by the Government to settle there, and who have been helped in many ways by the Government. When the Agricultural Bank could not see its way to assist those settlers, the Government said, "Go on with the work, and we will find the money." Everything that the present Government could do to encourage settlement there, has been done. Those people must be treated with some consideration. I do not know what is the best thing to do. Ministers must find that out; the responsibility is theirs. However, I do know this, that the results obtained up to date do not in any way justify the proposal now made by Ministers. To me it is an extraordinary thing that Ministers are so persistent. Year after year they bring down the same Bills. All the Bills brought down this session are old friends; we know them very well. There is no need, really, to discuss the measures, because they have been debated time and again. In another sense, of course, it is necessary to discuss these measures. Indeed, it would be scant courtesy to Ministers if their Bills were allowed to go through without discussion from this side of the House. Again, we have a duty to the country. In this case, at any rate, we have some fresh evidence as to the value of the Esperance lands—some fresh evidence against the construction of the railway. Will Ministers face their responsibility seriously? Let them ask themselves whether this proposal is justified. Let them ask themselves whether in the light of the experience gained by Mr. Paterson, in the light of the trials made in the district, this proposal is warranted at all.

Mr. Munsie: Could you condemn the Government for attempting to develop that district?

Hon. J. MITCHELL: I can condemn the Government, and I do condemn the Government, for their action in this matter. They have put the people there, and of course they have to do something to help those people; and they propose to do it at an expenditure of £150,000. I, at any rate, do not agree with the Government; and I mean to vote against the measure. I hope the Bill will not become law, unless, of course, very much stronger evidence than has been submitted hitherto is produced in favour of the railway. I am quite well aware that, when another place comes to consider this proposal, unless that other place agrees with the Minister he will criticise members there as he has already criticised them in connection with another measure discussed here to-night. I say that the Minister will have no justification for abuse of another place. The proposal will receive fair consideration from another place, and especially fair consideration from the members recently elected to that Chamber, because the matter, whether it be a political matter or not so far as the goldfields are concerned, has certainly been turned to political account in the agricultural districts, with the result that Labour votes went to the candidates who expressed themselves as being in favour of this Esperance railway.

On motion by Mr. Bolton debate adjourned.

House adjourned at 11.29 p.m.

Legislative Council,

Tuesday, 28th July, 1914.

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

PAPERS PRESENTED.

By the Colonial Secretary: Industrial Arbitration Act—return showing number

of members in each industrial union registered under the Act as on 31st December, 1913. 2, Health Act, 1911-12 (a) Food and Drug regulations; (b) Gnowangerup Local Board of Health, by-laws. 3, Preventive Detention regulations, 1914. 4, Education Department, amendment of regulation 38c. 5, Fremantle Harbour Trust, amendment of regulations. 6, Municipal Corporations Act, 1906 (a) By-laws of the municipality of Geraldton; (b) By-laws (building) Perth. 7, Roads Act, 1911, (a) Additional uniform by-laws; (b) Black Range, alteration to by-laws; (c) Kalgoorlie, by-law 13c. 8, Water Supply, Sewerage, and Drainage Department, by-laws.

ADDRESS-IN-REPLY — PRESENTATION.

The PRESIDENT: I have received from His Excellency the Governor the following letter:—

> Mr. President and hon. members of the Legislative Council. In the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. Harry Barron, Governor, 27th July, 1914.

OBITUARY — HON. C. A. PIESSE, LETTER IN REPLY.

The PRESIDENT: I have received the following letter from Mrs. Piesse, the widow of the late Hon. C. A. Piesse, which I shall read:—

> "Cintramia," Wagin, 27th July, 1914.
>
> Dear Sir,—On behalf of myself and the family, I wish to convey to you, Mr. President, the Colonial Secretary, and the members of the Legislative Council, our sincere thanks for the expressions of sympathy shown in our recent sad bereavement. We appreciate the references made by members eulogising my late husband; they are valued. We gratefully note the expressions of His Excellency the Governor to the Council as contained in the copy of *Hansard* you so kindly forwarded to me. Yours sincerely, Flora E. L. Piesse.

QUESTION—EDUCATION ACT, REGULATIONS.

Hon. H. P. COLEBATCH asked the Colonial Secretary: 1, Have the regulations regarding scholarships framed under Section 22 of the Education Act, 57 Viet., No. 16, been placed on the Table of the House in accordance with Section 23 of the said Act? 2, If so, when? 3, If not, does the failure to table the regulations in accordance with the Act render them null and void, and necessitate the gazetting of fresh regulations? 4, If so, will the Minister for Education, in framing such new regulations, take into consideration the protests made in this Chamber and by the Head Teachers' Association against the regulation compelling candidates for scholarships to make a declaration regarding the incomes of their parents or guardians?

The COLONIAL SECRETARY replied: 1 and 2, By an oversight two copies were placed on the Table of the Legislative Assembly and none on the Table of the Legislative Council. 3, Yes; they will need to be gazetted again. 4, The Minister has already expressed his willingness to reconsider the matter if it can be proved that there is any real injustice involved.

PAPERS—POLICE MAGISTRATES' RETIREMENT.

