

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Then I beg to move: "That the following words be added to the first sub-clause: 'Provided that due notice shall be given to the owner or occupier of such lands of the intention to enter thereon.'"

THE HON. F. M. STONE: To whom is the notice to be given? If we say the owner, he may be in England, and there might be no occupier. I think we should report progress, so that we may consider the matter. I move that progress be reported.

Question put and passed.

Progress reported.

ADJOURNMENT.

The House at 6 o'clock p.m. adjourned until Wednesday, 7th August, 1895, at 4.30 o'clock p.m.

Legislative Assembly,

Thursday, 1st August, 1895.

Customs Duties Repeal Bill: third reading—Fertilisers and Feeding Stuffs Bill: second reading—Goldfields Bill: second reading; postponement of debate—Railway and Theatre Refreshment Rooms Licensing Bill: first reading—Works Authorised upon Estimates uncommenced or unfinished—Claims re Resumption of Lands at Bunbury for Railway Purposes—Dismissal of Incompetent Civil Servants—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock p.m.

PRAYERS.

CUSTOMS DUTIES REPEAL BILL.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

FERTILISERS AND FEEDING STUFFS BILL.

SECOND READING—ADJOURNED DEBATE.

MR. ILLINGWORTH: I have not been able to make out what is the real intention of this Bill; but, on looking at its provisions, the Bill appears to me to be one for the manufacture

of criminals. That is the general impression I get from the Bill; and, if it is the intention of the Government to place this upon the Statute Book, one of two things is going to happen: either the Bill must be inoperative, and is therefore not worth passing, or else it is going to be exceedingly oppressive, and, in the latter view, this is not the kind of legislation that ought to be passed by this House. We have it stated in the first clause that "Every person who sells for use as a fertiliser of the soil any article manufactured in the said Colony, or imported from abroad, shall sign and give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not;" and so on; so that a man may not sell a bag of bonedust without being required to give a certificate. There is some doubt as to whether a man may sell a load of stable manure, without being, in like manner, compelled to give an invoice setting forth certain particulars—not only that, but an invoice that bears the character of a warranty, by showing the exact amount of chemical proportions of the fertilisers contained in the manure. Failing this, the seller is made liable to a penalty of £20 for the first offence, and £50 upon a second conviction. This might not appear so serious, were it not that upon examination of the provisions, it transpires that any person may take a sample out of any bag or quantity of fertilisers offered for sale and may take it away and get it analysed, although he is not required by the Bill to prove that it is a fair sample of the bulk. Upon such evidence as that, the vendor may be mulct in a fine of £20, upon a first conviction. I would suggest that this is not the kind of legislation we want in this colony—that there is no call for legislation of this kind. Looking at the other portion of the Bill, relating to artificial feeding stuffs for live stock, it seems to me the provisions, if necessary, ought to have been in a general Bill dealing with the adulteration of food. Taking this Bill as a whole, it is so absolutely bad, so useless, and so dangerous in its character that, without further occupying the attention of the House, I am going to move, as an amendment, that the Bill be read a second time this day six months.

MR. LEAKE: I second the amendment.

THE ATTORNEY-GENERAL (Hon. S. Burt): This Bill has been introduced by the Government, at the request of the Agricultural

Bureau; and its provisions are the same as those passed in England and which have been in operation some years, as also in South Australia. I am not aware whether a similar Bill has been passed in other colonies of Australia, but I have no doubt that such a law exists in some of them. I do know that this is exactly the law as it is in England and in South Australia; and this Bill is designed to protect those cultivators who buy artificial manures, by preventing persons from selling so-called fertilisers which may be anything but what they are represented to be. It will be readily recognised by the House that it is within the power of any unscrupulous person to compound any sort of stuff he thinks fit, and sell it under the name of bonedust, or under the name of any other fertiliser. It is impossible for the general public, or the farming community, to satisfy themselves whether a compound offered for sale as a fertilising manure is such or not, and they are thus placed at the mercy of the dealer who imports it, or the manufacturer who compounds it. This Bill enacts that, when a sale is made, the settler shall state what the material consists of. If it is imported, the dealer who has it for sale can always obtain from the merchant or the manufacturer, upon the invoice, those particulars which, by the law of England and the law of South Australia, the vendor is bound to state, and upon which he who undertakes to sell fertilisers of a certain kind should know what he is selling. No man would care to sell, for instance, an artificial manure compounded largely of sawdust, and to get for it a price as a valuable manure, if he knew what the stuff really consisted of; and certainly no cultivator would care to buy it. This Bill is intended to preserve the interests of the purchaser, by compelling the vendor of an artificial manure to state on the invoice what are the ingredients of the alleged fertilising material—to state what percentage of nitrogen, of soluble and insoluble phosphates, and of potash, are contained in the compound.

MR. ILLINGWORTH: That is where it comes in.

THE ATTORNEY-GENERAL (Hon. S. Burt): That is where the sawdust comes in. I do not know whether there are any manufacturers of artificial manures in this colony, or persons who deal solely in them; but if the artificial manures are imported, the dealers or agents can easily obtain an invoice from the persons supplying the stuff, such invoice show-

ing the ingredients. Surely hon. members are not going to contend, in the interest of importers, that dealers shall be allowed to import and sell anything a manufacturer or merchant elsewhere may choose to send them, under the name of some fertilising manure; whether the stuff is what it is represented to be or not. Surely we all desire that when a farmer pays his money for an artificial manure, he should get what he bargains for, and that the person selling the manure shall sell that which he represents it to be. The seller is the only person who is compelled by the Bill to make a statement of what the stuff is; and surely he ought to be compelled to do this, because he is the vendor who is getting a price for it upon the representation that it is a fertilising manure. A buyer may take a sample of the stuff to the Government Analyst and say, "I have paid a certain price for this article. Is it genuine?" The Analyst, after testing it, may reply, "This so-called fertiliser is all sawdust." I say that sort of deception should be stopped, and the seller should be made to understand that it is no use importing any more sawdust. I cannot see that this Bill will do any harm. The members of the Bureau of Agriculture, acting in the interest of the country, have produced this Bill and requested the Government to place it before Parliament; and I say again it is exactly a copy of the English Act, and also of the Act that has been adopted in South Australia as to fertilisers, but not as to feeding stuffs, because the South Australian Legislature has not adopted the provisions as to feeding stuffs for cattle, though I think that part of the Bill is more important than the part dealing with fertilising manures. Perhaps the hon. member who opposed this Bill keeps a goat in his backyard, or some other hon. member keeps a goat, and of course he would like to be assured that when he buys oil-cake for his goat, the animal shall get oil-cake and not some useless imitation.

MR. ILLINGWORTH: Who can tell rape seed from oil-cake?

THE ATTORNEY-GENERAL (Hon. S. Burt): I don't know; but a person buying a compound called "oil cake" might take it to the Government Analyst and say, "The goat's milk is all gone, since I began giving oil-cake to increase the milk; and the Analyst might examine the stuff, and reply, "Yes, because this is compressed sawdust." Well, that goat might do better, in the way of milk, upon being

supplied with the true oil-cake, obtained from a place of business which dealt in the genuine article. I do not think that either the first portion of the Bill, for ensuring that artificial manures sold in the colony shall be what they are represented to be, or the second portion referring to feeding stuffs for live stock and ensuring that the goat I have mentioned shall get the genuine oil-cake when ordered. I do not think that either part can possibly do the harm which the hon. member (Mr. Illingworth) says it will. At present, I cannot regard the hon. member as an authority on the subjects dealt with in this Bill. I do not know whether he ever kept stock and fed them on artificial food; and, until I know that, I shall withhold my judgment as to his remarks. I would like to hear the opinion of other hon. members—the hon. member for the Gascoyne, for instance—in order to get the views generally of members of the House who are experienced in these matters.

