Legislative Assembly,

Thursday, 20th October, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Timber Leases, particulars of areas, moved for by Mr. F. F. Wilson.

QUESTION—RAILWAY FREIGHT ON FUEL, MURCHISON.

MR. N. J. MOORE asked the Minister for Railways: 1. Has any concession been made to the Great Fingal Gold Mining Company on the carriage of Newcastle coal between Geraldton and Day Dawn? 2. If so, what is the nature of the concession? 3. Has the same concession been granted to other mines in the same district? 4. Has any application for a concession in the carriage of firewood from Mullewa over the same line been refused? 5. If coal is brought into general use in the district referred to, will it not throw out of employment a number of men engaged in the wood-cutting industry?

THE MINISTER FOR RAILWAYS replied: 1. No concession has been given to the said company alone; a reduction has been made which is open to everybody. 2. The rate on imported coal has been reduced to class M., o.r., for distances exceeding 100 miles. Wharfage at Geraldton on coal has been reduced to 1s. per ton, plus 9d. per ton for each handling by the department. 3. *See* reply to No. 1. 4. No. 5. Some wood-cutters may be thrown out, but this should be more than counterbalanced by the working of smaller mines in the Murchison districts, as the supply of firewood and mining timber would be insured for some time at a reasonable rate for those mines, if the mines working on a large scale used coal for steaming purposes.

QUESTION—GEOLOGICAL SURVEY, WEST PILBARRA.

DR. HICKS asked the Minister for Mines: 1, Was the Government Geologist, Mr. Maitland, recalled from the North-West to Perth before completing the geological survey of the West Pilbarra District? 2, Has Mr. Maitland started his investigations of the West Pilbarra District? 3, Is it the intention of the Government to entertain any proposal to build a railway from the coast to Nullagine before the West Pilbarra geological survey is completed? 4, If it is impossible for Mr. Maitland to survey the West Pilbarra District before returning to Perth, will the Government forthwith secure the services of another geologist and send him North to survey the country from Cossack to Nullagine? 5, What length of time has the geological survey from Port Hedland to Nullagine taken to complete? 6, Is the report available?

THE MINISTER FOR MINES replied: 1, The Assistant Government Geologist resigned from the service from the end of October, and it was highly desirable that the Government Geologist should see him before his departure. The Government Geologist was informed that, if he saw no chance of completing the geological survey through to Roebourne this season, he had better return at once and complete the survey next season. 2, The Government Geologist's investigations have been, so far, confined to the Pilbarra Goldfield. 3, Not without consulting Parliament. 4, The Government do not consider it advisable to procure the services of another geologist to complete the geological survey from Nullagine to Cossack. 5, About nine months, including travelling from Perth to the seat of work. 6, The Government Geologist will not report fully until his return.

QUESTION—RAILWAY CONSTRUCTION, PRIVATE ENTERPRISE.

DR. HICKS asked the Premier: 1, Is the present Government in favour of constructing railways by private enter-

prise? 2, If so, does the Government favour the land or Government guarantee system? 3, Are the two systems equally in favour?

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

QUESTION—MULLINE SLIMES PLANT.

Mr. RASON (for Mr. Gregory) asked the Minister for Mines: When will the plant at Mulline be completed and in use for the treatment of slimes?

The MINISTER FOR MINES replied: The slimes plant at Mulline is completed, and started work some time ago, but had to be stopped owing to the boiler supplying steam to it being practically condemned. A new boiler left Perth over a month ago, and on its arrival at Mulline it will immediately be built in, when the slimes plant will run full time.

QUESTION—EMPRESS OF COOLGARDIE G.M. CO. INQUIRY, FACILITIES AND EXTENSION.

Mr. THOMAS asked Mr. Horan: 1, Has he sufficient facilities for the conduct of the inquiry *re* the Empress of Coolgardie leases, which inquiry the House ordered a select committee to make? 2, If not, will he take the House into his confidence, so that the facilities wanted may be granted?

Mr. HORAN replied: 1, No. 2, A detailed statement of the matter to be inquired into was submitted to the hon. the Premier, with a request that a Royal Commission be appointed to investigate the subject, as the functions of a select committee were too limited to do justice. This request the Premier verbally declined. The Royal Commission would have been without fees. A second request was made that a secretary be appointed, there being no officers in the House available. To this the Premier conditionally assented. As the inquiry embraces many points of law, the services of a legal adviser were requested; but the hon. the Premier declined to sanction this.

The PREMIER: I should like to make a short statement bearing on this question. The member for Yilgarn (Mr. Horan), as chairman of this select committee, submitted to me for consideration the question of appointing a Royal Commission to deal with this matter; and I informed the hon. member that the Government did not see any necessity for a Royal Commission, and that in any case the select committee might proceed with their investigations, and if at a later date there were any difficulty in completing those investigations, the question of appointing a Royal Commission could, if necessity arose, be again raised.

Mr. Rason: The question has been asked and the answer given.

The PREMIER: But reference was made to the action of the Government.

Mr. Rason: Another opportunity of explaining could be taken.

The PREMIER: I wish to place the House in possession of the information. If I am not allowed to do so, and the House does not desire me to make a statement, I will not proceed; but I think it better, as this question was asked by the member for Dundas with a view to eliciting information which the member for Yilgarn is not able to supply, that the information should be tendered by me. In reply to the second portion of the statement, I was informed that there was some difficulty in carrying out the secretarial functions. I consulted you, Mr. Speaker, on the subject, and I understood that arrangements were made whereby these duties would be adequately fulfilled. I informed the member for Yilgarn, however, that if any difficulty were found in this respect, we could no doubt find officers in some department of the Government service who could be detailed to do any necessary work, without incurring new expenditure on the part of the State for the salary of any temporary officer. The Government are quite willing to see that adequate officers are supplied to the select committee; but I then asserted, and now repeat, that there is no necessity to provide officers outside the Government service. With regard to legal advice, I assured the chairman of the select committee that he could submit any question of law on which the committee desired advice to the Crown Law Department in the ordinary fashion, and the question could then be dealt with; but it would be entirely wrong for me to authorise this select committee, or any other select committee, to engage a legal

practitioner specially to advise the members of the committee.

QUESTION—LODGING ACCOMMODATION FOR MEMBERS.

MR. NEEDHAM asked the Minister for Works (without notice): 1, Has the attention of the Minister been drawn to a statement made by the member for Menzies (Mr. Gregory), appearing in this morning's *West Australian*, that the Government have expended between £200 and £300 in fitting up a house for Labour members? 2, Is this statement correct? 3, What amount of money has been expended? 4, Will the Minister give the names of the members occupying the house?

THE MINISTER FOR WORKS replied: As far as my memory serves me, I can answer the hon. member. I did notice the statement or the interview given to the newspaper by the member for Menzies. The statement is incorrect. As far as my memory serves me, the furniture cost about £111, to which must be added the cost of renovating the building, amounting to £40, or a total expenditure of something between £150 and £160.

MR. MORAN: That does not include waiters.

THE MINISTER: That is a matter which is being attended to by the attendants of Parliament House.

MR. RASON: What is the rent?

THE MINISTER: The members occupying the house are the member for Nelson (Mr. Layman), the member for Bunbury (Mr. N. J. Moore), the member for Dundas (Mr. Thomas), the member for Coolgardie (Dr. Ellis), the member for Yilgarn (Mr. Horan), and the Colonial Secretary (Hon. G. Taylor). Each member is paying at the rate of 10s. per week for his room. The rent derived from the building is £3 per week. On an outlay of about £160 we are getting 30s. per week. I may state that we did this at the request of members, and when the rent was submitted to them they acquiesced in paying the amount, and thought it reasonable.

PRIVILEGE—NEWSPAPER STATEMENT IMPLYING CENSURE.

MR. A. E. THOMAS (Dundas): I desire, in conformity with Standing Order 139, to move a question of privilege. The Standing Order reads:—

> Any member complaining to the House of a statement in a newspaper as a breach of privilege shall produce a copy of the paper containing the statement in question and be prepared to give the name of the printer or publisher, and also submit a substantive motion declaring the person in question to have been guilty of contempt.

At the conclusion of my remarks, I desire to make a substantive motion in conformity with the Standing Order. The newspaper to which I refer, and of which I produce a copy, is the *Morning Herald* of October 20th, 1904, and the paragraph to which I refer, and which I claim is a gross breach of the privileges of this House, reads as follows:—

> CHAIRMAN COMPLAINS OF DISCOURTESY.—The Chairman of Committees of the Legislative Assembly last evening made the complaint that discourtesy had been shown towards him by the member for Dundas. The question of the system of municipal taxation had been under discussion the whole evening, and at various times the Chairman rose to put the question. Mr. Bath asserted that simultaneously on every occasion Mr. Thomas rose to continue the debate, and he charged him with being grossly discourteous to the Chair. Mr. Thomas denied the accusations, but the Chairman reiterated that the member remained seated during the silence, and rose only when the question was about to be put.

I have been a member of this House during the expired portion of this session and also for the three years of the previous Parliament, and in the exercise of my privileges as a member I have taken, at times, a definite stand, and have explained my views in definite language. Repeatedly I have seen within the last few months any number of attacks on me, reflecting on the proceedings of the House and imputing motives to me, and these have been contained in leading articles in the journal I have quoted from. I have taken no notice of these comments, because although it may be that such statements might be construed as being a breach of the Privileges Act which protects a member of Parliament, I looked on them as political; but when a newspaper goes out of its way to print in a prominent place in that newspaper an attack on me, and states, what I claim and what I shall prove before I finish, gross untruths—that the Chairman of Committees during yesterday's proceedings, several times during those proceed-

ings, found it necessary to caution me and to complain to the House that I had shown gross discourtesy to the Chair—then I am taking the only step I can take by bringing the matter before the House and claiming the protection of the House against such an attack. It is well known to the House that during the big portion of the proceedings on the Municipal Institutions Bill yesterday (and the member for West Perth can bear me out in that), I was not in the Chamber. I only entered the Chamber during the latter portion of the proceedings, and after the member for Perth resumed his seat, at about 11 o'clock in the evening. I was unaware that the Chairman had made any remarks to the House in reference to members rising when he was about to put a question.

Mr. Moran: He had made none at that time.

Mr. THOMAS: I had risen to make some remarks—the member for Perth had preceded me—and after the Chairman had made some remarks, addressed to the House as a whole, I stated, with every respect to the Chair, that I claimed I was within my rights, and I was certain in my mind that as soon as I was satisfied that the member for Perth had resumed his seat, I rose to address the Committee. I have no objection, even if the privileges of a member are attacked in any newspaper in the State, to that attack in a political capacity, even though a member may have a perfect right to claim the privileges of the House under the Act, and bring the matter before the House. The first section of the Privileges Act, which is included in the book containing our Standing Orders, states that the members of the Legislative Assembly House have conferred upon them all the rights and privileges enjoyed under a similar Act of the British House of Commons. Under the Privileges Act I claim that through me the House has been attacked, and I claim that Standing Order 139 is quite sufficient justification for taking these proceedings. I have no desire and I have no wish to impute motives to anyone. The statements contained in the paragraph appearing in the *Morning Herald*, I assure the House—it is hardly necessary to give an assurance because many members were here during the whole of the proceedings—are grossly untrue. Such a statement should never have appeared in that Press. It has gone forth to the country that I, as a member of the House, was guilty, during the whole of the proceedings of yesterday, of gross discourtesy to the Chair, that on several occasions the Chairman had to ask the House to protect him against me. That is the insinuation in the article. I do not object to attacks on my politics or speeches or votes that I may give in the House. Those are matters between me and my constituents. But I object, after having been nearly four years in the House, to being accused by any Press or any individual of doing what I have never yet been guilty of—gross discourtesy to the Chair. I have always tried my best to uphold the dignity of the Chair, and when I thought I had right on my side against the Chair I have been willing to bow to the ruling of the Chair. I object to the imputation that I was discourteous to the Chair during the whole of yesterday's sitting. It is with regret that I bring this matter forward, but not only in respect to myself but in respect to other members paragraphs have appeared in the Press which were grossly unfair criticisms. It is done repeatedly. I take this course so that the newspapers may avoid anything of the kind in future. I claim that through me the House has been attacked, that the dignity of the House has been impugned by an attack made in the *Morning Herald* of this day's date. With every confidence I move:—

That in the opinion of this House the statement read from the *Morning Herald* of to-day's date, in which the Chairman of Committees is reported as having accused the member for Dundas of gross discourtesy to the Chair by rising on every occasion during the discussion on the Municipal Bill, when he, the Chairman, had risen to put the question, being untrue and being a grave reflection on the member for Dundas, the publisher of the said newspaper is guilty of contempt of this House.

