wrong, they will so report to the House, whereas if they think he was right, even though committing an indiscretion which did not warrant dismissal, they will report accordingly. And if he goes back into the service—

Mr. Hudson: He elected to resign, did he not?

Hon. W. C. ANGWIN: He would have been very foolish if he had not done so, because he would have been dismissed, and if dismissed he would not have got the £575.

The Attorney General: He was called upon to resign.

Hon. W. C. ANGWIN: I think he was wise in taking the £575. Without wasting any further time, I would say that if the Government have nothing to be afraid of there should be no objection to the inquiry being held.

Mr. O'LOUGHLIN (Forrest) [8.0]: I am not one of those members who permits him-

self to be pushed forward by his electors, out I do hold an entirely different view from that presented by the member for Pilbara and others who do not believe in the utility of bringing propositions of this nature before Parliament. I have met Mr. O'Neill for only five minutes during the whole course of my life. Only on a couple of other occasions, I think, have I endeavoured to enlist the sympathy and support of members to rectify grievances which undoubtedly existed, grievances which had arisen in the public service, and no matter whether it pleases or offends, I hope members will never give up the right, and the opportunity when it presents itself, to submit a matter of this kind to Parliament, a matter in which it is hoped to right a wrong if a wrong has been done. I commend the member for North Perth (Mr. Smith)—I have not done so on many occasions—for having brought this case forward believing, as he did, that it warranted further investigation. We recognise that every officer in the service or in private employment holding a responsible position finds it a serious matter if he is removed from his post. It may not be a serious matter if the individual affected is a young and vigorous man; he can seek and follow another occupation. But in the case of an elderly man who has given 26 years of his life to the service of the State it is a particularly serious matter.

Mr. Underwood: He had a good job all the time.

Mr. O'LOGHLEN: Possibly no better job than the hon. member has, and he is putting up the same fight for that job that the hon. member will have to do when he is called upon.

Mr. Underwood: I will not have a court of appeal; I will accept the first decision.

Mr. O'LOGHLEN: In his case the hon. member will be compelled to do that. Mr. O'Neill rendered 26 years of good service to the State, and I venture to say that he was never overpaid. I have heard the Minister speak eulogistically of this officer before this trouble commenced. The Minister dealt fairly with the case to-night. Generally speaking he referred to the matter in a tolerant strain, and I hope hon. members will view it in that light. In my opinion a case has been made out for the appointment of a select committee, and if that select committee should be appointed, its proceedings will be of short duration. If the Government have such a remarkably good case surely no harm can follow the appointment of a select committee. I disagree violently with the views advanced by the member for Irwin and the member for Pilbara that cases of this kind should not be brought before Parliament. Parliament is always in a position to judge and to give a decision as to whether a case warrants the interference of Parliament. There are times when a case cannot be made out sufficiently strong to convince members. I have been in the unfortunate position when sitting on the other side of the House, of moving a similar motion and finding the Minister against me,

and also experiencing a difficulty in establishing a case. Possibly that was due to my inability rather than the weakness of the case of the applicant for a hearing. In the present instance Mr. O'Neill is first of all dissatisfied with the decision of the appeal board. It is easy to say that so-and-so has been granted his appeal and it can be let go at that. But we have had instances before—and no one can speak more feelingly on the subject than the member for Williams-Narrogin (Mr. Johnston)—where the Public Service Commissioner, after having given a decision, has been called upon to review that decision as chairman of the appeal board. That is entirely wrong. I would never expect to get a different decision from an appeal board constituted in such a way.

Mr. Hudson: The board should be abolished.

Mr. O'LOGHLEN: I will help the hon. member to abolish it, because I have never believed in it.

The Attorney General: Most people will agree with you on that point.

Mr. O'LOGHLEN: I have known about half a dozen cases to go before this appeal board—

Mr. Underwood: Your leader was in office for a long time, and he never introduced an amendment of the Act.

Mr. O'LOGHLEN: The hon. member was in office, too, at the same time.

Mr. Underwood: But I was not there for five years.

Mr. O'LOGHLEN: I know the hon. member was not there as long as he would have liked to be there; but I could not help that. At the first opportunity the constitution of the appeal board should be altered. I do not mind who is selected to preside over that board, provided he is not an officer who has already heard the particular grievance. In these circumstances the aggrieved officer will get a fair deal. As I have stated, Mr. O'Neill is dissatisfied with the decision of the appeal board, and secondly he claims that he followed a practice which had been adopted in the same department before he received the appointment of acting land resumption officer.

The Minister for Works: There is no proof of it at all.

Mr. O'LOGHLEN: What more does the Minister want than Mr. Hall's letter? Mr. Hall states that frequently when he met a willing vendor, he mentioned the question of commission and the deduction of that amount from the purchase price.

Mr. Nairn: It was the practice of the department.

The Minister for Works: I will swear I did not know about it.

Mr. O'LOGHLEN: I am not blaming the Minister, but I will read what Mr. Hall had to say—

In pursuance of your verbal inquiry as to the custom regarding selling commission in negotiations for purchase of private properties on behalf of the Government whilst I was in the position of Land Resumption Officer, and whether the depart-



ment was aware of the system, I have to say—(a). It was not at all an unusual thing for me to use the argument with a willing vendor, that as he would have to allow commission if selling through an agent at the price quoted, he should deduct that commission from the selling price, for the advantage of the Government.

Mr. Underwood: In this case it was not a willing vendor.

Mr. O'LOGHLEN: It was a question of thousands of pounds, but I will come to that in a moment. Mr. Hall in his letter continues—

(b) The permanent head of the department should be aware of this, because I was always very frank, especially with the new Under Secretary, in apprising him of my method of dealing and arguments used.

When the Government or the Under Secretary, or whoever was responsible, put a detective in the room for the purpose of listening to the conversation, they did not go far enough. It was a clumsy trap to set. If they had wanted to catch O'Neill because they thought he was dishonest, they would have given him the opportunity to receive the commission or that portion which he was claiming. They could have waited a short period to see whether he intended to retain it or whether he intended to transfer it to the coffers of the State. If he had kept the amount there would then have been an unanswerable case, and O'Neill would not today be appealing to Parliament to restore his good name; he would be in Fremantle gaol where he would have a right to be.

The Minister for Works: And those who gave him the commission as well.

Mr. O'LOGHLEN: Yes, the law governs them also. As a matter of fact, I believe that O'Neill is willing to submit to a trial before a judge and jury. Why not remove the stigma from the man's character? As I have already said, it would not have been so bad in the case of a young and vigorous man, because he could live it down and embark upon another venture. O'Neill, however, has 26 years of faithful service to his credit, and he is in the same position as anyone else with such a record, say in the police force, or even in Parliament. He is of little use for anything else. I do not mind whether the inquiry be conducted by a select committee of this House or by another board better constituted than the appeal board. If a select committee is appointed there is no obligation on the part of the Government to honour the finding of that committee. Usually, however, if a strong case is made out, Governments have honoured findings of select committees. In this case I honestly think the duty devolves on fair-minded members of Parliament to remove the stigma that rests on this man's name to-day. He has had to embark in business in order to obtain a livelihood, but there is always that aspersion which is uppermost in people's minds when they are about to do business with an in-

dividual who has been dismissed from the public service.