MR. LOTON: The principle of the Bill is one which we should all favor, and it is that those cultivators who purchase artificial fertilisers in this colony should be assured that the article they pay for is what it is represented to be. Then with regard to manufacturing feeding stuffs for live stock, the same argument applies. Therefore I agree with the principles laid down in the Bill, that we should legislate in the direction of securing the genuineness of these articles. Bearing in mind that there is probably no manufacturer of these articles in the colony, except bonedust, and that to so limited an extent that one could not purchase 50 tons of it made in the course of twelve months, it does seem to me that, in legislating against imposition of this kind, we should attempt to get at the manufacturers of these products, and make them liable, and not direct the penalties against every person who deals in these articles. That is where the difficulty comes in. We should endeavor to see that those persons who manufacture or import these articles do supply them in a genuine form; and I do not think the penalties in the Bill should be made to apply to every person who happens to deal in these articles. The person to get at is the originator of the fraud, if there be a fraud. I think the Bill needs more consideration in this respect; and though I am not prepared to say whether it can be amended to that extent in committee, I shall be in favor of it if that can be done, because I approve of the principle of the Bill.

MR. HARPER: This Bill has been prepared by the Bureau of Agriculture, in consequence of a desire expressed over and over again by farmers and cultivators who are in the habit of using artificial manures for their land and artificial feeding stuffs for their live stock, and who want to ensure the genuineness of these articles when purchasing them. A great many of these persons have suffered very heavy loss by the purchase of artificial manures—some imported and some manufactured in the colony—which were found not to be genuine when applied to the land. I cannot see what experience the hon. member for Nannine has had, to justify him in opposing this Bill so strongly. The improper practices which this Bill is intended to stop are opposed to the common sense of every man who cultivates land and has to use artificial manures as fertilisers. We know that deception is practised in many cases, and it is only fair that those persons who use these manures should be protected against deception. The objection raised by the hon. member for the Swan, that the penalties in the Bill should apply only to importers or manufacturers as the parties originally responsible, seems to me impracticable, because those dealers who sell small quantities of a ton or two would only have to buy that which comes in from the manufacturer up to standard quality, then adulterate it, and afterwards pass it off as genuine; so that by leaving the dealer free to do as he liked, there would be no protection for people on the soil who pay for the stuff as genuine, and use it. I am sure the House will be making a great mistake by throwing out this Bill, as proposed by the hon. member for Nannine; for if that be done under a belief that the House will be benefiting the community, I can assure hon. members the effect will be just the opposite. I hope a very large majority of the House will reject the amendment.

MR. E. F. SHOLL: I agree with the hon. member for the Swan that the object of this Bill is a worthy one, when dealing purely with fertilisers; but the Bill also deals with artificial feeding stuffs, and as there are no artificial feeding stuffs, such as oil-cake manufactured in the colony, the Bill will throw the onus on importers. Thus an importer will have to give a warranty with every consignment he sends away or sells, stating that the stuff consists of certain ingredients; but I do not see how the unfortunate importer can give such guarantee without having first obtained

an analysis of every consignment he sends into the country—each and every bagful. With regard to fertilisers, the intention of the Bill is a good one, and I think the measure should not be rejected without due consideration. It has been suggested that the Bill should be referred to a Select Committee. When the Government introduce a Bill they ought to take the full responsibility for it, and should understand it, so as to be able to explain it to the House. If an irresponsible body like the Agricultural Bureau wants to place a Bill before Parliament, a private member should be asked to introduce it on behalf of that body. When the Government introduce a Bill they ought to be able to explain its provisions, but they have not done so in this case. I should be sorry to see this Bill rejected, because it will protect farmers from having artificial manures introduced into the country or manufactured here that are represented to be valuable as fertilisers, when probably the compound consists largely of sand or other useless stuff. I hope the Bill will not be rejected at the present stage, but that it may be amended in committee or referred to a Select Committee.

MR. LEAKE: Sir.

MR. A. FORREST: You do not know much about this.

MR. LEAKE: The hon. member for West Kimberley says I do not know much about this subject. Perhaps I do not; but I know something about the Bill, and it is a most extraordinary measure. However it came into the House only Ministers know. Perhaps it is because of the influence of the Agricultural Bureau, which seems to me to be like a huge octopus, spreading its feeders out to every department, and clutching hon. members and everybody else, with a view of benefiting itself. There are included in the composition of that august body no less than three members of this House, one of whom is the Hon. the Commissioner of Crown Lands, the other two being the hon. member for Beverley and the hon. member for Northam. How can the House give impartial consideration to a measure such as this, which has been introduced at the instance of the Bureau of Agriculture, when we find so much influence—including Ministerial influence—brought to bear upon it? It is not right that the hon. gentlemen I have named should advocate the passage of this measure when they are so greatly interested in it. Perhaps this is not

the time to dilate upon this subject; but I feel very warmly upon it; and it is a great mistake that there should be all this Parliamentary influence upon this Bureau, which was intended to be an independent body.

MR. CLARKSON: Do not get excited. It is all right.

MR. LEAKE: It would be better for some hon. members if they were not to make observations. The hon. member for Nannine is not far out when he says this Bill will manufacture criminals, because it is an attempt to extend the operation of the criminal law in a manner which ought not to be recognised. It is an attempt also to interfere with trade to an exceptional extent, and to cast the blame upon those who really, from a business point of view, are blameless, or at any rate have not the opportunity of protecting themselves which they ought to have. If the Bill were aimed at the manufacturer or the original importer of these articles, it would not matter; but unfortunately it hits the trader—the harmless, inoffensive country storekeeper, who purchases in bulk and retails in small quantities, and it is against him the Bureau of Agriculture would exert all their influence. Adulteration takes place long before it reaches the small traders, and we cannot expect to administer such an Act as this when we are dealing with small samples of the articles scattered all over the country. I would draw attention to the fact that only one analyst is suggested by the Bill. It has been very tritely observed by the hon. member for the Gascoyne that there is really no very large quantity of these articles imported. The Bill is, therefore, of no value here. It may apply with some force in England, where agriculture depends in a great measure upon the component parts of the fertilisers which are used; but here, in the majority of instances, the agriculturist cultivates such a large quantity of land, that it would not pay him to use these fertilizers. They may be in use in the immediate neighborhood of Perth, or Guildford, or York for instance, but they are not used by the farmers generally. If the purchaser has any cause for complaint regarding adulteration of these articles—and there have been no complaints—he has his ordinary common law remedy against the vendor. I do not see why we should be so anxious to protect cattle and horses against adulterated food, when human beings are not protected against adulterated liquors. This question of

adulteration should be dealt with in an Adulteration Act, and not in a measure of the kind before the House, and I protest against dragging cattle food into the measure simply to gratify the fad of this irresponsible board, the Bureau of Agriculture. There has been no demand for the measure, except from that body. As I before pointed out, only one analyst will be appointed, and the expense to an unfortunate storekeeper away in an outlying district, if he has to send for this analyst to inspect a bag of bonedust, will be considerable.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): He can send a sample down by post.

MR. LEAKE: No; he cannot do so, because the article has to be identified. Then again we find that Section 6, sub-Section (b) says—"The costs of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer, in accordance with the results of the analysis, and shall be recoverable as a simple contract debt." That is surely an unnecessary provision, and will work a hardship on the small dealer for whose benefit the Bill is introduced. Then a man is liable to imprisonment if he tampers with a sample, while the measure applies to the wholesale as well as the retail traders, and is, therefore, likely to harass small country storekeepers. For these reasons I shall object to this Bill, and I hope hon. members will carefully consider it before they allow it to pass. I venture to say there are not more than half a dozen hon. members who have looked through the Bill, and I think I might include amongst them some hon. members on the Ministerial side of the House. We had the assurance of the Hon. the Commissioner of Crown Lands that the Bill was a harmless measure, and in an off hand manner he introduced it in a speech lasting about three minutes; but, on being criticised, we find that it is surrounded by all sorts of difficulties.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): Point out some of them. We have not heard any.

MR. LEAKE: Is it of any use for me to hope to persuade the Minister for the Agricultural Bureau, that his darling measure is anything but the very best? If this is the greatest effort of the mighty mind of the Commissioner of Crown Lands since he has been in office, let us hope he may improve before long.