The CHAIRMAN OF COMMITTEES: I desire in connection with this motion to make a statement in regard to the matter contained in it. In the first place I wish to state that when I gave that expression of opinion last night I made no particular reference to the member for Dundas. I may say in explanation of the matter that in discussions

in Committee, in order that no member may by any means be overlooked, I have always taken the greatest care that sufficient pause is given before the question is put, that members might have an opportunity of rising to address the Chair on the question; and also to avoid the necessity of putting the question to the Committee an unnecessary number of times, I have made a deliberate pause before putting it. Last night, and on previous nights on occasions such as that, members have not taken advantage of that pause, but, on my rising to put the question, have risen to address the Chair; and I pointed out that having made this provision, having made a deliberate pause in order to enable members to rise to address the Chair, in courtesy to the Chair they should avail themselves of that pause. Any controversy or any point of order between the member for Dundas and myself arose out of a statement of his in regard to his rising on that occasion. He stated when I made that ruling that he had immediately risen in his place when the member for Perth (Mr. H. Brown) sat down, and from my place in the Chair I disputed that point and stated that after the member for Perth had sat down I had made a considerable pause before I proceeded to put the question, and that the hon. member had then risen. The question had no particular reference to the hon. member himself. It was merely a point of order which referred to his statement that he had immediately risen. The hon. member is also correct in stating that it was the first time he had spoken on the question; and the only other matter between the Chair and the member for Dundas which could possibly be construed into the reference made in the paragraph in question was the fact that I had merely called his attention before that he was not dealing particularly with the question under discussion, a thing which naturally occurs very often in the debate of these questions. I merely wish to repeat the statement that in making that allusion in the House on that occasion, I made no particular reference to the member for Dundas, but the expression was made to the House in general.

THE PREMIER (Hon. H. Daglish): In regard to this matter, I think that anyone who was present in the House during last night's proceedings, and a the time the member for Dundas spoke will necessarily admit that the membe for Dundas has cause for the complain he has made, that the newspaper's state ment is not correct. I very much regre to find that the hon. member has bee reflected upon in the manner he has dis closed. I read with considerable surpris the paragraph relating to his conduct Had the member for Dundas or any othe member of this House been in any wa disrespectful or discourteous to the Chai it would have been my duty to interven in order to support the Chair. As matter of fact, the Chairman spoke i the manner he has already indicated, an the episode thereon ended. I think th Chairman spoke only once. I was neces sarily present right through the discus sion, being in charge of the Bill the before the Committee, and I can quit confirm the member for Dundas in hi statement that he spoke for the first tim when the Chairman gave his ruling. much regret that the member for Dunda should have been undeservedly reflecte upon, and the hon. member is quit justified in bringing the matter befor this House in order that he may put hi conduct in its true light. At the sam time, having said thus much and havin regretted that a newspaper should hav reflected on the hon. member, I canno refrain from asking the hon. member who has made his explanation, which ha been confirmed by the Chairman of Com mittees, to allow the matter to proceed no farther. I do not think that an advantage would follow from his proceed ing to force his motion to a division.

MR. MORAN: Why division?

THE PREMIER: Well, by proceedin with his motion to a conclusion. I think the hon. member's purpose will hav been served, he having explained hi position to the House and through th House to the country, by having made i clear to the public that the reflection cast upon him is one that is undeserved and by having his conduct thereby se right in the eyes of the public. I do no see that any gain would follow by carry ing this motion, which, if carried, must lead to farther proceedings. Those farthe proceedings in my opinion would no help the hon. member or add to th dignity of this Chamber. On these

grounds therefore, as the hon. member has had full opportunity of putting the facts of the case clearly and succinctly, I think his purpose will be served without proceeding with the motion.

Mr. FRANK WILSON (Sussex): I think the thanks of the House are due to the member for Dundas for bringing this motion forward. Of course we all recognise that the Press must have a considerable amount of liberty. I think that is universally acknowledged, and in a matter of fair comment no public man will complain or demur to anything that may be written in connection with his public career; but at the same time members will agree that the privileges of Parliament must of necessity be upheld, and I do not think any member of this House means to tolerate misrepresentation in any form whatsoever. I hope members will carry the motion, if only for the purpose of making the publisher of this paper acknowledge that he has been in error and apologise for the mistake he has made. I was present during the debate last night, and I remember full well what occurred; I remember full well the remarks of the Chairman of Committees. His remarks during the evening complaining as to discourtesy were made in general terms, including all members of the Committee; and although perhaps some of us may not agree that it was discourtesy to rise and speak after the Chairman had risen in his place, yet I do not think it was a fit and proper thing for any newspaper in this State to compile such a paragraph as that which appeared in connection with the member for Dundas. Clause 162 of our Standing Orders sets forth that a member may not speak after the question has been put and after the voices have been given in the affirmative or negative. Therefore members are quite within their right and quite within their privileges in rising at any time before the voices have been heard in affirmation or negation on the question. I think the House ought to take some notice of a paragraph of this description, although not perhaps of such serious moment as we may have occasion to do later on and have had perhaps occasion to do in the past. It is our duty in the interests of the dignity of the House, in the interests of the dignity of the members of this House, to take notice of this breach of privilege, and by that means, I hope, put a stop to such things in the future.

Mr. C. J. MORAN (West Perth): I think the House will stultify itself by taking an action such as this, and coming to no conclusion. The transgressor on this occasion might say Mr. Thomas's motion was withdrawn or defeated on the voices. This House has to come to a conclusion on the motion, and there the matter may rest. It will be in the discretion of the House afterwards what it shall do. If I know the editor of that paper rightly, the member for Greenough (Mr. Nanson)—we cannot help referring to him—he will at once take action to explain as a man and a gentleman how the mistake occurred, and put the member for Dundas right. That is the course for this House to follow. This motion must not be withdrawn. I hope it will not be withdrawn. I regret very much that a colleague of mine should be so grossly misrepresented as the gentleman was this morning. I feel it very keenly also, because we know that in the past the hon. member was one of those who had to take strong action in company with the gentleman who owns that paper when we were sitting on the same side of the House, and now we differ. I have known the member for Dundas for a long time, and he is one of the most courteous and gentlemanly men inside or outside the House. No one would dream of accusing him of discourtesy, above all things. He might be accused of stonewalling; he might be accused of making use of the forms of the House and stretching them to any point; but discourtesy, gross discourtesy to an official of this House is a charge which will not lie in the mind of any member of this House, and I do not think it will lie in the mind of the country. I advise the House not to withdraw the motion. I think Parliament should look after its own dignity, and that members of Parliament should not be afraid to do so. Depend upon it no one ever gets on by allowing himself to be trampled upon. We must stand up for our rights. I am the last to attempt to curb the liberty of the Press. No one has had severer strictures passed upon him at the hands of the Press than I have; still I say that in a matter of this sort, had it been my

case I should have moved the motion. The paragraph was so prominent and so derogatory to the hon. member that he must take notice of it. He is only one of 50 members, and we are all in the same boat in a matter of this kind. As I have said, this motion ought to be carried, and the House ought to rest there, depending upon it that the member who controls that paper will do full justice to the situation. I hope the motion will not be withdrawn.

MR. C. H. RASON (Guildford): I regret very much that I was not in the House when this incident occurred, but as far as I can gather from what has been said to-day, the member for Dundas complains, and justly complains, to my mind, of being unjustly represented in this morning's *Morning Herald*. Evidently, from the remarks which have fallen to-day, the Chairman did complain of discourtesy to the Chair, and the paper might well be excused if, those remarks occurring immediately after the member for Dundas had spoken, it took it that they had special application to that hon. member. Let me in justice to the hon. member say that there is probably no man in this House who has had to go for so many days in sackcloth and ashes as I have, in consequence of the hon. member's intimate knowledge of the forms of the House; yet I do him but scant justice when I say that never to my mind has he been guilty of discourtesy to me or to any other member; and I am sure the very last action of which he would be capable would be discourtesy to the Chair. I can understand members being aggrieved at remarks appearing in the Press. We have all experienced that sensation at one time or other; and I hope that the hon. member, having called attention to the matter, will be satisfied, and will not press his motion; for it seems to me that we should thus be singling out one paper for a not very great breach, whereas we have pardoned far greater breaches time after time. If one section of the Press is to be singled out because it has for once only misrepresented what has occurred in this House—[The MINISTER FOR MINES: Only once?]—the Minister should be the last to interject on this occasion, because he has pardoned many Press references to him much more objectionable than the reference to the member for Dundas. If we are to single out this one paper for this one slip, what of the pardon extended to other papers for much more serious slips in the past? I am entirely in sympathy with the member for Dundas; I think he has done rightly in calling attention to this matter; but there I think it may well end. Depend upon it, I am sure that if a mistake has been made—and that seems only too clear—the proprietors or the editor of the paper referred to will be the first to acknowledge that mistake, I am sure of that; but be that as it may, we are all agreed that the hon. member would be the last person to be guilty of the conduct laid to his charge. That being so, I am sure that the member for Dundas, himself an honourable gentleman, will be satisfied with the feeling of the House, and will allow the matter to drop.

MR. A. A. HORAN (Yilgarn): In common with a number of members on this (Government) side of the House, I hope the motion will be passed; and I hope so for more reasons than have been indicated by the leader of the Opposition (Mr. Rason). Unhappily, I have a slight grievance against the Press. Although I do not trouble them much, and do not trouble the House much, I find some remarks recently put down to my credit in a morning journal—remarks which I never uttered; and as a consequence, I have been scandalously abused in a weekly newspaper. It would be a great satisfaction to me to bring the Press up with a round turn at this early stage of the session; to let journalists know that they cannot misrepresent and misreport me in that fashion to which they have been accustomed.