Mr. Underwood: Do you want him to be taken back into the service?

Mr. O'LOGHLEN: I would leave that even to the hon. member after a perusal of the evidence to say what should be done. There are others in the service who have offended ten times more seriously than did O'Neill and who were not penalised.

Mr. Smith: There are some who have been reinstated in the department.

Mr. O'LOGHLEN: In my opinion the penalty imposed on O'Neill is too severe. With the findings that he was guilty of an indiscretion I do not intend to quarrel. The Minister declares that he did not know the practice was in existence, and that if he had, he would not have approved of it. I would not even have approved of it myself. But the custom was in force, and whether it was or was not known to the Minister, the officers in this particular department were emboldened to go ahead. I do not know whether this motion is likely to be carried, but I honestly think that Mr. O'Neill has a claim for a further hearing. Of course I would not say that that step should be followed in connection with every dispute that arises. I realise that in private employment men are dismissed and they have to battle for themselves, but after all the civil service has a reputation that is traditional, and everyone connected with it should get a fair deal.

Mr. Underwood: Would you have everyone coming to Parliament?

Mr. O'LOGHLEN: I would not have them go to a Parliament composed of a type of men such as the hon. member, who is prepared to veto any proposition no matter what its merits may be. The hon. member is prepared to condemn a thing before he hears anything about it.

Mr. Underwood: I am prepared to support a board which Parliament wants.

Mr. O'LOGHLEN: The hon. member said he was prepared to alter the constitution of the appeal board.

Mr. Underwood: I did not say that.

Mr. O'LOGHLEN: I understood the hon. member to say that.

Mr. Hudson: The Attorney General said the appeal board should not be composed of anyone who had previously heard a case.

Mr. Johnston: Its constitution should have been altered in 1911.

Mr. Smith: Why should O'Neill be punished because of that?

Mr. O'LOGHLEN: I do not want to see an injustice done. I believe that with further inquiry Mr. O'Neill would get the benefit of the doubt. The Government were clumsy in their methods. If they wanted to detect O'Neill in the act of committing a dishonest thing, they should have given him the opportunity to collect the money, and then should have decided whether he was acting up to the representations he made that he had asked for the commission

purely in the interests of the State, and that he was trying to drive a hard and a good bargain for the State.

The Attorney General: I do not think the Government would be justified in doing that.

The Honorary Minister: What, tempt a man to do a criminal act?

Hon. W. C. Angwin: The Government would not be doing that.

The Honorary Minister: It would be a disgraceful thing for any Government to do.

Mr. SPEAKER: Order! This discussion must cease.

Mr. O'LOGHLEN: This man belonged to the public service. The public service have no organisation which can claim to have the fighting punch or strength to battle for a particular member who needs assistance. Hon. members know that if O'Neill had been a member of some other organisation, the organisation would long since have had this matter cleared up.

Mr. Underwood: What organisation?

Mr. O'LOGHLEN: I refer to any organisation, the tramway men's organisation, for instance.

Mr. Underwood: Has a man never been sacked off the tramways?

Mr. O'LOGHLEN: Yes.

Mr. Underwood: Has he had a board of inquiry?

Mr. O'LOGHLEN: Yes.

Mr. Underwood: Did they appeal to Parliament afterwards?

Mr. O'LOGHLEN: There have been two cases in the last six months to my personal knowledge, and there was no necessity to appeal to Parliament. If there had been any such necessity, they would have come to Parliament, but they would have got jolly little sympathy from the member for Pilbara. O'Neill has been walking about for many months, suffering great mental anxiety on account of the unfortunate position in which he has been placed, and it is quite possible that, with all the boards and with all the desire to do justice, a grievous wrong has been done which, in some cases, would have unhinged the mental balance of the victim of such circumstances. I recall the case of McLeod. Members will remember that he was under the stigma of having been guilty of a dishonest act. Some members appealed to Parliament. I think the member for Hannans (Mr. Munsie) moved for the appointment of a select committee, but the motion was defeated. McLeod still battled on and protested his innocence. He claimed that he was entirely innocent of the charge. Parliament remained indifferent for three or four years. Again, the matter was brought up, and Parliament agreed to the appointment of a Royal Commission which exonerated McLeod, and gave him a clean sheet amongst his fellow men. Was it right that McLeod should have suffered the torture and have been put to the great expense of clearing his character and good name, efforts which extended over a period of three or four years? McLeod would be suffering to-day if his case had not been brought before Parliament, and yet his case was one of those

trivial trumpery cases which some members hold that this House should not deal with. The Minister for Works said we should deal with big problems. If that is so, why are not they on the Notice Paper instead of the trumpery twopenny-halfpenny Bills which have been introduced to fill up time until the Estimates were ready for presentation to Parliament? The Minister can talk about big problems when it suits him, but we can waste a lot of time with Bills that do not matter a continental to the general community so far as conferring any benefit is concerned. O'Neill claims, and in my opinion claims rightly, that if he was guilty of a criminal charge, he should have been tried for it and that a jury of this country should exonerate him or convict him. When a man offers to go into a criminal dock and stand his trial as O'Neill has done, he must be pretty sure of his ground.

The Minister for Works: When did he offer to do that?

Mr. O'LOGHLEN: He is willing to do it to-day.

The Minister for Works: It is easy to talk now.

Mr. O'LOGHLEN: The Minister found it easy to talk too. He lauded this officer to the skies only a week or two before this incident happened.

Mr. Underwood: Yes, before it happened.

The Minister for Works: I told you he had given good service, but this was a case which had to be judged on its merits.

Mr. O'LOGHLEN: I am only asking the House to judge this case on its merits. If O'Neill is guilty of a criminal act, he has a right to suffer for it, and Parliament has no right to shelter him nor has any board. If it is not possible to reinstate him on the finding of a select committee, this officer should be paid some compensation. Some members may make a mouthful of the amount he has received, but this officer was not drawing the salary that the office should carry, because he was only filling it temporarily. It was scandalous that, for five or six years, he was the temporary officer doing this work.

Hon. W. C. Angwin: That could not be avoided.

Mr. O'LOGHLEN: Then O'Neill should not suffer as a result. He was doing important and responsible work involving the expenditure of at least scores of thousands of pounds. He was doing work amongst a community of people who hold vested interests as being sacrosanct all the time, and who are prepared to get as much as they can from the Government; and O'Neill or any other officer who in the next 10 or 20 years might be engaged in that capacity has one of the most important tasks in the service.

The Minister for Works: His honesty should not be guided by the amount of pay he receives.

Mr. O'LOGHLEN: No, but if the Minister wishes to keep men honest, he must pay them. This has been strikingly illustrated in every country in the world.