MR. TRAYLEN: I do not think the hon.

member for Albany has done himself anything like justice. As representing an agricultural district, I think the request made by the agricultural community is a proper one. The farmers, in purchasing manures are liable to be imposed upon, and they have no easy method of redress. That method of redress is proposed by this measure, and I hope that, with some possible modifications in committee it will be passed. The general principle of the Bill may be accepted. At the same time, it is not surprising that the hon. member for Nannine sees some difficulties in carrying out its provisions. I have always felt it is hard that a person who has had no hand in the production of an article should be punished for selling it, when it is not what it is professed to be; but if we are not to carry into effect any new legislation because of that, we shall still have the community subject not only to be defrauded in the way of artificial manures and food for cattle, but in many other ways, besides. The only remedy for this is to make the immediate vendor the responsible person, and let him have a remedy against the person who sold to him. That may be a very difficult thing to do, when the original manufacturer is in Great Britain; but I cannot think that is a sufficient reason why we should not legislate in favor of the person here who wishes to use imported manure or imported food, as the case may be. It is alleged that the Bill will manufacture criminals. Every Bill does that. If a measure is to operate at all, it must have a penal clause in it. Perhaps the injustice that might be wrought by the operation of this Bill would be minimised, and at the same time the farmers protected, if the maximum amount of the fines were somewhat reduced. It has been alleged that the storekeeper who buys in the bulk and sells in small quantities will be penalised by the Bill; but he has a remedy, as I have already pointed out. I do not know how much of the feeding stuffs is imported into this colony—I am afraid the quantity is small—but if there is any importation, we ought to protect what there is. I am entirely out of sympathy with the hon. member for Albany when he says this Bill is some scheme of the Bureau of Agriculture. That body is the mouthpiece of the farming community, and has the right to originate a measure of this kind. I shall support the second reading of the Bill.

THE PREMIER (Hon. Sir J. Forrest): I

was amused at the hon. member for Albany making a speech on this subject, and telling us he felt very warm upon it, and took a great interest in it. The hon. member seemed to take pleasure in stating that the members of the Bureau of Agriculture had interests of their own to serve in connection with the Bill; while, in addition to that, he insinuated that they had some motive other than for that of desiring to promote the public good, in bringing this measure forward. Further, his remarks appeared to indicate that he thought those members were enjoying large emoluments. They are a number of gentlemen who have undertaken this work without any fee or reward, and who give a great deal of time to this public duty. I do not think it becomes any hon. member to sneer at them. They deserve a great deal of credit, and the thanks of this House and the country are due to them for the good work they are trying to effect in the colony. This Bill is introduced, not only at the wish of the Agricultural Bureau, but in deference to the wishes of the recent Producers' Conference, which was attended by representatives of all the agricultural communities in the colony. If it is an extraordinary Bill, as the hon. member for Albany calls it, I can only say it finds a place on the Imperial Statute Book, and was passed only a year ago.

MR. LEAKE: The circumstances are not the same.

THE PREMIER (Hon. Sir J. Forrest): I do not think a Bill that is the law of England, and one-half of which is the law of South Australia, can be called an extraordinary measure. I do not profess to have given the Bill much attention, but it appears to me to be a very good measure. It is not to be supposed that every little storekeeper will sell these fertilisers and foodstuffs, because purchasers, in nine cases out of ten, obtain the articles direct from the importers. I do not think that those persons who sell the fertilisers will have great liabilities thrust upon them, because the most that will happen will be a fine of not exceeding £20 for the first offence and £50 for the second.

MR. ILLINGWORTH: And the next time he goes to gaol.

THE PREMIER (Hon. Sir J. Forrest): I do not think so, unless he tampers with the sample. If he commits a fraudulent act he will go to gaol. This Bill certainly is in the interest of the agriculturist who wants a good

fertiliser; while, on the other hand, those persons who are engaged in this business, and undertake to say the article they sell is genuine, when it is not, must take the responsibility. We are not going to compel the agricultural community to purchase rubbish, and it is to effect this end that the Bill is introduced. I feel sure the hon. member for Nannine and the hon. member for Albany will not receive very much support from this House in their endeavor to throw the Bill out, as it is a measure absolutely essential to promote the welfare of the agricultural community.

MR. COOKWORTHY: There are only two opponents to this Bill, and they are the hon. member for Nannine and the hon. member for Albany. I did not hear the speech of the former gentleman; but with regard to the observations of the hon. member for Albany, I would sooner take his opinion upon a point of law than upon agricultural subjects. This Bill will work to the benefit of the agricultural community, who should be protected against spurious articles being foisted upon them; and as this is the principle of the Bill before us, I shall support it.

MR. RANDELL: I think the principle underlying one portion of this Bill, namely, that fertilisers should be delivered according to the invoice, is a very important one, and one which affects all classes of the community as much as agriculturists. I doubt the desirability of including food stuffs in the provisions of the Bill, because I do not think they are imported to any great extent. As we know that adulteration is practised to a very large extent on bonedust and manures, I think it is desirable to legislate in the direction of putting a stop to it. It is not fair, however, to penalise the retailer of these articles, and perhaps some better method of detecting the guilty person may be devised. For instance, a provision could be made that every shipment of manures should be certified by an analyst of the country in which they are manufactured that the article is genuine; or, if that were impracticable, an analyst could be appointed here, whose duty it would be to examine every shipment before it is landed. I do not anticipate that it would be necessary to appoint an officer at all the ports of the colony, as the largest quantities would be landed at Fremantle. I think it is important that persons who buy large quantities of fertilisers and find that they are utterly worthless, and often injurious to crops, should have some means of obtaining

redress. I shall support the second reading of the Bill, in the hope that it will be amended in the direction of making the person liable to punishment who adulterates or tampers with these articles. There is a possibility that they are tampered with after they leave the manufacturers; but I have heard of bonedust manufactured in this colony which contains only 25 per cent. of bonedust; and there is little doubt that the imported articles are also adulterated. I have seen a cutting from the *London Times*, which shows to what extent adulteration is carried on in England, and I am impressed with the necessity of taking steps to put a stop to the practice here.

MR. MARMION: When I first saw this Bill, it struck me, as it appears to have struck some other hon. members, that it was a curious Bill, and I could not see the necessity for it. It seemed to me to inflict some hardship, and I have not altered my opinion after hearing the opinions expressed by hon. members who have already spoken. An hon. member has suggested that the Agricultural Bureau should protect the agriculturist. I do not agree with this. I think everybody in the colony should be protected, and not alone the agriculturist, and not only in one particular, but in every other. I think we ought to be able to make every man, when selling an article, give a certificate that the article contains only what it is represented to contain. This is not such a simple matter as many hon. members think. I know for a fact that large quantities of manures of various kinds, both guano and artificially prepared manures, are being locally produced, but they are not dealt with by this Bill. Most of the manufactured articles come into the colony in large quantities, and are bought up by local men for the purpose of distribution. That is simply a fact, and I defy the Agricultural Bureau to deny it. It is no doubt necessary to legislate in order to make the man who imports in the first instance, have an analysis made to prove that the article he imports is what it professes to be; but what about the article when it gets out of his hands, and is being distributed in various parts of the colony—who is then to certify to the retail buyers? I am quite of the opinion of those hon. members who have said it is a mistake to mix up the two questions of fertilisers and food for cattle, even if there were any necessity for dealing with the question of the purity or impurity of the articles imported. I do not believe there

is any large quantity of artificially prepared cattle food imported into the colony. I think I am correct in saying that if there is any, it is very little. We do hear of artificial foods imported by chemists, but they are not for cattle, and are not imported by the ton.

AN HON. MEMBER: What about compressed fodder?

MR. MARMION: Yes; what about bran and chaff? The only certificate wanted in those cases is for the cattle to eat it. That proves its genuineness. I think that Bills similar to this one are calculated to hamper trade, and to interfere with its regular course. I have no faith in them, and predict that if this Bill becomes law, very little action will be taken under it. People will not deal with matters of this sort because they are so troublesome and unpleasant, and I venture to think this Bill will make them more so, because people will not run the risk of being sent to prison. I do not wish to oppose the Government to the extent of voting with the hon. member who has moved that the Bill be read a second time this day six months; but I do think provision might be made to secure some little benefit in the direction I have indicated. Before the Bill becomes law, it should be threshed out in a Select Committee.

MR. CLARKSON: I am going to support this measure because I am one of those who have been imposed upon. I have bought what was supposed to be guano, but it turned out to be nothing but limestone, or other rubbish. I think there ought to be a law by which the pretended fertilisers should be put to some test, and therefore I support the Bill.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): I do not agree with the hon. member for Fremantle. One would think, to hear him talk, that these imported fertilisers changed hands about fifty times before they got to the user. The fact is, however, that they are imported in large quantities, and go direct from the importer to the agriculturist.