MR. J. C. G. FOULKES (Claremont): This is not the first time that a Legislative Assembly in the British Dominions has had cause to complain of the Press. In the House of Commons such motions have been frequently brought forward, with various results. I regret somewhat that I was not in the House during this episode; but I have listened with great attention to the statements of the member for Dundas and of the Chairman of Committees. From their statements—and they are both agreed on the facts—it appears that the member for Dundas rose to address the

Committee at a time when the Chairman was putting the question. The next occurrence was that the Chairman complained of members rising to speak just as he was putting the question. We have reporters in the House taking notes of what occurs; and this statement was naturally reported. Next it appears that the Chairman afterwards complained of discourtesy being shown him. I am inclined to look at this occurrence as impartially as possible; and I think no one can fairly convict or even blame a person for coming to the conclusion arrived at by the writer of the paragraph —of course an erroneous conclusion in view of the interpretation of the occurrence given this afternoon by the Chairman of Committees. But any ordinary person would be justified, any jury would be justified, in concluding that the complaint by the Chairman of members rising to speak when the question was being put, and the subsequent complaint of discourtesy towards the Chair, applied to the member for Dundas. If we had present this afternoon the reporter who took down the statements, he would say that was the interpretation he placed on the proceedings. Every man is entitled to form an opinion of what he hears, he is entitled to his own views; and the reporter who took down these remarks came to that conclusion. We now understood from the Chairman that he did not apply that remark specially to the member for Dundas, but that he applied it generally to the whole House —to other members also. We naturally conclude that a mistake has been made. The Premier has suggested that now the member for Dundas has had an opportunity of showing that he was not guilty of any act of discourtesy, and that the Chairman of Committees has assured us that he did not intend his remarks to apply to that member, we should be satisfied, and let the matter rest. It is very well to say that we will put the Press on their trial. The member for Yilgarn (Mr. Horan) has just complained that other papers have misrepresented him; and he urges the House to proceed with this motion, and punish somebody or other—some poor unhappy editor or reporter, I do not know whom. He says, "Let us show these papers an example." But curiously enough, while the hon. member tries to "shoo us on" to punish the reporters of a particular paper, he does not take any action to punish the newspapers that have criticised him and made mistakes regarding his own statements. I would suggest to him that if he has any cause of complaint, and wishes to punish any newspaper that has misrepresented him, he is not quite fair, according to my ideas of justice, in requesting us to punish another newspaper. The British House of Commons has frequently had cases of this kind brought forward, but has invariably allowed them to rest. It is recognised that Parliament after all has no very great power to deal with such matters. All we can do is to bring the editor here, and perhaps a reporter; and the Speaker can admonish them or other persons guilty of the breach of privilege. But after all, when that is done, nothing more happens. The whole question is forgotten; and the gentlemen brought up to be admonished go away not very much worse as regards their state of mind than when they came here. We can see that a mistake has been made; but one cannot condemn the reporter for having come to the conclusion he arrived at. We can quite see that it is an erroneous conclusion; but we cannot altogether condemn him for the interpretation he placed on what happened.

Dr. ELLIS (Coolgardie): The thanks of the House are due to the member for Dundas for calling attention to an annoyance of which this is only one example. Recently we have seen in the Press many statements imputing incorrect and improper motives to members of this House; and such statements should not continue to pass unchallenged. [Mr. Rason: Recently?] Recently. [Mr. Rason: From time immemorial.] Only recently the members of this House have been subjected to lying inuendoes. All kinds of charges have been made, of a kind that should not be tolerated. Nobody has the slightest objection to all kinds of legitimate criticism, to any fair and reasonable statement of differences of opinion, no matter how hardly it is put or how strongly. But I consider that the dignity of the House and the honour of members should be protected against the imputation of wrong motives,

against such statements as have been recently appearing in the Press; and I think it is time, if we wish the character of the House to be properly maintained, that some action should be taken to make it clearly understood that such statements will not in the future pass unchallenged. In this statement there is no question of correct reporting. The statement must be considered absolutely erroneous by anyone who was in the House at the time; and there was no reason for such a mistake being made by any reporter. The paragraph reads:—

> Mr. Bath asserted that simultaneously, on every occasion, Mr. Thomas rose to continue the debate; and he charged him with being grossly discourteous to the Chair.

This means that Mr. Thomas frequently rose during the evening at the same moment that Mr. Bath rose, and consequently was grossly discourteous to the Chair. There was no excuse for that statement being made by anyone who was present. That was certainly the only occasion on which Mr. Thomas rose simultaneously with the Chairman. On not more than three occasions, I think throughout the debate, did a member rise simultaneously with the Chairman. Members may have differed from the view the Chairman took of the matter; but there is no question that Mr. Thomas immediately bowed to the ruling, and that was the only occasion on which any discourtesy could have occurred; consequently, any report that Mr. Thomas had risen repeatedly throughout the debate was in itself erroneous, and calculated to do injury to the character of the member for Dundas. I think it time that the House made a definite move to show that no Press imputations shall be allowed on the character of any member of this House.

MR. NELSON: How can you prevent them?

DR. ELLIS: I refer to the imputation of improper motives for their actions in this House. I do not refer to criticism of their actions outside. That is another matter. I am talking of imputations concerning any of their actions in this House, or their votes in this House; and I claim that if we wish to carry on this House with dignity and its debates in a manner in which they should be carried on, the recent type of Press criticism should be stopped. I have no objection to any fair criticism, nor have I the slightest objection to any statements which have a colour of truth about them; but statements misrepresenting the action of members in this House should be stopped forthwith; and I consider that the dignity of the House will be materially increased when the Press understand that, on these occasions, they will not be allowed to do exactly as they like.

MR. RASON: The member for Dundas is fully vindicated, and should withdraw the motion.

Question put and passed.

THE PREMIER (Hon. H. Daglish): Following on the motion which has just been carried, I do not, at the present time, propose to submit any farther motion. I find that, according to *May*, motions such as this, declaring an article or letter to be a breach of privilege, can be carried without farther action; and I do not propose at the present time to ask the House to take any farther action in the matter. I trust that the newspaper referred to will, on the declaration of this House, see the justice of publishing a contradiction of the statement which has already appeared, and an apology to the member for Dundas for having made it; and that in my opinion, coupled with an expression of regret for infringing on the privileges of this House, should be ample to meet the requirements of the House.

HON. C. H. RASON (Guildford): May I be allowed to say that I fully appreciate the action of the leader of the House in this respect. My only regret is that the step taken in regard to one paper has not been taken in regard to others. I hope no undue preference has been shown in this respect.

MR. THOMAS: What would you have thought of me if I had left it alone?

MR. RASON: I have already said that I appreciate the action of the hon. member. I hope some of the vigilance shown by members in this respect will be shown to all sections of the Press in the future.

NATIONAL SHOW (NORTH), ADJOURNMENT.

THE PREMIER (Hon. H. Daglish): I wish to announce, for the information of members, that it is proposed by the

Government to afford members an opportunity of visiting the National Show at Geraldton next week; and with that object I shall, on Tuesday next, move the adjournment of the House till the following Thursday.

MR. THOMAS: Why not for every show?

THE PREMIER: The National Show, which is this year being held at Geraldton, has always been visited by hon. members; and the House has invariably adjourned to enable members to have that opportunity. In compliance with the request of a number of hon. members, I have decided to follow the same practice that has been followed before. Members will have an opportunity of leaving Perth on Tuesday night, arriving at Geraldton on the following morning, and getting back to Perth, after witnessing the show, on Thursday morning. Last year the show was held at York, and exactly the same procedure was adopted. I give this information in order that any members intending to visit the show may hand in their names, so that accommodation may be duly provided for them.

STREET CLOSURE (KANOWNA) BILL.

SECOND READING.

THE MINISTER FOR WORKS (Hon. W. D. Johnson), in moving the second reading, said: Few words are required from me in connection with the second reading of this Bill. It is introduced simply to get the municipality of Kanowna out of a slight difficulty facing them at present. Some time back when the municipality were drawing water from a dam situated some distance from the town, it was decided to erect a tank stand in the centre of the town for fire brigade purposes. This was placed on a portion of Larkin Street; and the council were of opinion that they could reserve portion of that street for the erection of the tank stand. All went along merrily until the Coolgardie Water Supply Administration took over the reticulation of the town and desired to purchase the tank stand for the use of reticulation. The municipality fell in with the desire and sold the tank stand to the water supply administration; but after the deal was completed the Crown Law Department, or rather the land purchase officer, informed the municipality that the deal could not be legally completed owing to the fact that the tank was on a public street, and that the municipality had no power to reserve a street. The Bill before the House is simply to legalise an act that the municipality did some considerable time ago with the concurrence of the ratepayers of the municipality—placing this tank stand on the street and reserving a portion of the street. The Bill simply proposes to legalise that step, and to reserve this portion of the street where the tank is erected.

Question passed.

Bill read a second time.

IN COMMITTEE.

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

PUBLIC SERVICE BILL.

IN COMMITTEE.

Resumed from the 18th October; Mr. BATH in the Chair, the PREMIER in charge of the Bill.

Clause 17—Salaries of Administrative Division:

MR. MORAN desired to move that the clause be struck out, with a view to inserting a new clause which would except the Professional Division. The words "Professional Division" had evidently been included in this clause by an oversight, because later on in the Bill it was provided that there should be a classification of the Professional Division. The Premier would see this was an oversight.

THE CHAIRMAN: The hon. member must vote against the clause in order to delete it, and a new clause could be moved at the end of the Bill; but the hon. member could move to strike out certain words in the clause.

MR. MORAN moved an amendment,

That the words "and the Professional Division," in lines 1 and 2, be struck out.

THE PREMIER: These words had been put in the clause by a clerical error. The intention was to include the Professional Division in the next clause.

Amendment passed, and the clause as amended agreed to.

Clause 18—Salaries of Educational and General Divisions:

MR. MORAN moved an amendment:

That after "in," in line 1, the words "a professional division" be inserted.

Amendment passed, and the clause as amended agreed to.

Clauses 19, 20—agreed to.

Clause 21—Commissioner to provide by Regulation for Examinations:

MR. MORAN: The Bill apparently did not provide, since we were inviting admission to the service by examination, that priority should be given to the leaders in the examinations, that the best men be picked. If discretion were allowed in the matter of examination, the Bill would be wrecked. The Premier might look into that matter.

THE PREMIER: There was no clause that made the examinations competitive. The Bill provided for a qualifying examination, and subject to the fact that an examinee was qualified the Commissioner had power to recommend the candidate most suitable. He (the Premier) was not a strong believer in the competitive system. The object of the examination was to guarantee that every person appointed was up to a certain educational and physical standard. In this respect we were following on the lines of the Commonwealth Act, and the clause he thought was word for word identical with that particular law. The principle of competitive examinations was not recognised in the Commonwealth.

MR. MORAN: It was recognised in the Education Department.

THE PREMIER: There was no reason why, within the limits of the persons qualified, we should not give the Commissioner a certain amount of discretion. In the Education Department competitive examinations were not recognised except in regard to bursaries and for teachers. A teacher was examined to qualify him for classification to a higher class than the one to which he belonged.

MR. MORAN: His papers were taken into consideration. If one teacher scraped through with 51 per cent. and another got 75 per cent., the better man should get the position.

THE PREMIER: The examination results were considered, but not solely. There was the question of character and fitness for any particular post, which had to be taken into consideration. Apart from the teaching ability, taking the case of teachers there would be the ability to maintain discipline in a large class. A teacher might have great educational ability but lack the ability to maintain discipline: all these points were taken into consideration. In the same way, in regard to candidates for the public service there might be other considerations than the mere position of a candidate on the examination list. There was no reason why there should not be power on the part of the Commissioner to differentiate between candidates. We had already one clause to recommit, and if on going into this question the member for West Perth thought it was necessary to recommit the clause, that could be done.

MR. RASON: There was a good deal in the question raised. Perhaps it would not be possible to lay down a hard-and-fast line in the Bill, but the clause provided that the Governor might make regulations for competitive examinations, and under these regulations it might be laid down that the person who obtained the greatest number of marks should have the first claim for the position.

MR. MORAN: Such person had an undoubted right to it.

MR. RASON: If that was not to be taken into account, then the priority of application should be considered. A number of candidates passed, and all being qualified to enter the service, who was to have the first vacancy that arose? The candidate who applied first or the candidate who distinguished himself most in the examination? There might be some words inserted in the regulations giving priority to the candidate who excelled at the examination.

