

reason why we should break through the rule.

THE CHAIRMAN: No. After all, it is the business of members to be here.

The remaining clauses of the bill were agreed to, without comment.

Preamble and title agreed to.

Bill reported.

The House adjourned at a quarter past eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 13th November, 1888.

Roads Bill: in committee—Quarantine Bill: third reading—Chinese Immigration: adjourned debate—Civil Service Life Insurance Bill: second reading—Church of England Trustees Bill: in committee—Patents Bill: motion for second reading—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

ROADS BILL.

The House went into committee for the further consideration of this bill.

Clause 35 (reverted to)—Manner of taking the ballot:

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that when this clause was under discussion yesterday, objection was taken to the wording of the second section. It was said that the meaning and intention of the Act as regards the number of votes which electors were entitled to give to each candidate was not clear. He now proposed to strike out all the words after "election," in the first line of the subsection, and insert, "is hereby empowered to give, and shall if he votes give, the number of votes to which he is entitled to any number of persons not exceeding

"the number of members to be elected." That was following the wording of the old Act (34th Vic., No. 26).

MR. PARKER said that Act had been amended by the 40th Vic., No. 12, and he preferred the wording of the latter Act in this matter.

THE ATTORNEY GENERAL (Hon. C. N. Warton) suggested that the word "may" be inserted in the amendment instead of "shall"; the former was permissive rather than compulsory. He preferred "may, if he votes, give the number of votes"—etc.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the effect of that would be that a man might plump his sixteen votes, if he had them, for one candidate; and, if many four-vote men did that, the result might be that only three (say) out of four candidates would get in.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the result of leaving the amendment as it stood would be to compel a man to distribute his vote among candidates, some of whom he might not consider fit and proper persons to be members. An elector would thus have to violate his conscience, by voting for a man whom he conscientiously believed was unfit.

MR. RICHARDSON said they didn't compel a man to vote at all, if he didn't like; but, if he did vote, it was proposed to require him to give as many votes as he was entitled to, to as many candidates as there were vacancies to fill up.

THE HON. SIR J. G. LEE STEERE said—not knowing that the Surveyor General would be prepared with an amendment, he had prepared one himself, which he thought would meet the views of the committee. It was to strike out all the words after "election," as proposed by the Surveyor General, and insert the following words: "may give the number of votes to which he is entitled on the electoral lists to each of any number of persons not exceeding the number of persons to be elected, or may give his vote or votes to any one candidate."

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought the words now proposed would meet the case very well, and, with leave, he would withdraw his amendment in favor of the other.

Original amendment withdrawn, and that moved by the Hon. Sir J. G. Lee Steere put and passed.

Clause as amended agreed to.

Clauses 36 to 53 inclusive:

Agreed to, *sub silentio*.

Progress reported.

QUARANTINE BILL.

Read a third time, and passed.

CHINESE IMMIGRATION.

The resolution moved by the Colonial Secretary on the subject of Chinese immigration—(*vide* p. 245, *ante*)—was put and passed, without further comment.

CIVIL SERVICE LIFE INSURANCE BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a bill for the purpose of promoting life insurance in the civil service, said: Mr. Speaker, sir—In moving the second reading of this bill, I need hardly say with what object it is brought forward. It has so happened, as hon. members are aware, that this House has on several occasions received what I may call piteous applications on the part of the widows of deceased officers in the civil service of the colony,—officers who, although they may have served the public for many years in an admirable manner, had, upon their death, left their families in poverty, or unprovided for. With regard to some of these applications, I think I may say that the kindness of the House rather than its sense of justice has prompted it to grant gratuities to the widows and children of these officers as some sort of *solatium* or compensation for the loss of their husband or father, as the case may be. It seems to me that ought not to be. I think I may add that the feeling of this House is that such a state of things ought not to be; but that those who are in receipt of a regular income should out of that income make some provision for their families when that income ceases. This bill contemplates such a provision. It proposes that after this year every civil servant, whose salary exceeds £100 a year, shall insure his life in some life insurance office approved by the Governor, for such a sum that the annual

premium payable shall not be less than 4 per cent. on the amount of his yearly pay or salary. It may be said that 4 per cent. is not a large sum to set aside for this purpose—to set aside against the eventuality, nay the certainty, of death; but that is a detail of the bill which can be settled in committee. I think the principle of the bill is one which the House will approve; and, with these very few observations, I commit the bill to the good feeling of the House.

MR. RICHARDSON said some of these civil servants might not be able to pass a medical examination such as would satisfy any life insurance company, and in that case they would not be able to continue in the service. Would it not have been better if the bill had gone further, and that the Government themselves should become a sort of insurance office for its own servants, deducting this 4 per cent. out of their salaries, and so form an insurance fund?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I may say, as regards medical examination, that all officers before they enter the public service have to pass an examination as to their physical soundness.