AN HON. MEMBER: Not as a rule.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): Yes, as a rule, they do go direct into the hands of the agriculturist. The chief thing imported is bonedust, and it comes from Adelaide. It comes here with a certificate of analysis which fact shows that in South Australia they know the value of these analyses. The importer gets these analyses with the articles, and sends them along when

delivering the goods, and those agriculturists who are up to their business will not buy unless they get these analyses. It is not all farmers who are alive to the tricks of trade, and so they are liable to be imposed upon. I think it rather hard that the farmers, in buying manures, should so often find themselves the subjects of imposition. Parliament should give them some protection. Everyone who has had anything to do with buying the locally produced manures will be aware that he cannot feel sure as to what he is getting when he buys them, and it would be a great protection to the community if they could know that the article they were purchasing was really what it professed to be. The importer must see that he gets the certificate of analysis from the manufacturer, and that certificate of analysis must be forwarded on with the manure until it reaches the agriculturist. When once it is known that there are penalties attached to impositions and frauds, the parties most interested will look after themselves. Some hon. members have alleged, as an argument against the Bill, that it is not a measure for general protection. That is a much larger question, and it would be a good thing if such general protection could be given; but that is surely no argument against protecting the farmers in this particular. I think we ought to protect a large class like the agriculturists from imposition in the matter of manures. This is not the first occasion upon which we have heard the hon. member for Albany sneering at the Agricultural Bureau, but the House is getting used to it, and does not take much notice of him. I venture to think that a body of practical men who give up their time to the interests of the community at large, and endeavor by various measures to advance the interests of agriculture generally, are entitled to something better than sneers. One would think, to hear some hon. members talk, that the members of the Bureau are engaged in making very large profits for themselves, in an obscure kind of way not understood by the general public. The fact is that the very reason of their existence is to further the interests of agriculture, and to do everything possible for spreading reliable information respecting it. This little book, compiled by Mr. A. Despeissis, is sufficient warrant for their existence. It has been very effectual in the spread of reliable information. I think it shows very bad taste

indeed, on the part of those who profess to represent the people in Parliament, and who have the interests of the country at heart, to get up in their places here and sneer at men whose sole object is to benefit the country at large. We hear a good deal of sentiment sometimes about settling people on the land, but when a thoroughly practical question is brought forward it is sneered out of court. Some hon. members are very fond of indulging in generalities about agriculture, but as soon as we come to a practical question that requires thought and effort, they do not want to be bothered. The Agricultural Bureau, however, does not conduct its business in that manner. It must be remembered there is a very large quantity of these fertilisers used. There are some hundreds, if not thousands, of tons of Abrolhos guano used every year in this colony, and the agricultural districts of the colony are realising the benefit of it. I think it is desirable that those who cannot protect themselves should be protected by Parliament; and therefore I hope the good sense of hon. members will lead them not to support the amendment of the hon. member for Nannine. If, when we get into committee on the Bill, hon. members can point out improvements, either by striking out clauses or inserting new ones, we shall be quite ready to adopt them if they will make the Bill more perfect.

Question put and passed.

Bill read a second time.

GOLDFIELDS' BILL.

SECOND READING—ADJOURNED DEBATE.

MR. ILLINGWORTH: I rise to ask the Government, in deference to the expressed wishes of the people on the goldfields, to consent to the further adjournment of the debate.

THE ATTORNEY-GENERAL (Hon. S. Burt): I should like to point out to hon. members it is important we should proceed with the debate, as the goldfields enactments need to be consolidated. Still, in deference to the wishes of the representatives of the goldfields, the Government do not oppose the further adjournment of the debate.

MR. MORAN: It is the general wish to further postpone the second reading of the Bill. Very grave criticism has taken place at both the large centres of the goldfields, but the results are not yet to hand. They are being forwarded to me and to the hon. member

for Nannine. I do not think it will do any harm to postpone the discussion on the second reading; so with the consent of the House, I move that the debate be further adjourned until Tuesday next.

THE SPEAKER: The hon. member cannot move a further adjournment, as he moved it last time.

THE ATTORNEY-GENERAL (Hon. S. Burt): I move that the debate be adjourned until Tuesday next.

Question put and passed.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

Introduced by the ATTORNEY-GENERAL (Hon. S. Burt), and read a first time.

WORKS AUTHORISED UPON ESTIMATES UNCOMMENCED OR UNFINISHED.

MR. RANDELL, in accordance with notice, moved for a return, showing all works authorised on the Estimates for 1894-5 not yet commenced or still incomplete; such return to state the reasons why the works have not been undertaken, or, if begun, are not finished." He said: I think it advisable to have as much information as possible in connection with works that are being carried on out of last year's votes, so that we may the more effectually deal with the Estimates as they come on this year. Without further remarks, I move for the return which stands in my name.

Question put and passed.

CLAIMS RE RESUMPTION OF LAND AT BUNBURY FOR RAILWAY PURPOSES.

MR. SIMPSON, in accordance with notice, moved for a return "showing the names of proprietors and amounts claimed in each instance of land recently resumed for railway purposes at Bunbury; the amounts offered in each instance by the Government; the amount of legal costs claimed in each instance; the amount of legal costs paid in each instance; the total amount paid for land resumed; the total amount paid for legal expenses; the amount of any other expenses or charges."

Question put and passed.

DISMISSAL OF INCOMPETENT CIVIL SERVANTS.

MR. HARPER, in accordance with notice, moved, "that the final judgment given in the "case of Smith versus Shenton establishes

"beyond any doubt the absolute right of the Government to dismiss any public servant employed under the Colonial Office regulations without committing a breach of contract. That it is rumored, and believed by some, that there are persons in the Public Service who, through incompetence, negligence, indolence, or other causes, do not give that service to the State which the public has a right to expect. And whereas the presence of such persons (if they do exist) in the Public Service must prove a serious hindrance and cause of dissatisfaction to those officers who faithfully endeavor to discharge their duties to the State—this House desires that the Government should take steps to replace officers who may be incompetent, negligent, or indolent, with others of efficiency." He said: I have been informed by a good many hon. members that this notice of motion of mine amounts to a want of confidence in the Government. [Several hon. members: Hear, hear.] Nothing is further from my intention than that; and, therefore, to make it absolutely clear, I wish to move, by leave of the House, an additional paragraph to come between the two paragraphs of my motion and to stand as the second one, as follows: "that the earnest endeavor and incessant labor of Ministers is gratifying to the country, and should evoke the earnest loyalty of all civil servants." Hon. members who have been in this House for some time will have a distinct recollection of the manner in which Government and Civil Service work was done under the old Constitution, when every appointment of any consequence was made from Downing-street. The effect of that was that the people in the service thought more of the favor of Downing-street than they did of the favor of the general public of the colony. In fact, it was quite a common thing for members of the service, even from the Governor downwards, to think that the public of Western Australia existed solely for the purpose of paying them their salaries. A change of Constitution, however, brought about an alteration in that, and the centre of influence was moved from Downing-street to the public opinion of this colony. One result, of course, has been the appointment of Ministers, who look for favor to the general public and not to Downing-street—as everyone knows, with very beneficial results. I think hon. members will agree with

me that Ministers have worked assiduously in their departments for the best interests of the colony. Of course they may make mistakes, because they are only human. It has been frequently remarked that Ministers in this colony work a good deal harder than Ministers in the other colonies do. It is just possible that the feeling which grew up under the old Constitution, when civil servants recognised the Home Office as their employer, has not yet died out, and it may be that some do not yet realise that the taxpayers of this great colony are those who employ them. The case alluded to in this resolution, of *Smith v. Shenton*, enlightened a good many people upon the position held by the civil servants. Theoretically, they believed the Government had power to dismiss them, but the feeling had grown up that when once they were in the civil service, they could do as they liked almost, and were safely housed in a billet for the rest of their lives. To some extent the Legislature was responsible for that feeling. I dare say hon. members will remember the pernicious habit of private members taking up cudgels for civil servants.

MR. R. F. SHOLL: That is done now.