MR. MORAN: There were points put forward by the Premier which deserved consideration. He (Mr. Moran) knew exactly what the Premier referred to in regard to teachers; also the view put forward by the leader of the Opposition. It would not be right to make a hard-and-fast rule in this matter and say that boys who passed twelve months ago with 60 per cent. should stand aside for boys who pass subsequently with 75 per cent. It might be better to leave the matter to the regulations.

Clause put and passed.

Clause 22—Qualification for appointment:

Mr. RASON: The clause provided that with the permission of the Governor a person not a natural-born or a naturalised subject might be admitted to the service. Clause 57 provided that everyone admitted to the service before the commencement of the Bill must be natural-born or naturalised subjects, or if not should at once become naturalised. That might inflict a hardship on some of those already in the service. There might be officers in the service who were not naturalised subjects, and these must at once become naturalised; yet persons might subsequently be admitted to the service, with the consent of the Governor, without being naturalised. Everyone in the service now must be naturalised. The two clauses hardly seemed consistent. Manifestly if there was a difference, it was in favour of the men who might enter the service hereafter.

The PREMIER: The hon. member did not, he thought, object to the present clause, and as to this clause and the other to which the hon. member referred, we had followed the exact wording of the Commonwealth Act. He was aware that was not conclusive, but he thought the whole difficulty referred to could be got over when we dealt with Clause 57, by striking out the words "before the commencement of this Act." It would then provide practically the same thing in regard to officers who joined after the commencement of this measure as was provided in reference to those already in the service. In order to remove any doubt on the part of the hon. member, he would be careful to obtain legal advice before the Bill was finally disposed of.

Mr. FRANK WILSON: One had often been struck with the fact that in British colonies and States we had many subjects of foreign powers in our civil service, and he was glad to see that this clause would protect us against that sort of thing in the future. He did not know of any foreign country where they would admit British subjects to the service.

Clause put and passed.

Clause 23—Separate examinations to be held for the different divisions:

Mr. MORAN moved an amendment:

That after the word "professional," in line 31, "educational" be inserted.

Those who could stand examination in the educational department were amongst the most advanced in Australia. The examinations were pretty high and stiff. He saw no reason why one who had passed the preliminary examination of the educational department should not be deemed to have passed the preliminary for clerical and general. He knew scores of individuals, even in Western Australia, now filling positions and who in the past had filled positions with credit and honour to themselves, in the general service, who would like to be in the educational branch, and he would like to see it left as open as possible.

Mr. NEEDHAM supported the amendment. If the amendment were passed, persons referred to would have an opportunity of getting something to aspire to.

The PREMIER: Apparently it would be a much simpler thing for those who desired to do so to pass the two examinations. Those who had the qualification of having passed a superior examination ought to be able to pass a lower one.

Mr. Moran: The greater included the less, he should say.

The PREMIER: The trouble was that if we were to have the competitive system of examination at all, this proposal would destroy it. If the hon. member only meant that there should be power to transfer from one division to another, that power could probably better be obtained by means of a separate clause than by means of this particular one. Supposing there were a vacancy, and one applicant had passed the clerical examination and another the teacher's examination, who should get the appointment?

Mr. Moran: The Commissioner would still have discretion under the regulations to a certain extent.

The PREMIER: But the proposal would destroy the competitive principle. [Mr. Moran: It would not destroy it.] As he had already said, if the hon. member only wanted power to transfer from one division to another, that could be better done by a separate clause. However, he himself was not much wedded to this subclause.

Mr. MORAN: We had better carry the amendment. Of course all his arguments applied equally regarding the professional division. One must suppose that the examination for education in a profession was higher than that for the

general branch of the service, without any particular specified duties, where perhaps it was a case of the three R's.

MR. RASON: Surely the examination for the educational branch would, at all events, be equal to that of the professional branch. Candidates who had passed the junior university examination were deemed to have passed all preliminary clerical examinations. If we set out that candidates who had passed an examination in connection with the professional division should be deemed to have passed both in the clerical and general, we might just as well include educational also, because there could be no doubt that the standard of examination in the Education Department would be higher than in the three others mentioned.

MR. MORAN: It would be at least equally as high as the clerical or general.

THE PREMIER: No strong opposition would be shown by him, but he would couch the amendment a little differently. It would be better if after the word "division," in the same line, the words "or educational division," were inserted.

MR. MORAN: Yes; that would be better.

Amendment withdrawn, and another amendment as suggested by the Premier moved in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 24—agreed to.

Clause 25—New appointments to clerical division to be to first grade of Class F:

MR. MORAN: The marginal note was incorrect.

THE PREMIER: It read "Clause *f*" instead of "Clause *g*." This was a clerical error.

MR. RASON: Subclause 3 provided that a youth entering at a salary of £40 would at the end of six months receive £50, at the end of 12 months £60, and thereafter might, on the certificate of the Commissioner, receive annual increases of £10 until the salary reached £100. The increases to £100 should be automatic unless their prevention was justified. Alter the word "may" to "shall," and the increases would still be largely dependent on the Commissioner, who would not be obliged to certify. He moved:

That the word "may," in Subclause 3, line 1, be struck out, and "shall" inserted in lieu.

MR. NEEDHAM: To make the clause mandatory might possibly interfere with discipline; but to pass it as printed might work injustice to youths in the service. If a boy of 17 did not deserve the increase, he had better be dismissed; but by the clause he might serve two or three years before receiving £100. The amendment should be supported in default of some better suggestion.

THE PREMIER: The amendment seemed more nominal than real. Where ordinary good conduct was reported, the Commissioner would surely recommend the increases; nor would any Government desire to interfere. The clause provided that every officer should receive the annual increase in default of good reasons to the contrary. The Government would accept the amendment, with the consequential substitution of "recommendation" for "certificate." Thus it would be clear that the increase was automatic, provided it was recommended by the Commissioner.

MR. RASON: The intention was that a youth entering the service might rest satisfied that if he behaved himself and showed reasonable ability his salary would be increased £10 per annum till it reached £100. Did not the Commonwealth Act provide that a junior officer should be entitled to an annual increase of £20 until he reached £160? Surely our juniors should as far as possible automatically reach the maximum of the first grade. In the absence of misconduct this should be a certainty.

MR. MORAN: One thoroughly appreciated any legitimate effort to give young men a living wage. The Commissioner, though his powers were great, must as to finances be largely controlled by the Government; and the time might come when all branches of the service must be automatically reduced. The last speaker's proposal might or might not be applicable. There were more grades in our service than in the Commonwealth service. Naturally, the Commonwealth officer would spend a longer time in each grade. The amendment would not achieve an automatic increase, but provided that this should be granted if the Commissioner was

agreeable. To make it obligatory, other words must be added.

Dr. ELLIS supported the amendment, and would make the increase obligatory, so that the Commissioner would be induced to dismiss useless juniors. The more automatic the promotion, the more zealous would the Commissioner be in dismissing the incompetent.

Hon. W. C. ANGWIN: To make the increases compulsory would be injurious, and might lead to dismissal of juniors. Power should be left with the Commissioner.

Mr. MORAN: The amendment would remove political influence; for the Government could not refuse an increase made by the Commissioner. Earlier in the Bill certain powers had remained with the Government, who must give reasons to Parliament for disagreeing with the Commissioner. Here we should leave discretion with the Commissioner; for we had better do so as to these small increases.

Amendment put and passed.

Mr. RASON moved an amendment:

That in the same line the word "certificate" be struck out and "recommendation" inserted in lieu.

This would make the meaning clearer.

The PREMIER: As the term "recommendation" appeared all through the Bill, the amendment should be adopted.

Amendment passed, and the clause as amended agreed to.

Clauses 26, 27, 28—agreed to.

Clause 29—Examination for Magistrates:

Mr. F. F. Wilson: Would this clause apply to justices of the peace?

The Premier: No.

Clause put and passed.

Clauses 30 to 33—agreed to.

Clause 34—Temporary Employment:

Mr. RASON: Subclause 7 provided that the Commissioner should at least once a year make a return showing the names of all persons temporarily employed in the public service during the previous twelve months, showing the periods for which such persons had been respectively employed and the remuneration paid to them, and that such return should be presented to the Governor. This would necessitate the Commissioner presenting a return of every person employed even for one day, whatever the nature of his employment might be. Every day labourer and every casual labourer put on only for a couple of hours would have to be shown on the return; also the wages earned, and the work upon which the man was employed. The cost of the return would in many cases exceed the cost of the work done. Although the clause was copied from the Commonwealth Act, it hardly seemed to apply to the nature of State employment. The position was totally different in the Commonwealth service, for the Commonwealth did not, as a rule, engage in works where manual labour was employed, while the State engaged in works of all kinds necessitating the employment of much casual labour. It was also provided in this clause that no person could be employed temporarily for more than eighteen months, and that he should not be eligible for farther temporary employment until after six months had elapsed. If a man were employed as a casual labourer in any service except the railway service, and only temporarily employed, after twelve or eighteen months he would have to be discharged and could not be employed again until six months had elapsed. Whatever necessity there might be in the Commonwealth Act for such a provision, there was no such necessity for it in Western Australia. The whole clause seemed to require greater consideration than we could give it at the moment.

Mr. Moran: It was one of the most important clauses in the Bill. Provisional men had been temporary hands for years past, and had never been out of the department.

Mr. RASON: In the Public Works Department most of the officers were provisional and temporary, though they had been in the service for years.

Mr. Moran: There was no special reason why that should be the case.

Mr. RASON: Something ought to be done to provide that there should be no such difference between one department and another as existed to-day: but it seemed that there was absolutely no reason to lay down restrictions in Western Australia as to the time that a man should be temporarily employed, and to render it impossible for him to be again employed until after six months. This provision might apply to other States

where there was a scramble for work, and Parliament had to lay down the principle that people should have work turn and turn about; but there was no necessity for it in Western Australia; and it was absurd to provide that a return should be prepared to include men who were only casually employed, perhaps for an hour or two.

THE PREMIER: The clause was found necessary in the experience of other States, and also in the experience of Western Australia. Many officers were appointed to the public service in the past as provisional and temporary officers; and they had very good grounds for expecting to be appointed as members of the fixed staff. He did not know precisely why in the past any difference was made. It was the custom in some departments to make all appointments provisional and temporary. The only gain the country could derive was that the officers so appointed did not require superannuation allowance. It was the only reason he could see for such a system. Many appointments were made to positions that were certain to be permanent. Temporary and permanent men worked side by side at the same work, and in many cases the junior officer was perpermanent, while the senior was on the provisional and temporary staff. Nearly all these temporary men would by virtue of the Bill, if it became law, become permanent officers under the operation of Subclause 9, which said:—

> This section shall not apply to any person on the temporary staff of any department at the commencement of this Act, whose services it is not intended to dispense with at an early date, if the Commissioner shall, on the examination of the department, certify that the services of such person are permanently required. Upon such certificate being given, every such person shall be deemed to have been appointed to the permanent staff.

This at once gave to every officer who was in any permanent position a claim to rank from the passage of the Bill as a permanent officer.

MR. MORAN: It robbed the officer of all back service.

THE PREMIER: It did not rob the officer of any grade to which he might be entitled.

MR. MORAN: It robbed the officer of long-service leave.

THE PREMIER thought not. Already the Public Service Act provided that any officer, permanent or temporary, who had been seven years in the service was entitled to long-service leave, and that principle was recognised in the operation of the Act. The last Government recognised it in the administration of the departments, and the present Government were doing so. The only difference in the rights and privileges of the two different branches of the service had been the want of claim to superannuation privileges on the part of the temporary officers; but as this Bill terminated any superannuation claims by new appointees or by men who became permanent by virtue of the Bill, that question could not arise in the future. In regard to the points raised by the member for Guildford (Mr. Rason), Subclause 7 should contain a proviso preventing its operating in regard to men employed under Subclause 6—men engaged in temporary work in the carrying out of a public work or scheme. That would overcome the difficulty which the member had foreseen, and he (the Premier) cheerfully admitted that such an exemption was necessary so that men employed in any capacity on temporary work should not have their names included in the return which was to be prepared for Parliament. The return would be a very useful document and a very desirable check on the Government, as it would prevent the exercise of patronage. The desire was to prevent this evil occurring in the future. An officer began as temporary and was kept on at work, and afterwards some new work was found for him, very often out of regard to the circumstances in which the temporary employee was placed and out of consideration to his family, and for services rendered in the department, seeing that he would have no employment.

