

## LEGISLATIVE COUNCIL,

*Thursday, 2nd September, 1880.*

Circular addressed to Sheep Inspectors—Free Grant of Land to Colonel Harvest—Travelling Allowance to Public Officers—Pensions under Superannuation Act—Erection of Railway Workshops at Perth—Coolies and Chinese Immigration—Roads Loan Expenditure—Scab Act, 1879, Amendment Bill—Adjournment.

THE SPEAKER took the Chair at noon.

## PRAYERS.

## CIRCULAR ADDRESSED TO SHEEP INSPECTORS.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid on the Table of the House a copy of the circular addressed by the Government to Sheep Inspectors moved for by Mr. Burt. (*Vide* page 248 *ante*.) The circular which was dated 12th July, 1880, notified that in future the half fines levied on information laid by the Inspectors, under the provisions of the Scab in Sheep Act, would only be paid in special cases.

## GRANT OF LAND TO COLONEL HARVEST.

MR. SHENTON, with leave, without notice, moved the following resolution:—  
 "That an Humble Address be presented to His Excellency the Governor, praying, That in view of the approaching disbandment of the Pensioner Force, this Council desires to place on record its appreciation of the valuable services rendered to the Volunteer movement by the Honorable the Commandant, Colonel Harvest, as Inspecting Field Officer of Volunteers; and this Council would be gratified if Her Majesty's Government should think proper to recognise such services by a grant of country land not exceeding 1,200 acres.  
 "The Council has the less hesitation in recommending this grant to the favorable notice of the Secretary of State, seeing that Colonel Harvest has been debarred from the privilege of selection which was accorded to his predecessors in office and to military settlers under the old Regulations." The hon. member said that when Colonel Harvest arrived in the Colony he applied to the then Governor (Mr. Weld) for the grant

of land to which, under the land regulations then in force, he was entitled, and Governor Weld told him that so soon as the necessary certificate from the Commander-in-Chief was received, authorising the concession, Colonel Harvest's application would be complied with. But in the meantime the land regulations were altered, and His Excellency was precluded from giving the Commandant his grant, which he had not received from that day to this. His predecessors in office, Colonel Bruce, Major Crampton, and Colonel Finnerty had each received the free grants to which they were entitled; and, bearing in mind the valuable but gratuitous services rendered to the Volunteers of this Colony, for many years, by Colonel Harvest, he thought the House would readily join in supporting the present resolution.

The motion was agreed to unanimously.

## TRAVELLING ALLOWANCES TO PUBLIC OFFICERS.

## IN COMMITTEE.

MR. STEERE, in accordance with notice, moved, "That in all future appointments to Public Offices to which forage allowances and travelling expenses have been attached, no such allowances shall be made, but the actual travelling expenses of all such officers shall be allowed to them when proceeding on duty." The hon. member said he had brought forward the resolution with a view to effect some reduction in expenditure for the future, in this direction, without at the same time inflicting any hardship or injustice. The amount of the travelling allowances of certain officers was no doubt greatly in excess of their actual requirements, and in many cases where forage allowances had formerly been given there was no present necessity for such allowance. He found on looking over the estimates of expenditure, that, previous to the introduction of convicts into the Colony, there was only one officer in the service who was allowed forage allowance, namely, the Superintendent of Works, and a very small allowance it was, too. Even the Governor in those days did not receive a forage allowance. But with the introduction of convicts, it became necessary to extend the privilege to other officers

connected with the service, and especially the Resident Magistrates, who, in the discharge of their duties, were called upon to visit the various road parties in their district. Those road parties were no longer employed, and the reason formerly existing for granting forage allowances did not exist now. He therefore failed to see why in any future appointments such allowances should be attached to the office.

MR. RANDELL said it was hardly necessary he should say that he would support the resolution, seeing that it could not fail to tend to a saving of public expense. Some hon. members might perhaps be of opinion that if officials were allowed their actual travelling expenses, it would cost the country more than was now paid for forage allowances; but he did not think that was borne out by the evidence given before the Select Committee on the Excess Bill. He considered the movement a step in the right direction, and believed it would prove a much more economical arrangement than the present system.