MR. HARPER: I quite remember that only a few years ago, a civil servant who had been dismissed, got a member of this House to introduce a petition of right, desiring to have the case enquired into, and it was with great difficulty the Government succeeded in rejecting it. That practice had a very pernicious effect, and I think this a good opportunity for the House to emphasise its appreciation of the light thrown upon the case, and to resolve that for the future they will permit nothing of the kind. Those who live in the country must be very well aware that amongst the general public there are many things said about the civil servants and the way some of them do their work. It has been this class of complaint that has brought into existence such bodies as the Civil Service Commission. I know it has been very often pointed out that those people who are outside the Government service often work many more hours, work harder and get less money for it, than those who are in the service. When two individuals start in life on an equality, you will find that the Civil Servant has advantages the other has not, and members must know by their own experience, that in the case of private firms the work done by servants is very different to the work

done for the Government. The taxpayer who works for a private firm and finds this to be the case is very apt to feel a bit sore. The same thing applies to those who make their living out of the land. The financial position of these is not as good to-day as it was some years ago either in pastoral or agricultural pursuits. On the other hand it will be found by hon. members who take the trouble to make enquiries, that the state of the people in the public service has been much bettered in the same period. This sort of thing cannot help but raise a little feeling outside. It must not be forgotten, either, that this question is one that has cropped up over and over again in the Australian colonies, where the incompetence or want of zeal on the part of public servants has been an evil which has had to be fought. The results of a system of patronage and of unfit persons being introduced into the service have been most striking elsewhere. As an instance, they produced in Victoria what was known as Black Wednesday. That state of affairs was clearly brought about by the failure of some persons in the public service to do what the people of the country expected them to do. I do not, in the least degree, intend it to be implied by this resolution, that I can point to any individuals, but there is a general impression abroad that some members of the public service do not do as much as they ought to do. If the House will agree to the addition I have suggested being made to the motion, the Government will clearly see that there is no reflection upon them, but that the House wishes them to take action, and wishes to back up any action that may be taken or strenuous endeavors used, to get for the service the best class of officers procurable. If this is done the Government will have the vote of the House and the authority to deal with the class of the official within the scope of the resolution, most fully. I do hope that the Government will not attempt to assure this House that every public servant in the Colony is most zealous in the performance of his duty, for if they do so, credence is not likely to be placed on the statement. I trust the Government will accept this resolution in the spirit I bring it forward, for the only desire I have is to see the public service of the Colony carried on in a decent manner.

The SPEAKER: I must draw the attention of the House and of the hon. member to

the fact that the addition he desires should be made to his resolution cannot be made without the consent of the whole House. It cannot be made if any hon. member of the House raises an objection.

MR. SIMPSON: I object.

THE SPEAKER: Then the motion will have to be put to House in the form it appears on the notice paper.

MR. R. F. SHOLL: I second the motion.

THE PREMIER (Hon. Sir J. Forrest): I think everyone will agree that the object the hon. member for Beverley had in view is just as he has told us. Everyone will give the hon. member credit for desiring that the public service of this colony should be as good as we can possibly make it. I am sure that is the sole desire which actuates him in bringing this matter forward. I do not, myself, see anything to take exception to in the resolution, excepting that it seems to me to assume a good deal. It does undoubtedly assume a good deal and it does not state anything very definite or precise. Of course it stands to reason that if members of the Ministry are aware that in any of their departments there are persons who are negligent, incompetent or indolent, they would take immediate steps to get rid of them in some way or other. I can say for myself that I am not aware of the existence of any incompetent, negligent, or indolent persons in the departments over which I have control. If any member of this House does know of the existence of any person in any of the Departments, who is either negligent, indolent or incompetent, and he will inform any member of the Ministry of the fact, I can assure him that enquiry will at once be made and justice will be done. As hon. members know, I have myself had a long experience of the Civil Service of this Colony, and I think, Sir, that I am right in saying that we have here a most excellent lot of officials. I do not go so far as to say there are not some who might not be better than they are, but, taking the service as a whole, the officials are zealous and efficient in every way. I am sure that the public service of this country is quite equal in efficiency to that of any other. Of course it sometimes happens that officials do not behave themselves as they should do, and when this is the case steps are taken to remove them from the service. The Government have had a number of cases of this sort, and at no time have we hesitated to act for the general benefit of the

service. Wherever there is an instance of a person not fulfilling his duties properly, then the House will find the Minister concerned quite able to bring that person to task. It is well recognised now that officers in the public service only hold their positions during the pleasure of the Government. Some people may be inclined to say this is not a very secure tenure of office for public servants, but, to my mind, it is the strongest possible tenure any man can get. If a man does his work properly he has not only the Government to do him justice, but he has the House itself to protect him. No public officer need feel afraid of the position he occupies because of the decision in the case of *Smith v. Shenton*, so long as he fulfils his duties honestly. He will never be interfered with, at any rate, until there may be some reorganisation of the public service, and then he will be treated with the utmost fairness and consideration. The Government have tried in the past, and the House always acquiesces in that endeavor, to reward officers who have shown themselves worthy of reward. Every year we submit a list of all persons who are employed either temporarily or permanently, and hon. members have the opportunity of criticising any vote on the Estimates. I do not wish to say that on matters affecting some individuals in the service, it is not possible for some hon. member to know more than a Minister, for each member of the Ministry has so much to do in other directions that he cannot afford time to go into all the little details of administration. There are secretaries and other heads of departments who are expected to keep Ministers informed on matters of detail. As I said before, I do not know of any person who is incompetent, indolent, or negligent in any branch of the service. What is more, the hon. member himself does not say that he knows of any actual case, and that all he knows is that there has been a good deal of rumoring. The hon. member has informed the House that in moving the resolution he has no one specially in his mind who is either indolent, negligent, or incompetent. I expect the principal object of the hon. member in bringing the matter forward, is to bring home to the members of the public service what their position is since the decision in the case of *Smith v. Shenton*, that it is only held during pleasure, and that if they do not give to the country the faithful service expected of them, they can be got rid

of. Perhaps another object of the hon. member may have been to give hon. members an opportunity of expressing their views on the Civil Service. I have already said we are not aware of any of these persons being in the service, but at the same time the Government have not the slightest objection to criticism, and will welcome any discussion in regard to the Civil Service and those who are in it. Of course it must be recognised that some people are more competent than others, and that some are more industrious, but at the same time I say the service as a whole is excellent and most efficient. You will find some men better than others out of any large body of men, and this must be the experience of hon. members who have to deal with large numbers of men in their own businesses. I do not like to say that we will take any exception to this resolution, but probably after the hon. member has heard what other hon. members have to say in regard to the subject, he will exercise his discretion and withdraw it.

MR. MORAN: Before this discussion goes any further, I think it will be worth our while to look closely into this resolution and see what it is the hon. member for Beverley really means. He is supposed to be very diplomatic, and consequently when he brings a matter forward we need to look into the resolution to see what he intends it to mean. Now, Sir, in the first paragraph he wants this House to say:—"That the final judgment given in the case of *Smith versus Shenton* establishes beyond any doubt the absolute right of the Government to dismiss any public servant employed under the Colonial Office regulations without committing a breach of contract." Why "Colonial Office," may I ask? In reading between the lines, it appears to me that it means there are certain individuals in the Civil Service who hold their engagement under the regulations of the Colonial Office, and who are not disposed to recognise the right of the Government to dismiss them. It does not appear from the wording of the resolution, as if it is meant to apply to the general service at all. There must be some misunderstanding on the part of those who hold positions in the service, and who hold them under the Colonial Office regulations, that they cannot be dismissed by this Government, and that a resolution of this kind is necessary. Although the hon. member has informed the House that he

knows of no particular individual to whom the resolution could be made to apply, he will pardon me for saying that he must have had a very strong suspicion that it would fit someone, or else we would never have heard of it at all. I must also say this, that I do not regard it as a fair way to bring these matters forward. If the hon. member does know of a case where an officer is not doing his duty he should come forward, and let the matter be enquired into. There has been far too much insinuation in the remarks of the hon. member for Beverley, and not enough definite knowledge to ask the House to give an opinion on the resolution. If I read through the resolution properly, the hon. member has an idea that some official is not doing his duty, and that someone must be someone high in office to require a motion of this character. There are probably some people in the public service who have only made up their minds to do any work since this case of *Smith v. Shenton*, and if that is the case, I would take care that at this late hour of the day they had not the opportunity to begin. So far as the general body of the public service of this colony is concerned, I know there are many officials who have been doing double work for months. They are at it night and day, and I know of instances in the Public Works Department where officials have been at it until 3 o'clock in the morning.