Hon. W. C. Angwin: There was no proof of dishonesty so far as Mr. Munt's evidence went.

Mr. O'LOGHLEN: I make no apology for repeating what I have pointed out before that, in years gone by, we were paying policemen 6s. a day, and it was impossible to encourage the best men in the community to undertake this duty. The member for Pilbara knows that the employer, who gives his employee enough to live on, gets the best service.

Mr. Underwood: If he does not he sacks him. I want to give the Minister power to do that without a board.

Mr. O'LOGHLEN: I might be with the hon. member in supporting that proposal. But let us look at the exhibition which we had in this House the other evening because an attack was made on the honesty and honour of a member. If it had been a political attack, there would not have been so much heat, but the Minister for Mines alleged that his honour had been attacked and that his honesty had been impugned, and what an outcry there was! O'Neill is in such a position that people cannot look upon him as an honest man because, in my opinion, the board has not given a satisfactory decision and, if the decision given was correct, namely that O'Neill was guilty of an indiscretion, the penalty was altogether too great.

Mr. Underwood interjected.

Mr. O'LOGHLEN: The member for Pilbara may represent himself as a paragon of perfection in this institution, but I hope the House will not be guided by his views. The strongest argument for a rehearing of O'Neill's case is the constitution of the appeal board. The appeal board not only in the public service but in the Railway Department has been unsatisfactory for many years. In the Railway Department, case after case, numbering nearly a dozen, has been heard on appeal and the presiding officer of the appeal board has been the man who delivered judgment in the first instance.

Mr. Hudson: That is not the case in the Railways.

Mr. O'LOGHLEN: It has been the case.

Mr. Hudson: They have their appeal board with the police magistrate as chairman.

Mr. SPEAKER: Order!

Mr. O'LOGHLEN: O'Neill's position was that he had one representative on the appeal board to speak for him. The other was a Government nominee, only prepared to do his best for the Minister.

The Attorney General: That is not fair.

Mr. O'LOGHLEN: What is not fair?

The Attorney General: It was not a question of doing his best for the Minister.

Mr. O'LOGHLEN: He was put on the board to represent the Government, was he not?

The Honorary Minister: No, to judge on the evidence.

Mr. O'LOGHLEN: But whose representative was he? He was put there to see that

the Government got a fair deal. I do not accuse him of want of honesty, but he was more likely to be partial to upholding the decision of the Government than to reinstating O'Neill.

The Minister for Works: There was no Government decision.

Mr. O'LOGHLEN: That is only playing with words. Was O'Neill's dismissal a Government decision?

The Minister for Works: No.

Mr. O'LOGHLEN: But the Government upheld it; the Government endorsed the decision of the appeal board.

The Honorary Minister: Naturally, and you would have had to do the same.

Mr. O'LOGHLEN: Can it be said, then, that this was not a Government decision? After the finding of the appeal board what was it? Certainly it was a Government decision. The Government endorsed the decision of the appeal board.

Mr. Underwood: They appointed a board for that purpose.

Mr. O'LOGHLEN: And I object to the constitution of the board.

The Attorney General: That is another matter. The Government have no interest whatever in the decision of the board.

Mr. O'LOGHLEN: Of course they have.

The Attorney General: No, they have not.

Mr. O'LOGHLEN: This officer was suspended.

The Attorney General: The only interest on the part of the Government is to see that fair play is done.

Mr. O'LOGHLEN: I am not saying that the Minister instructed the officer how he should act, but the constitution of the appeal board did not give O'Neill too good a prospect of getting out, seeing that the chairman of the appeal board was the man who had previously inquired into the case.

Mr. Johnston: The appeal board has always confirmed the previous decision of the chairman.

Mr. O'LOGHLEN: It is only human nature to give a similar decision. I hope the House will at least agree to further inquiry into the case. Inquiry has never done any harm, and I still have vividly in mind the case of the unfortunate man McLeod, who was under a stigma for three or four years until that stigma was removed by an inquiry authorised by this Parliament. Inquiry was only agreed to in that case after persistent advocacy on the part of several hon. members and by their appealing to other members that inquiry could do no harm. Inquiry in that case did right the wrong. It was found that McLeod was a victim of a conspiracy which undermined his health, took away his fair name as a citizen of this State, and caused deep concern, loss and injury to him, his wife and his family.

The Minister for Works: What became of the conspirators?

Mr. O'LOGHLEN: I believe that by the time the inquiry was held, some of them

were dead; such a long time had elapsed before an inquiry could be obtained.

Mr. Johnston: There was no conspiracy.

Mr. O'LOGHLEN: Then there was a remarkable set of circumstances connected with that case.

Mr. Munsie: Of course there was a conspiracy.

Mr. O'LOGHLEN: And it was a set of circumstances which had the effect of taking away a man's good name which he naturally treasured.

Mr. Nairn: You are not helping O'Neill by suggesting conspiracy.

Mr. O'LOGHLEN: I am not suggesting conspiracy in this case, but I believe there was conspiracy in the McLeod case. I only wish to point out what happened to McLeod.

Mr. Underwood: Leave things alone.

Mr. O'LOGHLEN: It would be just as well if the hon. member at times would leave things alone. An injury was done to McLeod and it is quite possible that other citizens might suffer similarly.

Mr. Underwood: What has that to do with it?

Mr. O'LOGHLEN: Mr. Speaker, you have no objection to me illustrating my point, and I hope you will not object simply because of the grunts of inanity coming from this boorish gentleman on the cross benches. I only desire to say that Parliament would be doing right if it authorised a further investigation of this case. An inquiry could be completed in a very short period; probably it would not extend over more than three days, and it would give O'Neill an opportunity to clear his character. Even if he were not reinstated in the service, an inquiry would serve to establish to the world in which he has to live that he had no ulterior motive in the course which he adopted. An inquiry might have the effect of proving that, in claiming commission in respect of this sale, he was merely seeking to get a reduction in the interests of the State, a practice which had been previously followed in the department. An inquiry too would remove the mental anxiety which presses on this man to-day. I hope the motion will be carried.

On motion by Mr. Nairn debate adjourned.

#### MOTION—WORKERS' COMPENSATION ACT, TO AMEND.

Debate resumed from the 1st September on motion by Mr. Munsie—

That, in the opinion of this House, the Government should introduce a Bill during the present session of Parliament for the purpose of amending the Workers' Compensation Act.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [8.29]: The hon. member for Hannans has brought down this motion in which he asks the House to express the opinion that the Government should introduce a Bill during this session for the purpose of amending the Workers' Compensation

Act. The motion is of rather wide character. As it stands, the effect of the motion is ambiguous, and it also would intimate that it is the duty of the Government to do this. It ignores the question as to whether or not there has been any demand for an amendment of the Act, and it is brought forward in the fourth session of a Parliament which goes out of office in a few months. So far as I am aware, during these last four sessions the question of an amendment of the Workers' Compensation Act has never been raised in this House, until the last half of the last Parliament. Therefore, the motion ignores the question of time, and we are left with the speech of the hon. member—it was well worth listening to—to gather the reasons for such amendments and the nature of the amendments desired. We are asked to amend one of the most important Acts on the Statute Book dealing with industrial matters, and yet the hon. member does not suggest, except in a very vague way, with which I will deal presently, what demands have been made by those interested in seeking an amendment of the Act. We are asked to do something which may have very far-reaching effects, and which it would be foolish for any Government to do without an ample knowledge of the subject and of what is required by the business community, both the employers and the employees. The Act foreshadowed by the hon. member is a totally different Act from that now on the Statute Book.