The motion was agreed to *nem. con.*

#### PENSIONS UNDER THE SUPERANNUATION ACT.

##### IN COMMITTEE.

MR. STEERE, in accordance with notice, moved, "That in the opinion of the Council, it was never contemplated or intended under the provisions of the Superannuation Act, that the retiring pensions to officers in the Public Service should be computed on other than their salary and emoluments, and that the latter was not intended to apply to either forage allowance or house allowance, and the Council declines hereafter to recognise any amount of pension calculated on the basis of these allowances." The hon. member said he had brought forward the resolution in order that His Excellency the Governor might be placed in possession of the views of the Legislature on the subject. The Superannuation Act rendered it lawful for the Governor in Executive Council to make provision for computing the amount of superannuation upon the annual salary and emoluments of office of any public servant retiring from the service; and the question arose

what constituted "emoluments of office." He had no doubt in his own mind that it merely referred to certain fees formerly received by magistrates of local courts, and which were calculated as part of those officers' salaries. But, at the last Session of Council a resolution affirming the undesirability of continuing the practice of paying over office fees to magistrates and their clerks was adopted by the House, and it was resolved that, in future, the salaries of those officers should be raised to such an amount as would compensate for the loss of these fees, all of which were now paid into the Treasury. It was never contemplated that either forage allowance or horse allowance should be looked upon as "emoluments of office." He believed there was only one house in the Colony that had been actually built for a magistrate's residence, and that was at Geraldton very many years ago. But it was never contemplated that the house should be computed as part of the salary of whoever happened to reside in it. With this exception, in all other districts where the Resident Magistrates happened to have a house provided for them, they were premises which originally belonged to the Imperial Government, and which cost this Colony nothing. Surely it never could have been intended that the value of these houses should form an item in the computation of the Resident's superannuation allowance. Hon. members perhaps were not aware that it cost the country a considerable sum to keep these houses in repair,—which he considered a gross injustice to the taxpayers of the Colony. He thought it was quite as much as the Colony could be expected to do, to provide quarters for these gentlemen, without going to the further expense of keeping those quarters in repair. It was well known that some of the magistrates had no free quarters provided them, and it would be manifestly unfair and unjust towards those officials,—while their more favored brethren had not only houses to live in rent free while in the service, but also had the value of those houses, when leaving the service, computed as part of their pension,—that those who had no free quarters would have no such privilege. Why should some magistrates be thus placed in a better position as regards their pensions

than others? It was a great advantage to have a house to live in rent free while they were in the service, and have that house kept in repair at public expense, without having their pension calculated upon it as well. In fact, it was a gross injustice to those who had no free quarters at all provided them. The Government themselves had not in the past acted upon this principle, when computing the superannuation allowance. There was a notorious case in point—that of a magistrate whom the Government, not very long ago, were very anxious should retire, and, in order to induce him to do so, gave him the largest possible pension they could, but no such thing as house allowance entered into the computation, although the magistrate in question was at the time living in free quarters. He alluded to a former Resident Magistrate at Newcastle, into the computation of whose pension the Government introduced every factor they possibly could, and, he might say, actually overstepped the mark. But house allowance was not taken into calculation. It would thus be seen that the Government themselves did not recognise the principle that an officer's house allowance should be regarded in the light of emoluments of office, any more than the Legislature contemplated it when passing the Superannuation Act. He had heard it said, it would be a breach of contract were the House to refuse to recognise the principle which he now contended for; but he did not think it would be anything of the kind. A contract could be enforced in a court of law, but if the Government were to refuse to grant any pension at all to any officer leaving the service they could not be forced to do so, under the Superannuation Act, which rendered it optional with the Governor to grant a pension or not. The Act gave no absolute right to a retiring allowance, and he therefore failed to see how there could be any breach of contract, when no contract had been entered into, or existed. As he thought it very desirable that the Governor should be made aware of the views of the House on this subject, he hoped the resolution which he now submitted would be affirmed.