MR. SIMPSON: And Sundays, too.

MR. MORAN: Yes; and Sundays too. Look at the work done by some of those in charge of country post offices. They have to work hours as human system can stand. If there are cases, I say let us put a finger on the sore spot at once, and not beat about the bush. If there are people who come late, who think it is necessary to be always running out for whiskeys and scdags, and who stay away whole days when they think fit, let us know it and let them be dealt with. Let a definite charge be made so that it may be sheeted home, and let us emphasise the fact that no matter how a member of the public service has been engaged, he must do his duty to the State.

MR. THROSSELL: When I listened to the hon. member for Beverley, I could not help coming to the conclusion that he was indulging in romance. It is, of course, quite impossible for indolent or incompetent people to be in the civil service. It goes without saying that if there are people of this sort the Government will quickly deal with them. At the same time, I may be permitted to say that the

Government have a very difficult task before them, for the officials who can come within the definition laid down in the motion are those the Government will be least willing to touch. They are the people who have made mud pies with members of the Ministry, and we cannot expect members of the Ministry to be too severe with these. However, Sir, if the indolence complained of is only the indolence of old age, and is after years of valuable service to the country, I do hope that whatever will be done, will be done on right lines. A man who has passed a quarter of a century in faithful service, and who, through declining years, finds himself incompetent to carry out his duties, should receive every consideration. I feel sure that I voice the sentiments of every member of this House when I say that this is not the class to which attention need be directed too closely. However, if we search very closely, I think we will be able to find more than one whose non-performance of duty is not due to declining years. With those, where this is really the cause, I hope the Government will extend every fair play to them in consideration of the services they have rendered to the country. For the other class to which enquiry has been directed, I have to say that I know of one case where the cause of complaint is not incompetence or negligence, but very much worse. The individual I refer to has done a very wrong thing, and should be dismissed. His case is one which I am quite prepared to bring on at the proper time. While I say that fair play should be extended to those who have been long years in the service, I hope the Government will not shrink from dealing with officials in the public service merely because they have made mud pies with them. We know that the Premier is likely to shrink from taking action, but this resolution will strengthen his hand. I honor him for that weakness, but it may be necessary, in the best interests of the country, for a weeding out to take place.

MR. GEORGE: This is very cruel on the Premier.

THE ATTORNEY-GENERAL (Hon. S. Burt): I would like to say something on this matter, because I feel very strongly the suggestion that there may be in the public service of this country persons who are known to be incompetent, negligent, or indolent. I do not know who the hon. member who has just spoken alluded to in his remarks, and I speak

for my colleagues as well as myself when I say we know of no case at the present moment that requires the dismissal, at our hands, of any public official. It must not be forgotten that on the very first day that this Government took office we challenged the right of any public servant who was not doing his duty to the State to remain in the service. The very object we had in view in appealing in the very case referred to in the resolution was to determine this. We said that we would refuse to carry on the Government unless we could deal with indolent rogues who would not let us do the business of the country. I think one of our very first acts was to discharge someone who held a high position, and who, we thought, was not a fit subject for the service. In the present month we have found it necessary to deal with others, and a gentleman holding a high position in the country was discharged less than two months back. Of course it is not pleasant work, but the Government does not shrink from it. As I said before I know of no case such as that suggested by the hon. member for Northam. If hon. members do know of cases and tell us the particulars, I need not say we will make strict enquiries. As far as the resolution goes I do not see very much to object to in it. It is very carefully worded, and I am sure the hon. member has no intention of doing anything more than of drawing the attention of the service themselves to the position in which they stand. If cases do exist, the mere mention of them to the political head of the Department concerned will lead to careful investigation. While the duty of dismissing gentlemen from the service is an unpleasant one, and only resorted to in extreme cases, the Government does not shrink from it where the necessity does exist, and the very case of *Smith v. Shenton* was carried on by the Government in order that the whole of those in the service should understand that we would put up with no nonsense, and I believe this is pretty well understood.

THE PREMIER (Hon. Sir J. Forrest): Perhaps the hon. member for Beverley will withdraw his motion now.

MR. HARPER: I would like to say a few words in reply.

MR. RANDELL: I would like to say, Mr. Speaker, that so far as my own personal opinion is concerned, the hon. member for Beverley should withdraw his motion. If not, I should like to speak on it. It is the most

extraordinary resolution ever brought before this House, and if he proposes to proceed with it, I should like the opportunity of saying something in regard to it.

At 6.30 p.m. the Speaker left the chair.

At 7.30 p.m. the Speaker resumed the chair.

MR. R. F. SHOLL: It is considered by some hon. members that this resolution is a somewhat sweeping condemnation of the civil service generally. I do not think the mover intends it as such. No doubt in a large public service like ours there are individual cases of incompetence, negligence, or indolence; but I think, as a whole, we should be proud of our Civil Service. At the same time, there will always be cause for complaint when persons are placed in positions they have no right to occupy. I have heard it said that one of the qualifications of a civil servant was that he should be a good footballer or cricketer: and it was only recently I noticed a letter in the Press referring to a case where work was found for an individual who happened to be a good footballer. I do not know whether there is any truth in these reports or not. It has been said that the Departments are overmanned, and I think myself and the Government employ three men to do two men's work in some cases. No doubt the fact that the motion having been brought forward will do some good, but it will be as well for the mover to withdraw it. As to its being a motion of want of confidence in the Government, I think that is a question of intention, and I am sure the hon. member for Beverley does not intend it as such.

MR. FORREST: I fail to see what good can come of the resolution. If it is true in fact, the Government have no right to remain in office, and I am sure the hon. member for Beverley, practical man as he is, would not bring a resolution of this kind forward on mere rumours. The question of incompetence or negligence of officers is one entirely for the Departments to deal with, and I think the resolution should have been made to apply to Under-Secretaries, for if it were said that they were incompetent, there would be something to discuss. My experience of those officers is that they are very desirable men indeed; and, if the Ministers refused to take any notice of their recommendations, the House would no doubt hear of it. Since the Government has been in office, many objectionable persons had been removed from the service; but I do not think the Government should remove a man who has

grown grey in the service without making some practical recognition of the work he has done. I should like the hon. member for Beverley to go further with the resolution, and make it provide that the Government should be asked to instruct heads of Departments to report to Parliament on the efficiency of every person in the service. I do not think hon. members are in a position to criticise the work of the civil servants, as they do not understand the duties involved. Having been eleven years in the Civil Service myself, I know a little about it, and in those days we worked very hard for very little salary. I hope the hon. member will withdraw the resolution.

MR. RANDALL: I do not want to say much on this matter. In the first place I think the resolution should be made as two separate motions. The hon. member, first of all, wishes to re-affirm that which has already been affirmed by the House of Lords, which is the highest Court of Appeal, and I presume the civil servants know that they can be dismissed whenever it is considered that circumstances necessitate that course being adopted. My opinion is that the resolution should never have been proposed. Its very vagueness and indefiniteness condemns it. The hon. member has moved in the matter on the strength of a rumour, for the second portion of the resolution begins:—"That it is rumored, and believed by some," &c.; and it should never have been brought forward unless the mover is prepared to quote instances in which either incompetence, negligence, or indolence has been observed. In that case, it would have been his duty to have moved directly in the matter, and to have named the persons who, in his opinion, were not discharging their duties. We have, on the whole, a really good civil service. Many of the officers are possessed of great ability, and discharge their duties in the best interests of the colony, but no one is willing to say that there are no persons in the service who do not carry out their duties to the fullest extent, not because of incompetence, negligence, or indolence, but because they are not possessed of the ability which others enjoy. We cannot expect to obtain really excellent servants unless we pay them a fair and reasonable salary. The officers in some of the departments, notably the Postal Department, where some have to subsist on £90 per year, and pay enormous rates, are very much underpaid. If the

resolution had come from the Opposition, it would have been regarded as a want of confidence motion, and as it is, it seeks to usurp the functions of the Government; for if the Government cannot say whether a man does his duty or not, I am sure the hon. member for Beverley cannot. He is not justified in casting this stigma on the public service of this colony by introducing a motion of this sort. I am surprised to find that the Government are inclined to pass the resolution, for I gathered from the Ministerial speeches that such was their intention. I cannot understand the hon. member's object in moving the resolution. We know him as one of the practical members of the House, who would not take such a step without the most careful consideration. I think under the circumstances it is cruel to bring the matter before Parliament. I do not want to argue in favor of the Civil Service, but I think there are a number of civil servants who are working very long hours, and work overtime for which they are not paid, and for these reasons alone this resolution should be withdrawn. It will not redound to the credit of the Assembly if it is allowed to go on its records.