MR. MORAN: Temporary work lasted for two years.

THE PREMIER: We desired to provide means by which an officer would not automatically grow from a temporary employee into a permanent employee. If there was work in a department for a temporary officer for more than two years it became obvious that there was justification for a permanent appointment, and in continuing an officer's services for that

period a loophole was made for keeping on temporary officers in preference to appointing a permanent officer. In Victoria a great deal of trouble was caused by the fact that no restriction was placed on the time for which temporary officers should be appointed, and where there was no restriction at all enormous risk was created by men being taken on temporarily, in some instances for political purposes, to reward them for past services, and in this way a large permanent service was gradually built up. The object of the clause was to prevent that sort of thing occurring here. He did not think any serious objection could be taken to the clause except that which the member for Guildford had raised in regard to Subclause 7, and which could readily be got over by an amendment in the wording of the subclause.

MR. MORAN: The effect of the clause would be to give more work to the Commissioner than was created by any other provision of the Bill, as it would mean the compilation of a big return, especially with a Government in power who believed in day labour.

THE PREMIER: Public works were exempted.

MR. MORAN: What were public works?

THE PREMIER; "The carrying out of public works or schemes" was the wording of the Bill. Supposing the Government were erecting a buiding or constructing a railway, any work of that description was a public work.

MR. MORAN: Would it include all subheads of branches such as the Health Department? Perhaps the Premier would like to postpone the clause.

DR. ELLIS: To allow the Commissioner to continue the employment of a person for more than 12 months a special statement could be furnished giving the reasons why the officer was continued after 12 months.

THE PREMIER moved, "That the clause be postponed."

THE CHAIRMAN: The hon. member was not in order in moving the postponement of a clause after it had been discussed.

THE PREMIER: The clause might be passed, and members could deal with the matter on recommittal.

MR. N. J. MOORE: Would a man who was employed temporarily at piecework or at contract rates be considered a temporary officer under the clause? Take a contract surveyor who was employed at contract rates; the department considered such officer under their jurisdiction and he had to abide by the regulations of the department. When considering this question it might be well to definitely define what a temporary officer was. Would the clause refer to the temporary employment of counsel by the Government, and would such counsel have to be included in the return?

THE PREMIER: Counsel were not employed: they only received fees.

MR. N. J. MOORE: There should be some definition of a temporary officer. Was a surveyor on contract work a temporary officer?

THE PREMIER: Certainly not.

MR. N. J. MOORE: Then such an officer ought not to be under the regulations of the department.

MR. MORAN moved an amendment, that the following be added as Subclause 10:—

> All officers who have been employed continuously in the service for a period of three years previous to the commencement of this Act shall be deemed to have been appointed to the permanent staff as from the date of the commencement of their service.

It had been a standing disgrace that some of the principal, and to all appearance permanent, officials of the State were employed temporarily, never knowing the hour or the day when they might have to leave without notice. Under the Bill certain privileges were conferred for long service and seniority was recognised in the Bill for promotion; so we might go back for three years, and provide that an officer who had been continuously employed during that period should be deemed to be a permanent officer. If it were intended to keep such an officer on, then he was on the same level as permanent officials. There had been too much temporary and provisional work in Western Australia, and this had caused discontent in the service. The bulk of officers were without protection from one day to another.

THE PREMIER: This clause would have a more far-reaching effect than the

member desired. In regard to the question of seniority, the relative seniority of officers who were found doing certain work would depend on the grade they occupied in the respective classes when the classification was made. It could be provided that seniority of service, not necessarily permanent service, should count. He appreciated the point the member for West Perth was anxious to reach and sympathised with the object; but this subclause went farther than it was intended, and if carried would really qualify all those persons who were thus made permanent to come under the provisions of the Superannuation Act. The hon. member did not desire to do that. It would create, in the case of a large number of officers, a right they did not possess when they joined the service as provisional and temporary officers and which they did not possess now. The result ultimately would mean a heavy charge on the revenue. One of the objects of the clause was to prevent any of the pension rights accruing in regard to those entering the service in the future. We should refrain from giving to those holding temporary appointments a right they did not possess, and would not possess if the Bill did not pass. As the amendment would have that effect he must oppose the amendment. If the effect of the amendment was to give reasonable recognition from a seniority point of view to length of service that any officer had rendered, he would be willing to meet the hon. member and accept the proposal; but he could not agree to enlarging the number of persons already qualifying to obtain pensions from the State.

MR. FOULKES suggested, as a matter of fairness, that as Subclauses 6, 7, and 8 had been postponed, it would be well to pass the amendment without discussing the merits, and consider the matter on recommittal. If the amendment were passed, it would not prejudice the rights of the Premier at all, but be simply done with a view to having a discussion on the whole principle brought forward.

THE PREMIER: Were it not for the fact that the subclause could not be printed in the Bill, he would be happy to meet the request of the hon. member. It was far better that the amendment should remain on the Notice Paper, so that members would have it before them when they dealt with the Bill on recommittal.

MR. MORAN: The Premier was, he thought, wrong in his interpretation about the Superannuation Act.

THE PREMIER: If the hon. member would allow the matter to stand over till recommittal, he would obtain advice on the subject, and if he found that the amendment simply carried out the purpose the hon. member had in view, he would be quite willing to withdraw any objection.

MR. MORAN heartily accepted that suggestion. He thought Clause 89 would be found to remove the objection of the Premier. He would withdraw the amendment for the present, and give notice of it on recommital.

Amendment withdrawn, and the clause passed.

Clause 35—Power to create or abolish offices and alter classification or grading:

MR. MORAN moved an amendment:

That the word "officer," in line 1 of paragraph (c), be struck out, and "office" inserted in lieu.

If passed, this would have the effect of preserving the existing status of an officer, so that he should not be degraded in pay This was not put forward as something to fight strenuously for, but he merely wanted the Premier's opinion on the matter.

DR. ELLIS supported the amendment.

THE PREMIER: If there were no power such as this in the Bill, it might necessitate retrenching one officer in order to reappoint another to the office at a lower salary. Supposing the Commissioner found that the maximum annual value of work done by an officer who started at £120 and now received £240 was £200, what was he to do with that officer?

MR. MORAN: We must put up with these things, which would occur very frequently.

THE PREMIER: Sometimes for the protection of the officer it would be much better to allow the salary to be lowered and for him to receive the lower salary for the time being; but we could endeavour to safeguard any individual interests by providing that if the officer was qualified to discharge work entitling him to higher payment he should receive

priority of consideration for any vacancy it was necessary to fill. One reckoned that would only be done by regulation. We might find it possible to make some provision in the measure by a subclause, but he thought the hon. member's amendment would defeat the purpose of the clause and the very purpose which the hon. member himself had in view.

MR. MORAN: A man should not be dismissed because he was entitled to a higher salary.

THE PREMIER: What was referred to would only work on the first classification. He did not say it was limited by the Bill to the first classification.

MR. MORAN: These things would occur with the regularity of the seasons.

THE PREMIER: As one grade went down another sprang up.

MR. MORAN: That was an argument for his contention. We ought to try to give protection to the officer. The amendment would, he thought work all right for a while; anyhow it would remove from the Commissioner a very invidious duty in that case. In every civil service we would have to pay more money than the value of the work done. That was one of the principles of the Bill, and it was the price we were paying for abolishing political influence and commercial control through the heads of the departments. He admitted that the Commissioner would be likely in every instance to try to do justice to the officer. He would like to see the thing done if possible without interfering with the grading of any man.

THE PREMIER: There might be a certain amount of justification for the hon. member's amendment if the Commissioner were taking over a classified public service whose condition we were fully seized of.

MR. MORAN: The clause referred to a graded and classified officer.

THE PREMIER: The clause, if altered as the hon. member desired, would materially interfere with the carrying out of the first classification of the public service. He had looked at the Commonwealth Act, but the Commonwealth Act was not a parallel case. There were discrepencies in the States, but in five cases out of six there was a fairly satisfactory system of classification. They were all working under a Public Service Act, therefore there was not the same need for elasticity in the Commonwealth Public Service Act as there was in this particular Bill. In dealing for the first time with so large a service as ours, one did not know whether there were dozens or hundreds of officers doing work not commensurate in importance with their salaries, or whether many might be underpaid. If the majority were underpaid, then the clause would operate in a few cases and without any great hardship; but no adequate classification could be made in a hitherto unclassified service, unless power to classify all officers was vested in the Commissioner.

MR. HOPKINS: The subclause gave the Commissioner two powers, after he had obtained the approval of the Governor and had run the gauntlet of the appeal board—power to raise or to lower the grade of any officer, and to raise or lower the classification of any office "the duties of which have been materially changed." This qualification might be struck out.

MR. MORAN: That would make the case worse.

MR. HOPKINS: From the hon. member's point of view, who, if his amendment were carried, would sacrifice the country to the civil service. Surely with all the safeguards of the Bill, there was no hardship in giving the Commissioner power to raise or lower an officer's grading, and to alter the classification of any office. The Bill as it stood was most liberal.

MR. MORAN: On this matter he did not feel so strongly as on some of the constitutional amendments. He trusted largely to an impartial Commissioner and the main aim of his amendments was to destroy political influence. He would not move the intended amendment; for he felt that on division it must be defeated.

MR. HOPKINS: Would the subclause come into operation at the outset, or after the first classification? [MR. MORAN: Subsequently.] The Commissioner might raise or lower the grading of any officer. Was an officer deemed to be graded today? Surely not. Then why tie the hands of the Commissioner by providing that he should not do certain things unless the duties of an officer were

materially changed? Could we not make it clear that this should apply after the first grading? Why should the qualification, "the duties of which have been materially changed," appear at the end of the subclause?

THE PREMIER: The value of that qualification was not apparent, because the phrase itself was somewhat ambiguous. The duties, while remaining the same, might grow considerably in importance, or might diminish in importance. A general power would perhaps be more satisfactory.

MR. MORAN: It would be better to raise or lower the office.

THE PREMIER: The hon. member seemed to be creating a bogey. Why should the Commissioner fail to adequately protect the rights of officers? As the hon. member said, the Commissioner would be practically a judge. If so, put confidence in the judge. The position of the Commissioner would be impregnable; and surely we could trust him to be uninfluenced by any political party, and could leave in his hands the control of the service.

MR. HOPKINS moved an amendment:

That the words "the duties of which have been materially changed," in lines 2 and 3 of Subclause 3, be struck out.

MR. MORAN: Was not a similar power given elsewhere in the Bill? At this stage he would not continue the argument, but might take farther action on recommittal.

MR. RASON: As the clause would probably be recommitted, one need not speak at length; but to strike out the words appeared dangerous. In reply to the member for West Perth (Mr. Moran), we were told that the subclause differed from the Commonwealth Act because the Commonwealth service had been already graded, and it would have been wrong for the Commonwealth to alter the grading when taking over the State servants. The same argument must apply to our civil service, which was not now graded. First, the officers must be graded; and then, if we struck out those words, it would be possible for the Commissioner to reduce the grading, although the duties of the office might not have altered—a power not given in the Commonwealth Act, which read "office," not officer." There was much to be said on both sides. The clause should be recommitted.