MR. BROWN said he intended to oppose the resolution, as he had done on

former occasions. A proposition to the same effect had cropped up in that House time after time, and the hon. member who periodically brought it forward had avowed his intention of introducing it year after year until he carried his point. And if any man ever deserved to carry his point, the hon. member for the Swan deserved to carry this one. Although he perfectly agreed with the hon. member that it could never have been contemplated that forage allowance should be calculated in the computation of a man's pension, he could not agree with the hon. member as regards house allowance. He believed Imperial officers at any rate were entitled, under the Imperial regulations, to have their pensions calculated upon that basis. He considered that an appointment which carried with it a free residence as worth just so much more than if no such privilege were attached to it; and any officer accepting such appointment would naturally take that into consideration. The resolution submitted by the hon. member for Swan stated that it was never contemplated under the provisions of the Superannuation Act that the retiring pensions to officers should be computed on any other basis than their salary and emoluments, and that it was never intended by the Legislature that the latter should apply to either forage or house allowance. But he (Mr. Brown) thought very few would be prepared to go so far as to express so decided an opinion as to what was the precise intention of the Legislature when passing the Act in question. He thought the Act spoke for itself, and that its interpretation might safely be left to the Governor-in-Council. At any rate, no expression of opinion on the part of the present House could have any force or binding effect as to what may have been contemplated or intended by the Legislature as far back as 1871. He therefore could not endorse that part of the resolution; nor could he agree with the latter portion of it, wherein it was stated that the Council refused to recognise any amount of pension calculated on the basis of either forage or house allowance, for the Council had already done so, as regards forage allowance, in the case referred to by the hon. member for Swan.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said the resolution was divided into two parts. One stated that in the opinion of the House it was not contemplated that the retiring pensions to officers of the Public Service should be computed on other than their salary and emoluments. That seemed to be a truism. He did not suppose anyone would controvert that proposition. But the resolution went further than that. It affirmed that the word "emoluments" was never intended to apply to either forage or house allowance, and the Council was asked to refuse to recognise any amount of pension calculated on the basis of these allowances. That, he did think, was a very high-handed course to adopt, for, in reality, it asked the members of that House to say that they positively refused to recognise a statutory contract, entered into between the Crown on the one hand and its servants on the other, under the authority of an Act of that Council, which distinctly stated upon what basis retiring allowances shall be computed. [Mr. STEERE: "May" be; not "shall" be.] The Legislature delegated to the Governor the right and power to fix a retiring officer's allowance, based upon the salary and emoluments enjoyed by that officer, and the question arose—what constituted "emoluments." In consideration of a public functionary devoting his time to the public service, they gave him a certain sum of money, and in order to enable him to discharge the duties of his office they gave him a house to live in, and forage for a horse to ride on, in consideration of which his actual salary was fixed at a minimum. Instead of actually providing him with hay and corn for his horse, they gave him an allowance out of which he must provide the hay and corn himself; and, inasmuch as a man must live under shelter, they gave him a house to reside in, or something in lieu of it. And when the time arrived for him to retire from the service, a grateful public provided him with a pittance to ease his declining years. That pittance was computed upon the basis of the emoluments he was receiving while in the service, and surely it could not be contended that the allowances which a man received in lieu of direct money payment should not be

computed in calculating the amount of pension he was entitled to. The hon. member for the Swan said, No; and in his eager desire to husband the public resources, would fain—not alone to deprive public servants of this trifling privilege, but would also saddle them with the expense of keeping their houses in repair, while they are in the service. Surely the relations between the Crown and these public functionaries were analogous to the relations between landlord and tenant; and was it not incumbent upon a landlord to keep his premises in a habitable state of repair?

MR. STEERE said the landlord did not have to do that, but the tenant.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said one did come down to that House to hear some startling novelties propounded, and this was one of them. As to whether the landlord or the tenant should keep a place in repair, there were such things as landlord's and tenant's repairs. However,—he was not going to disembowel the popular standard authorities on that subject, for the delectation of honorable members; but, inasmuch as they were invited to engage in cheese-paring, let them do it as liberally as possible, and leave as much of the cheese as they could to these unfortunate functionaries, on their retirement into private life. The houses where these magistrates resided had not been erected out of colonial funds, but in most instances were built for the accommodation of the Imperial convicts. True, the residency at Geraldton was an exception; for when poor Mr. Simmons first went up there to discharge the duties of a stipendiary magistrate, there was no house in which he could lay his head down, and had it not been for the hospitality of his hon. friend—his excellent friend—opposite (Mr. Crowther), poor Simmons would have been relegated to the only public house then in the town. The idea of Her Majesty's representative taking refuge in a pot-house was surely one which even the hon. member for the Swan could not contemplate with equanimity. The truth of the matter was, these functionaries were given a house to live in, and were allowed forage for a horse in lieu of a corresponding amount of salary, which would enable them to