Hon. H. P. COLEBATCH (East) [4.35] moved—

> *That all papers relating to the retirement of Mr. A. S. Roe and Mr. James Cowan, respectively, be laid upon the Table of this House.*

He said: I wish to give briefly my reasons for submitting the motion which must seem to be somewhat unusual. First of all I want it to be understood that my action has not been prompted or in any way influenced by either of the gentlemen whose names are mentioned in this motion. They are both of them practically unknown to me. I have not seen either of them, nor have I had any communication with them, either directly or indirectly, regarding the matter. I have

brought the motion forward particularly in the interests of the public service but generally in the interests of the public. So far as the civil service are concerned, no one can deny that the members of it are entitled to justice and to the protection of the Public Service Act. The point I wish to make in regard to the service is that in this particular instance an attempt has been made to deprive the service as a whole of the protection to which they are entitled under the Act of 1904. I am of opinion that the civil service of this State has already been shamefully treated in the manner in which the appeals against their classifications have been dealt with. We all know what happened. Members of the service were told that if they submitted their appeals, those appeals would be dealt with by the arbitration court. That court sat and heard a certain number of the appeals and then adjourned, and it has been adjourned, so far as these cases are concerned, ever since. Only now, however, perhaps because we are within measurable distance of another election, we are told that the court will sit next month and take up the hearing of those cases at the point at which they were dropped. It was stated at the time that no decision would be announced until all the appeals had been heard. I know of one case in which the appellant submitted his case to the appeal board because he was not satisfied with his classification. Since that time he has reached the retiring age and he has been notified that he would be retired from the service, and this, too, without his case having been heard. The treatment in regard to the appeal board has in itself caused a feeling of dissatisfaction throughout the service, and the action now taken in the matter of these retirements has excited the belief that the service are going to be deprived of the protection they thought was secured to them under the Act of 1904. But of far greater importance are the interests of the public themselves. I do not intend, in submitting the motion, to follow on the lines touched upon by Mr. Cullen in the course of the debate on the Address-in-reply. I intend to accept the statement of the Government made from time to time that this action has been taken as a matter of policy. I am not going to make any suggestion outside that, but I do know that the suggestion thrown out by Mr. Cullen is that which one can hear any day in the street, and it is in the interests of the Government and the administration of justice that the matter should be abundantly cleared up. Many people are willing to regard the appointments made by the Government to the judicial bench as evidence of a strong desire on the part of the Government to keep clean the courts of justice, but even that will not cause the people to overlook what has been done in the present instance unless the Government can satisfy them that what they have done is in accordance with the aim and the spirit of justice. The impression has got abroad that the public service are liable to be treated with harshness, even to the extent of being deprived of their positions if they do their duty, and if that duty should happen to clash wtih the desires of certain people possessing political influence, and it is that impression that every member should be anxious to remove. It has been the aim in every British speaking community to keep clean the offices that are associated with the administration of justice, and to place judges and magistrates in the position of knowing that so long as they do their duty their future will be provided for, and that in time they will be adequately pensioned. But in the present case it has been said, I do not know with what truth, that the gentlemen referred to in the motion, after having served the State for many years, are to be retired with pensions which are regarded as entirely inadequate. In the past we have succeeded in protecting judges and magistrates, and we are doing a great deal of harm to the cause of clean administration if we are now to set up a contrary position, that is to say, if at the age of 60 years, and perhaps in the prime of life, we are to retire gentlemen from the bench with inadequate pensions. I am moving this motion because I am dis-

satisfied with the answers to my questions given by the Colonial Secretary a few days ago.

Hon. Sir E. H. Wittenoom: The pensions will be statutory.

Hon. H. P. COLEBATCH: I asked a question about the pensions, but I was not told what they would amount to. I would ask hon. members to carry their minds back a couple of months to the inception of this matter when the retirement of Mr. Roe and Mr. Cowan was first mentioned. The Attorney General then gave as the reason that this action was taken that it was necessary to appoint a fresh resident magistrate for Kalgoorlie, and that the new magistrate must be a duly qualified legal practitioner; and he went on to say that it was desirable in the interests of uniformity that we should also have duly qualified legal practitioners on the bench in Perth, both in the local court and the police court. The Attorney General apparently overlooked the fact that Mr. Roe is not only a duly qualified legal practitioner, but that he has occupied the position of Commissioner of the Supreme Court. My questions were divided into two, and for obvious reasons, because the two gentlemen named came under different sections of the Public Service Act. According to the latest public service list Mr. Roe's age is 62 years and 6 months. Mr. Cowan is 66 years of age. Mr. Roe being between 60 and 65 comes under Section 66 of the Public Service Act, 1904, which reads—

> Every officer having attained the age of sixty years shall be entitled to retire from the Public Service if he desires so to do; but any such officer may (unless called upon to retire as hereinafter provided) continue in the Public Service until he attains the age of sixty-five years.

The privilege is given to the officer between the age of 60 and 65 to please himself whether he retires or not, but, for an officer who has attained the age of 60, and who by some reason becomes unfit to continue in the discharge of his duties, there is a provision which reads—

> If any such officer continues in the public service after he has attained the age of sixty years he may at any time before he attains the age of sixty-five years be called upon by the Governor, on the recommendation of the Commissioner, to retire from the public service and every such officer so called upon to retire shall retire accordingly.

The answers given by the Colonial Secretary to the questions I asked the other day have established these facts. Firstly, that Mr. Roe did not wish to retire; that he was anxious to continue in his office. Secondly, that Mr. Roe's retirement was recommended by the Public Service Commissioner. We have this definite statement that Mr. Roe's retirement was recommended by the Public Service Commissioner. Thirdly, that that recommendation was made on May 20th, 1914, the very date on which Cabinet decided upon the retirement. This circumstance in itself is enough to create suspicion in the mind of anyone who looks at the matter impartially, that the Government have not carried out the provisions of the Public Service Act, because there is nothing in the Public Service Act to give the Government the right to anticipate a recommendation by the Commissioner, or to endeavour to force a recommendation on the Commissioner. And when we have this fact, that on the very day on which the recommendation was made, Mr. Roe's retirement was decided upon by Cabinet, we have to look around and find out how it happened and how it was done. Another question I asked the Colonial Secretary was — "On what grounds did the Commissioner make his recommendation?" The answer I received was—"On the ground that Mr. Roe had attained the age of 60 years." I submit that this is no ground at all, because the Act says clearly that it shall be at the option of the officer to remain in the public service from the age of 60 to 65, and subsequent sections make it abundantly clear that it is intended that the recommendation for an officer's retirement shall be based on the fact that it is not in the best interests of the service that he shall continue to be employed.

