

The Premier: There was reason for our stonewalling, but there is none for yours.

Mr. Thomson: There has been no stonewalling.

The Premier: What do you propose to do if I report progress?

Hon. FRANK WILSON: The member for Murray - Wellington had finished speaking and the member for Canning had called on the next item and the Premier said if he passed that he would report progress.

The Premier: If I agree to report progress, will you finish these Estimates to-morrow after finishing the motion?

Hon. FRANK WILSON: I do not know how long that debate will take.

The Premier: There you are; I cannot make any arrangement with you. You will not commit yourself.

Hon. FRANK WILSON: I will promise to sit to get these Estimates finished after we have finished the debate on the motion to-morrow but I cannot say that we will finish the debate to-morrow.

The Minister for Works: We had better get them through now.

The Premier: That is an undertaking. If we report progress now you will complete the Loan business to-morrow. We have to get it up to the Council.

Hon. FRANK WILSON: I am willing to do that but I cannot undertake that the debate will be finished to-morrow. We shall be considering the report on a big question and if every member wants to speak when shall we finish it? I will undertake, after finishing the other debate, to complete these Estimates.

The Premier: I am speaking of getting the Appropriation Bill to the Council. They are waiting for business.

Hon. FRANK WILSON: Then start with these Estimates at 3 o'clock and take the other motion afterwards.

The Premier: Will you complete the Appropriation Bill?

Hon. FRANK WILSON: Before we rise, if you wish it. There has been no stonewalling.

[The Speaker resumed the Chair.]

Progress reported.

#### BILL—HEALTH ACT AMENDMENT.

Returned from the Council with amendments.

#### BILL—LICENSING ACT AMENDMENT CONTINUANCE.

Message received notifying that the Council could see no reason for departing from the procedure adopted in amending the Bill.

#### BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

Returned from the Council with a further amendment.

*House adjourned at 12.28 a.m.  
(Wednesday).*

### Legislative Council,

*Wednesday, 3rd November, 1915.*

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

# PETITION — SALE OF LIQUOR REGULATION BILL AND WEST AUSTRALIAN ALLIANCE IN- CORPORATED.

Hon. A. G. JENKINS presented a petition from the West Australian Alliance Incorporated, praying to be heard at the bar of the House in regard to the Sale of Liquor Regulation Bill.

Petition received and read.

Hon. A. G. JENKINS: I move—

*That the petition be taken into consideration upon the reading of the Order of the Day for the adjourned debate on the second reading.*

Question passed.

## PAPERS PRESENTED.

By the Colonial Secretary: 1, Metropolitan Water Supply, Sewerage and Drainage Act, 1909, amendment of by-laws. 2, Metropolitan Sewerage and Drainage department, annual report for year 1914-15. 3, Cottesloe Beach Road Board, resolution adopting model by-laws. 4, Annual report of the Gaols department for the year 1914. 5, Resolutions of Local Boards of Health—(a) Bridgetown, (b) Peak Hill. 6, Health Act 1911-12, regulations. 7, Balance sheet showing profit and loss account in connection with the State Steamship Service, together with Auditor General's report for the year ending 30th June, 1915. 8, Gosnells District Road Board, resolution adopting model by-law.

The COLONIAL SECRETARY: In connection with the balance sheet of the State Steamship Service, I may say that this shows a loss, but with the exception of £450 that loss has all been incurred on one vessel.

## PAPER—STATE IMPLEMENT WORKS, FINANCIAL RESULT.

On motion by Hon. W. KINGSMILL (for Hon. J. J. Holmes) ordered: "That a copy of the information re the financial result of the operations of the State Implement Works handed to the Commis-

sioner during the recent inquiry into the conduct of those works, but refused to representatives of the Press, be laid upon the Table of the House."

## BILL—ROAD CLOSURE.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Schedule:

The COLONIAL SECRETARY: I move an amendment—

*That under the heading "In the city of Perth" the following words be added:—"That portion of the way from Rose-street to Leake-street (formerly John-street), North Perth, abutting on lots 19, 20, and 21 of Swan Location 653, as delineated on plan deposited in the Department of Land Titles, No. 2422."*

Amendment passed.

The COLONIAL SECRETARY: I move a further amendment—

*That the following words be added—"In the Municipality of Fremantle. That portion of High-street starting from the south-west corner of Fremantle Lot 1, and bounded thence by lines extending 219 deg. 50 min. 1 chain 23 7/10 links; thence 165 deg. 11 min. 55 9/10 links; thence 69 deg. 55 min. 1 chain 29 1/10 links; and thence 339 deg. 41 min. 55 9/10 links to the starting point."*

Hon. R. J. LYNN: This amendment will affect High-street, Fremantle, and I think it requires some consideration. I move—

*That progress be reported.*

Motion passed.

Progress reported.

## BILL—LAND ACT AMENDMENT.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to reduce the price of conditional purchase land:

Hon. C. F. BAXTER: I move an amendment—

*That in line 5 the word "ten" be struck out and "nine" inserted in lieu.* My desire is to alter the term from 1910 to 1909. The increases started prior to 1910. The Colonial Secretary gave an assurance that these cases would be considered, and in view of that I think he might agree to the alteration.

The COLONIAL SECRETARY: I intend to oppose the amendment. The year 1910 was inserted for a very good reason, because it was in 1910 that the prices of land were generally increased. Prior to 1910 there was selection before survey, but after 1910 it was all survey before selection, and the general increase took place in that year. There can be no object in making the alteration to 1909 any more than making it to 1908 or any other year.

Hon. H. P. COLEBATCH: I can suggest one good and sufficient reason why we should go back a little further. Take for instance the civil service settlement. The land there was reserved until the 3rd August, 1909. The land west of the second rabbit proof fence was reserved to allow of the surveyed valuation. Land was taken up between the 3rd August, 1909, and the 1st January, 1910. I am stating what has been conveyed to me by the settlers there. They told me that if this is carried they will be shut out, although they paid a higher price to take up the land only a few months before.

The Colonial Secretary: All that land is being repriced at the present time.

Hon. V. Hamersley: Why should it not be in the measure then?

Hon. H. P. COLEBATCH: The argument of the Minister would apply to the whole of the Bill. I want to know whether our carrying it will mean anything. Is there any probability of the amendment being agreed to in another place, or are we risking the passage of the measure by making the amendment?

Hon. C. F. BAXTER: I cannot understand the objection of the Colonial Sec-

retary. He has shown no good reason why we should not go back to 1909. The selectors in the Yorkkrakine area, to whom Mr. Colebatch referred, took up their land in that year, and they will be shut out. They are entitled to every consideration. I think I can give an assurance that any amendments which are made here will be strongly supported in another place, and, so far as I know, will be carried.