provide these necessities themselves. [Mr. STEERE: No.] The hon. member said, No. But was it for that House, one of the contracting parties, to interpret the terms of the contract in its own favour?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said no resolution adopted by the House could override the Superannuation Act itself, or have any force whatever if repugnant to the spirit of that Act. So long as that Ordinance remained on the Statute Book, those public servants who came under its provisions would surely be entitled to have their pensions computed upon the basis which the framers of that Act intended they should be computed, and he thought he would be a bold man who would hazard the opinion that neither house allowance nor forage allowance was not regarded by the framers of the Act, and by that House when it passed it, as "emoluments." He thought the Council could not do better than be guided in these matters by the practice of the Imperial Government.

MR. STONE did not pretend to know what was contemplated or intended by the Legislature of the day as regards the construction to be put upon the word "emoluments," in the Superannuation Act, but this he did think—if there was any doubt about the matter, that doubt ought to be set at rest by a legislative enactment, and not by a simple resolution like this, which he thought would work injustice in many cases. Of course a great deal depended upon the nature of the arrangement entered into between the Government and the various magistrates, and whether or not it was an understood thing that these allowances were to be regarded as part of their pay, and that the computation of their pensions would be based upon these emoluments.

MR. CAREY would support the resolution. They had heard a great deal about justice being done to officials, but he thought the paramount consideration for that House was justice to the Colony itself—justice towards those who had to pay these increased pensions. It was only within the past few years that these allowances were taken into consideration at all as part of man's title to a pension. It was not so many years ago since he

himself had the honor of being connected with the Public Service as a surveyor, and in those days surveyors received a very high forage allowance, but it never entered into their heads that it would be taken into consideration in the computation of their pensions. It was given to them for a specific purpose, to enable them to perform certain duties, and he presumed it was for the same reason that forage allowance was given to the magistrates. As to house allowance, was it not very unfair towards those magistrates, who, having no quarters provided for them, had no house allowance granted to them, and who consequently could not expect to have this allowance taken into consideration in the computation of their pensions. There was another point to be considered in connection with this question of pensions—he should like to know if in any single case the prospect of receiving a pension had ever induced any officer to join the Government Service, or whether it secured for the Colony a better class of public servants than if there were no pensions allowed at all. He did not think it did. One would imagine that if the expectation of receiving a pension operated as regards one branch of the Public Service more than another, it would be with the police; but these men had to contribute from their own pay towards the fund out of which they received their retiring allowances. And he believed the same principle was in operation in the other colonies, as regards all civil servants. He thought the hon. member for the Swan was doing good work in bringing forward this resolution, and he had much pleasure in supporting it.

MR. S. H. PARKER said it was evident that the occupants of the Government benches did not understand the provisions of the Superannuation Act. The Attorney General spoke of the relations between the Crown and its servants as regards these retiring allowances, and the basis upon which they should be computed, as a statutory contract, whereas in point of fact it was nothing of the kind. The 12th clause of the Superannuation Act clearly enacted that nothing in it "shall extend, or be construed to extend, to give any person an absolute right to compensation for past services, or to any superannuation or retiring