MR. JAMES: Before the motion is withdrawn, and my complaint is that the hon. member for Beverley generally does withdraw his resolutions, I would like to express my thorough concurrence in it, and my gratification in finding that there are some hon. members who recognise the need of pointing out that the Civil Service does require to be changed. I do not believe that because it is a painful duty we should shirk it, and I challenge contradiction when I state that there are some civil servants who are not competent.

MR. RANDELL: Name them.

MR. JAMES: I decline to name them, because I should be guilty of that cruelty with which the hon. member has charged the hon. member for Beverley. I would name them privately, but it is not fair to do so here. I do not think we can do more than to impress upon the Government, even by a vague resolution such as this, the necessity of constantly watching the Civil Service. The grave complaints made concerning it are not that some men in it are paid too much, but that men who, in some cases are paid well, are not fitted for the positions which they occupy. The hon. member complains, I take it, that the Ministerial eye is shut to the faults of men in compara-

tively high positions, but is ever vigilant to detect the shortcomings of those in lower positions in the service. Although the civil servants are paid low salaries they will be quite satisfied if they feel free from the risk of being made to suffer from the shortcomings of others. That is the cause of the present dissatisfaction. It is impossible to inaugurate any scheme in connection with the Civil Service that will not work some hardship; but if a competitive examination for each grade is insisted upon, although we might have round men in square holes, we would raise the standard of the Civil Service. Recently I asked a question with regard to the overtime worked by the clerks in the accountant's branch of the Railway Department, and I think it is a scandal that that department should be so grossly undermanned, that the men should always have to work two or three hours' overtime every night. It has been found that if the employees, wishing to have an hour or two to themselves, did not return, they have been suspended, and the probabilities are that the Commissioner of Railways never hears of the suspension. I thoroughly support the motion, and I would impress upon the Government the need of putting the Civil Service on such a basis, that all those who form a part of it, should recognise, that although their positions and salaries are low, if they work hard and do their best, promotion will follow in due course.

MR. RANDELL: Turn the Ministry out then.

MR. SIMPSON: Hear, hear.

MR. ILLINGWORTH: There are two sides to most questions, and this one is no exception. I do not think it is possible for the House to conceive that the hon. member for Beverley could have possibly moved a vote of want of confidence in the Government; but if it is possible to frame a vote of that sort, I think this is about the right subject to go upon. I am certain that had this motion come from, say the hon. member for Albany, we should have had an immediate adjournment to discuss the subject as a vote of want of confidence. Passing from this, I think the hon. member for Beverley has endeavored to do a service for which the Ministry and the country ought to be grateful. I think the resolution is aiming at something which the House should consider from a very different standpoint. The subject can be broached without casting any reflection on

either the Government or the Civil Service.

MR. RANDALL: Prove it.

MR. ILLINGWORTH: To prove things is awkward sometimes. If I were to speak on the authority of what I have seen, and of what I know of the Civil Service, I should affirm that there are men in the service who do not do their duty. Some men who have been in the Government service, I have heard say, did not do one stroke of work for three or four days. It is satisfactory for me to know, that while I have been in this colony, these kind of men are dropping out of the service, as they are in other colonies. It is satisfactory to me because it is apparent that there is, on the part of the heads of the Departments and the Government, some kind of supervision, perhaps more than we are prepared to give credit for. These two opinions have presented themselves to my mind, first, that there was ground for the rumor that there were persons in the service who were incompetent, negligent, and indolent; and second, that while there is ground for that rumor, no accusation can be made against the Government, because they are endeavoring to weed out these kind of men. If this House imagines that it is possible to put absolutely irreproachable men into an ever increasing service, such as ours, it is expecting too much. No business man can do that, and we cannot, therefore, expect the Ministry to do it. There are men in the Civil Service here, to whom work is no matter of consequence. If they can get to the office, half an hour after the regulation time, they will do so; if they can leave before the lunch-hour, they will do so, and if they can get away a quarter of an hour before the usual time of finishing their work, they will get away. The impression appears to exist amongst civil servants, that when once they obtain a position there, they cannot be removed. If that idea is allowed to grow, those who are inclined to be indolent will take advantage of it, and if I understand the resolution rightly, its object is to remove that idea. I take it that the hon. member for Beverley wants the civil servants to understand that they have no lease of the positions they occupy, and to insist upon that being understood, will not, in my opinion, injure the employees of the State in particular, or the Civil Service in general. Civil servants have complained to me that they had to work overtime because other men do not attend to their duties, and that there

are men, either through incompetency or lack of ability, who are not fulfilling the conditions of the positions they occupy, and as a consequence of their being unable or unwilling to do their work, other men are doing more than their fair share, for which they do not get an excess of pay.

MR. FORREST: They are not worked hard.

MR. ILLINGWORTH: It is all very well to say that, but I like to be fair to everyone. If there is one thing the Ministry should be proud of, it is that they have young men at their disposal, whom they can send out into the back country, to take responsible positions, without local supervision, and whom they can trust to earnestly strive to do their duty. There are many in these positions who are receiving far less salary, than a miner gets for eight hours' work, and the hon. member for Yilgarn will support me on that point; and these men are worked ten, twelve, and fourteen hours a day, and yet are earnestly determined to do their duty for the Civil Service. I quite agree that if we had closed this debate before tea, and allowed this motion to be passed without anything being said on the other side, it would have been cruel; but I do not think any member of the Civil Service will be grieved, now that both sides of the question are stated. Looking at the Civil Service as a whole, I think we may take it for granted that it is a credit to the colony, and I have pleasure in stating my conviction, in accordance with that of the Hon. the Premier, that this country is being well served. No one can say, that because for the most part we have good servants, there are no bad ones. It is desirable that something should be said sometimes in Parliament, to let civil servants know that their actions are being watched; to let the Government know, when they take upon themselves to do their duty—and I am satisfied that they did in this matter—in weeding out those gentlemen who are either incompetent or indolent, or who place too high a value upon their services, they will be supported in their action. There is nothing that will demoralise any Civil Service, so much as to allow incompetent and indolent men to receive the same pay, the same consideration, and the same advancement, as the earnest and devoted officer receives; and I am satisfied that although there are not many, there are some men in the service who are discouraging efficient officers, simply because they are not

doing their duty, and are treated with the same amount of consideration as those who do their best. I do not think the hon. member desires to do more than to affirm that the Government should exercise the power vested in them of discharging servants who neglect their duty. If he goes further than that he will be out of place, and I think that the debate has served a useful end, in calling the attention of the civil servants to the fact, that they hold their positions by reason of good behaviour, and further, as a means of asking the heads of departments to see that that good behaviour is maintained.

MR. LEAKE: I am sure that hon. members will not expect me to be guided by any ideas of false sentiment with regard to the immediate effect upon the Government Benches of this resolution. If it should turn out that it amounts to a vote of want of confidence, and if it should unhappily be carried, that would not prevent me from voting upon or supporting the resolution. We need not be too critical in examining into the introductory words of a resolution, and if we look at what we may term the "operative words," we find that what the hon. member desires to affirm is, that this House desires that the Government should take steps to replace officers, who, through incompetency, negligence, indolence or other causes, do not give that service to the State which the public has a right to expect. Now, is there anything objectionable in that? Can any hon. member say he would not affirm that principle? In dealing with questions such as this, where it may be suggested that attacks are made upon a particular body of men, or perhaps upon individuals, naturally the mover of such a resolution is guided by some feelings of delicacy in mentioning names or being too particular. It is rash sometimes to become invidious, and the hon. member for Beverley is not what we would call a rash man, although sometimes he surprises us on this side of the House by the direct thrusts he makes at those who appear, under ordinary circumstances, to be his immediate friends; but when the interests of the country are involved, I am glad to say the hon. member for Beverley is one of those who does not hesitate to express, in emphatic terms, any opinion he may hold on any subject. If this resolution will do no other good, it will have this effect, viz., it will direct the attention of the Civil Service Commission to the question