The COLONIAL SECRETARY: The reason why the Minister gave instructions that the land taken up by the civil servants prior to 1910 should be reduced was that some of it was taken up towards the end of 1909, and the balance was taken up in 1910, so that unless the whole of it is repriced some of the selectors will be paying very much more for their land than others who have land of equal quality. That would be unfair.

Hon. H. P. COLEBATCH: Will that not apply to other parts of the State?

Hon. J. F. CULLEN: I cannot see any special virtue in "1910," even though at that point the change was made to selection after survey. Is there any reason why justice should not be given to selectors before that date? They are just as much entitled to it as those who selected land under the law after 1910.

The Colonial Secretary: If you make it 1908 the same thing will occur.

Hon. J. F. CULLEN: I understand that 10s. was the maximum price until 1907. If we could rely on the intimation that the Minister would have the land repriced irrespective of any date, there would be no need for the Bill. The measure covers such a wide scope that the Government desire to be fortified by special legislation, and there is no reasonable ground for stating that if the Bill is made to apply to prior to 1910, or otherwise amended, the Government will not accept it.

Hon. H. MILLINGTON: What is the intention of the Government in regard to similar leases taken up in 1909 and 1910? A great proportion of the leases taken up in 1910 were actually valued in the preceding year. Would there be any disparity between the two?

The COLONIAL SECRETARY : Wherever there is evidence of actual injustice in connection with the price of land, the Minister will grant a reclassification. That has been the rule for years past. Without regard to the payment of the fee, the Minister would instruct his officers to reclassify and fix a fair value when any selector had been charged an undue price for his land.

Hon. H. CARSON: The man who asks for a reclassification has to forfeit his lease for the time being, a very serious requirement, and few people would take the risk.

Amendment put and passed.

The COLONIAL SECRETARY: I move an amendment—

*That in line 4 of paragraph (b) "seven" be struck out and the word "five" inserted in lieu.*

Amendment passed.

Hon. J. F. CULLEN: I move an amendment—

*That in the first proviso the words "placed to the lessee's credit, without, however, affecting his liability to continue the payment of annual rent at the reduced rate per acre, until the purchase price, adjusted as aforesaid, and reduced by the amount so placed to his credit, is fully paid" be struck out and the words "applied, firstly, towards paying off any arrears of instalments or interest due by him, and, secondly, towards paying accruing instalments and interest" inserted in lieu.*

The Bill as drafted will not give the settler who may be in trouble relief from instalments and interest which may have accrued. He will not get the benefit of moneys he has actually overpaid until at the tail end of his contract with the Government, perhaps 10, 15 years or more hence. What most of the settlers who have been over-priced really want is present relief, and my amendment would provide for devoting any amount overpaid to pay off arrears of instalments of interest, or to meet the next accruing instalments or interest until exhausted. Help at the tail-end of the lease would be of little value compared with help at the present time.

The COLONIAL SECRETARY: At first sight the amendment appears to be reasonable, but on considering the circumstances it is open to very grave objection. When we consider that under the Industries Assistance Act means were provided for settlers to obtain money from the board—

Hon. J. F. Cullen: A mere fraction of them.

The COLONIAL SECRETARY: And that hundreds availed themselves of the opportunity to get money from the board and are paying interest on it, while others refused to go to the board, and are thus escaping the payment of interest, we should, by accepting the amendment, be placing a premium on this avoidance of their responsibilities. These people still owe money and they will be relieved of the responsibility of paying interest simply because of the passing of this reprising measure. This would not be fair and I hope the amendment will not be accepted.

Hon. J. F. CULLEN: I am amazed at the trumpery, petty notion which has got into the Minister's brain.

The CHAIRMAN: The hon. member is not in order in using those terms.

Hon. J. F. CULLEN: It is the notion I am attacking, not the Minister. The Government have been collecting from settlers much more money than they were justly entitled to. We are going to give redress, but the Government say that if a man has paid £100 more than he should have paid, they will credit him at the end of his contract, perhaps 15 years hence. When in nine cases out of ten they will not care twopence for it. At present, however, this relief means the difference between ruin and success, but the Government propose to withhold it because they have a petty scheme under the Industries Assistance Act whereby they are advancing loan money, which the settlers pay back as revenue into the Treasury, and enable the Government to make a bogus reduction of the deficit. A few of the settlers would not accept advances, and to spite these few the Government want to refuse to hand this money back

until the end of the term. This is not only spiteful but paltry.

Hon. H. MILLINGTON: The matter is not such plain sailing as Mr. Cullen appears to think. If repayments were dealt with as he suggests, the work of the Lands Department would be so dislocated that it might take two years before a lessee able to pay would be called on to pay. As regards settlers unable to pay, I do not know of a case where such a settler has been pressed by the Government. If the fact were otherwise, there might be something in the amendment. An immediate benefit to the settlers from this measure will be the reduced rents, which will operate at once after the repricing.

The COLONIAL SECRETARY: Never in the history of the Lands Department has money been refunded as the result of reclassification; but excess is credited, and it will be credited under this Bill. With regard to present benefits under this Bill, I illustrated the position yesterday by the case of a settler whose land has been reduced in price from 16s. to 12s., and whose annual payments will be reduced from £28 to £16. Yet Mr. Cullen persists that the only benefit to the settler will be at the end of his lease. Doubtless the hon. member hopes that by dint of repetition he may gain credence.

Hon. C. SOMMERS: I would vote for the amendment if I thought it practicable, but it would dislocate the annual revenue of the Lands Department. The time is not opportune for the amendment, which I hope the mover will withdraw.

Hon. J. F. CULLEN: I do not think Mr. Sommers listened very carefully. The Minister has said that those in arrears could apply to the Industries Assistance Board for money to pay those arrears. In that way the Government would be relieved. Therefore, according to the Minister himself, the matter is not a serious one. The amendment would represent a great help to many settlers.

Hon. C. F. BAXTER: I am in sympathy with the amendment, but I do not think it is practicable. Even were it practicable, I would not care to support it, because it asks too much. If a reas-

onable Bill is passed, the farmers will be satisfied.

Hon. H. P. COLEBATCH: I do not think the amendment is wrong in principle. It seems to me that the people who overpaid will never get anything back, if for the purpose of paying they borrowed either from the Industries Assistance Board or from a banker. The interest on the money borrowed will eat up any repayment. However, I do not think there is much chance of getting justice, and so if we can get a decent caricature of justice we had better accept it.

Amendment put and negatived.