allowance under the Act." Therefore, so far from public officers having any claim upon the State in respect of any pension, or there being any statutory contract existing between the Crown and its servants in that respect,—the Governor, if he liked, could dismiss all the public officers in the service to-morrow, and not give them one single penny of pension. The only contract between the Government and their servants was the payment of a certain sum for certain services performed. As to anything beyond that, it was entirely within the discretion of the Governor whether they should have any retiring allowance or not. Looking at the matter in that light, he thought the Legislature had a perfect right to suggest to His Excellency upon what basis the pensions of public servants should be computed. He was sure that House would be the last body in the world to repudiate any contract entered into with any public officer; all that was sought to be done was to ensure the provisions of the Act being carried out in the manner in which it was contemplated they should be carried out. The resolution before the Committee was entirely in accordance with the principles of the Act itself, and therefore could not be regarded as unfair or unjust. As to forage allowance, what was it given for, after all? It was given in order to enable a man to discharge his duty, exactly in the same way as the Attorney General was allowed an office, and books of reference, and pens, ink, and paper. Would it be contended for a moment that the value of these allowances should be calculated in the computation of the Attorney General's pension. The mere fact of keeping a horse was no personal benefit to those officials who were allowed forage allowance,—as a rule, the horse cost them more than the allowance for "keep;" it was merely given them to enable them the more efficiently to discharge the duties of their office, on the same principle as the Attorney General had his library of reference. Supposing a Resident Magistrate, instead of being allowed a horse, was in a position to travel about his district by rail, would it be contended for a moment that his railway fares would be computed with his salary as a factor in calculating the amount of pension he was entitled to?

There might be some cases in which injustice would be worked if any hard and fast line were drawn as to these allowances—as, for instance, where the allowances had been held out as a special inducement for an officer to accept an appointment. But the Act itself provided for such a contingency as that; for, in special cases, the Governor was empowered to grant a superannuation allowance of greater amount than the amount awarded under the ordinary regulation; or, on the other hand, to reduce the allowance, for demerits or defaults in individual cases.

MR. BURT said no doubt the object aimed at by the hon. member for the Swan was a good one, but he thought it must be admitted that in certain cases it would work injustice in the case of some officers, if the resolution were adopted unconditionally. He was inclined to take the same view of the question as the hon. member for Perth (Mr. Parker), and he thought the test question as to whether these allowances should be computed in calculating an officer's pension should be, whether it was an understood thing when a man entered upon an appointment that his allowance should be looked upon as part of his pay? If such should be the case, if an officer accepted an appointment on the understanding that his salary was less than it otherwise would be because of these allowances—or, in other words, that these allowances, in reality, constituted a part of his salary—surely such an officer would have a right to expect that the allowances should also be taken into consideration in the computation of his retiring pension. Another way of testing the question as regards house allowance would be this—In the event of their depriving an officer of his quarters, would he have any ground for regarding such deprivation as a breach of faith. A case in point was that of the recently appointed Resident Magistrate at Newcastle, who previous to his appointment to that position was in receipt, in another branch of the Civil Service, of a salary of £300 per annum, whereas the actual pay attached to the office of Resident Magistrate was only £275; but the officer in question was induced to accept the appointment on the understanding that he should have a house rent free.

In such a case as that, it would be manifestly unjust that the house allowance should not be reckoned as a factor in computing the pension to which the officer in question would be entitled.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake)—referring to what had fallen from the hon. member for Perth (Mr. Parker) as to public officers not having a legal right to claim any pension at all—said the section quoted by the hon. member from the Superannuation Act did certainly not render it compulsory upon the Governor to grant any public officer a retiring allowance; but surely such a provision as that must be taken with a modification. To his mind, it merely amounted to this: if an officer's conduct should be so bad, or the public funds of the Colony so low, that it would be impossible for him, with any show of reason or equity, to claim a pension as a matter of right, or for the Colony to afford to pay him a pension, it would be optional with the Governor to grant a superannuation allowance or to refuse it. On the other hand, so long as a public officer, who had engaged to serve the Crown in consideration of a certain pay and allowances, discharged his duties efficiently, and the public funds could bear it, such a man might surely rely upon receiving a moderate sustenance for his declining years. If not,—if hon. members on the other side of the House considered that a public servant who had devoted the best years of his life to the service of his country, and who discharged his duties towards the public and towards the Crown honestly and efficiently, should in his declining years be deprived of the pittance which his long and honorable services should have earned for him—if this was a foreshadowing of the blessings and of the liberal measures which the advent of Responsible Government would usher in—all he could say was, he hoped it would be a long time before that millenium dawned upon this unhappy country.