During the last session of Parliament, a select committee was appointed by this House to inquire into the circumstances attending the retirement of Captain Hare. One of the witnesses before that select committee was the Public Service Commissioner, Mr. Jull, and in his evidence he clearly outlined his reading of the Public Service Act and the policy which he, as Public Service Commissioner, pursued. If hon. members care to refer to the matter they can find it on page 17 of the evidence of the select committee. In question 266 the following statement by the Public Service Commissioner appears—

> I never recommend a man for retirement on reaching the age of 60, unless, from my own knowledge, or from the evidence conveyed to me by responsible officers, it would be in the interests of the State to retire a man when he attains the age of 60. If it is not within my knowledge that it would be in the interests of the State that he should retire, or if no representations are made to me by responsible officers whose opinions I accept that it would be in the interests of the State for him to be retired, I say nothing about it. I take no action and he therefore continues in the service.

There is a specific statement of policy in practice by the Public Service Commissioner, that he will not recommend an officer for retirement merely because he has reached the age of 60 years. And yet we have the statement of the Colonial Secretary that the Public Service Commissioner did, as a matter of fact, recommend Mr. Roe for retirement because he had reached the age of 60 years. The Colonial Secretary's answer makes it appear that the Public Service Commissioner did exactly the opposite to what he told the select committee he would do.

Hon. J. Cornell: He might have changed his mind.

Hon. H. P. COLEBATCH: Question 273 was put to Mr. Jull in these words—

> Between the ages of 60 and 65 he would be retained in the natural course of events if he was efficient, but after attaining the age of 65 he would be retained only in exceptional circumstances?

And Mr. Jull's answer was "Yes." Mr. Jull says that between the age of 60 and 65 an officer would be retained in the natural course of events if he was efficient, but after attaining the age of 65 years he would be retained only in exceptional circumstances. We might assume from these answers that Mr. Jull has reported that Mr. Roe is no longer efficient, but the Colonial Secretary has said that this is not the case, and that Mr. Jull recommended his retirement simply because he was over 60 years of age. If we turn a moment to the case of Mr. Cowan, we find a most glaring inconsistency so far as the attitude of the Public Service Commissioner is concerned. I desire it to be distinctly understood that I am not criticising what the Public Service Commissioner has done. What I have endeavoured to do is to give sufficient reasons why these papers should be laid on the Table of the House, so that we might know what has been done. Mr. Cowan, according to the Public Service list, is 66 years of age and he comes under Sections 67 and 68 of the Public Service Act. Section 67 states—

> Every officer shall retire on attaining the age of sixty-five years, unless he is required to continue to perform his duty in the public service as herein provided, and is able and willing so to do.

Section 68 states—

> Notwithstanding that an officer has attained the age of sixty-five years, if the Commissioner certifies that in the interests of the public service it is desirable that the officer shall continue in the performance of the duties of his office or of any office in the public service to which he may be appointed, and that such officer is able and willing to do so, the Governor may direct such officer to continue in the service for any such time as the Governor in each case directs or during pleasure.

So we have the two different positions. Between the age of 60 and 65 a man

remains in the service unless he is unfit to go on. After the age of 65 a man must be retired unless there is a specific recommendation that he is required and is fit to go on. In answer to my question the Colonial Secretary stated that the Public Service Commissioner did recommend that, in the interests of the public service, it was desirable that Mr. Cowan should continue in his office. I do not quarrel with the recommendation; I have every reason to believe that it was right and proper. The fact that Mr. Cowan is 66 years of age is no reason why he should be removed from the bench if he is fit and able to carry out his duty as I, and I think a majority of people capable of forming an opinion, consider he is. We have the position that the Public Service Commissioner apparently says Mr. Cowan at the age of 65 is fit and able to carry on his duties. Mr. Cowan could not have been employed during the last 12 months without a recommendation from the Public Service Commissioner that it was in the interests of the service that he should continue. The day he reached the age of 65 he must, according to the Public Service Act, have been retired, unless the Public Service Commissioner made a special recommendation to retain his services. The Public Service Commissioner makes this special recommendation that Mr. Cowan, although he has attained the age of 65, shall be kept on—a thoroughly proper recommendation to my mind—and that Mr. Roe, although he is only 62 years of age, should be retired because he has reached the age of 60, and this in face of the initial statement by the Attorney General that this was being done because it was necessary to have a legal practitioner on the bench. The one who is not a legal practitioner, although he is just as well qualified because of his long experience, and who is 66 years of age, was fit to go on, and the one who is a legal practitioner and is 62 years of age is not fit to go on. Surely there must be an explanation of such a glaring inconsistency. I do not wish to suggest that Commissioner has done anything wrong, but when we have his clear statement, made before the select committee appointed in regard to Captain Hare's retirement, that the fact of a man being over 60 would not, in his opinion, be any reason to recommend his retirement, and that he would not recommend his retirement unless it was reported to him to be in the best interests of the service that he should do so, and on top of this the statement of the Colonial Secretary, that the Commissioner did recommend Mr. Roe's retirement because he had reached the age of 60, and that he recommended Mr. Cowan should be kept on, although he had reached the age of 65, surely it is desirable to ask that these reports and the full facts of the case should be laid before us. Since this matter was ventilated to some extent, statements have been made with regard to other magistrates. We are told that others are to be called upon to retire. According to the statement given to the Press by the Attorney General, Mr. Dowley and Mr. W. D. Cowan have been written to and told that their time has come. Again, I say that there is nothing in the Public Service Act to entitle the Government to anticipate that the Public Service Commissioner will say these gentlemen are unfit to carry on their duties. They are entitled to retain their office unless the Commissioner recommends that it is in the interests of the service that they shall retire. In this case the Government have anticipated the recommendation of the Public Service Commissioner and have written to these gentlemen telling them that their time has come. I know nothing about Mr. Dowley, but with regard to the case of Mr. W. D. Cowan, I would like to point to another glaring inconsistency. Mr. Cowan is 60 years of age and has served this State for many years. For 10 years he was in the North-West, and has been practically the whole of his life in the service. At the present time he is covering a district in which 15 years ago, with not more than one-quarter or one-fifth of the people in it, was dealt with by three magistrates. There was one at York, one at Northam, and one at Toodyay, and I do not think any one of them had to shift outside of his particular town. I do not say