Hon. J. F. CULLEN: I move—

*That the following proviso be struck out: "Provided, also, that this section shall not apply to any lessee whose rent to the thirty-first day of December, one thousand nine hundred and fifteen, is in arrear, unless and until such rent is paid."*

This proviso represents just the old saying, "Live, horse, and you will get grass." What is the real inwardness of the proviso? The Government have got hold of the idea that it will be helping socialistic principles to force the land owners into the relationship of debtors to the Government. How can the man whose instalments of rent are in arrear qualify himself to get this little item of justice? He is to get a reduced rental from the time he gets square; but how is he to get square? He will have to mortgage his property to the Industries Assistance Board and thus become a mortgage debtor to the Government. Why should he not have his arrears written off out of his refund of moneys wrongfully collected?

The COLONIAL SECRETARY: This is an amendment consequential on the previous amendment, which was defeated on the voices. All the arguments applying against the previous amendment apply also against this one. A lessee owing rent to the Government can obtain it by approaching the Industries Assistance Board or a bank. If he does not pay the arrears, he is not qualified to come under this Bill.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 3—Annual rent under conditional purchase leases not to exceed sixpence per acre:

Hon. W. PATRICK: In opposition to this clause, I do not think it is necessary for me to add to what I said on the second reading. I then gave ample reason why the clause should be struck out and another substituted. The clause which I propose to substitute in the event of this clause being struck out is as follows:—

The annual rent hereinafter payable under any Conditional Purchase Lease granted before or after the commencement of this Act shall be payable in 60 half-yearly instalments, and the Minister may extend the term of the lease accordingly under and subject to the provisions of the principal Act and the Conditional Purchase Lease during the terms thereof as extended. This section shall also apply to the Conditional Purchase Leases issued under "The Agricultural Land Purchase Act, 1909."

I am sure hon. members will recognise the justice of my proposal.

The COLONIAL SECRETARY: I cannot accept the amendment. The concessions in the Bill represent the length to which the Government are prepared to go. In regard to the latter portion of the proposed amendment, "This section shall also apply to the conditional purchase leases issued under the Agricultural Lands Purchase Act of 1909"—

Hon. W. Patrick: I have modified that. Instead of "under" I have inserted "pursuant to the provisions of." The leases are really under the Act of 1893.

The COLONIAL SECRETARY: I am taking the amendment as it appears on the Notice Paper. It refers to the extension of time from 20 years to 30 years. Even if the Bill were the proper place for the amendment, the hon. member would not be able to achieve his purpose by so simple a course. The whole of the second schedule deals with the payment of half-yearly instalments

extending over 20 years; and there are other principles in the Act itself which would require amending if this amendment were agreed to.

The CHAIRMAN: I must ask hon. members to discuss the proposed new clause only in so far as it relates to the striking out of Clause 3. The question really is, that Clause 3 stand part of the Bill.

Hon. W. PATRICK: The striking out of the clause is contingent on the Committee being persuaded of the justice of the proposed amendment. The Colonial Secretary sees a great difficulty in making the amendment applicable to the Bill. The object of my amendment is to provide for 30 instalments instead of 20. There is no great complication in that. The amendment does not propose to reduce the price of land, but merely to extend the time of payment from 20 years to 30 years. There is every justification for an alteration of the existing system.

Hon. H. P. COLEBATCH: I would like an explanation from the Minister as to a rather curious anomaly likely to be set up by the system proposed in Clause 3. Consider an instance: Two men each take up a thousand pounds worth of land. One man takes up 2,000 acres of 10s. land and the other man 1,000 acres of 20s. land. Under the system in the clause the man with 2,000 acres of 10s. land will pay £50 per annum in rent, while the man with 1,000 acres of 20s. land will pay only £33 per annum in rent; and at the end of the period, if we capitalise the value, the man who took up the poorer land will have paid equal to £641, and the man who took up the better class land will have paid equal to £529. Is it proposed that this should be adjusted, or is it intended that the anomaly should exist?

Hon. W. Patrick: It was to rectify that, that I moved my amendment.

The COLONIAL SECRETARY: The hon. member will find that both parties pay only interest and nothing more, and the same rate of interest.

Hon. H. P. Colebatch: Do you dispute my figures?

The COLONIAL SECRETARY: I have not checked them.

Hon. H. P. COLEBATCH: Is it not a fact that when two people take up, each a thousand pounds worth of land, the one parcel being at 6d. per acre and the other at 1s. per acre, the one who has the sixpenny land will pay £50 per annum rent and he who has the 1s. land will pay only £33, and in the long run the man with the dearer land will get an advantage of nearly £120. What excuse is there for it?

The COLONIAL SECRETARY: In order to afford opportunity to the hon. member to secure the information he desires I move—

*That the further consideration of the clause be postponed until after Clause 9.*

Question passed.

Clauses 4 to 9—agreed to.

[The President resumed the Chair.]

Progress reported.

#### SELECT COMMITTEE, RETIREMENT OF C. F. GALE.

*To adopt report.*

Debate resumed from 28th October on motion by Hon. J. J. Holmes "That the report of the Committee be adopted," and on an amendment by Hon. J. Cornell "That paragraphs 4, 9, and 10 be struck out."

Hon. J. DUFFELL (Metropolitan-Suburban) [4.12]: I have been rather surprised at the attitude taken up by Mr. Cornell on this question, seeing that the hon. member is ever one of the first to rise to his feet when anything in the nature of an injustice to a worker is mentioned. I have no hesitation in saying that a very grave injustice has been committed in the case before the House, inasmuch as a servant who has given over 20 years faithful service to his country, and who has earned the highest opinions and esteem of his fellow workers, has been suddenly called upon to retire. The news con-

tained in the letter received from the Honorary Minister that a faithful servant was to be abruptly retired seems to have come upon the Public Service Commissioner as a shock, and in his dilemma he seeks, within the four corners of the Public Service Act, some grounds for his appeal which his reply to the Honorary Minister contained, whereby he can justify himself in calling on a servant of the State to retire. But we are called on to consider the grounds which are placed before the Public Service Commissioner when he was requested to make this retirement, and from the evidence which was laid before the House at the time the select committee was appointed, there is no mistake from the file which was laid on the Table, that it was a question of economy. That was the great point stressed by the Honorary Minister when he wrote to the Public Service Commissioner with this in view. To make quite sure that there was no mistake about it, the question was asked Mr. Jull, the Public Service Commissioner, when giving evidence before the committee. This will be seen by reference to question 280, in which he says—

*The only motive at the back of Mr. Gale's retirement, so far as I know, is one of economy.*

Again, to make doubly sure, in question 410 the Chairman asked—

*You told us you retired Mr. Gale to effect economy?*

To which Mr. Jull replied, "Yes." I will ask the House to consider for a few moments the position of the Government. After four swift years in office they have succeeded in mounting up the gross indebtedness of the country from 23¾ millions to over 37 millions. Suddenly faced with the position they have to consider economies and with that object in view one of their first actions is to retire a civil servant who, as I have already stated, has given over 20 years of his life in faithfully carrying out the duties of his office. It is enough to make the waste paper basket under the table blush with very shame to think that the Government should call on any civil servant to retire without just

cause, to illegally call on him to retire—I stress that point—as a means of economy. I cannot for the life of me conceive that was the policy of the Government when they retired Mr. C. F. Gale.