THE PREMIER: The clause would be recommitted; though he had thought the Committee were unanimously in favour of passing it with the proposed amendment of the member for Boulder.

Amendment passed, and the clause as amended agreed to.

Clause 36—How vacancies to be filled by promotions:

MR. HOPKINS moved an amendment:

That the words "or, in the event of an equality of efficiency of two or more officers, to the relative seniority," in lines 7 to 9, be struck out.

By a recent return it appeared that in one department many officers were related to one another. While much could be said for seniority, his experience as a Minister convinced him that promotion should be made entirely on the ground of efficiency. Seniority was very commendable; but we knew how old friendships lasted, and how hard it was to disregard them.

MR. MORAN: The Commissioner would not have such prejudices.

MR. HOPKINS: All depended on where he came from. If chosen from our civil service, might he not be prejudiced? A Commissioner chosen from the outside commercial world might be different. At considerable cost the country was establishing a public service Commissioner, and the civil servant was safeguarded. Was it not reasonable for the country not to acknowledge any qualifications for promotion other than efficiency and merit? Members argued that hardship might be done. Immediately any hardship was contemplated, the person affected would be the first to give notice of appeal.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. HOPKINS: By striking out the words "or in the event of an equality of efficiency of two or more officers to the relative seniority," promotion in the service would be by merit only. Assuming that an error might occur, and that the Commissioner, supported even by the appeal board and Governor-in-Council,

promoted a man to a position he was not qualified to occupy, the Commissioner would have power under the preceding clause, slightly amended, to rectify the error at a later date. Under the clause as it stood, it appeared that a dissatisfied officer might appeal against an appointment on the ground of merit and alleged merit—a degree of merit fortified by a long period of seniority. There was no desire to take advantage of an officer because of his seniority; but in giving promotion it was better to say that the man entitled to promotion was the man best entitled to it. In some departments of the State a young and good man had been promoted to take supreme control of a division; but there were others who had no conspicuous merit other than that of seniority. The great trouble of one head of the department was that he had no understudy to relieve him of congested business. If to-morrow anything happened to that officer, there would be a batch of appeals from men whose only claim to the office was seniority. The object of the Bill was to give the first claim to merit, and assuming merit was on a par, then to seniority. Irrespective of whatever Bills might have been passed in the other States, precedent did not concern him in the slightest. Where merit was to be the sole factor in promotion, it would be to the advantage of the State and service; and he hoped the Committee would adhere to the principle of promotion by merit alone, always bearing in mind that, under the Bill, we would appoint an independent Commissioner to see that justice was done to every officer in the service, and that a right of appeal was given. He (Mr. Hopkins) wanted to take away that right of appeal on the allegation of merit fortified by long service.

The PREMIER: It did not appear to be necessary to pass this amendment in order to meet the views of the hon. member. The idea of having promotion solely by merit was already provided for. The first words of the subclause said distinctly that the appointment should be made having regard to relative efficiency only. It was only when there was no officer whose efficiency was so marked as to place him above all others that the question of seniority could come in. Assuming that the merits of two officers were so apparently equal that it was impossible to say that one was better than the other, there must be some means of determining who was to have the position. It was better to lay down some system of determining who was to get the promotion, than to leave it to the Commissioner with no rule to guide him. This proposal was a step very much in advance of much of the public service legislation carried in Australia. It was formely pretty generally recognised that seniority took precedence of merit itself. It was because he agreed with the member for Boulder that he put forth the subclause as it stood. If the amendment were carried it would be desirable to introduce some better principle other than that of seniority, so that the Commissioner could decide between two officers of equal merit. It was advisable, as far as possible, to have some set rule to govern promotion, and when the set rule failed because there was equality of merit in two officers, we should provide some other principle to guide the Commissioner. Where an officer was considered the best available for the position he (the Premier) considered due regard should be paid to length of service, because an officer's experience might be helpful at any time and of benefit in the discharge of his duties. We must recognise the principle that length of faithful and efficient service should be rewarded.

Mr. Hopkins: The Bill ought to destroy those old bonds of friendship.

The PREMIER: The member for Boulder evidently had some specific cases in his mind that he required to legislate for.

Mr. Hopkins: Not the slightest.

The PREMIER: Then it was hard to understand the allusions to personal friendship, because seniority of service did not naturally create bonds of friendship between an officer who was the senior and those above him. If the Committee were not prepared to accept the clause giving a fair amount of consideration to seniority when merit was equal, some other principle must be adopted.

Mr. RASON: It was absolutely necessary that merit should be the determining factor before length of service. The clause made it clear that efficiency was to be studied first, and in the event of

equality of efficiency seniority of service was to count.

MR. MORAN: When in doubt, play trumps; that was seniority.

MR. RASON: There was nothing to find fault with in the clause, as efficiency was to be the determining factor, and after that length of service.

MR. NELSON was not quite sure what was meant by seniority, whether it meant seniority of service or in a department.

MR. MORAN: In the service.

MR. NELSON: Seniority of service was an indirect proof of a kind of merit that ought to be taken into consideration. If there was an officer of undoubted capacity in the service who had been there only one year, and there was another officer of undoubted capacity who had been 10 years in the service, merit being equal in these two cases, the officer who had given the 10 years' service should receive promotion. The man who had given 10 years' service had given at least some proof of his character. That might fairly be taken into consideration.

MR. HOPKINS knew of no position more difficult to a Minister than having to fill a vacancy, and having determined that a certain officer should receive the position he found that other officers came in lodging their claims because of length of service. We were to appoint a Commissioner and give him the salary of a Judge, yet we must put in the word "seniority" to guide the Commissioner in coming to a decision as to appointments. If an officer felt aggrieved over an appointment he had the right to appeal to the appeal board.

MR. FRANK WILSON: One could imagine a case where youth might be a qualification for advancement, therefore the amendment might be carried.

MR. MORAN: Give an instance.

MR. FRANK WILSON: Take an officer who had seen 20 or 30 years service and an inspector was required, or an auditor to travel, a man 30 years of age would be preferable to a man of 60.

MR. MORAN: He would be more efficient then.

MR. FRANK WILSON: On the member's own showing the man who had experience would be more efficient also. If two men were equal in ability, the man who had more experience than the other, if experience was wanted, should receive the position. In such cases the Commissioner would surely be qualified to judge. Generally, the man with the longer service would receive promotion, for his experience would tell in his favour.

THE PREMIER: The definition of "efficiency" in the last subclause would surely overcome the preceding speaker's objection. Efficiency meant "aptitude for the duties of the office, together with merit and good and diligent conduct." If youth and activity were qualifications for a certain office, these would be reasons for promotion; and if experience were needed, that also would be a qualification.

MR. NELSON: The member for Boulder sought to show the wisdom of taking character as a test. Some men now of good character might ultimately turn out scoundrels, and sometimes scoundrels became good men. That was no reason for rejecting a man because of his good character. Efficiency ought to govern selection; but with two officers of equal efficiency, the only guide was seniority. The whole Bill was an elaborate set of rules to guide the Commissioner, and to show him how Parliament desired him to conduct the service.

MR. HOPKINS: The Bill provided for promotion by merit and seniority: he advocated promotion by merit alone.

MR. MORAN: The hon. member wished to limit the choice of the Commissioner.

MR. HOPKINS: No; let him promote according to merit and "efficiency," as defined in the last subclause. The country, after incurring the expense of a judicial Commissioner, should leave promotion to his judgment, the appeal board affording ample protection to officers. Everyone appreciated character; but commercial firms were not satisfied with that in their counting houses. They insisted on fidelity guarantees. The lapse from honesty of an old servant could generally be traced to misfortune. The result of the adoption of the amendment would be a small return to a country willing to bear a heavy burden in order to grant everything asked for by the civil servants.

MR. FOULKES: The clause was so broad and comprehensive that it met the wishes of both sides.

MR. HOPKINS: And made grounds for appeals.

Mr. FOULKES: If two men of different ages applied for a vacancy, the Commissioner might appoint the younger on account of his youth. In few cases would the appointment be determind by seniority. Generally, the younger man, when selected, would be selected because of superior efficiency. The whole Bill was full of such general clauses; and all the hard-and-fast amendments we could pass would be null and void in the absence of an efficient Commissioner. It was a justifiable assumption that the Commissioner would be properly qualified. We should err if we made the clause too stringent.

Mr. BOLTON opposed the amendment. Promotion by merit and by seniority would be an incentive to officers to work. The amendment would destroy that incentive, for a man would have no certainty of getting a given vacancy. The head of a department sometimes preferred a junior officer to a senior. Possibly the member for Boulder, when Minister for Lands, would if he could have had his way have appointed better officers; but he had not the power, and would like to provide that no future Minister should be troubled with inefficient subordinates.

Hon. F. H. PIESSE: After all, this was only a question of the Commissioner's judgment. As the Commissioner could decide which of two officers was the more efficient, it mattered little whether that one were a senior. The words proposed to be struck out might perhaps assist the Commissioner, when there was difficulty in deciding owing to both being equally efficient. The words might be of some advantage to the seniors; though in most cases these would probably be disappointed.

Mr. HOPKINS: If the clause were not amended, young officers would be deprived of a great incentive. If the Commissioner promoted a junior officer, the senior officer would appeal; in fact either might appeal. While not wishing to force his views on members, he was convinced that with a Commissioner appointed under the Bill it must be left to his judgment as to which of two officers should be preferred when a promotion had to be made. A brilliant man entering a department, and finding that promotion went by seniority, would feel it was hopeless for him to remain working and striving against such a bar to progress. There were various ways of attaining seniority. Some officers obtained it in what was called "jacket-shifting," which meant passing on a matter to someone else. If any members supported his amendment, he would divide the Committee on it.

Amendment negatived, and the clause passed.

Clause 37—Order of promotion:

Mr. MORAN moved an amendment in line 31, that the word "educational" be inserted after "professional."

The PREMIER: The effect of the amendment would be to make teachers in the Education Department eligible for positions as officers in the administrative division. One did not see how a teacher could become an officer in the administrative or professional division without passing over the heads of inspectors in the educational division. Not feeling strongly on the question, he would allow the amendment to be made, and if he found it necessary later he would move for its alteration.

Amendment passed, and the clause as amended agreed to.

Clauses 38, 39, 40—agreed to.

Clause 41—Transfer from professional or clerical to general division:

Mr. HOPKINS: The clause empowered the Commissioner through the Governor to transfer any officer in the clerical division to some other division, if such officer was found incapable of performing the duties in the former division, or an officer might be transferred from the professional to the clerical division, with of course a decrease of grade in each case. It ought to be evident to members that an officer in any division, clerical or professional, even a doctor or engineer, if found incapable of performing his duties, ought never to have been appointed, and therefore was unfit for transfer to some other office or division in the service.

The Premier: An officer might become incapable.

Mr. HOPKINS: Yes, that was it; he might become incapable; but if an officer being incapable of performing certain duties had not sufficient energy to apply himself in his spare time to so improve his ability as to become capable, that officer ought not to be transferred any-

where except outside. A useless man or a drone, according to this clause, was not to be turned out to earn his own living in some other kind of work, but was to be transferred by arrangement to another division. The clause should be struck out, but of course he could vote against it when put.