that this was necessary, but I merely point out the fact. Mr. Cowan is not only doing the work previously done by these three men, but he goes south as far as Pingelly, north as far as Goomalling and Toodyay, and east as far as Kellerberrin. The amount of travelling he has to do would be sufficient to tax the energies of the youngest and strongest of men. In some cases he has to get up at two or three o'clock in the morning to catch his trains, and he has been told, "You do not want a motor car like some of the magistrates in smaller districts; you can get up at three o'clock in the morning and catch your train and do all this work, but to-morrow you will be 60 years of age and you cannot do your work any longer." Surely this is not the way to treat any officer. Mr. Cowan is as good a man as ever he was and why he should be told, without a recommendation from the Public Service Comissioner, that because he has attained the age of 60 years, he must go, I cannot understand. It simply amounts to this, that the Government have laid it down as a matter of policy that every civil servant reaching the age of 60 years shall retire. This is entirely contrary to the policy laid down in the Public Service Act and the Government have no right to adopt a policy contrary to any existing statute.

Hon. R. J. Lynn: What about Dr. Hope of the Health Department; he is 65 years of age.

Hon. H. P. COLEBATCH: I am not concerned about other officers at present. I am only dealing with the case before us.

Hon. Sir E. H. Wittenoom: What about members of Parliament?

Hon. H. P. COLEBATCH: The Public Service Act clearly lays down that an officer shall be intitled to remain in his employment until he reaches the age of 65, so long as he does his duty, and then, after that, if he is still fit for work, he may continue in the employment of the State. The policy of the Government appears to be entirely contrary to the Act, for they apparently hold that a public servant shall retire at the age of 60, whether he is fit to continue or not. If the Government adopt this attitude they will do a great injustice to every officer in the service. Members of the civil service are not so splendidly paid that they can throw up their billets on attaining the age of 60 years. It would be kinder to these officers to retire them at an age of 40 or 45 years, when they would be able to look around and find something else to do; but at 60 a man is too old to start in any new walk of life, and at that age he should still have 10 or 12 years of good service before him. To retire him at 60 years on an inadequate pension is about the cruellest thing I know of. Then we have to consider another point, which so far I have not touched upon, and which I do not intend to dwell upon at any length, and that is the cost to the taxpayer. If every officer is to be retired at the age of 60, when he is probably still fit for five or ten years of good work, and we have to pay his pension in addition to paying the full salary to someone else to do his work——

Hon. Sir E. H. Wittenoom: It becomes a very big question.

Hon. H. P. COLEBATCH: It will mop up an enormous sum of money, and even the present Government are not sanguine enough to think that we can afford to waste money in this direction. I hope that the representative of the Government in this Chamber will offer no opposition to the motion, because I fail to see how he can do so without his action being misunderstood. The members of this House and the people of this country are entitled to know exactly what has been done. We are entitled to know why it is that public servants are apparently being deprived of a privilege secured to them under the Public Service Act. We are entitled to know why it is that the taxpayer is to be asked to pay these pensions to gentlemen who are quite fit and quite willing and quite able to continue in the service; and we are also entitled to know why it is that what appears to be an attack upon the magisterial bench has been made. The public must be re-

assured, and gentlemen occupying positions of that nature must be given to understand that they can always carry out their duty fearlessly; that they need not be afraid that, because the performance of their duty happens to hurt someone who chances to be in power or may at a future time be in power, they are going to be cast out of the service on an inadequate pension. For all these reasons —and I think I have given abundant excuse at all events for the carrying of the motion—I trust the Minister will see his way to agree to it.

Hon. J. F. CULLEN (South-East) [5.2]: I second the motion, and I assume that the Colonial Secretary will raise no objection to it. Certainly, whether the hon. gentleman does so or not it will be impossible for this House to refuse to carry it after the speech of the hon. Mr. Colebatch. If ever a case was made out for the fullest publicity on an action of the Government, that case has been made out here to-day. The matter having been so adequately and effectively put by Mr. Colebatch, I have no desire to labour it further just now. I assume that when the papers are produced, they will disclose abundant cause for going further. I say also that if those papers do not give the whole case, it will be wise for the Colonial Secretary in replying to Mr. Colebatch to afford all necessary light on the matter. What is the impression amongst the public to-day? Exactly the same as was created by the treatment accorded to Captain Hare. Exactly the same. In that case the public had proved to them that it was a dangerous thing for a magistrate to give any decisions against persons who had the ear of the Government of the day. The public were convinced that Captain Hare's main offence —the offence for which he was retired, humiliatingly retired—was that he had done his duty in refusing to differentiate between the friends of one party and the friends of another party.

Hon. Sir E. H. Wittenoom: Captain Hare was not a magistrate.

Hon. J. F. CULLEN: For, as soon as the present Government came into office, within a few minutes of their coming into office, they set to work to carry out the threats which had been uttered by members of their party against Captain Hare. The impression to-day is that Mr. Roe has been dismissed because of his impartiality. He refused to know members of Parliament; he refused to know union leaders.

Hon. F. Connor: Did he not deserve to be dismissed, then?