The PRESIDENT: The question before the House is the striking out of paragraphs 4, 9, and 10 of the report, and I ask the hon. member to confine himself to that portion, and not to traverse the whole subject.

Hon. J. DUFFELL: I submit most respectfully I am confining myself entirely to that, inasmuch as the objection to the report is the illegality of it, and I am proving from facts that the report submitted to the House is in order and that the retirement of Mr. Gale was illegal. I have been hunting around to find, if possible, some further grounds for this so-called economy, and I must admit that I have failed to find that which will convey to my mind anything in the nature of economy in the retirement of Mr. Gale, proving that the report which the committee have submitted to the House for their consideration is a just report, and that the action of the Honorary Minister was illegal. I ask members to turn to question 710, bearing in mind the fact that the Public Service Commissioner in retiring Mr. Gale retired him according to the Executive Council minute under Subsection 7 of Section 9. Mr. Sayer, the Solicitor General, when asked the question said—

I should not think the retirement of Mr. Gale was within Subsection 7. I should not think it is applicable, I should not regard him as an excess officer within the meaning of that section.

Again, in question 714, the Chairman asked the Solicitor General the following—

My question a little while ago, which you have not yet answered, was whether in your opinion Mr. Gale had been illegally retired.

And Mr. Sayer replied—

I have to give you a reason for my opinion. I could not say in my opinion he had been unlawfully or legally retired, all I can say is this: that while

Mr. Gale is within the Public Service Act, and so long as the office that he fills continues, he cannot be removed from that office without cause personal to himself, that is incompetence or misconduct, unless there is a reason in the Public Service Act to justify it. Again, in answer to question 719 Mr. Sayer says—

There is no doubt about that. So long as an office exists within the Public Service Act, the individual for the time being filling that office has a right to retain it until he reaches the retiring age, unless, for some cause personal to himself, such as incompetence or misconduct, he is removed. But it is still within the power of the Government to abolish an office and if an office is, in fact, abolished, the officer leaves the service. There is nothing in the Act to render it necessary for an office to be continued in perpetuity and, therefore, an office, being no longer needed, can be abolished.

Then in question 746 the witness is asked—

What we are concerned about is, can a recommendation by the Commissioner over-ride the Public Service Act?

And Mr. Sayer says "No." I need not read what has already been brought forward in the debate in questions 765, 766, 767, and 768 by Mr. Cornell. Members can turn to them, and they will there see that the action in retiring Mr. Gale is not within the prescribed conditions of the Public Service Act. I would ask members therefore—I do not intend to labour the question—to bear in mind this fact. Mr. Cornell, in his opening remarks, said the whole of the evidence was *ex parte*. The fact remains we could not go outside the responsible officers to get the information we desired. The responsible officers of the public service, the Public Service Commissioner and the Solicitor General, gave evidence, and had to be guarded in their replies and very careful in the statements they were making, fearing that they themselves might, on some future occasion, be called upon to undergo similar treatment to that meted out to Mr. Gale. With these remarks I



desire to say that I fully endorse the opinions which we brought forward in our report, and I have no hesitation in saying from the evidence we obtained on the committee—I regret the chairman is not here, because he would have further added to my remarks with something else of a nature which possibly would have surprised members—that we had no doubt whatever in arriving at our conclusion that the retirement of Mr. Gale was illegal, and further that we recommend his immediate reappointment.

Amendment put and negatived.

Hon. H. MILLINGTON (North-East) [4.27]: I did not speak to the amendment, because I wish to speak in a general way, as intimated by Mr. Kingsmill, as the matter affects the public service, Mr. Gale, and the general public. I wish to state, in discussing a matter of this description there is liable to be some misconception as to one's attitude. In the first place I am not one of those who gloat over the misfortune that has befallen a man owing to his being dismissed from a good position. I do not know Mr. Gale, but naturally I have a certain amount of sympathy with him, or with anyone who may meet with similar misfortune. It is not my intention to in any way attempt to discredit Mr. Gale, or say that he was not a first class officer and did not carry out his duties to the benefit of the Government. I maintain that the action of the Government in dismissing Mr. Gale, and their reasons for so doing have not disclosed that they had any personal bias against that officer. They have stated that their sole reason was one of economy. They have not found fault at the manner in which Mr. Gale administered his department; they have found no fault with him as an officer. Again, the matter of his classification has been referred to by the committee, and it has been suggested that the classification was justified. I am not going to attempt to argue that a man of Mr. Gale's attainments was not worthy of his classification. I am not in a position to state what his particular qualifications should be classified at. I maintain that has nothing to do with the pre-

sent case. It is not a case of whether Mr. Gale was worthy of the classification from £508 to £636, or whatever it was, but the whole question to my mind hinges on whether his services were required by the Government or not. If an officer of this description was required, we can assume that the Government would have been quite prepared to have paid whatever was decided on by the Civil Service Commissioner. I maintain that they also have a right to say whether they require officers of his particular ability, and of that classification in that department. It has been pointed out that the Aborigines Act sets out that the Chief Protector of Aborigines must be appointed, but the Aborigines Act, I take it, does not set out that the Chief Protector of Aborigines must be a man of a certain classification, and must have a separate office and so forth. It merely provides that a Chief Protector of Aborigines shall be appointed. The Act does not say that it shall be an office in a separate department. For some time it has been the policy of previous Governments to have this Department in a separate office. In looking to the Aborigines Act for support, I see that it does not at all make it compulsory on the part of the Government to establish an office by itself, and that the Government have in no way infringed that Act by amalgamating the Aborigines Department with another department. A good deal of stress has also been laid on the alleged illegality of Mr. Gale's retirement. I do not know that it affects the present position very much, or that it is of very much interest to refer to the legal quibbles which have been raised. Those who held the view that Mr. Gale was illegally retired could, by going through the evidence, find justification for saying that there is some doubt as to whether he was retired under the correct subsection of Section 9. They could certainly find enough to build up some kind of a case. It seems to me, however, after reading carefully through the evidence given by the Solicitor General and also by the Public Service Commissioner, that one cannot find any de-

finite evidence given either by the Solicitor General or by the Public Service Commissioner setting out definitely that Mr. Gale was illegally retired. The only definite opinion I can find is that expressed by members of the committee. The committee say—

The Crown Solicitor, Mr. Sayer (whose legal opinion was not sought by the Public Service Commissioner) giving evidence before your committee stated that in his opinion Mr. Gale could not be considered an excess officer.