MR. S. H. PARKER said, if ever there was a section of an Act of Parliament which clearly and unmistakably set forth the meaning of its framers, it was the section he had already referred to in the Superannuation Act, and which the Attorney General said ought

to be accepted with a modification. He would read the section, and let the House judge for itself as to whether it admitted of any modification: "Nothing in this Act contained shall extend, or be construed to extend, to give any person an absolute right to compensation for past services under this Act." If anything could be plainer than that, he should like to see it. To argue, in the face of a distinct provision of that nature, that so long as a public servant performed his duty and the Colony could afford it, he should have an absolute right to a retiring allowance, to ease his declining years, or for any other such benevolent purpose, was simply absurd. If any public servant whom the Governor, acting under the provisions of this clause, dismissed without any compensation whatever—no matter how long or how honorable his services may have been—went to a legal practitioner and asked for his advice as to whether he had any ground of action against the Government, no lawyer in his senses would tell him that he had.

MR. RANDELL also felt bound to support the resolution. He had expressed his views on the subject very plainly when the Pensions Bill was introduced into the House three years ago, and he had seen no reason to change or to modify those views. Although that Bill was vetoed by the Governor, it met with the support of the Legislature, so that the House was now merely asked to re-affirm a principle which it had already endorsed. The whole question, it appeared to him, laid in a nutshell—would those magistrates who were now enjoying the privileges of free quarters get a higher salary than they were now getting if there happened to be no quarters available for them? He should be decidedly inclined to answer that question in the negative.

[Mr. S. H. Parker, at this stage, created a diversion, by calling the attention of the Chairman to the fact that the Attorney General and the hon. member for Toodyay were engaged in reading newspapers, and the Chairman said no doubt the offending members were out of order, but that it was very seldom, he believed, the attention of the Speaker in the House of Commons was ever called to the fact of a member being so engaged.]

MR. RANDELL, continuing his remarks, referred to the provisions of the first clause of the Superannuation Act, under which, he said, it was evidently contemplated that the retiring allowances should be computed upon the "day pay, weekly wages, or annual salary" of the person retiring. And although the words "emoluments of office" were introduced in one of the sub-sections of the clause, yet he thought it was clearly the intention of the Legislature at that time that nothing beyond a man's actual salary or wages should be taken as the basis upon which his pension should be computed.

MR. BROWN moved, as an amendment upon the motion of the hon. member for the Swan, "That in the opinion of this Council retiring pensions to officers at present in the Public Service of this Colony should not be computed upon forage allowance, and that it is desirable that officers entering the Public Service after this date shall upon retirement have no claim to a pension calculated upon either forage allowance or house allowance." Hon. members would observe that, as regards the retrospective provision of the clause, he proposed that forage allowance only should be excluded from consideration in computing pensions, and that house allowance (in the case of persons at present in the service) should be computed. The distinction he drew between forage allowance and house allowance was this—every man required a house to shelter him, but every man did not actually require forage allowance. It was obvious that if no house or quarters were provided for a public servant by the Government he would be compelled to provide himself with a house out of his own salary, but the same argument did not apply with equal force as regards forage allowance. He therefore trusted that hon. members would be inclined to accept this amendment as a compromise. With regard to the future—with regard to officers entering the Public Service after this date—he proposed that they should have no claim to a pension in respect of either house or forage allowance. If, therefore, any person after this entered the service, he would do so with his eyes open as to the conditions upon which he should have his pension calculated, and he would have no cause to

complain hereafter of the treatment he received at the hands of that House or of the country. If he was not satisfied with the prospects held out to him, let him decline to enter the service; it would be his own fault if he did.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) was glad to find that it was not proposed to render the amendment retrospective, as regards disallowing the claims of public officers now in the service to have their house allowance taken into account in computing an officer's pension; but he certainly failed to see why the same principle should not apply to forage allowance. He could not more clearly express his sentiments on this question than by reading a portion of the Message which His Excellency the present Governor sent to the House when he disallowed the Bill passed four years ago to regulate and abolish pensions in certain cases. He commended the Message to the careful consideration of hon. members on the present occasion. What His Excellency said was this: "While the Governor freely admits that it is within the province of the Legislature to enact that no person who entered the service subsequently to the decision arrived at during the Session of 1873 shall be entitled to a pension under the Act of 1871, he considers that the 2nd section of the Bill under consideration, which limits retrospectively the meaning of the word 'emoluments,' would oblige the Executive to break faith with those officers who entered the service between the passing of the Act of 1871 and the decision above referred to, and that the Bill must in consequence be disallowed. Heretofore, the word 'emoluments,' as used in the 1st section of the Act of 1871, has been held to include forage allowance, house allowance, and fees of office, according to the circumstances of the case. The present Bill proposes that forage and house allowance shall no longer be taken into account in computing an officer's pension, and would therefore be unfair to those gentlemen who have joined and remained in the service on the strength of the inducements held out to them by the Act of 1871." It would be observed, on further reference to the Message, that His Excellency laid considerable stress on the "good behaviour"