MR. RICHARDSON: But will the same examination satisfy an insurance company. I understand these insurance companies insist upon rather a critical examination—stricter possibly than a man has to undergo upon entering the civil service; and a person who might be able to perform his duties as a public officer for 30 or 40 years might not be able to pass the necessary medical scrutiny that would satisfy an insurance office.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I have before me the Civil Service Insurance Act of the colony of Victoria, under which it is provided that every person entering the public service in that colony shall insure his life for a sum equal to two years' salary, or, in the event of an annuity for a survivor, for a sum equal to one-fifth of his yearly salary. In New Zealand they have a system of compulsory insurance, under the Civil Service Reform Act, which provides that out of the salary of every civil servant there shall be deducted a sum equal to 5 per cent. per annum towards an insurance fund, which in that colony is managed by the Government itself.

Here it is proposed that the contribution shall be at the rate of 4 per cent., but that is subject to further consideration in committee. The bill has been introduced as my hon. and learned colleague has very truly stated, in consideration of the numerous applications and appeals that have been made to the Government in the past for assistance to the survivors of public officers, left unprovided for; and I think members generally will agree that it is desirable to make some provision whereby these appeals may hereafter be obviated, and that every civil servant should during his lifetime make some provision for his wife and family in the event of his death. With regard to persons entering the public service, a medical certificate, as I have already said, is always required; and I have no reason to doubt that these certificates, granted upon first entering the service, would be hereafter verified and supported by a certificate that would be accepted by an insurance office. I cannot think, myself, there would be any difficulty or hardship about that. The only hardship that might be imposed would be in the case of those in receipt of very small salaries, who might find some difficulty in sparing even this slight contribution of 4 per cent. out of their income; but I cannot help thinking that it is the duty of every man, whether his income be large or small, to make some provision for those of his family who may survive, rather than that they should be thrown upon public charity. Of course there can be no rule without an exception, and although, as I have said, the medical certificates obtained by public officers on entering the service would be accepted for insurance purposes, I do not mean to assert that the life of every officer now in the Government service would be taken as what is called a first-class life, by an insurance company; still, I have no doubt that, as a rule, these certificates would be verified and confirmed. It will be seen that the bill provides that every person who may hereafter enter the service and receive a salary exceeding £100 shall be compelled to insure his life, to the extent of 4 per cent. of his annual income; but there is no immediate pressure or compulsion brought to bear upon those already in the service, because it is only in the event of promotion and an increase

of salary that they would have to increase their contribution. I think the House will agree with me as to the desirability of this bill, and the expediency of obviating in future the necessity for those appeals for aid to widows and orphans of public servants which have been made to this House, and to which, I must say, this House has responded in the most hearty manner. If this bill becomes law, we shall find that in the future the revenue of the colony will be relieved from those sorrowful appeals which in the past it has been our misfortune to have to deal with.

MR. SHOLL: I quite agree that persons upon first entering the service should be called upon to pass a medical examination that will satisfy an insurance company, but I understand from this bill that no public servant already in the service can receive promotion unless he is able to pass this examination. I think that would be a great hardship. While sympathising with the object of the Government in bringing forward this bill, which I consider a very useful measure, I certainly think it would be a very serious injustice to many deserving officers if we debarred them from promotion, because they might not be able to obtain a medical certificate that would satisfy an insurance office, although they might be well able to do the work.

SIR T. COCKBURN-CAMPBELL: I fully agree with what the hon. member who has last spoken has said with regard to those officers already in the service, who will be precluded, apparently, by one of these clauses, from receiving promotion, without a medical certificate. As regards the general principle of the bill, I think we must all agree that it is a step at any rate in a right direction. It is a matter I have always had very much at heart, and I had hoped that some time ago the Government would have brought in a measure of this kind. But I cannot agree with the Attorney General in what he says about appeals having been made to our kindness rather than to our sense of justice, with regard to the claims of widows and orphans of deceased civil servants, because I have always held that men who have served the public faithfully for a long time, in various capacities of trust and responsibility, and at a small pittance of salary—so small as to have

made it impossible for them to make any provision for their families or for themselves—were not without some claim upon our consideration. I am sure that no decent private firm would treat an old servant who had been for a long term of years in their service, without some consideration for his necessities, or the necessities of his widow or orphans, if left in destitute circumstances; and I apprehend, whether we pass this bill or not, we may at some future time be called upon to consider some exceptional claims of this kind. The bill, as I have said, is a step in the right direction, but I think a great deal more remains to be done in respect to pensions and retiring allowances of civil servants; and I had hoped the Government, in considering the various Acts of the other colonies, would have taken as their model what I consider is the best of all of them in this respect—the Queensland Act. In that colony, I believe, every civil servant contributes so much a year towards a certain fund, and the Government contributes so much, and this fund is invested, so that when a civil servant becomes incapacitated, or reaches a certain age when he is supposed to be put on the shelf, he obtains a pension from the revenues of this fund, in proportion to the salary or emoluments that he previously received; and, not only that, provision is made in the event of the death of a civil servant. All this is done at a very small expense to the State, this consolidated fund being contributed to by the civil servants themselves as well as the Government. I believe it is a most complete system, and one under which justice is done in all cases, without any necessity for bringing special claims before the Legislature. I certainly think it would have been a better system to adopt here than the very sketchy skeleton arrangement now proposed. There is one part of the bill I am not quite clear about. It says that every civil servant shall insure his life for a sum, the premium upon which is not less than four per cent. of the amount of his salary at the time—what I want to understand is whether, as his salary increases, these payments increase in proportion. [The ATTORNEY GENERAL: *Pro rata.*] Then every time he receives promotion he has to insure his life for a larger amount, and to keep up the pre-

mium in proportion to the salary he is receiving. The clause does not seem to me very clear, but I suppose that is the intention. In some of the Acts in the other colonies, I know that as the salaries increase the percentage devoted to insurance is increased also. The bill will probably require some amendment in committee, to perfect it; but I accept it as an instalment of a very necessary reform of the civil service regulations.