They then go on with their finding, at all events the finding of two members of the committee, the hon. Mr. Holmes and the hon. Mr. Duffell. They also say that Mr. Sayer appeared to think that Mr. Gale could not be legally retired under the Public Service Act, he not having committed any offence, being under the statutory age of retirement, and his office not having been abolished. I do not know how Mr. Sayer "appears to think" or what evidence the members of the committee have adduced by which they can tell what Mr. Sayer did think, or that he thought such a thing. They only say that he "appeared to think," but they themselves say what Mr. Sayer did not definitely say. The only definite statement we have is not given by the gentleman who is legally qualified to give an opinion but by those who, having taken the evidence—and I do not wish to infer that these hon. members have willingly misrepresented the case—have probably formed their opinion as a result of unconscious bias, and it appears to me as if the two more members of the committee who have decided in this way on the evidence taken must have had a severe attack of that particular complaint. In order to show that Mr. Sayer particularly has not given any definite opinion on this question, I would just like to quote from the evidence which was given.

Hon. F. Connor: Quote the Commissioner.

Hon. H. MILLINGTON: The Commissioner is pretty definite that the Gov-

ernment had the necessary power. I understood that the committee got the advice of Mr. Sayer in order to get a qualified legal opinion. The Commissioner, in no instance, definitely states that Mr. Gale was illegally retired.

Hon. W. Kingsmill: I should not think he would; he was on his defence.

Hon. H. MILLINGTON: As a matter of fact, considering that there was only one legally qualified gentleman who gave evidence, I take it we have to depend upon that evidence. I fail to see that there is anyone, with the exception possibly of Mr. North, who definitely stated that Mr. Gale was illegally retired. Question 703 deals particularly with this point. The chairman of the committee asks the question—

After reading that subsection what meaning is attached to the term "excess officer"?

Mr. Sayer replied—

If there are more officers than necessary in a department, more than the business requires. I should take that to be the meaning of excess officer.

Hon. W. Kingsmill: Read Question 710.

Hon. H. MILLINGTON: Those who wish to read any particular section of the report can do so. The hon. Mr. Duffell quoted those parts of the evidence which suited him. I am prepared to read right through Mr. Sayer's evidence. I do not think that any hon. member can show where it has been definitely stated that Mr. Gale was illegally retired. There was a prolonged attempt to make Mr. Sayer say definitely what the committee themselves say very definitely, but they failed to get a definite reply from this legal adviser of the Government on that occasion. Having failed to get legal advice to agree with their particular opinion, they quietly flouted that opinion and gave their own opinion, and got over the difficulty by saying that Mr. Sayer "appeared to think." They made a brilliant attempt to make him say that Mr. Gale had been illegally retired. It is a very difficult thing, however, to get a lawyer to commit himself when he does not de-

sire to do so. Mr. Sayer took good care only to answer the questions which were put to him. He did not enlarge, as the committee have done, in regard to the legal aspect and consequently, right throughout the piece, he has not committed himself. In question 720 Mr. Sayer makes the following reply to a question asked by the Chairman:—

I cannot give you a categorical yes or no.

I suppose that is another definite opinion which the committee have taken. When Mr. Sayer says he cannot give a categorical yes or no I presume they gather from that that he "appears to think" that Mr. Gale was not legally retired. This, however, is not borne out by the evidence. Question 732 also contains an answer by Mr. Sayer. The answer to a question as to whether Mr. Gale was an excess officer or not is given by Mr. Sayer as follows:—

I should not regard that as a question of excess officers, but as the abolition of one office as an independent office. It is creating a combined office. You abolish the offices as distinct from each other, and create a combined, an amalgamated office, in the place of two.

As to whether the Government have power to create a combined office, the Civil Service Act, of course, requires interpretation. The fact remains that they have done so, but from all the evidence which was taken from the Commissioner and also from Mr. Sayer it appears that they have power to amalgamate offices if they so desire. Again, in question 738, and the answer thereto we find the following:—

The reason we raise this question of amalgamation is that by a system of amalgamation of offices the Public Service Act could be made not worth the paper it is printed on?—You say it might be abused.

Then we have Mr. Holmes' question which was asked on a previous occasion. He asked the Public Service Commissioner and Mr. Sayer this particular question. He appears to think it was

a poser and sets up a supposititious case. He asks the following question:—

For the purpose of illustrating my meaning: According to the Public Service Commissioner, if he is instructed by the Government to retire qualified men, and appoint in their stead men not qualified, he is bound to do so. I do not say that I am about to describe what would happen, but it could happen. The Government might decide this week to amalgamate all the departments, and bring the whole of them under one head, dispensing with all the present heads of the departments except one. In that way they would get rid of all the highly paid qualified and competent men at the head of the public service. Having accomplished that, they could, a week later, alter their policy and decide that they would have the business of the country run by numerous heads of the departments, and they could appoint another set of officers at a lower rate of pay; officers competent or incompetent; that would not matter, so long as they were cheaper. If such a thing as that did happen—and it can happen if the Public Service Commissioner's construction of the Act is correct—would not that render the Act not worth the paper it is printed on, and would it not place the public servants of this State on the horns of a dilemma, so that they would not know where they were?

To this Mr. Sayer replied—

No doubt, if it could be carried to that length.

I should think a lawyer would give a reply like that to such a statement. If a man could make a supposititious case sufficiently ridiculous he could make out almost any case, but it would lose its logical force. The case put forward by Mr. Holmes is ridiculous. It is something which could possibly happen but which is altogether outside the bounds of probability. If one could get a man to admit this line of argument one could assume anything at all. If people indulge in logic of that description they

can get any result they like. Mr. Holmes then goes on—

My point is this. If that should be done, and according to the Public Service Commissioner it can be done, is the Public Service Act any use to the public servants?