Mr. Munsie: It needs to be.

The ATTORNEY GENERAL: The only suggestion the hon. member makes as regards any public demand for an amendment of the Act is that since 1912 resolutions have been passed by various bodies throughout the country and have been transmitted to the Government of the day. I ask hon. members to judge of the importance of those resolutions by the fact that members on the other side of the House occupied these benches for four years, following the year 1912.

Mr. Underwood: When was the Act passed?

The ATTORNEY GENERAL: In 1912. They made no attempt to alter the Act in accordance with those resolutions, and I only mention the matter to show what importance may be attached to the argument of the hon. member that the Act should now be amended.

Hon. W. C. Angwin: Is that a fair statement to make? We introduced the Compensation Act.

The ATTORNEY GENERAL: And yet, directly the Labour Government introduced its resolutions were passed all over the country asking them to amend it, but they did nothing.

Mr. Munsie: We introduced in that Bill almost every item that I have mentioned, except State insurance.

The ATTORNEY GENERAL: I point out this fact to show the value of the attempt which it is alleged has been made throughout the country to have the Act amended.

Hon. W. C. Angwin: We have been four years out of office, and eight years have passed since 1912.

The ATTORNEY GENERAL: So far as I am aware, during the life of the present Government, no demand has been made for an amendment of the Act.

Hon. W. C. Angwin: There was one 12 months ago.

The ATTORNEY GENERAL: The member for Hannans (Mr. Munsie) admits that the Western Australian Act is in many respects superior to similar Acts in other countries, and he also says that in some respects it is behind them. I do not say that the Act should not be amended, but if it is, to be amended this should only be done after full inquiry into the conditions it is sought to remedy, and the effect such amendments would have upon the industries of the State. In using the words "industries of the State," I include both the employers and employees. One point advanced is that the workers of the State, who are in receipt of a salary of over £300 a year, have no claim under the present Act. The hon. member emphasised that point by drawing a comparison between this and the other States of Australia. The highest amount, which it is permissible for the wage-earner to earn and yet to claim under the Compensation Act, is £400 in Queensland, and the lowest £212 in Tasmania.

Mr. Munsie: And £312 in New South Wales.

The ATTORNEY GENERAL: I was just going to say that. New South Wales and Queensland are the only two States which have a higher amount than Western Australia.

Mr. Munsie: The Commonwealth is £500.

The ATTORNEY GENERAL: The amount, I will admit, might be capable of adjustment. I do not say that because the amount was fixed at £300 in 1912, under the altered conditions, it might not be amended. Another argument put forward is that the amount claimable in the other States is higher as compared with that which can be claimed in Western Australia. That is true. With the exception of South Australia I think that this State is the lowest of all. Here are two matters which are certainly capable of adjustment and worthy of consideration. Another matter which has been brought forward, and was thrashed out in 1910-11, is the question of insurance against industrial diseases. When we come to deal with that subject under the Workers' Compensation Act, the greatest difficulties present themselves. A select committee was appointed in 1910 to inquire into that matter. I think at the time the member for Yilgarn (Mr. Hudson) was a private member, and he introduced a Workers' Compensation Bill. This Bill was referred to a select committee. One of the things which it was sought to embody in that measure was the principle of insurance against industrial disease. A good deal of evidence was taken. I believe I recognise the member for Hannans as one

of the witnesses. The report of this select committee tallies largely with what we are told by the member for Hannans, with reference to Clause 7, of the amending Bill of 1910. The report says—

The Committee are of opinion that its provisions are unworkable, and it is practically impossible for the employer to protect himself against liability under this clause except at a rate of insurance which is beyond the means of any but a wealthy employer. The proof that the disease mentioned in the schedule—

That was miners' phthisis

—of the Act was contracted in the employment of some person other than the last employer will, in practice, be attended with the gravest difficulty. In many cases it will be impossible. The progress of the disease is gradual, and even if the employer could prove that the worker had contracted it in the employment of some other person, such person might have already ceased to exist or be unable to indemnify the last employer.

Mr. Hudson: That was not a unanimous report.

The ATTORNEY GENERAL: Hon. members will find from a perusal of the evidence that it was felt that insurance would be difficult to effect. The member for Hannans now confirms that when he tells us that the only way in which insurance against industrial disease can be carried out is for the Government to undertake the insurance.

Mr. Munsie: I believe that. That is why I say it.

The ATTORNEY GENERAL: I believe the hon. member is right.

Mr. Hudson: I do not believe he is. I think other companies would do it.

The ATTORNEY GENERAL: I am inclined to think he is right. This shows that we have a matter in which there is need for inquiry. We cannot rush blindfold into a Bill of this nature, and say we are going to bring in a Workers' Compensation Bill to cover industrial diseases. One hon. member tells us that the only way to carry this out is for the Government to start State insurance, while another hon. member says he believes that the insurance companies will take it.

Mr. Hudson: I do not say that the hon. member is not right in his idea that the Government should do it, but I say the others might do so.

The ATTORNEY GENERAL: This shows that there is room for an inquiry. It is rather a large order to suggest that in the last session of Parliament this House should be asked to say it is the duty of the Government to bring in a Workers' Compensation Bill which will necessitate the starting by the Government of a scheme for State insurance. The hon. member must know that to carry out a measure of this kind it is certainly necessary to give satisfaction to all concerned and to meet all the needs of the

case. It is not easy to bring forward hurriedly legislation which some people may say is passed because the general elections are coming on, especially legislation which will to some extent be affected by that fact. In dealing with such an important measure, calm consideration must be given to it, and the full facts must be ascertained before a Bill can be passed to meet the full needs of the situation. On the eve of the termination of this Parliament I do not think the House will readily sanction the inauguration of any scheme for State insurance. This is a matter of vital importance, and one which requires the most mature consideration. The hon. member also dealt with many other matters in his speech, and handled his subject in a very lucid manner. He desires, amongst other things, to amend the definition of "worker"; in other words, he desires to widen the scope of the Act. As hon. members are aware, the definition of the word "worker" does not apply to everyone. It applies, at any rate, to most people in receipt of wages under £300 a year; but there are two classes which I think the mover desires particularly to introduce, and those are tributers and contractors.

Mr. Munsie: And domestic servants; three classes.

Mr. Hudson: Are not they under the Act now?