THE PREMIER: This appeared to be a harmless clause. It did not do anything but was merely permissive, and was consequent on the establishment of a separate examination for each division. The hon. member had instanced a doctor who might be a failure in that capacity; but it should be evident that a doctor might be unfit as a doctor, and yet be capable of doing useful work as a clerk; or a man might be incapable as an engineer and yet be a good clerical officer; or a man might, after lengthened service in the clerical division, be afflicted with writer's cramp through over-work. This clause was purely permissive. First, the Commissioner needed to recommend the transfer, and before he could do so there must be a vacancy to which the officer could be transferred. This simply conferred power on the Governor, when the Commissioner recommended it, to provide for a man who had deteriorated, it might be physicially, through stress of certain circumstances. A surveyor who, through continual exposure to all sorts of weather, had become unfit for active field work, might be quite fit for office work, or for the work of draftsman in the professional division. One could not see why an officer who had seen service in a higher branch, and who was fit for lower duties but not for the higher work, should not get a chance of doing those lower duties. We could trust the Commissioner to recommend only those fit for the duties to be discharged.

MR. MORAN: This clause should be retained. There should be recognition of work well done in every branch and walk of life. A man who had been doing easy professional work might recognise that he was not quite capable to continue to competently perform the duties, yet he might be quite capable of filling a position in the clerical department or general division. Under changed conditions a man might be no longer efficient in his own branch, but why throw out a good and faithful servant?

MR. HOPKINS: We did not throw him out. The Commissioner could regrade him.

MR. MORAN: There might not be a chance to regrade him. One had known cases in this country where men were really afraid to take promotion offered them because they had not sufficient confidence in themselves to go to the higher position. He asked the Committee to leave the clause in.

DR. ELLIS: The clause should be retained as it stood. It was quite possible to promote a man above his ability and take him out of a position which he had filled very capably. If we had not this clause, there would be a difficulty in putting such a man into a position suitable for him. There were other cases where a man had been injured.

MR. HOPKINS: For that man he would like provision made, if the injury was caused in the execution of his duty.

DR. ELLIS: But a man might receive a mental injury, and if a man suffered mental injury through being heavily overworked we should not cashier him from the service altogether, but put him in a regraded position for which he was suitable.

MR. HOPKINS: Reference having been made to surveyors, he wished to say a word on behalf of such a body of men as the track surveyors, men in the field who had not the comforts of home, and had to put up with the inclemency of the weather, very often for a long period. He could not conceive of a case where a man was fit for manual labour and not fit for clerical labour. In the case of a man being injured whilst engaged in his duties favourable provision should be made for him. It often happened that a surveyor coming back to the head office remained in the professional division instead of going into a lower division. It was not advisable to re-classify to such an extent as to transfer from one division to another. There was no objection to regrading a man within his own division; but there was objection to transferring him from one division to another because of his incapability to fill a position in his own division.

MR. NELSON: The member for Boulder overlooked the fact that the clause, after all, was subordinate to the

general principle of the Bill, which was that efficiency should be the absolute condition for holding office. While provision was made for a transfer from one division to another where a person was incapable of holding the higher position, that person might still be capable of holding a lower position. The clause, therefore, was not in any way dangerous, and did not conflict with the general principle of the Bill; and there was no valid objection to its being accepted by the Committee.

Clause put and passed.

Clause 42—How promotions made:

Mr. MORAN moved an amendment: That the following be added as Subclause 3:—

> Where the Governor does not approve of any officer recommended, a statement of the reasons for not approving any such recommendation and for requiring a farther recommendation shall, within seven days, be laid before Parliament, and if Parliament be not sitting, then within seven days of the next sitting thereof.

This subclause followed the principle we had already accepted, and was really consequential.

The PREMIER: The decision of the Committee on a similar question in another clause governed this amendment.

Amendment passed, and the clause as amended agreed to.

Clause 43—Governor may allow officer to decline promotion:

The PREMIER understood the member for Boulder desired to deal with this clause. It was one of those clauses upon which he (the Premier) did not feel strongly, and it might be of advantage to discuss it.

Mr. HOPKINS: Being so far in advance of public opinion in regard to public service matters, he did not intend to persevere in this matter.

Clause put and passed.

Clause 44—agreed to.

Clause 45—Government schools and teachers:

Mr. MORAN moved an amendment:

> That the words "one of whom shall be a teacher" be inserted after "department" in line 4.

There was an engine-driver on the classification board in the locomotive branch of the Railway Department, and there was a teacher on the Victorian board of classifiers. This was a matter upon which officers of the Education Department felt keenly; and they made a just claim, which was recognised in every other branch, that one of their number should be on the board of classifiers. It was already a recognised principle that parties interested should be represented on boards; and the amendment would give eminent satisfaction to the Government, to the Commissioner, and to the service.

Mr. Hopkins: Giving the teachers an advocate?

Mr. MORAN: Yes.

The PREMIER could not accept the amendment. The two instances quoted by the member were not parallel. In Victoria teachers had no appeal from the board of classifiers. By this Bill they were given an appeal, and they would have representation on the board of appeal; but if they were to have representation on the board of classifiers, we must make the board of classifiers the final tribunal. It was not reasonable to ask that two boards should be established, and that teachers should be represented on both boards. Possibly the member for West Perth overlooked the fact that there was to be a teacher on the board of appeal.

Mr. Moran: Was that specifically laid down?

The PREMIER: The representative of the teachers on the board of appeal had to be in the education division.

Mr. Moran: The representative might be an inspector.

The PREMIER: The representative, if he were inspector, would be elected because the teachers thought him a fit person to represent them.

Mr. Moran: Would election be allowed?

The PREMIER: Yes; there were so many teachers that their votes would carry the day. The division was confined to inspectors and teachers; therefore the teachers would absolutely control the election of the representative on the appeal board. The member for West Perth should withdraw the amendment. The proposal was that three professional officers, in all probability the Inspector General and two inspectors, would constitute the classification board. At the present time the work was done by the Inspector General, and done with an

amount of general satisfaction, it was understood. The work of classification in regard to teachers was not a difficult technical work, but was governed to a large extent by examinations passed and by length of experience.

MR. MORAN: On the contrary there were instances of teachers holding higher grade schools after having passed lower examinations. The question of school and efficiency came in very largely in the Education Department.

THE PREMIER: These anomalies existed because of the rapidly growing demand in the department for teachers; and in some cases it was necessary to offer substantial inducements to men of a certain class to come to Western Australia. All this would be altered by the Bill with regard to future appointments.

Amendment withdrawn, and the clause passed.

Clauses 46, 47, 48—agreed to,

Clause 49—Offences, reprimands, suspension, etc.:

MR. MORAN moved an amendment:

That in Subclause 3 the words "or in his discretion fine him any sum not exceeding £10, and in any case shall determine whether such officer shall be paid his salary or any part thereof for the period of his suspension," be struck out.

This amendment would take from the head of the department the right to inflict fines—a right which ought not to be in the hands of the head of the department. We had the Commissioner to do that sort of thing. True, there was an appeal; but the man who appealed against his boss often was not going to have a good time of it where the boss took a direct interest in running the department. Heads of departments, and even Ministers, had a bias one way or another; but the Commissioner would have no interest but a judicial interest; and the recommendation that an officer should be fined should go to the judicial Commissioner. Then there could be no charge of harassing an officer. Railway men knew what fines meant, for the infliction of petty fines had been a great grievance in the Railway Department.

MR. NEEDHAM supported the amendment because he considered the clause gave too much power to the heads of departments. Fines should only be imposed by the Commissioner.

MR. HOPKINS: If members wished to conserve the best interests of civil servants they would vote against the amendment, for civil servants preferred to be dealt with by their departmental heads.

THE PREMIER: The amendment could not be accepted. He did not understand clearly the object for which it was proposed. There was the possibility of very obvious offences being committed for which an officer had no explanation to offer; also, the £10 fine was the maximum. It was only in cases where the offence was so clear and after the officer had given an explanation, it being obvious to the head of the department that the officer was guilty, that a fine could be inflicted without a formal investigation being held. No officer was suspended for a mere trifle; and after suspension an officer was furnished with the charge, and if he were able to offer no satisfactory explanation the head of the department should be able to inflict a monetary penalty. If an injustice were done the officer had the right of appeal to the Commissioner; but the amendment would mean that when the case was obvious and there was no question of the guilt of the officer, still it would be necessary to hold an investigation on oath before the officer could be dealt with.

MR. MORAN: There was still power for the heads of departments to reprimand or caution officers, but when the head of a department could fine an officer £10, that was a considerable item from his salary. It often proved not to be wise for a junior to appeal against his senior. An officer was not wise in setting himself up in antagonism to his master. The only objection to the amendment was that he did not desire to pile up a lot of detail work for the Commissioner. It would be found after a couple of years that the work of the office would become like the work of any other office. When the civil service of New South Wales was classified there were over 900 appeals, one-third of which were upheld and the others thrown out. After that matters went on smoothly. There would be a large number of appeals here, but matters would settle down. He wished to give the fullest appeal to officers of the service. He might be going a little too far, but it

was in order that the service might be satisfied.

Mr. FOULKES: Some of the clauses were worded very generally. The present clause stated that the permanent head might reprimand or caution such officer. If power were taken from the heads of departments to reprimand or caution, a permanent head would not hesitate to reprimand or caution even if he did not speak to the officer. It would be easy by manner to show an officer that his conduct was not satisfactory. The permanent heads of departments were so busily engaged in carrying on their routine work that many of them did not come in contact with the officers of the department; but the Commissioner would be more likely to come in contact with the officers because he had to check their work.

Dr. ELLIS: The Premier might consider the advisability of lowering the maximum fine. If a permanent head inflicted a fine he could also cover up any offence without the knowledge of the Commissioner. Were a fine justified to the extent of £10, the Commissioner should be acquainted with the circumstances; but a permanent head, where he had a liking for an officer who had committed a serious offence, might fine that officer £10, and the officer, knowing that he was lightly dealt with, would not appeal to the Commissioner. In such a case the Commissioner would be unacquainted with the facts. It might be advantageous to reduce the fine from £10 to £5 so as to make the fines only applicable to minor offences.

Mr. HOPKINS supported the clause as it stood. It was not contemplated that the head of a department would inflict the maximum penalty in every case. The £10 should be left. It was not wise to reduce the amount too low. Officers knew that any shortcomings might be dealt with severely if necessary by the departmental head; but knowing the average departmental heads here and in other States, he did not hesitate to say they were a body of men very closely in touch with the officers under them, and more likely to err on the side of leniency than on the other side. If the provision was found to be bad, the Government could rectify it at a future date.

The PREMIER: The members for West Perth and Coolgardie would not, he thought, object to this provision if they had seen it in operation. He had seen it in operation in other places, and had found it was rarely used, the tendency being too much not only not to fine but to refrain from bringing to book an officer who got somewhat bad in his habits. The clause was not likely ever to be administered in a very harsh manner. It prevailed in two or three public services in Australia, including that of the Commonwealth. During ten years of the time he was in the Victorian public service he never saw an instance of its operating harshly towards any civil servant.

Mr. MORAN: This was one of the minor principles he was putting forward, and as the Committee and the Premier had been most generous in meeting him in the matter of big principles, he intended to withdraw his amendment.

Amendment withdrawn, and the clause passed.

Clauses 50, 51—agreed to.

Clause 52—Appeal to Board:

Mr. MORAN moved an amendment:

That all the words in line 41, "and officer to," in line 42, be struck out, and "any officer may" inserted in lieu.

Here was a big principle at stake. The Bill provided that the Governor might grant leave of appeal, but if this amendment were carried it would stipulate that any officer might appeal. This was consequential on the argument the other night, and no doubt the Premier would accept it.

Amendment passed, and the clause as amended agreed to.

Clause 53—The Appeal Board:

Mr. HOPKINS: In dealing with this question he tried to do what was fair and just between all parties. An appeal court constituted on the lines of this Bill did not commend itself to his mind for the requirements of the country. The Federal Act had been quoted, but the Federal Parliament was young and little tried, and the experiment made might, as time went by, be found in many instances most unwise. He understood that practically there were few members prepared to support him, and this being so he was perfectly satisfied to state his opinion and allow the Bill to go as it

stood. No doubt in course of time members opposite would have widened ideas, and would view many of these questions from the same standpoint as he did now.