Then Mr. Sayer in the same dry manner replied, "Not if you can conceive such a proposal being carried to such lengths." That is exactly the attitude any un-biassed judge would take on being asked such a question. I do not suppose any body of responsible men would attempt to go to such ridiculous lengths as set out by Mr. Holmes, and therefore, as it is beyond the bounds of probability it is something we need not take the slightest notice of. As the Solicitor General points out, it is something which need not be considered as it would be impossible to conceive any Government going to such length. In question 747, Mr. Sayer was asked "Then why all this supposition?" and he replied, "A recommendation cannot over-ride the Public Service Act, but if I had to look for some reason in the Public Service Act, I should take Subclause 2 of Section 9." Mr. Sayer states in two or three places that in his opinion, Mr. Gale could be legally retired, but he would prefer to take Subsection 2. Mr. Sayer also points out it is a matter of no consequence as to which subsection Mr. Gale was retired under. Therefore, although he does not say definitely even under that subsection that he cannot be retired, he makes a statement that it is immaterial whether he was retired under Subsection 2 or Subsection 7. Certainly in regard to that matter, it would only amount to a legal quibble. In any case, if the Government have the power under other subsections, and in their opinion he had to be retired, it was just a question of time and he would have been retired. Mr. Sayer was asked in question 760 to express a definite opinion, and he replied, "I do not wish to express any positive opinion. I think the case might come within that subsection." He was referring then to Subsection 2. Then, in question 770, Mr. Sayer was asked what

Mr. Gale's legal position was, and he replied, "I do not think it is at all material as to what subsection the Commissioner chose to quote. If he stated Subsection 7 in mistake for subsection 2, there is nothing in that." Although two members of the committee went to a considerable amount of trouble to try and get Mr. Sayer to admit that Mr. Gale had been illegally retired, on going through the evidence we do not find it anywhere definitely stated by Mr. Sayer that he would be prepared to state Mr. Gale had been illegally retired. And he does not make the statement that there is not sufficient authority under the Public Service Act to allow such an officer to be retired. Mr. Kingsmill referred to the bad effect this would have on the civil service. That is borne out by the opinion of one of the witnesses, Mr. Stevens I think it was. I can quite understand that it would have that effect. Probably it would be just as well in the interests of the public, and perhaps in the interests of the service, that there should be a little bit of a flutter in the dovecote occasionally. In dealing with that particular phase of the question, Mr. Duffell referred to the fact that usually Mr. Cornell was found fighting for the rights of the worker against whom any injustice had been done. In matters of this description, my sympathies are always on the side of the employee, but when it comes to a question of justice, and presumably it is the duty of the Government to deal out justice, I maintain that so far as the great majority of the workers in this State are concerned, it matters not whether they are engaged in manual labour or brain work or both, they naturally endeavour to get the best conditions possible. My experience has been, when endeavouring to get better conditions for workers outside the service, that there is no possible hope of securing concessions similar to those which are given to members of the civil service. The Public Service Act appears to me to be an agreement between the people who employ the members of the service on the one part, and the civil service employees

on the other part, and the agreement is the best I have ever perused between employer and employee. Presumably the civil service are not yet satisfied with the terms of that agreement. But I would like to see some of the conditions put into effect so far as outside employment is concerned. We have to consider that although it is an excellent policy to have the civil service a model service, and that the Government should be model employers, I maintain that we have to take the view that the outside public, or a great many of them, are wage earners, who have to pay for the upkeep of the service, and at the same time they are not able to get for themselves the concessions which are given to the employees of the State. I was once a delegate appointed to try and get better conditions for the workers on the Eastern Goldfields. For a number of years they had not had one holiday during the whole of the 365 days. They worked even on Sundays, and after agitating for a number of years, we got, as a gracious concession, two holidays in the year, namely, Christmas Day and Eight Hours Day, and although we got that gracious concession, it was granted without pay. These people have to pay for the upkeep of the civil service, which, it is admitted, exists for the benefit and convenience of the general public. When this fact is recognised, one does not expect to get much sympathy from them towards the service, especially when such complaints as the one before the House are brought up for consideration. If those who are advocating the claims of the civil servants would only show some of their sympathy to those who do not get anything like the consideration which is granted to the State servants, perhaps some good would be done. If outside employers could be induced to give to their own employees some of the concessions which are granted to the civil servants, then I say we would be justified in giving the best terms to the civil servants. It seems to me there is an anomaly here, but it has no chance of being rectified because the outside employer insists upon reserving to himself many

rights which the State employer does not possess. In regard to holidays, the State service is far better off than outside employees. But the one question is the question of the right to dispense with the services of an employee. If there is one thing that an employer will never give away, it is the right to dispense with the services of one of his employees at any time and under any conditions. Whilst the employer has this right, he knows he has full control over the people he is employing, but that is a right which I am satisfied employers will never give away. I remember an instance on the Eastern Goldfields where a mine manager drawing a salary of £2,500 per annum was sacked by a director of the company after a few days' notice, and incidentally I might point out, although they had to pay him six months' salary, which he got through the civil court, at the same time it was the best money the company ever spent. As a matter of fact, if the man had continued in the position of manager, the mine, which is still working to-day, would probably have been closed down. In many instances, too, the employers refuse to give reasons. They are not taking any liability on themselves for stating why a man's services have been dispensed with, and in every way they are protected. The members of the civil service have the best agreements of any body of workers, and I have studied the men in the service, and the officers particularly know perfectly well that it is better for them to retain the conditions they have rather than that there should be any tinkering with the existing Act. Either the president or the secretary of the Civil Service Association was asked if he did not think civil servants were under the impression that so long as they complied with the Act their positions were assured and the reply was that 90 per cent. of them were of that opinion, and the fact that the Government had power to amalgamate offices and dispense with the services of some officers was a condition which they did not think existed. It is a well-known fact that, in relation to any Act that affects the workers, there

is a good deal of misconception as to its application. If we asked the average worker under the Workmen's Compensation Act whether he could claim a lump sum for an accident he would reply in the affirmative, but because 90 per cent. of the workers are of that opinion, it does not prove that the Act does set that forth. In connection with the Arbitration Act, a good many of the men were under the impression that a certain section of workers could approach the court and, although they were supported by legal opinion, when they tried to do so they found they could not do so. Therefore, the fact that 90 per cent. of the civil servants interpret the Public Service Act in a particular way has nothing to do with the case, and it does not prove that the Government do not possess the power which they claim to have. I believe Mr. Kingsmill referred to the question as it affects the general public. I will not labour that part of the question except to say that the Government at present are representing the people of the State. They have put into effect a policy of economy. On every occasion when the Government have endeavoured to effect a measure of economy, there has been an immediate outcry from some section of the community. It is a mistake to say this was the first measure of economy. There were several before it. In one instance, it was proposed to curtail the train service in the metropolitan area and immediately two orators at the park protested, and one of them had no interest in the district, but he knew that on the general principle, it would be popular to protest against the curtailment. I had occasion to justify the action of the Government on the eastern goldfields in connection with the raising of the railway freights. There was a strong protest in that area, but I did not make a good fellow of myself by condemning the Government. I attempted to show that, in common with other people in the State, the residents of the goldfields must bear their share of the burden. It would have been easy to attempt to defame the Government for their action,