of officers claiming a right to a pension, and that, in the Governor's opinion, such public servants, having well and faithfully served the Crown, had acquired, if not a legal claim, at any rate an equitable right to have their emoluments taken into consideration in the computation of their pensions, in accordance with the provisions of the existing Act.

The amendment was then put, and negatived, on a division, there being—

Ayes	...	6
Noes	...	10

Majority against	...	4
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AYES.	NOES.
The Hon. E. T. Golds-	Mr. Carey
worthy	Mr. Grant
The Hon. G. W. Leake	Mr. Higham
Mr. Burges	Sir L. S. Leake
Mr. Burt	Mr. Marmion
Mr. Stone	Mr. S. S. Parker
Mr. Brown (Teller.)	Mr. Randell
	Mr. Steere
	Mr. Venn
	Mr. S. H. Parker (Teller.)

The original resolution was then put and passed.

#### RAILWAY WORKSHOPS.

Mr. SHENTON, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, stating—That in the opinion of this House, it would be desirable that the Railway Workshops should be erected in Perth—as such an arrangement would be more convenient and economical, as being directly under the supervision of the Head of the Railway Department."

The motion was supported by Mr. Stone and Mr. Crowther, and opposed by the Attorney General, Mr. Marmion; Mr. Higham, Mr. Randell, and the Colonial Secretary. When put to the House, it was negatived, on the voices.

#### COOLIES AND CHINESE IMMIGRATION.

##### IN COMMITTEE.

Mr. BURGESS moved, "That in the opinion of this House it is desirable that the sum of three hundred pounds be reserved out of the amount voted for Immigration, for the purpose of introducing Coolie or Chinese immigrants, on the same terms and conditions as immigrants nominated from England or elsewhere, and that no portion of the

"amount so set apart shall be expended until at least twenty-five Coolies or Chinese have been applied for on the above terms." Speaking from his own experience, he had no hesitation in stating that these men were a very desirable class of immigrants, under the existing condition of the labor market in this Colony. They were not only cheap, but useful and trustworthy, and, in the capacity of cooks, shepherds, and "knock-about" hands, made excellent servants. The proposed introduction of this handful of Coolies would not interfere in any way with the European labor market. On the contrary it would enable the settlers to give really good European laborers a higher wage than at present, because the Coolies would perform the less important work on a farm or a station for less wages than employers had now to pay worthless European laborers. For himself, he might say that he was prepared to employ at least half-a-dozen of the imported Coolies, and to undertake to bear all the expenses connected with them from the moment of their landing on our shores. He had no doubt there were others who would be prepared to do the same thing.

Mr. CROWTHER said it was well known to hon. members that he was an advocate, to a certain extent, for the introduction of Coolie labor, as supplying a want which could not otherwise be supplied. He did not think the present resolution went quite far enough, and he would move, as an amendment, That the following words be added to the resolution:—"And that the Government be requested to take immediate steps for the introduction of a limited number of Chinese Coolies out of the vote appropriated by the Legislature for Immigration purposes, for the year 1880." He understood that only a very small portion of this vote had yet been expended, and he thought some of it might advantageously be appropriated for introducing the class of immigrants contemplated by the hon. member Mr. Burges. It would be observed that no provision was made for returning these Coolies to their native land, and consequently they would come here on their own responsibility. They were assured on the authority of a very ancient proverb that there were black sheep in every flock, and he did not suppose a Mongolian

flock would be different in this respect to a European flock; but, on the whole, he thought that among these Coolies—judging from the specimens which had already been introduced into this Colony—there was a very fair proportion of white sheep, and the probability was that these were the most likely to remain in the Colony when they were once brought here.