THE PREMIER: This Bill was designed in the interests of the public. The Government recognised in regard to this appeal board that while introducing a provision which they believed would be satisfactory to the members of the public service, they were introducing one which would at the same time serve the best interests of the public. If through any mistake made in the administration by the Commissioner the State lost the service of good officers, the State would be so much the worse off. If injustice was done to any officers, not only those officers but the State itself suffered. The State suffered if its service was dissatisfied. For these reasons every reasonable proposal which would, whilst protecting the interests of the public service, do no harm to the State but confer a benefit on the public, deserved the attention of the Committee. In regard to the appeal board, the Government recognised it was possible for the Commissioner, no matter how capable and how good his intention, to make mistakes. They recognised that there was no danger of anything but mistakes, and they felt that he was a proper person to sit as chairman of the appeal board. If they regarded him as likely to give wrong decisions from any other cause than that of making mistakes, they would not propose he should occupy that position. The member for Boulder said the Commissioner was a judge, and inveighed against our first appointing a judge and then establishing an appeal board. Was not an appeal allowed from the decision of a Supreme Court Judge? So we provided an appeal from the Commissioner, recognising that though the Commissioner might be just and conscientious, he was liable to err. The clause was drafted not in the interests of the service but of the people; for every act which made a good servant dissatisfied or caused his retirement lessened the efficiency of the service and injured the State.

MR. NEEDHAM opposed the attempt to delete the clause. The appeal board was one of the most important provisions of the Bill. He disapproved, however, of the composition of the board. The Commissioner should not sit on it to review his own decisions. Judging by other appeal boards, greater satisfaction was given by an independent chairman.

MR. HOPKINS: If the board were established, every officer disagreeing with the Commissioner's decision, either in particular or in general, might appeal. Who would appeal on behalf of the Crown? No one. If the Crown's right of appeal were inoperative, it might as well not have that right; so we would have, not a board of appeal for the two parties interested, but for one party only. The member for Fremantle objected to the board's composition. Its principal member would be the judicial Commissioner, who was deemed independent; the next member would be the advocate of the appellant, and the next probably the departmental head of the appellant.

MR. MORAN: Were all arbitrators advocates except the chairman?

MR. HOPKINS: Undoubtedly. Consider the employers' and workers' representatives in the Arbitration Court. As he was evidently in a minority, he was satisfied to let the matter rest.

MR. MORAN: The last speaker was right in not pressing his views. Australia had adopted the appeal board as the latest expedient for redressing grievances. At first he (Mr. Moran) thought with the member for Fremantle that the Commissioner should not preside at the board; but from an all-round view of the Bill, it became apparent that unless we permitted this we should stultify ourselves. The greatest recommendations of the Commissioner would be his absolute impartiality and his judicial position. He had not the ordinary incentive of the head of a department to keep down expenses, and he had not got into a groove in one department. Whether the appellant won or lost did not concern a Supreme Court Judge in Banco reconsidering his decision in the court below. In New South Wales a large number of officers appealed and were met, with courtesy by the board, and 33 per cent. of the appeals were upheld. On an appeal farther evidence was brought and fresh light thrown on the case; and there would be more time for consideration than when making the general classification. The Commissioner would be able

to place the facts clearly before his colleagues. No one ever dreamt of accusing a Supreme Court Judge of being biased in the Full Court because of his decision at *nisi prius*. Of the two other members of the board, one would be elected by a popular vote of the service, and one appointed by the Government. Ought we not to provide that the second appointment should be agreed to by the two other members? Let us have the board strictly impartial. In any case we should insist that the member appointed by the Government should not belong to the division in which the dispute arose.

THE PREMIER: Members might well accept the clause as printed. While it was not introduced in the interest of the civil servant but of the service, it surely gave officers as much as they had a right to expect, or as much as he felt justified in offering. In regard to the appointment of the second member of the board, the Government should be entirely unrestricted. The clause should be passed as it stood; because if members interfered with it, there was a danger of losing it altogether. It was a very reasonable and liberal provision from all points of view; and any interference in the direction of giving more power to the service was dangerous. The only objection raised came from the teachers, who suggested that the Commissioner should not sit on appeals from his own decisions, and that the Government should not appoint a member of the public service to act on the appeal board as the nominee of the Government. If he (the Premier) were a member of a Government appointing an appeal board, he would object to delegating his powers of appointment in any way whatever, and would be inclined to make any appointment he thought a good one, and to think that he was as well able to determine where the appointee should come from as anyone. It was not intended to exclude from appointments to the board all persons who were permanent officers of the service.

MR. MORAN: That was the old trouble. Governments had their likes and dislikes. Some Governments appointed appeal boards which were a disgrace.

THE PREMIER: That might be correct; but it might be possible that the public servants would elect a person unsuitable to sit on an appeal board. We should have an appeal board constituted of men somewhat of a judicial mind; and his object would be to get a man who would be fair to both parties.

MR. MORAN quite agreed the hon. gentleman would do so.

THE PREMIER was willing to give any Premier the credit for a desire to be fair. Members who wished to retain the clause should accept it as it stood, for they would get as good a clause as they were likely to obtain, and would help to ensure the safe passage of the Bill through the two Houses.

DR. ELLIS: The course adopted by the Government was one that would give the best results, not only to the service, but also to the Government. Probably, next to that clause dealing with the appointment of a Commissioner, this clause was the most important in the Bill; because it provided the safety-valve on which the future working of the Bill depended. The appointment of a Commissioner as chairman of the appeal board was on all-fours with what happened in the courts, and it was dictated by common sense. The Commissioner was judicial, and was intimately acquainted with the cases; and the only condition in which his decision would be reversed would be farther evidence coming before him. When the Commissioner sat on the appeal board he would have the assistance of a member of the service acquainted with the inside detailed runnings, to whom he could convey his reasons for any decision. When a case was stated before a man in a responsible position, he would be found able to recognise that the Commissioner had arrived at the right decision. Therefore the Commissioner should be chairman, and the second member of the board should be elected by the service, to help the Commissioner in arriving at a decision. Regarding the third member, if we trusted the Commissioner and the representative of the service, surely we could trust the Government to make an appointment. Why should the Government not have unrestricted choice, if the service had it? The clause was probably the best conceivable compromise that could be arrived at. Each party interested in an appeal would be represented.

MR. NEEDHAM was not yet convinced that the Commissioner ought to be chair-

man of the appeal board, but as we might lose the clause altogether he would withdraw his opposition. However, the Premier might have adopted the suggestion of the Education Department that the second member of the board should be outside the service altogether.

MR. NELSON: It was understood that the Bill was not to be a party measure and that it was to be submitted to the judgment of the House, and that the Government were to accept, and had already accepted, amendments tending to improve or even to modify the Bill. The member for Boulder forgot the fundamental difference between carrying on a public service like ours and carrying on an ordinary business, and evidently wanted to apply to the public service some of the methods he would apply to his own establishment; but the fact that there was a fundamental difference was proved by the very consideration we were giving to this Bill. The nature of a public service was such that we could not apply to it some of the principles that would apply to an ordinary private enterprise. First of all, there had been dissatisfaction in the service, which tended to prevent the efficient working of the service. For this reason the Bill was brought forward. This particular clause made provision for an appeal; and if an appeal was the right thing, then it was right for the Committee to try to decide what kind of appeal board would be the best. It would be better to have an appeal board of such a nature that, while conserving the interests of the country, it would satisfy the just demands of the service. While he was agreeable to the chairman of the appeal board being the Commissioner in order that we might have something like judicial and impartial decisions, and while one of the other parties should represent the civil servants, the other representative on the board should, as far as possible, be an impartial person not representing the Government in any way; for to all intents and purposes the Commissioner would be a public servant paid to protect the public service.

MR. HOPKINS: The member for West Perth was not likely to succeed in asking for farther concessions. That member had said the third member of the appeal board should be made acceptable to the two other members.

MR. MORAN: That was one way out of the difficulty.

MR. HOPKINS: The member for Hannans had called the Commissioner more or less a civil servant. The civil servants would have a representative on the board, and, according to the member for West Perth, the third member of the appeal board was to be acceptable to the other two. So that, in reality, the Crown had surrendered everything, and the appeal board represented the civil servants. Why not wipe out the appeal board and say that every civil servant should have the right of appeal, and having appealed the appeal should be granted? That might as well be done as to wrap up in a roundabout way the procedure of the board. If any effort were made to farther liberalise the appeal board, he would feel it his bounden duty to urge his greatest opposition to the clause.

MR. MORAN was not specially advocating any alteration of the appeal board but was pointing out the different ways in which an alteration could be effected. The member for Boulder all through had treated the Commissioner as above reproach, but the hon. member did not want an appeal board.

MR. HOPKINS: A judicial Commissioner should be appointed.

MR. MORAN: It was to be hoped that a person who would fulfil the expectations of both sides would be appointed. If the Commissioner was found to be the independent and impartial man that all desired, then we had the centre of the court. Then the Government of the day appointed a representative on the board and the civil servants appointed the other. Then we had the usual Arbitration Court appointed. He admitted there was considerable argument in favour of the clause as put forward by the Government. He would like to see the third representative on the appeal board not an officer of the department about which the appeal was to be held; he would prefer that the third representative should be appointed from outside the service, perhaps a magistrate. The fate of the Bill as a whole was more important to him than the fate of the clause, which was fairly satisfactory; therefore he would accept the advice of the Premier and let well alone.

MR. GILL: There was nothing objectionable in the clause. The main point in connection with the appointment of the third member of the appeal board was that no head of a department should be appointed. On the Railway Appeal Board there was an elective member and a certain salaried officer intended to stand for the position and would have been elected. He (Mr. Gill) advised the officer not to stand for election, and he did not. This officer had a large number of men under him, and some of these men might have been punished on the recommendation of the officer; therefore this officer would have had to sit in appeal on his own cases. It would not be advisable to appoint anyone in charge of a department to a seat on the board. He hoped the Committee would approve of the clause as printed. We should be doing good in establishing an appeal board not only in the interests of the service, but in the interests of the country also.

Clause put and passed.

Clauses 54, 55—agreed to.

Clause 56—Performance of duties and powers of officer in his absence:

On motion by the MINISTER FOR WORKS, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at sixteen minutes past 10 o'clock, until the next Tuesday afternoon.

Legislative Assembly,

Tuesday, 25th October, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

ELECTION RETURN, EAST PERTH.

The CLERK announced the return of writ issued for election to the seat for East Perth, vacant by the resignation of Mr. Walter James; and that Mr. John Edward Hardwick had been duly elected.

MR. HARDWICK took the oath, and subscribed the roll.

PAPER PRESENTED.

By the PREMIER: Post Office Savings Bank, statement of accounts, etc., for the year ended 30th June, 1904.

QUESTION—LAND GUIDES, PAYMENT.

MR. WATTS asked the Premier: 1, Is the Government aware that the payment of land guides, as instituted by the late Government, is causing gross waste of public money? 2, If so, does the Government intend remedying the matter, and in what direction?

THE PREMIER replied: The Government is aware that the land guides in some instances have not given satisfaction, and has taken steps to remedy the matter by dispensing with the services of a number of them with a view to appointing salaried men in their places.

QUESTION—EXPERIMENTAL FARM AT NANGEENAN, COST.

MR. WATTS asked the Premier: 1, Does the Government consider it is justified in spending a large sum of money on the experimental farm at Nangeenan? 2, What is the salary paid to the manager?

THE PREMIER replied: 1, The Government considers it is justified in maintaining an experimental farm at