Hon. J. F. CULLEN: According to the Government of the day, he did. Mr. Roe dared to be impartial. I assume that Mr. Cowan's dismissal has been largely caused by a desire on the part of the Government to save their face in retiring Mr. Roe. For, how could they retire Mr. Roe at 62 and leave Mr. Cowan on the bench at 65? It is hardly necessary to point out to a House like this that the best work to-day in the judiciaries and in the Cabinets of the leading countries of the world is being done by men upwards of 60 years of age. The best work to-day in the law courts, and in the administration of government, in all the foremost countries of the world is being done by men, who have passed the age of 60 years. With regard to the Government's announcement that they now intend to appoint only legally qualified men to the magistracy, I would like to know what kind of legally qualified men they propose to get for the positions. Men of anything like the breadth of view of Mr. Roe and Mr. Cowan would be able to earn at their profession far more than the salaries of the magistracy. Do the Government intend to employ novices, or unsuccessful legal practitioners, gentlemen who have failed in the open competition of their profession? Are the Government going to appoint such men to the magistracy? It would be a dangerous doctrine to lay down with regard to stipendiary magistrates, that in all cases they must be legally qualified men, for it would mean that, instead of men of breadth of view and width of experience in public affairs, we are going to have unknown, untrusted, unproved juniors. I am satisfied that the Minister will see his way to allow this motion to pass. If not, I trust the House will carry it

notwithstanding; and I trust also that the hon. member who moved the motion will follow up his work, for if the public get any strong suspicion that the purity of the public service is in danger it will be a most serious condition of affairs. The feeling of every public servant should be that whilst he does his duty faithfully his position is secure; and with regard to the administration of the law of the land, what a dreadful position would arise if magistrates were made to feel that their positions depended on giving satisfaction to the Government of the day and to the supporters of the Government regardless of the paramount claims of justice.

Hon. D. G. GAWLER (Metropolitan-Suburban) [5.9]: I wish to support the motion very briefly, and especially on two points which have been made by my friend Mr. Colebatch. One of these is that apparently a reason given for the retirement of these gentlemen is that it is the policy of the Government in the future to appoint only legally qualified men to the magistracy. Now, everyone knows that Mr. Roe is a legally qualified man. Mr. Cowan is not actually a qualified man in the sense of being an admitted practitioner of the Court; but Mr. Cowan has had what stands any man in equally good stead as admission as a solicitor of the Court, and that is, something like 35 years' practical experience of the work of the Courts. I think that the public will regard the services of a man with such experience as being equally valuable with the services of an admitted practitioner. There is one more reason which moves me to support the motion, and that is that, rightly or wrongly, outside the House there is an impression abroad that the spirit of the Public Service Act is not being complied with. Under that Act, as far as I understand its spirit, the Public Service Commissioner is, so to speak, constituted a buffer between the Government and the public service. It has been suggested that these recommendations of the Public Service Commissioner are not really the recommendations of the Public Service Commissioner at all, but the recommendations of the Government of the day. I submit, then, if that is so, the spirit of the Public Service Act is being violated. Mr. Jull, the Public Service Commissioner, is a personal friend of mine, and I would not for one moment suggest anything whatever against him. Like Mr. Colebatch, I disclaim any suggestion whatever against Mr. Jull. I think that in the interests of Mr. Jull, and of the public service, and of the general public, these papers should be called for and the facts gone into.

Hon. J. CORNELL (South) [5.11]: I have no objection to the motion, but I feel a certain amount of objection to some of the remarks which have been made. One remark of the hon. Mr. Colebatch, I think, is altogether beside the question, and refers to something for which the Government are not responsible. Mr. Colebatch referred to the civil service appeals, blaming the Government to a certain extent for the undue delay which has occurred in the hearing of those appeals. This is the second occasion on which I have risen in this House, not to take the part of the Government, but to lay the blame for those delays on certain members of this House who were members of it at the time the Public Service Act was passed. That statute, as it now stands, provides that the chairman of the appeal board must be the President of the Court of Arbitration. Some 15 months ago I said on the floor of this House that if hon. members had given any consideration at all to the matter they must have seen that that provision was practically unworkable. I submit that it is impossible, and that on closer scrutiny hon. members would have realised at the time that that provision of the Act could not be carried out; for we know that the President of the Arbitration Court is also a Judge of the Supreme Court, and that he cannot do justice to the work of the Supreme Court and also do justice to the work of the Arbitration Court, let alone preside over civil service appeals. Therefore, I say, if there is any blame attachable for the delay, that blame is attachable to those members of this House who did not

see the unworkableness of the measure when it went through. Next, I take strong exception—and I think this is becoming a sort of fever with me—to the remarks made by the hon. Mr. Cullen. I have pointed out on the floor of this House on many occasions that probably that hon. member could save time in this House by changing the trend of his criticisms; and I am sure that if he did alter the trend of his criticisms I on my part would be able to save the time of the House. At the outset, Mr. Cullen observed that there was no need at all for him to labour the question, as the hon. Mr. Colebatch had stated the case fully. If Mr. Cullen had left off there, I should have had no criticism to offer on his speech; but he resumed the even tenor of his way, that even tenor which he always pursues in this Chamber, and based his further remarks on pure assumption, and concluded by satisfying himself that he had satisfied the House that a good case had been made out. Mr. Cullen brought in the old bogey of the retirement of Captain Hare. If the retirement of Captain Hare had anything to do with the motion before the Chair, or were under consideration at the present time, I would have no objection; but Mr. Cullen drags in the retirement of Captain Hare simply in order to cast an innuendo; and that innuendo is that he, as a member of the select committee which inquired into Captain Hare's retirement, thought that Captain Hare was retired for impartiality. Now, Mr. Cullen says, Mr. Roe is being retired for the same reason—impartiality. I have no desire whatever to enter into the merits or demerits of Mr. Roe on the score of impartiality. I have a lively recollection of the horse-drivers' case tried before Mr. Roe. That was practically the first case under the new Act, the first occurrence which came within the purview of the new Act, and the union was mulcted in the full amount of the penalty provided by the Act. I disagreed at the time, and still disagree with the action of Mr. Roe on that occasion. I think it was unduly harsh, but I do not say for a moment that Mr. Roe acted in any way other than impartially. As the case appeared to him, he thought he was justified in his action; as it appears to me, I do not think he was. Mr. Cullen also dealt with the new appointments, and asked what kind of legally qualified men we were to get, were they to be juniors? He then went on and advocated that we should not confine ourselves to the appointment of legally qualified men, that business men, or others of known capacity, should be called upon to fulfil the functions of the office. I am not a great authority, but I would like to remind Mr. Cullen that the statute provides that all such appointments made shall be from legally qualified men.