but I felt that, as the people throughout the State were suffering in consequence of the strenuous times, it was my duty to urge the justification of the Government's action. On numerous occasions, the Government have taken action in the interests of the people, and on not one occasion has it met with approval. The matter of economy is one which must be worked out by the departments. It has been shown that the amalgamation of these offices, independent of the saving of the salary of the Chief Protector of Aborigines, would result in economy, but, considering that this is only part of a general scheme of economy, I maintain it is justified. I feel a certain amount of sympathy for Mr. Gale, but I am prepared to stand by the Government. I have never yet advocated that any man should be employed as a labourer or in an official position if his services were not required. The only reason which need be given in other walks of life, and a reason which is never questioned, is that a man's services are not required. It matters not what the value of his services are; if they are not required, the man is told so and he is dispensed with. It is not a question of Mr. Gale's efficiency. The Government have to take the responsibility of saying they can do without the advice and services of an expert. This matter has received consideration because the evidence sets forth that Mr. Gale has been an excellent officer. He took over the department and, as we expected from a man of his ability, he in conjunction with the Minister of the day reorganised the department and is responsible for it being in its present state of efficiency. I am prepared to give Mr. Gale credit for this. But the same position often arises in commercial life. It might be necessary when installing machinery to employ a highly skilled engineer. I know of a case in which an engineer was employed at the rate of £1,000 a year to instal mining plant. On the completion of his work, his services were almost immediately dispensed with, and an engineer was appointed to run the plant at a salary of less than half of what was paid the other

man. It was not because the engineer who installed the plant was not competent. Although he possessed the high qualifications to enable him to instal the plant, they were not required in running the plant.

Hon. W. Patrick: I suppose he would be engaged for a specified time.

Hon. H. MILLINGTON: I think not. Mr. Gale certainly deserves credit for his work in the department, but the whole question hinges in the point whether, under the present circumstances, we are justified in making this economy, and this is a matter purely for the Government to justify. I have not the necessary data relating to the inner working of the department, but the Government must take that responsibility. If expert advice is required, they will be able to obtain it from Mr. Gale or from some other qualified man outside the service. In many instances, expert knowledge is obtained in this way for a specified time where a firm would not be justified in employing an expert constantly. The Government have been responsible for dispensing with Mr. Gale's services. They have stated that a man of his qualifications is not necessary, and I understand that is the sole reason for dispensing with his services. Regarding one very contentious point, I totally disagree with the committee's inference that the Solicitor General considered Mr. Gale was illegally retired. Although the committee contend that Mr. Gale was illegally retired, there is nothing in the evidence to show that the Government had not the power to retire him or that they acted illegally in so doing.

Hon. F. CONNOR (North) [5.10]: This is a question which can be decided on one or two points. The principle one is whether Mr. Gale has been illegally retired. We must give some consideration to the opinion of the committee who have taken the trouble to investigate the question, and they say that he has been illegally retired. If they are wrong it is their misfortune. I am determined to support the motion. On the original motion I made some remarks regarding

Mr. Gale. I probably have a better knowledge of the requirements for the office of Chief Protector of Aborigines than most hon. members because, for a long time, I lived in the North. I know what qualifications are required in the man filling this position, and I have no hesitation in saying that Mr. Gale possessed them to a very high degree. Whether or not Mr. Gale was legally retired, the justice and equity of the case is a matter which must be considered. Although I agree with the committee and dispute the right of the Government to dismiss Mr. Gale as they have done, I appeal to members to consider the justice of the case and judge the question from that point of view. Mr. Gale has shown that he possessed the necessary qualifications for the office. There was not a black mark against him. He had been 22 years in the service of the State and in everything he did he gave satisfaction; yet he has been retired and what was the excuse for retiring him? The Government say that the office is not required, but under the Constitution and under the Aborigines Act it is required. Someone must hold the office, and will anyone tell me that the gentleman who has been appointed—Mr. Neville—excellent officer though he might be, is capable of discharging duties which require the knowledge and qualifications possessed by Mr. Gale. I say he is not. The attitude of the Public Service Commissioner is worthy of consideration. Mr. Millington quoted the Solicitor General. We know Mr. Sayer to be a very able draftsman and we know that he has never said "yes" or "no" in his life; he would not know how to say either. He is a most excellent and able gentleman in his own line, but does not know how to say yes or no. We have a right to take the opinion of the Commissioner, the man who is in charge of the civil servants of the State. If hon. members will read the files which have been laid on the Table they will find that the Commissioner said he did not admit that Mr. Gale was legally retired. He not only did

not agree that he should be retired but he intimated that he should not be retired. That is the trend of the letters which passed, and of the evidence which was given before the Select Committee by the Commissioner. It is not so much a question in this case of the legal opinion or of Mr. Gale being illegally retired, because if he was illegally retired he has our courts of law in which to seek redress. What we have to deal with, however, is the moral aspect of the case. We have to deal with it from the point of view of equity and justice as to whether Mr. Gale should have been retired or not. I unhesitatingly say, and I do not think there is any member in the House who will disagree with me, that Mr. Gale was unfairly retired. He was retired at the age of 54. The Commissioner admits that until Mr. Gale reached the age of 60 there was no reason why he should be retired, unless it was for some misdemeanour or for doing something which he should not have done. But no one has intimated that Mr. Gale has been guilty of any misdemeanour. It is a question of the policy of the Government which has to be carried out when it suits them. We have had men retired from the service who have reached the age of 60 years, and because of that they have been legally retired. Will any hon. member, however, say that the country has received any benefit from the retirement of Mr. Roe, Mr. Cowan, Captain Hare, and other gentlemen of that calibre? But the Public Service Act, however, provides for this sort of thing and the retirement has, therefore, been legal. It is, however illegal to retire a man without any reason. We now come to the question of economy. The Government talked about retrenchment, but where is there any retrenchment? What is the difference between this man's salary and his pension? If the Government do what is just they will give him the full pension which under the Act he can claim and under certain sections of which Act he can receive a pension almost equal to his salary. Here is a man who was of use to the service in

many respects. He was not only useful in connection with the Aborigines Department, but in connection with the Stock Department by which his services were repeatedly utilised, and yet Mr. Gale has been retired in order to save a few paltry pounds a year. I am of opinion that Mr. Gale was illegally retired. I would intensify that remark by saying that if he was not illegally retired he was at least unfairly retired. I intend to support the recommendations of the Committee.