The ATTORNEY GENERAL: Most of them are. However, that is only a matter of detail, which I will not labour at the present time.

Mr. Munsie: They are not included now.

The ATTORNEY GENERAL: When we are dealing with insurance, it must be remembered that the basis of the Workers' Compensation Act was that a man who was not working for his own advantage, who was working to earn profit for an employer, and who had no interest in that profit but was simply in receipt of wages, should in fairness if an accident happened to him while carrying out that employment, be compensated by his employer. That was the general principle of the Workers' Compensation Act. That amounts to saying that nothing could be done as regards the small contractor and the tributer. Let me point out that a contractor is not a servant and is not under a master's orders, but is his own master. He is therefore not running the same risk as an employee. More than that, the contractor depends upon the profits which he expects to make from his job for his livelihood. The same thing applies largely to a tributer. So that when we look upon the first principles upon which the Workers' Compensation Act is based, there is a difference between a tributer and a contractor on the one hand, and the ordinary workman on the other. I mention that to show that this is one of those cases in which we shall have to be very careful indeed before we introduce amending legislation to include such people in the definition of the word "worker." There was another matter dealt with by the mover, and

that was the question of the date upon which incapacity would start. In the legislation not only of this State but of other States it was recognised at first that the measure ought not to cover slight injuries; and therefore various periods were fixed during which the worker had no claim for compensation. Again, another reason was assigned for this; and that was that if a certain period was allowed to elapse before a man could claim compensation, there would be less malingering. At the present time, I believe, Queensland allows only three days during which no compensation can be claimed. In this State the period is seven days.

Mr. Munsie: But a worker has to be off for a fortnight before he can claim those seven days.

The ATTORNEY GENERAL: That is a matter which I dare say further inquiry will show to be capable of some adjustment. Certainly it is a matter which requires looking into. Another matter brought forward by the member for Hannans was the question of a lump sum settlement. The report of the select committee of 1911—and this was not a minority report, but the report of the chairman of the committee, although the member for Hannans may have differed from it—said on this point—

The committee recommend that either the employer or the worker should be enabled to apply to the court to fix a definite sum as the full amount of compensation, and the court should be empowered in its discretion to fix that sum, and, if necessary, to order the investment of it.

That is the report of the select committee of 1911.

Mr. Munsie: Yes, and we have not yet got that in the Act.

The ATTORNEY GENERAL: Whether that provision was in the Bill of 1911 I do not know.

Mr. Munsie: It was, but it was defeated up above.

The ATTORNEY GENERAL: There are further matters which will at any rate require a good deal of technical knowledge as to the working of the Act, when we come to the schedules. The schedules, as hon. members know, deal with various matters such as the amount of compensation payable at death, the amount of compensation for partial incapacity, the method of assessing compensation in accordance with the average weekly earnings, the medical expenses incurred, the percentage of weekly earnings according to the portion of the anatomy which may happen to be mentioned in Schedule 2 and which has been injured. I do not think it has been found the schedules have worked in an entirely satisfactory manner, and I am certainly of opinion that evidence could be obtained upon which useful amendments as regards those schedules could be framed. We shall certainly want evidence from persons who have had experience in the settlement of claims under the Act. I daresay the friendly socie-

ties could also give us some information, and I think valuable data could also be obtained from the insurance companies—from the insurance companies, indeed, rather than from the employers. But the whole point I desire to make at present is that, as far as I can learn, there is not information in the possession of the Government which would enable them to draft a satisfactory Bill to generally settle this matter. Personally, I regret that the hon. member, instead of bringing forward this motion, did not ask that a select committee should be appointed to inquire into the working of the Workers' Compensation Act. There are some things, of course, upon which we have evidence already. I say frankly that I do not think we shall get much information which will be of service to us as regards industrial diseases. Fortunately or unfortunately, industrial disease in this State is confined to practically one class of workers. Very unfortunately, the disease in question is a very serious one. We know that. We do not require information upon that. But we might possibly get information as to how the insurance companies in 1920 view insurance of this nature. Certainly in 1911 they would have very little to do with it. Whether their experience of the working of industrial diseases insurance in other countries has caused them to alter their methods, I am not aware. The mover seems to think it has not. He may be right; probably he is. But if at this stage the hon. member, or any other member, would suggest that a select committee should be appointed to go into the working of the Act, a great deal of valuable information would probably be obtained, and of that information good would ultimately come. It is really almost impossible at this late stage to bring forward a Bill which will meet the case in its entirety. In the session of 1911, which was the last session of a Parliament, a select committee was appointed; and although I was not a member of Parliament in the following session I have no hesitation in saying that the information obtained by that select committee was of considerable use to the Government then in power in the drafting of their Bill. The Government may not have agreed with all the evidence, or with all the findings; but I have no hesitation in saying that the evidence and the findings must have been of considerable use to them. It appears to me almost impossible at the present time to bring in a Bill which will really meet the case and amend the Act in a satisfactory manner. At the same time, I am quite prepared to admit that I think the Act is capable of being made much more satisfactory to all parties concerned.

Mr. HUDSON (Yilgarn). [8.55]: At the outset I desire to say that I am in entire sympathy with the hon. member who has moved this motion. There is a crying need for amendment of the Workers' Compensation Act, and I think that has been admitted by the Attorney General. The hon. gentle-

man, however, raised the point that this motion has been sprung upon him by way of surprise, and that it has been moved at such a late hour as not to afford the Government an opportunity to bring down a Bill of a sufficiently comprehensive nature to deal with the question in a proper manner. Indeed, the Attorney General says that there should be an exhaustive inquiry into the various points raised by the mover. The Attorney General suggests the appointment of a select committee to inquire before a measure is prepared. But I would like to remind him that during the last session of this Parliament this same subject came up for discussion on a motion by the hon. member for Pilbara (Mr. Underwood), "That in the opinion of this House it is desirable that the Government establish a general insurance fund in connection with the Workers' Compensation Act." After some discussion the member for Hannans moved an amendment, "And that the Act should be amended to include industrial diseases." Both the amendment and the motion were carried, and therefore the Attorney General cannot complain of any surprise having been sprung upon him during this session in connection with the matter. He received last session an emphatic intimation from members of this Chamber that it was their desire that the Workers' Compensation Act should be amended in the direction of the State providing an insurance fund, and also in the direction of including industrial disease within its scope. The whole subject of the Workers' Compensation Act came up for discussion on that occasion. The Attorney General had that direction from this Chamber. He had no direction to bring in a Bill dealing with dentists, or a Bill dealing with architects, or any of those trumpery measures, as I may term them in comparison with so important a subject as workers' compensation. But he sat upon his instructions for the whole of the eight months of the recess, and brought forward a Dentists' Bill and an Architects' Bill; and now he says that this question of amending the Workers' Compensation Act comes upon him as a surprise.

Mr. Muusie: On what date were that motion and that amendment carried?