Hon. J. F. Cullen: But the Government may follow their Arbitration Court precedent.

Hon. J. CORNELL: That question is not now before the House. In these appointments the Government have no option. The appointee must be a legally qualified man. I have no objection to the motion. Probably it will do good if the papers are tabled.

On motion by the Colonial Secretary debate adjourned.

RETURN—WORKERS' HOMES, APPLICANTS.

On motion by Hon. D. G. GAWLER (Metropolitan - Suburban), ordered: "That there be laid on the Table of this House a return classifying under their different occupations the successful applicants to date for Workers' Homes, and advances for homes under the Workers' Homes Act."

PAPERS—METROPOLITAN-SUBURBAN PROVINCE ELECTION.

Hon. J. CORNELL (South) [5.18] moved—

That all papers in connection with the recent Metropolitan-Suburban Province election, and any correspondence relating thereto, be laid upon the Table of the House.

Hon. D. G. GAWLER (Metropolitan-Suburban) [5.19]: It would be idle to deny the general object in asking for these papers. It is to ascertain the particulars relating to a certain event which took place at the last Metropolitan-Suburban election.

Hon. W. Kingsmill: Double event.

Hon. D. G. GAWLER: Yes, unfortunately at that election I cast a double vote for the Metropolitan-Suburban Province. I do not know what specific object my friend has in asking for the papers. If he wished for information as to the details of what I did on that occasion, I would have been only too happy to give it to him. On that particular day I cast a vote at Well's Hall, and having also a vote for the West Province I went over, as I thought, to the West Province booth, which is situated very close to another booth in connection with the Metropolitan-Suburban Province, just across the boundary line. I asked for, and was supplied with, a voting paper, and having marked it I placed it in the ballot box. When I left the booth it suddenly struck me that I had voted again for the candidate for whom I had already voted at Wells' Hall. Thereupon I walked back into the booth and said to the returning officer, "I would like to withdraw my vote. I have voted twice." Of course he could not comply with my request, but he took down the details of what had happened, together with my statement. What object my friend has in asking for this information I cannot say. I do not find fault with him for doing so, but if it is done with the object of humiliating me, either personally or politically, I must tell my hon. friend that I have done nothing to be ashamed of. What I did was an error, a stupid error, perhaps, but it was perfectly innocently committed. In addition to that, I have been in communication with the Government, who intimated their intention of taking proceedings against me, and I suggested to them that the circumstances did not call for the taking of legal proceedings in the interests of justice. I was told however that proceedings would be taken. I then suggested that if the Government wished to make the whole thing public I was perfectly agreeable to their publishing the correspondence. I thought my hon. friend already knew the facts. As he did not, I have taken this opportunity of placing them fully before the House. It was an error, and a regrettable error, but on the point that it should necessarily form the subject of legal proceedings I venture to differ from the Government.

Hon. J. CORNELL (South Province—in reply) [5.23]: I desired to treat the matter purely as formal, but seeing that Mr. Gawler has accused me of ulterior motives——

Hon. D. G. Gawler: No, no.

Hon. J. CORNELL: Well, the hon. member guessed at what was behind it.

Hon. D. G. Gawler: No, I could not guess.

Hon. J. CORNELL: Well, the hon. member made an effort at guessing, and went on to make a personal explanation. Had he not done so, I would have offered no remarks. I have moved the motion chiefly because I wished to peruse the papers for myself. I have no desire whatever to humiliate the hon. member, but I heard that he had voted twice.

Hon. D. G. Gawler: I could have told you that if you had asked.

Hon. J. CORNELL: There was no occasion to ask. I say that if the hon. member voted twice and my reading of the Electoral Act is correct, he did wrong, whether he voted in error or not.

Hon. D. G. Gawler: Exactly.

Hon. J. CORNELL: And he should have paid the penalty for his error.

Hon. C. Sommers: Some criminals are let out before their time.

Hon. J. CORNELL: He should have paid the penalty. I venture to say that if Bill Bowyangs or John Jones had done what the hon. member did, his explanation would not have been accepted.

Hon. D. G. Gawler: I venture to say it would have been.

Hon. J. CORNELL: One of my reasons for moving the motion is that I wish to see why the Government did not prose-

cute the hon. member. If, on perusing the papers, I conclude that the Government have done right, I will be willing to let the matter drop, but if not I will be ready to move a motion censuring the Government for not having prosecuted the hon. member.

Hon. W. Kingsmill: Now, now.

Hon. J. CORNELL: I have listened to Mr. Gawler's excuse.

Hon. D. G. Gawler: It was not an excuse.

Hon. J. CORNELL: The hon. member said it was a lapse of memory. A voter who suffers from lapse of memory on election day ought not to have a vote at all. It is a very lame and tame excuse for the hon. member to say that he voted at Wells' Hall for a certain candidate—there were only two candidates, Davis and Duffell—and then wandered aimlessly along until he came to another polling booth which he thought was in the West Province and, entering that booth, claimed and received a ballot paper—which bore the same names of Davis and Duffell—and that he was under the impression——

Hon. D. G. Gawler: Do you suggest that I was actually aware of what I was doing?

Hon. J. CORNELL: Well, the ballot paper the hon. member expected to get should have contained the names of Allen and Somerville. At all events the hon. member went in and voted again, placed his ballot paper in the ballot box, and aimlessly wandered out. Then it suddenly occurred to him that he had voted twice—presumably for the one man. The hon. member deserves punishment, if for nothing else for the excess of stupidity with which he was possessed on that day.

Hon. E. M. Clarke: Let him off under the First Offenders' Act.

Hon. J. CORNELL: There should be no excuse for voting twice on election day, and if an excuse is to be accepted from one, it should be accepted from all who commit such an error. The Lord knows we have had enough of dead men voting, and live men voting two or three times, throughout the Commonwealth during the last twelve months. That should have been well before the hon. member's eyes and reflected in his mind when he went out to vote at the Metropolitan-Suburban election. However, I accept the hon. member's statement that he was not aware of what he was doing.