MR. SCOTT said he cordially agreed with those members who had spoken on this subject. The bill was a step in the right direction, but he thought it went rather beyond the principle of the object in view, which he understood was to provide that everybody who hereafter entered the public service here should first insure his life. But the bill goes further than that, and provides that those already in the service, and who may have sacrificed their health in the service, shall also obtain a medical certificate and insure their lives, or else quit the service. It might be—it probably would be in many cases—quite impossible for these old public servants to pass an insurance medical examination at their present age, and in the present state of their health; and he certainly thought the bill would require some modification in the way indicated by the hon. baronet and by the hon. member for Gascoyne.

MR. KEANE said the hon. member for Perth had anticipated what he had intended to say. He thought the second clause of the bill dealing with promotion would bear very harshly upon those civil servants who had spent the best years of their life in the service, and who possibly had actually injured their health in that service, if these men were called upon now, at 50 or 60 years of age, to insure their lives under this system. It must be remembered that the older the life the higher the premium was in these insurance offices; and a man who had reached that age would have to contribute a large proportion of his salary if he wished to make any decent provision for his family. He hoped the bill would be amended in this respect, in committee, when he hoped there would be more members present than there were now. This was a bill involving a very important principle, and it ought to receive every attention in a fuller House

than they had now, when there was barely a quorum present.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said, with regard to the objection raised as to the premium increasing in the event of the salary increasing, following upon promotion, he should think every prudent man, if he could do so, would insure his life in the first instance at something over a sum equivalent to four per cent. of his then salary; so that, when promotion came, he would be under no necessity to undergo a fresh medical examination in view of his life being insured for a larger amount. The bill did not limit the amount to four per cent., but it must not be less than four per cent.

MR. SHOLL: How will the bill apply to persons temporarily employed?

THE ATTORNEY GENERAL (Hon. C. N. Warton): It won't apply at all. They are not in the service:

Motion agreed to.

Bill read a second time.

CHURCH OF ENGLAND TRUSTEES BILL.

This bill passed through committee (with the select committee's amendments) without discussion.

PATENTS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved the second reading of a bill to amend and consolidate the law relating to patents for inventions. There had been great complaint—and he must admit there was ground for the complaint—on the part of many persons, skilled mechanics and others, who had original ideas of their own, with regard to the present high price charged for patents in this colony, which they said prevented them from availing themselves of the protection of the law. For a long time past this had been represented to him. Personally, he had always been a strong advocate of cheapening the cost of patenting inventions; and he might say that he did a little towards that end in the House of Commons when Mr. Chamberlain brought forward his Patent Bill there. There was nothing he was more convinced of than this: that it was in the interest not only of the inventor but of the community also, that inventors should have the full en-

joyment of their inventions, and be able to get patents at a reasonable price. He believed that a great deal of loss took place, of loss to the country, because inventors had not been able to patent their inventions at a price within their means; and the main object of this bill was to reduce the cost of obtaining patents in this colony. At present the price of a patent was £50, which was simply prohibitive as regards the patenting of many ingenious ideas in a colony like this; and the bill now before them proposed to reduce that amount to £12, the payment of which would spread over several years. When a man wished to take out a patent he would pay £4 down with his application, which would protect him for four years; and any time before the expiration of that term of four years he would pay another £4, which would grant him protection for a further term of years; and, if he wished to go on with it and complete his patent, he would, before the expiration of seven years, pay a final fee of £4. This scale of payment was based on the fairest principle. If a man's invention did not turn out according to his expectations, he could drop it after the first payment, and save any further payments; or, if he was still doubtful as to its ultimate value and success, he could at the end of four years pay the second deposit, and be protected again for a further term, when he could either secure his patent permanently by the payment of the final deposit of £4, or, if he did not think it would be worth while proceeding with it, he could drop it, and save that last payment. Without going more minutely into the details of the bill, which would be subject for discussion in committee, he might say that in the preparation of the bill he had received great kindness and assistance from the gentleman who now held the office of Registrar of Patents in this colony (Mr. Godfrey Knight), to whom he was indebted for many—he might say most—of the ideas embodied in the bill as regards its local application. He therefore submitted the bill with every confidence to the judgment of the House.

MR. KEANE called the attention of the Speaker to the fact that there was no quorum of members present, whereupon, **THE SPEAKER** adjourned the House.