Mr. HUDSON: On the 1st October, 1919. I take a keen interest in the Workers' Compensation Act, but nothing can be gained by a long discussion at this stage on the points which have been so lucidly explained to us by the mover of the motion. However, there is a necessity, and a crying necessity, for amendment of the Act. A number of anomalies have arisen in the practice which has obtained in the settlement of disputes under the Act, and those anomalies should be removed in the interests of both employer and worker. The Act is essentially one for the benefit of the workers. That has been held to be so by the leading authorities on the English bench, and the judges at Home, where there has been a doubt, have framed their decisions with due regard to the consideration that this is an Act for the benefit of the workers. In my opinion legislation

should have been introduced this session to remove the anomalies which are known to exist. It is all very well for the Attorney General to say that he did not know of those anomalies. Those who practise the legal profession know of them from day to day. We had one of them in the High Court only last week. Moreover, there have been appeals under the Act in our State courts. Every employer and everyone associated with the employers, and likewise everyone associated with the workers, knows what difficulties are arising from day to day in connection with the operation of this Act, and that the need for attention by the Legislature is daily becoming more pronounced.

Hon. W. C. Angwin: They will not forget the High Court case.

Mr. HUDSON: That was an unsatisfactory case. It was almost as bad as the other decisions they gave. There were two on the one side and two on the other, and this one which they gave left us practically where we were. It is when we find the High Court in difficulty as to the interpretation of the Act that we should take up the measure and render it more easily understandable and workable. The Attorney General has referred to the select committee of 1911 which inquired into the subject of industrial diseases and other amendments contained in a measure which I as a private member brought down. The Attorney General spoke of the decisions arrived at by that committee. But I was then speaking from the opposite side of the House, and at the second reading stage, when it was resolved by those in opposition to the measure to refer it to a select committee. The effect of that reference to a select committee was to so delay the Bill as to prevent its being carried that session. I referred to the matter in that way because I wanted it to be understood that the decisions arrived at were not the unanimous decisions of members of that committee. It has been the duty of the Government during the last 12 months to make themselves acquainted with the operation of the Act, and in my opinion a measure, even at this late stage, should be brought down.

[The Deputy Speaker took the Chair.]

Mr. CHESSON (Cue) [9.2]: I support the motion. I think legislation should be brought down to amend the Workers' Compensation Act. It can only be put on a satisfactory basis by incorporating a scheme for compulsory insurance, such as is contained in the Queensland Act. Under the Queensland Act in the case of death the dependants receive £600, and in case of total incapacity £750 is paid. Moreover, industrial diseases are provided for. State insurance in Queensland shows a profit of £53,000 during the first year. The member for Hannang (Mr. Munsie) pointed out that when the Ivanhoe Venture company took over in-

surance in the second year of the Act they set aside £10,000 for the purpose of insurance; and after four years' operation they paid back that £10,000 and in addition showed a profit of £40,000. I think that an injured worker should receive not less than 75 per cent. of his earnings. At present a worker incapacitated receives only 50 per cent.

Mr. Munsie: And that only up to £4 weekly.

Mr. CHESSON: That is so. If he is receiving over £6 per week he is outside the scope of the Act. When a worker is laid off through an injury his expenses, by reason of the provision of doctor and medicine, are much greater than usual, while his earnings are reduced by 50 per cent. Any disease arising out of the calling of the worker should be classed as an accident. We see young men after a few years of employment in the deep mines gradually falling away, and in a few years' time they are to be found in the sanatorium. In most instances the whole of the trouble is caused by bad ventilation. If we made provision for industrial diseases it would be to the interest of the employer to provide better ventilation. While provision is made for an injured person, there is no provision for a worker stricken down by miner's phthisis. Usually that man is several years in dying, and when he has gone no provision is made for his dependants. Payment of compensation should start from the day of the accident. If the incapacity lasts for less than two weeks, no compensation is payable for the first week. In other words, a man has to be off for six clear days before he receives any compensation. If a man earning £4 per week is off for eight days he is entitled to 13s. 4d. Since the Act was passed in 1912 an increased call has been made on the friendly societies and on the miners' accident fund. This is the result of men not being entitled to compensation from the day of injury. In many cases it has led to malingering. If a man earning £4 weekly is off for a week it pays him to stop off for a second week. It means that for the second week he will receive £4, while if he belongs to the miners' union he will receive accident pay as well. It naturally follows that a man will take advantage of this. I am confident that the insurance companies would be prepared to co-operate with the workers with a view to amending the Act so as to provide that compensation should start from the day of the accident. A worker in receipt of £6 weekly is outside the scope of the Act. Wages have gone up since the Act was passed. Today £6 per week is not equal to £4 at the passing of the Act. Therefore every worker should be included in the compensation pay, irrespective of what he is receiving in wages. I with other members on this side introduced to the Premier a deputation consisting of delegates representing the Independent Order of Oddfellows. Here is a pamphlet containing figures which were used by that deputation, showing how the working of the Act affects the accident fund on the goldfields—



The present Compensation Act came into operation in 1912, and I have appended a list showing the amount of accident pay paid by the Day Dawn miners union for a period of two years before the existence of the present Act and the first and second year of its operation. In 1910, average number of members per month 275; amount of accident pay per year, £262 7s. 6d.; 1911, members, 286; pay, £262 17s. 6d.; 1912, members, 189; pay, £191 7s. 6d.; 1913, members 175, pay £279 10s. These payments are made at the rate of 30s. per week, and if you will observe as the years go on there is a large falling off in the membership and an abnormal increase in the amount of accident pay in 1913. Re the year 1912, those figures are only for about nine or ten months, as the mine was almost entirely idle for about two or three months on account of shortage of firewood; or the decrease in that year I am sure would not have been so perceptible, and in the next two years 1914 and 1915, the number of payments were so excessive that we were compelled to reduce the allowance from 30s. to 20s. per week. I will now give you a list of the various amounts paid, or rather the number of payments made during the four years in question, ranging from three days and upwards, as follows:—In 1910, three days and less than one week 16, one week 11, one week and over and not two weeks 15, two weeks and over and not serious cases 18. In 1911, the figures were, 19, 20, 12, 19; in 1912 the figures were 23, 7, 20, 19; and in 1913 the figures were 21, 7, 27, 29. These figures show that the men were beginning to understand the working of the Act, and as it has affected our accident fund on the goldfields, so it has affected our lodge fund. From conversations I have had with the mine managers and the agents of insurance companies, I am sure that if an effort was made to have this section of the Compensation Act amended, there would not be the organised opposition which has existed heretofore.