Hon. W. Kingsmill: But only with extreme reluctance.

Hon. J. CORNELL: And all I can say is that the Mr. Gawler that casts a vote in this House is a totally different gentleman from the Mr. Gawler that casts a vote at the Legislative Council elections.

Question put and passed.

BILL—MELVILLE TRAMWAYS.

Received from the Assembly and read a first time.

BILL—ROAD CLOSURE.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.30] in moving the second reading, said: This Bill makes provision for the closing of certain roads. I do not intend to take it on to the Committee stage because I realise that it may be necessary that hon. members representing different districts where the roads are being closed should make some investigation, and in order to assist them I propose to place on the table of the House lithographs showing the particular thoroughfares which it is proposed to close.

Hon. W. Kingsmill: The local authorities have agreed, then?

The COLONIAL SECRETARY: Yes. There is portion of Lefroy-street in the municipality of Collie. The Collie council have applied for the closure of that portion shown in red on the lithograph in order that the land may be included in the town park reserve. In this case there is no objection on the part of the Lands and Surveys Department. Then there is portion of High-street in the municipality of Fremantle. That portion coloured red on the lithograph has been included within the surveyed lands resumed for railway purposes. It is necessary that the

road here should be closed as it now forms part of the railway land. Then there is portion of Kensington-street in the municipality of Perth. The municipality is desirous that the portion shown in red on the lithograph should be closed to enable the council to run a siding into the proposed new site for the gas works, subject to a ten foot pathway down to the Swan river. There is no objection on the part of the Lands and Surveys Department, and the closure has been agreed to by the Minister for Lands. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.35] in moving the second reading said: This Bill is introduced for the purpose of facilitating the operations of the Births, Deaths, and Marriages Act of 1904. Section 6 of the principal Act provides for the appointment of deputy registrars, district registrars, and deputy district registrars and their assistants. Provision is made in the principal Act for their appointment by the Governor-in-Council. The constant changing of registrars from place to place, in many cases on the shortest notice and without time being given for appointments being made by the Governor-in-Council, creates confusion, and to meet the difficulty deputies have to be temporarily appointed and the permanent appointments made afterwards. A person is therefore acting to start with as a deputy registrar, and subsequently acts as the registrar. Difficulties, however, often arise when the performance of any ceremony is required, or legal documents have to be signed, outside the legal scope of the officer's appointment. Clause 3 deals with the registration of a child's name subsequent to the registration of the birth. Solicitors and others have complained that it is a hardship, especially for people living at a distance from the registry office, to be allowed only 14 days in which to effect a registration of the name given at baptism subsequent to the registration of birth. It is proposed, therefore, to extend the time from 14 days, as it is now, to 60 days. Clause 4 deals with the registration of deaths after 14 days, and makes provision that a declaration shall not be required in certain cases. The present law requires that in any case where a death is not registered within 14 days of its taking place a statutory declaration must be made, showing that good reason existed for the omission to register within the prescribed time. In the remote districts of the State a death may occur, and does occur from time to time, hundreds of miles away from the office of the district registrar. It is almost impossible, and in many cases totally impossible, for the registration to be effected within the prescribed time of 14 days, consequently many people are breaking the law every day of the week. If prosecutions were undertaken, not only would it be a prosecution, but in many instances it would be a persecution. It is quite impossible in many of these instances for a statutory declaration to be made, for there is perhaps no justice of the peace within many miles. It is in order to avoid the necessity for such a declaration that the alteration named in the Bill is desired. Clause 5 is merely for the purpose of correcting a typographical error which crept into the principal Act. Clause 6 makes good a typographical omission. Clause 7 deals with the penalty for continuing the offence or failing to register a birth or death. At the present time the person responsible for the registration of a birth or death, omitting to register such event, may be prosecuted and fined, but if he still refuses to register, there is no power under the Act to compel him to do so. Clause 8 deals with the registration of the name of an adopted child under the Adoption of Children Act of 1907. A child named, say, Brown, on being adopted by a person named Jones, would become Brown-Jones. Provision is made in that direction in the

Act. When this child gets on in years he will probably be known as Jones only, and any trace of his registration under the name of Brown-Jones would consequently not be discovered unless the child was aware of what his original name was, which often, for many reasons, is kept back from him. It is proposed, therefore, to enter the name shown in the birth index and make a note to that effect in the register. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Hon. J. E. DODD (Honorary Minister—South) [5.43] in moving the second reading said: This is a short Bill designed to correct a few defects in the Workers' Compensation Act. Some of these have been shown to us by the experience of the last two years. First of all we propose to enlarge the scope of those receiving benefits to include those who are earning £350 a year, instead of as at present £300 a year. The principal hardship at the present time is in connection with foremen and shift bosses, and others, especially in the back country. There are many shift bosses and foremen who are receiving £6 a week, amounting to £312 per annum, who are not entitled to obtain benefits under the Workers' Compensation Act. We have found in several instances that considerable hardship has been inflicted upon the widows of men who have been earning, say, just £312 a year. I think I have on many occasions pointed out that it is very difficult to legislate for such a vast country as Western Australia, because of the varying conditions and wages which exist over such a large area, consequently we are seeking to extend the amount from £300 to £350 per annum. In some places it is provided that the manual worker shall recover compensation for injury no matter what salary or wage he may earn. Under the English Act if a manual worker received £1,000 per annum, he could still recover compensation. The same thing exists in the New Zealand Act. We are not proposing, however, to make that amendment here. It must be apparent to everyone that no matter who the worker may be, whether he is a manual labourer or not, if he meets with an accident he should be entitled to compensation and no differentiation should be made. Another alteration we propose to make is that compensation shall be paid from the date of the injury. There is a most ridiculous provision in the present Act which was inserted in this Chamber when we were going through the measure in 1912. This provision was that if a man is off duty for a week he receives nothing and for a fortnight he receives compensation for the whole fortnight; and he has to be off for a period of over a week before he receives any compensation whatever. I think this is hitting the accident insurance companies and miners' accident funds very hard indeed. I think it must be patent to everybody that such a proposal is a ridiculous one to put in the Act, consequently we propose to amend it in this measure in the direction of making compensation payable from the date of the accident.