of enquiring as to overtime, the remuneration for such, the incompetency, or the indolence, or otherwise, of the employees generally, and I am perfectly certain that, as there are three hon. members of this House who are on that Commission, we may expect they will accept the hint, and make enquiries in the direction the hon. member for Beverley indicates. If any member of the Government can get up and say he is perfectly certain there is not an incompetent, not a negligent, or that there is not an indolent civil servant in any department, then I am perfectly certain the hon. member for Beverley will withdraw his resolution; but we have not yet had that assurance, and if rumor is correct—and rumor is dealt with in this resolution—there are grievances and there are troubles, although we may not be able at the present moment to place our finger on any particular blot. Yet surely it is not improper to draw the attention of the Government to the fact that these defects exist. Surely the fact that clerks are worked for hours and hours overtime, and that they do that overtime, not once or twice in each week, but every day in the week, and for successive weeks, without extra pay, shows the necessity for enquiry. It is not fair to ask these employees to devote more than the ordinary allotted time to the public service, without adequately remunerating them, and if it is, as has been suggested, the result of the incompetency of some of the clerks in the same department, then it shows still more the necessity for further enquiry. I think the hon. member for Nannine hit the nail on the head, when he said that all the House desired was, that the Government should make these enquiries, and if they found there were any clerks, whose services should be dispensed with, that course should certainly be pursued. In doing that the Government would have the support of the House. I cannot help it if this resolution does amount to one of no confidence. I did not propose it. I did not know I was such an abandoned creature, until the debate of a few nights ago, and I don't want to run any further risk. I see no objection, however, in affirming the principle, that this House desires that the Government should take steps to replace officers who may be incompetent, negligent, or indolent, with others of efficiency.

MR. GEORGE: I have only a few words to say in regard to this matter, and I shall endeavor to avoid a rebuke from the hon.

member for West Perth, who says I talk too much. I agree with the first part of the resolution, as it affirms that the civil servants of Western Australia are engaged under similar conditions as those made in a mercantile firm, which are that an employee must do his duty or be discharged. With regard to the second portion of the resolution, I take it that it is meant to bring forcibly before the Government what is certainly public opinion, that there are persons in the Civil Service who would be better out of it, so far as efficiency is concerned. Taking it that way, I do not think there is anything to grumble at. I understood the hon. member for Perth to say that a man would render service to the State according to the salary he received, and I think that amounts almost to an insult to the Service.

MR. RANDELL: I said nothing of the sort.

MR. GEORGE: I am glad the hon. member did not say so, for I feel assured that a man in receipt of £60 a year would do his duty as well as a man who gets £300 a year. That is all I wish to say, and I think the Government will take the resolution in a friendly spirit.

MR. CLARKSON: I think there is rather more in this motion than appears at first sight. It cannot be denied that there is great dissatisfaction expressed by the outside public with the administration of our Civil Service, especially in regard to the Railway Department. It appears to me that if the resolution were carried it would be tantamount to a vote of want of confidence in the Government.

MR. SIMPSON: So it is.

MR. CLARKSON: I am not prepared to support such a motion. I do not think hon. members, or the colony generally, are prepared for a change of Government at present. I take it that the hon. member for Beverley does not mean that. What he intends is, I think, that there should be some alteration in the Civil Service that would perhaps make the Commissioner of Railways a little more careful in the administration of his Department, together with some of the heads of Departments.

MR. SIMPSON: I have felt myself to be in a difficulty ever since I first saw this motion. I cannot understand it, Sir, and I have noticed that hon. members have, so far during the debate had a vague desire to grasp its meaning. On the face of it, I should think it was a vote of no-confidence, and that, coming from

such an influential quarter, it would carry great weight on the Ministerial side of the House. When I heard of that little clause which it was proposed to sandwich in between the two portions of the resolution, and which reads—"That the earnest endeavors and incessant labors of Ministers in this Government are gratifying to the country, and should evoke the earnest loyalty of all civil servants"—it occurred to me that the hon. member for Beverley thought it necessary to insert it in order to prevent the motion being regarded as an expression of want of confidence in the Government. But the rules of the House prevented that from being done. Now, if this resolution is meant as a wholesale condemnation of the Civil Service of the country, I am opposed to it, and from what I know of the mover I cannot think he would suggest such a motion. I am perfectly satisfied that we have in our Civil Service as capable, accomplished and upright men as there are to be found in any part of the world, and men of whom we are proud. That there are drones, there is no doubt; and with regard to this overtime I have no hesitation in saying that nightwork is a waste of time. I speak after long commercial experience. The man who works hard from 9 a.m. to 5 p.m. and comes back continuously to work at night is wasting time, and becomes unable to accomplish his work properly. That he deteriorates has been proved by the enquiries of Commissions in Victoria and New South Wales. The suggestion put forward by this resolution, as far as I can gather its meaning, is that all public officers should do their duty in an efficient manner. That does not require a resolution of this House to establish, for it is a necessary condition upon which every officer enters the public service. I think the bulk of this resolution is aimed at the Works Department; and, so far as I know, that Department is the only one in the service that furnishes any ground for this resolution. Possibly, later on, an opportunity will occur of referring to that Department more in detail. It was rather surprising that this motion should be moved by the hon. member for Beverley and supported by the hon. member for Northam, who referred to some case that evidently needs to be looked into. The hon. member for East Perth, too, used words that implied there was something in the background, which I, as well as the uninitiated, know nothing about. If the hon.

member for Beverley will give us an opportunity of knowing the exact details, we shall be able to give him more support. I shall be happy to support the resolution, and hope it will accomplish some good. We have gentlemen on the Ministerial benches to whom we should look for exact oversight of the various Departments, and I think it is wrong to go beyond them. They are those who receive the emoluments of the country, and who are responsible to us and the people of the country for every member of the Civil Service. I have much pleasure in supporting the motion, so far as I understand it.

MR. HARPER: I have not very much to say in reply. I must, however, thank hon. members for the way in which they have accepted the motion. That reception has been mostly in the spirit in which the motion was prompted. I also thank the Government for the way they have received it. I cannot sit down without saying a word or two in reply to the hon. member for Perth. He said he was surprised I should bring such a resolution forward, and that it was very improper of me to do so. I thank that hon. member for the kind lecture he gave me, but I wish to say, that as long as I have a seat in this House, I shall exercise my rights, and seek to do my duty, by bringing before the attention of hon. members any subject upon which the public feel they have a grievance. I cannot understand how the hon. member who has filled the position of leader of the Opposition, should think that an extraordinary course. I do not think I need say much beyond what I said in my opening speech. I had no desire or intention of pointing to any particular individual. My sole desire was to bring before the public notice, and that of the Government, the desirability of doing all that was possible to secure an efficient Civil Service.

THE SPEAKER: I cannot put any amendment to this motion except with the full consent of the House. If any member objects, I cannot submit it.

MR. SIMPSON: I object.

Motion, as originally proposed, put, and division taken, with the following result:—

Ayes 19

Noes 4

Majority for 15

Ayes.

Mr. Burt
Mr. Clarkson
Mr. Cookworthy
Sir John Forrest
Mr. George
Mr. Hooley
Mr. Illingworth
Mr. James
Mr. Keep
Mr. Leake
Mr. Moran
Mr. Phillips
Mr. E. F. Sholl
Mr. Simpson
Mr. Throssell
Mr. Traylen
Mr. Venn
Mr. Wood
Mr. Harper (Teller.)

Noes.

Mr. A. Forrest
Mr. Loton
Mr. H. W. Sholl
Mr. Randell (Teller)

Resolution passed.

ADJOURNMENT.

At 8.35 o'clock p.m. the House adjourned.

Legislative Assembly,

Tuesday, 6th August, 1895.

Arbitration Bill; Select Committee's report—Partnership Bill; Select Committee's report—Criminal Evidence Bill; Select Committee's report—Fertilisers and Feeding Stuffs Bill; in committee—Railway and Refreshment Rooms Licensing Bill: second reading—Message from His Excellency the Administrator: Duties on Estates of Deceased Persons Bill—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock p.m.

PRAYERS.

ARBITRATION BILL.

SELECT COMMITTEE'S REPORT.

MR. JAMES brought up the report of the Select Committee, with amendments made in the Bill, and moved that the report be printed.

Agreed to.