Hon. W. KINGSMILL (Metropolitan) [5.20] : I hope we shall be able to pass this motion before the House rises. The hon. members who are opposing the adoption of this report and are proposing amendments to it, have acted in this manner because of their desperate attempt to prove the legality of the retirement of Mr. Gale. There is no doubt in the mind of Mr. Sayer that Mr. Gale if he was retired under Subsection 7 of Section 9 of the Act, was illegally retired. Mr. Sayer in his evidence said:—

I should not think the retirement of Mr. Gale was within Subsection 7. I should not think it is applicable. I should not regard him as an excess officer within the meaning of that section.

To everyone who knows Mr. Sayer that is a marvellous expression of opinion, and I am sure the leader of the House will bear me out in this statement. Mr. Sayer is counsel for the defence, and the Commissioner is, so to speak, in the dock. Yet this gentleman expresses this opinion. I think it is wonderful that he should do so. Apart from that let us consider the equity of the matter, the benefit to the service and to the public, leaving Mr. Gale entirely out of the question. On this point alone the verdict must undoubtedly be in favour of Mr. Gale. The one reason why it was found possible to retire Mr. Gale was that the Honorary Minister (Hon. R. H. Underwood) would take up the expert portion of his duties and supply the necessary expert advice. That is plainly shown upon the file. But if that was so, why did not Mr. Under-



wood come forward and give evidence before the select committee in order to show that he was able to undertake that work? To show how abnormal his conduct was, and to show what a breach of courtesy he committed—how can we expect courtesy from that hon. gentleman, for “do men gather grapes of thorns or figs of thistles?”—and further what abnormality there was in the conduct of another place—from which we might expect courtesy—in refusing to consider the essentially reasonable request which was made by this Council, I need only refer to the manner in which the Messages from this Chamber on this subject have been treated. I think it will be admitted by anybody who has looked into the subject that the only reason why the request was forwarded by members of this Chamber to the Legislative Assembly was with the object of prevailing upon the Honorary Minister to give evidence before this particular select committee. It is intended that in addition to the privileges enjoyed by members of Parliament they should also have this additional privilege bestowed upon them. Any ordinary individual, if summoned by a select committee by either House, must give evidence or suffer all sorts of pains and penalties if he declines to do so. In the case of a member of Parliament, however, he has the option of saying whether or not he wishes to give evidence, and that is the reason why the permission of another House is asked for. If a member of another place does not wish to give evidence, all that he need do when the request is brought forward is to rise in his place and to say that he does not desire to give evidence. The matter is then absolutely dropped. On the other hand, however, if the member does wish to give evidence, he need not wait for the permission of another place, but can come forward and give it without permission. We find that for weeks the first message from this Chamber to another place was disregarded and that for weeks also the subsequent message sent from this Chamber was disregarded as well. Mr. Underwood did not think fit to justify the claims he made of the possession of suffi-

cient expert knowledge to enable him to assume those particular expert duties connected with the Aborigines Department in an honorary capacity. Let us examine for a moment the fate of messages of this description on previous occasions. On March 3rd the Colonial Secretary was asked by another place to give evidence before the Whaling Select Committee, and a message to that effect was sent to this House on that date. The message was replied to on the same day in the affirmative. On September 16th, 1913, a message was sent from this Council asking that the Hon. Mr. Angwin should give evidence in relation to the West Province election before the Select Committee appointed to inquire into the matter. A message was sent granting leave on September 16th. On September 24th the member for Albany (Mr. Price) was asked to give evidence before the same select committee and a reply was given to the message on the same day. The treatment, however, which has been meted out to messages sent from this Chamber in connection with the inquiry into the retirement of Mr. Gale looks to me like an intentional slight upon this part of the legislature by the other part of it. It looks also like an intentional evasion of the liabilities of the Honorary Minister in regard to the file which was laid on the Table. I regret to have to say this, but that is certainly the impression which was conveyed to my mind. We can only arrive at the conclusion that the Committee is quite right in saying, as they have practically said, that the Honorary Minister, so far as he himself was concerned, allowed his case to go by default. I hope the report will be adopted, and if possible that the last clause in it, namely, that Mr. Gale should be requested to resume his duties, will also be adopted.

Hon. H. Millington: It is not compulsory, is it?

Hon. W. KINGSMILL: Unfortunately, it is not.

Hon. J. F. Cullen: It is none the less strongly put.

Hon. W. KINGSMILL: Quite so, and it is none the less equitable. The equity

of the case has not been touched upon by opponents of the report. They have simply endeavoured in a somewhat futile manner to repudiate the alleged illegality of the retirement of Mr. Gale. I hope the report will be adopted.

Question put and passed; the report adopted.

## BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

### *Assembly's Message.*

Message received notifying that the amendment requested by the Council had been made.

### *In Committee, etcetera.*

Resumed from the previous day. Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Title—agreed to.

Bill reported, and the report adopted.

Read a third time and passed.

## ADJOURNMENT—SPECIAL.

The COLONIAL SECRETARY (Hon. J. M. Drew, Central) [5.29]: I move—

*That the House at its rising adjourn until Tuesday, 16th November, at 3 o'clock, p.m.*

Question. passed.

*House adjourned at 5.30 p.m.*

## Legislative Assembly,

Wednesday, 3rd November, 1915.

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The SPEAKER took the Chair at 3 p.m., and read prayers.

## PAPER PRESENTED.

By the Minister for Mines: Water Supply, Sewerage, and Drainage Department report for year ended 30th June, 1915.

By the Minister for Works: 1, Gaols Department, report for the year 1914. 2, Regulations under Health Act. 3, Resolutions adopting model by-laws under Health Act by (a) Bridgetown, (b) Peak Hill, (c) Cottesloe Beach, (d) Gosnells.

## BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

*Council's further requested amendment.*

Order of the Day read for the consideration of the Council's further requested amendment: "Add to the Title the following words, 'and the Land Act, 1898.'"

Mr. SPEAKER: This Message is a matter entirely in the Assembly's hands, but I desire to state my opinion from the Chair, because I do not want it to go forth as a precedent for future guidance that the Chair is inconsistent in its decisions. In my opinion, the amendment desired by the Legislative Council is not necessary. If it were necessary, the Bill would not be properly introduced and would be dead. The Bill provides for an Act to amend the Industries Assistance Act, 1915. The Bill which was introduced into this House, and which the Upper House deems it necessary to cover by an amendment of the Title, is completely in