Hon. Sir E. H. Wittenoom: What clause are you speaking of now?

Hon. J. E. DODD (Honorary Minister) I am speaking of Clause 3 which amends subsection 2 and Section 6 of the principal Act. There is another clause later on (I am just speaking generally) which amends the schedule dealing with the payments. These two clauses, I may say, deal with this particular amendment, the one altering one of the sections of the Act and the other altering one of the sections of the schedule. As I was

saying, we desire that payment for injury should be made from the date of the accident and that there should be no restriction whatever. We think, by making this alteration, that it will be very much better, not only for the worker, but also for the employer.

Hon. C. F. Baxter: If a man scratched his finger, he is to receive compensation for it.

Hon. J. E. DODD (Honorary Minister): Whatever it may be, if it keeps him away from work, he should be compensated for it.

Hon. A. G. Jenkins: It is an entirely new principle.

Hon. J. E. DODD (Honorary Minister): We also propose to give the worker the same right of asking for a lump sum as the employer has in seeking the commutation of payments. At the present time an employer has the right of taking a worker into the court and asking that the weekly payment shall be converted into a lump sum. We propose by the Bill that the worker shall have the same right as the employer in this respect. That was in the Bill of 1912, but unfortunately the provision was defeated. It must be apparent to everyone that an insurance company have a big lever in their hands when they say, "We will take the worker into court and ask that the weekly payment be converted into a lump sum." Why should not the employee have the same right?

Hon. Sir E. H. Wittenoom: He would not do it if it was such an advantage to the employer.

Hon. J. E. DODD (Honorary Minister): What we say is that the employee, if he has a permanent injury, should, at the end of six months, have the right to say that the payment shall be commuted to a lump sum.

Hon. Sir E. H. Wittenoom: The employee would not ask for it if it was no good.

Hon. J. E. DODD (Honorary Minister): The employee very often would ask for a lump sum if he had the chance. Then again there is another very serious difficulty in the present Act in reference to the Second Schedule. This schedule provides that a certain percentage shall be paid for certain accidents: so much for the loss of a leg, and so much for the loss of an eye, and so forth. But there is nothing in the Act by which an employee can secure compensation according to that schedule. The insurance companies again have sought to give the employee who may be claiming compensation a percentage of half the wages. That was never intended under the Act. It was never intended by members of this House, and I do not think payment under these conditions prevails in any British dominion. Instead of giving the full percentage of the compensation, it is the percentage of half the wages. That is the way that it has been fixed by the various insurance companies up to the present time. The Bill alters the section dealing with the matter to provide that if within six months of the occurrence of the accident the worker applies to the court, the court may order the employer to redeem his liability by the payment to the worker of a lump sum to be fixed by the court, and the amount is assessed according to the schedule. That is in Clause 4 of the Bill which deals with Section 6 of the Act. We think the Schedule exists for something, but at present it exists for nothing. Parliament meant, when passing the Act, that the employee should receive full percentage of the compensation fixed by the schedule. When the Bill gets into Committee there are one or two points in connection with it which can be more fully explained, but it may be admitted that an employee could with justice ask that he be paid according to that schedule for injury, and with equal justice he might be asked that he be paid acording to the first schedule that is that he should receive half wages. A man may have a finger taken off clean and no further result occurs to him from a health point of view, except that he is not as physically efficient as before. In that case it would be quite just, and members will agree with me, that he should be able to claim according to the Second Schedule. Perhaps a better illustration, in order to explain what

I mean, would be the case of a man who had lost an eye. One man might lose an eye and be back again at work in the course of three weeks. I know of a man who lost an eye and was back at work in three weeks, and I know of another who was not back in the sixth week. To say that a man should only receive half wages during that time is an injustice apparent to all, and what we propose is this: if an injured man desires to take advantage of the schedule he should receive the amount provided for there.

Hon. J. F. Cullen: Where is the power to put him off on half wages?

Hon. J. E. DODD (Honorary Minister): There is no power provided. The man I was referring to went back to work in three weeks, but went back without any advice, and he received 30s. for the loss of an eye. No doctor would have given him a certificate, and he went back because he had received no advice, and did not understand.

Hon. R. J. Lynn: Did he sign clear for the 30s.?

Hon. J. E. DODD (Honorary Minister): He signed off. Going back to the case of a man who looses a finger, he may lose that finger and still there may be some other injury in connection with the loss of that finger which may keep him off work altogether.

Hon. W. Kingsmill: He might get blood poisoning.

Hon. J. E. DODD (Honorary Minister): Yes. In that case it is unfair, and the man should only get compensation according to the Second Schedule. I do not think that there is much more that I need explain in the Bill, except, perhaps Clause 7 which provides for a system of compulsory insurance. There is a proviso that the clause shall not come into operation until such time as may be fixed by proclamation. The object is that it would not be right to insist on any policy of compulsory insurance until we have a State Insurance Department.

Hon. A. G. Jenkins: Why insert the clause at all at this stage then?

Hon. J. E. DODD (Honorary Minister): It may be obviating another amendment of the Act later on. What I want to point out is that a number of employers do not insure, and some of them are only men of straw. It has been reported to us freely that several employees have been debarred from getting compensation by reason of the fact that the employers do not insure, and had not sufficient funds to meet the amount of compensation. Recently a Bill was carried through the Parliament in Victoria providing that there should be a system of compulsory insurance. I do not think there is anything else I need explain. I move—

That the Bill be now read a second time.

On motion by Hon. Sir E. H. Wittenoom, debate adjourned.

House adjourned at 5.56 p.m.

Legislative Assembly,

Tuesday, 28th July, 1914.

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