These figures were quoted by the deputation, who went into the matter very thoroughly. I am quite sure they convinced the Premier that there was room for an amendment of the Act in the direction indicated. They wished for an amendment which would safeguard their fund. They are suffering, the same as the miners in their accident fund. The member for Hannans referred to the right to sue for a lump sum. We have always contended that the employee should have this right, which under the Act only the employer is entitled to. I am thoroughly in accord with the definition of worker provided in the Queensland Act. That definition covers all classes of worker, and our Act should be broadened in the same way. It may, as the Attorney General says, be rather late to submit a Bill of this description, but it should not be too

late to ask Parliament to carry one or two of the more important amendments so as to bring the legislation into line with that which exists in Queensland. The Attorney General told us there was no demand for an amendment of the Workers' Compensation Act. I would remind him that only last year a big conference took place at which all the employees of the State were represented, and one of the subjects that was gone into thoroughly was that dealing with workers' compensation, and it was decided that amendments should be sought on the lines of those contained in the Queensland Act. On the goldfields this is the one burning question, especially as it relates to diseases arising from the occupation of mining. The men engaged in this industry see what is happening around them, and they are desirous that miner's phthisis should be included in the schedule, so that something might be done for those people who are stricken down by the disease, or if not for them, then for their dependants.

Mr. LUTHEY (Brownhill-Ivanhoe) [9.18]: I support the motion which was so ably moved by the member for Hannans (Mr. Munsie). I do not intend to traverse the whole question in as exhaustive a manner as the member for Hannans did, but I wish to say that I was somewhat surprised at the Attorney General suggesting that the demand for this legislation had been suddenly sprung on the House. The subject has been referred to time after time, and one would have thought, with the long vacation the Government have had, that questions of industrial importance, especially at a time of industrial unrest like the present, would have received urgent attention. We find, however, that there is no mention of any such proposed legislation, or indeed legislation of any nature dealing with industrial questions. The member for Hannans should be commended for submitting the motion, not only by the Labour organisations but others as well. These bodies have repeatedly asked that an amendment of this Act should be made. The member for Cue (Mr. Chesson) referred to the deputation of Oddfellows who waited on the Premier the other day. I was one of that deputation, and figures of a convincing nature to show why the Act should be amended were submitted. One important amendment which is needed is that which deals with the date on which payment shall commence. We have contended for years past, and in fact it was in the original Bill which was passed by the Labour Government through this House, that payments should commence on the day of the accident. If I remember rightly it was Mr. Moss in another place who succeeded in putting through an amendment which put us in the position we find ourselves in today, and at that time it was contended by Labour members that what was done was wrong. I feel sure the insurance companies and the mining companies, having had ex-

perience extending over some years, are convinced that the Act as it stands leads to malingering and depletes the funds, not only of the friendly societies' organisations, but of the mining companies as well. The Premier was convinced the other day by the figures which were presented to him, and I understood him to say that he would do his utmost to submit an amending Bill this session. The Attorney General spoke of hurried legislation and said that to submit such a Bill at the present stage would amount to that, but if any blame is to be attached to anyone, it should belong to the Government for not having an amending Bill ready to submit to Parliament when it first met. However, I hope the House will agree to the motion. If a Bill is presented and it is agreed to, it will be of advantage to the workers throughout the State generally and placing it on the Statute-book will redound to the credit of the Government.

Hon. W. C. ANGWIN (North-East Fre-mantle) [9.24]: I had not intended saying anything in connection with this matter but for the statement made by the Attorney General. That hon. gentleman is generally very fair in regard to any matter that he has to submit to the Chamber, but to-night he went too far and spoke in a way that was not characteristic of him. It was in 1912 that the Workers' Compensation Act was passed through Parliament. The Government which put it through were in existence for only three sessions after passing the Act and the consequence was that the Act had very little trial during the period of the administration of the Labour Government. If the Bill which was introduced into this Chamber by the Labour Government had passed through Parliament, in all probability there would have been no necessity, even at this stage, to request the Attorney General to submit an amending measure. We must realise that as time advances things improve, and we know well that the Workers' Compensation Act when passed in 1912 and which fixed the amount of compensation at £300 is not a suitable measure at the present time, inasmuch as in view of the altered condition of things the amount of £300 in those days was equivalent to what £600 would be to-day. The Statute we are working under to-day has become almost a dead letter. It has been proved unworkable in several directions as the member for Yil-garn has said, not only to the employees but also to the employers. In my opinion, if an amending measure is submitted, the Government should take on State insurance with it. It is not fair to compel the employer to provide certain compensation under an Act of Parliament, and also to compel that employer to pay a higher rate of insurance to private companies. There can be no greater evidence in favour of the advisability of the State carrying on their own insurance business in connection with workers' compensation than the existing fund. There is no

necessity to refer to what has taken place in Queensland or anywhere else. For the past four or five years the State has been setting aside as a premium one-third less than that paid by private employers to insurance companies, and after meeting all claims from the fund in existence, there is to-day a surplus of approximately £40,000.

Mr. Pickering: They do not include miners' diseases.

Hon. W. C. ANGWIN: No, but a third less than the premiums paid to insurance companies is paid into this fund. If the full premiums were paid there would be sufficient to meet every claim, including claims for miners' diseases. At the time this fund was inaugurated there was a Government in power which was employing thousands of men. The position is very different to-day. Hon. members have impressed on the Attorney General the urgent need to amend the existing Act, and the Attorney General replied that he did not believe in hasty legislation. If my memory serves me rightly, we passed a Bill through Parliament that the Legislative Assembly should dissolve on the 31st January. There is plenty of time between now and the 31st January in which to introduce an amendment to the Workers' Compensation Act. The session is still young and we still have a number of important Bills to come before us. As a matter of fact, many important Bills have been brought down at a much later date than the present. We have yet to deal with important measures, and we have not heard a word about them so far.

Mr. Munsie: They introduced a Land Act Amendment Bill much later than this last session.

Hon. W. C. ANGWIN: A Bill to amend the Workers' Compensation Act would not take a greater length of time to prepare than a Bill, say, to amend the Wheat Marketing Act. The health of an important section of the community, that section which is engaged in the mining industry, is concerned, and the Government tell us they cannot find time to introduce legislation which affects the subject. It would not be regarded as hasty legislation if we put through a Bill at any period between the present time and the close of the session. If I were as convinced as the Attorney General is of the necessity for submitting an amendment to the Workers' Compensation Act, and if I had his ability, I can assure hon. members that I would not allow many days to elapse before introducing a Bill. What is required is the desire.

Mr. Pickering: The data.

Hon. W. C. ANGWIN: The Government are in possession of all the data which is necessary. Their own insurance office will give them that. Those people have been dealing with compensation ever since they established their own fund. I hope the Attorney General will realise that there is sufficient time in which to introduce the measure and that he will do so this session.

Mr. TROY (Mt. Magnet) [9.30]: I am very sorry that some members on the Gov-

ernment side of the House are not in a position to support the motion, because this is a question which affects more than one side of the House. It affects the representatives of the farmers and it affects the city interests. It is as vital to them as members on this side of the House, because it means a measure of justice which is recognised not only in this State, but in every State of Australia. I congratulate the member for Hannans (Mr. Munsie) on the excellent speech he made when he introduced this motion. No one will dispute his argument that the Bill is a very urgent one, and that this House ought to immediately take the matter in hand. I was rather surprised at the Attorney General's statement that there was no demand for this measure, that the Labour party had been in office for some years and had not passed such a measure. What has that to do with the case? The demand for legislation may arise at any moment, and circumstances have so altered affairs in Western Australia during the last few years that much legislation is now required which a few years ago was not required. The fact is that several members of the Labour party did desire to introduce a Bill, but they could not get it through. If nothing has been done during the years of war, the reason is that the party on this side of the House has been too small to exercise any influence on the legislation of this House. The fact that a Labour Government did not succeed in passing the measure is no excuse why the present Government should not pass one. As to there being no public demand for it, there has possibly been no demand by those interests represented by the Attorney General in his private capacity as a solicitor. Rather would there be a determination on their part to evade such legislation. While I do not wish to insinuate, I cannot help thinking, when I recollect some of the incidents which have occurred in this House, that members are often influenced not so much by the public interests, as by the interests they serve in their private businesses. I had that brought home to me when I moved a motion in regard to acquiring the pastoral areas of the Murchison. Some members of this House were then more energetic than I have ever seen them in any capacity, not in looking after the city interests they represent here, but in looking after people with whom they have dealings in their private capacity. If the Attorney General had made himself acquainted with passing events, he would have known that the workers of this State have been clamouring for this Bill for years past. Special conferences have been called to demand the passing of this measure and today the Bill is the more urgent, because many of the workers who came under the operations of the Act originally are no longer qualified to avail themselves of its benefits. The cost of living has necessitated an increase in wages to many of the workers of the State.

The Colonial Secretary: Three hundred pounds a year is nearly £1 a day.

Mr. TROY: In the back country there are many men earning 17s. a day.

The Colonial Secretary: Three hundred pounds is more than 17s. a day.

Mr. TROY: These men are compelled to work on Sunday because they are engaged on a continuous process. They do not desire it but, in order to keep the machinery going, they must work on Sunday. It was stressed by the employers in the Arbitration Court that, if the men did not work on Sunday, the industry would not pay. These men draw 17s. a day for seven days in the week, which amounts to over £300 a year. These men are compelled to work on Sunday, and yet they are denied the protection of this measure. This state of affairs is due to the fact that men's wages have increased owing to the high cost of living, though economically the workers are no better off than before.

Mr. Hickmott: Not so well off.

Mr. TROY: This has necessitated a measure of the kind indicated in the motion of the member for Hannans, even if there has been no other public clamour for it. It is argued that there is no time to introduce such a measure. There never will be time while the Attorney General is on the Treasury Bench, because he is not in favour of legislation of this description. The Attorney General argued that the Labour party had never attempted to introduce such a measure. Then he argued that there was no public demand for it, and then he concluded that a Bill of this kind was absolutely necessary. To say the least of it, his arguments were remarkable. Let us take the Notice Paper and examine the Bills that appear there. There has been no public clamour for an Architects' Bill, no public clamour for a Dentists' Bill or for a Building Societies' Bill, Coroners' Bill, Broome Rates Validating Bill or High School Act Amendment Bill. There has been no public clamour for two-thirds of the Bills on the file, and it would make very little difference to the community if those Bills were never considered at all. Apparently there is time to consider them, and yet there is no time to consider a Bill of such importance as the one indicated in the motion is to the workers of this State. If the Government brought forward a measure of this kind, they would be doing valuable work in the direction of instituting a system of compulsory State insurance. They would be initiating a very fine principle which would be in the best interests of the State. I referred last evening to the waste, expense and burden of the insurance companies now operating in this State. The member for North-East Fremantle (Hon. W. C. Angwin) has given evidence and facts regarding what has been accomplished by the State insuring its own employees. Here is a principle which might well be adopted and carried to fruition by the present Government with advantage to themselves and benefit to the State. I support the motion, because it is nearly time that some interests other than agricultural received consideration from the Government. There are other interests to be con-

sidered apart from those represented by members on the Government side of the House. Surely the vast army of workmen, silently carrying on their work under bad conditions, are entitled to consideration. Apparently they are shut out from all consideration by this Chamber. No measure is passed for their alleviation. Measures are promptly introduced for primary industries, but the great majority of the men who do the burdensome, the laborious, the dangerous and the unhealthy work in this State receive no consideration from this House. We members on this side of the House are discontented with the present state of affairs. We are not looking for kudos in this matter. I think we have got past that stage; it is not worth troubling about. We are looking for some immediate consideration for the great mass of the people represented by this side of the House, and also by the other side of the House to some degree, who have been ill considered during the last few years. I urge the Government therefore to give favourable consideration to the motion.

On motion by Mr. Pickering, debate adjourned.

*House adjourned at 9.39 p.m.*

## Legislative Assembly,

*Thursday, 23rd September, 1920.*

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

### QUESTION—PARLIAMENT HOUSE, DAMAGE BY WHITE ANTS.

Mr. PICKERING asked the Minister for Works: 1, Is he aware that white ants have destroyed a box frame in the temporary portion of Parliament House on the south front? 2, In view of the fact that the fram-

ing is of oregon pine, might it not reasonably be assumed that considerable damage has occurred thereto, and that there is a danger of the end work and staircase collapsing?

The MINISTER FOR WORKS replied,—  
1, Yes. 2, No.

### QUESTION—PUBLIC SERVICE, OVERTIME RATES.

Mr. SMITH asked the Premier: 1, Is he aware that the rates for overtime paid to a number of civil servants are less than the rates paid for ordinary office hours? 2, Will he issue instructions that this anomaly be corrected, and that the amounts so short paid be recouped to the employees as from 1st July last?

The PREMIER replied: 1, The rates of overtime paid to officers under the Public Service Act are those fixed by regulation, and although in a few instances these are less than the rate of salary paid, they are higher in other cases. 2, The necessity, or otherwise, of amending the rates of pay for overtime is already being considered by the Public Service Commissioner.

### QUESTION—AMUSEMENTS TAX.

Mr. JOHNSTON asked the Premier: 1, Have the Government noticed that the Federal Government have decided to reduce the tax on amusements? 2, Will the Government consider the advisability of introducing a State tax on amusements to at least the extent of the reductions made in the existing Federal tax?

The PREMIER replied: 1, Yes. 2, The Government will give consideration to the matter.

### QUESTION—NORTH-WEST DEVELOPMENT.

Mr. ANGELO asked the Premier: 1, Has he noticed the statement in last Friday's "West Australian," that the Hon. George Miles, M.L.C., was proceeding to the Eastern States "to interview the Prime Minister on the subject of proceeding with the railways in the far North in order to link up with existing lines"? 2, Is Mr. Miles proceeding as a representative of the State Government, or has his mission in any way been accredited by the State Government? 3, If so, what is the nature of the credentials furnished him and which railways is he to advocate? 4, Will the Premier request the Minister for the North-West to submit a policy for the development of the North to be discussed and approved of by the State Legislature before any representations are made to the Federal Government?

The PREMIER replied: 1, Yes. 2, No. 3 and 4, Answered by No. 2.