MR. STONE was not going to support the resolution—for he did not think this was the class of labor which the Legislature would be justified in encouraging, at public expense; but he was free to confess that his own experience of these Coolies was that they were very useful men indeed, very quick at learning domestic or other duties, and very willing. Coolie immigration, however, was not the class of immigration which ought to be undertaken at the public cost in a Colony like this, for the main object of any public system of immigration ought to be the permanent settlement of the country. No one contended that this end would be attained by the introduction of Coolies. At the same time he should be prepared to some extent to assist the introduction of this class of labor, but not to go to the extent here proposed. As to applying the principle of nomination with regard to these Coolies, and bringing them within the scope of the Immigration vote passed by the House last Session, he failed to see how it could be done, unless those who required the services of these men employed their own agents to select and to nominate them.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): So far as my experience goes these Coolies are a very desirable class to introduce, both on public and private grounds. You never hear of their getting drunk, much less disorderly, or of their being brought to courts of justice charged with any criminal offence of any shape whatever.

MR. GRANT: They are as guilty of committing such offences as there are days in the year.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): That may be the hon. member's own experience, but I speak in my capacity as a law officer of the Crown, with some knowledge of the criminal records of the Colony, upon

which the names of Chinese seldom occur. I shall most gladly support the resolution.

MR. VENN also would support it. The Chinese introduced into this Colony, under the system of selection adopted by the Government, were certainly a far superior class of men to those who had introduced themselves into the other Colonies. He thought if there was any ground for complaint against the Coolies introduced here, it had been caused by the action of the Government in instructing magistrates to deal with exceptional leniency with any of these men who might happen to be brought before them for any breach of civil contract. He thought it was rather hard that, while whites should have to submit to the provisions of the Masters and Servants Act, these Chinese were allowed to do almost what they pleased in respect of that Ordinance. He failed to see why Mongolians introduced at public expense should not be placed on the same footing as European servants with regard to their obligations as servants.

MR. HIGHAM said he also had employed some of these Coolies, and he was bound to say that his experience of them had not proved by any means as favorable as had been the experience of some hon. members. It appeared to him strange that, while all the other Australian Colonies were resorting to extreme measures in order to prevent the introduction of Chinese, this House should be asked to devote a portion of the public funds in order to induce these men to come to this Colony. It seemed to him that to encourage the free immigration of Coolies would entail considerable hardship upon the working classes here, who were thus compelled to contribute out of their own earnings towards the introduction of a class of labor destined to rival and to undersell them in their own labor market. This movement could not be regarded as one calculated to benefit the community at large, but for the benefit of squatters and persons who could well afford to introduce them at their own expense. If the colonists generally were so much in favor of this class of labor, how was it that so few applications had been sent in to the Government in respect of employing these Coolies? In his opinion,

the settlers generally did not wish that these men should be introduced at public expense, and he failed to see why the revenue of the Colony should be devoted to such a purpose. He thought charity should begin at home, and that we should seek for an increase of population in the over-stocked labor markets of the Mother country.

MR. BROWN said the reason for the opposition shown in the other colonies to the introduction of Chinese was based upon political rather than economic grounds. The fact of the matter was, they did the same work equally as well as Europeans at vastly lower rates, and were consequently the object of aversion to the working men, who, in those colonies, were masters of the situation, and whose wishes had been pandered to by politicians seeking to retain power or office. This was the outcome of manhood suffrage, under which the laboring classes—not only the thrifty and industrious, but the lazy and dissolute—had more voice and influence in the election of parliamentary representatives than the owners of property and those who had a real stake in the country could ever hope to exercise. Hence the secret of the opposition shown by politicians to the introduction of a class of labor likely to interfere with the interests of the most influential section of their constituents. He was happy to think that no such influence was at work here. No one pretended that members of the Legislature in the sister colonies—and especially in that Colony which was loudest in its cry against the introduction of Chinese—entered Parliament to represent the interests and welfare of the Colony, but rather to look after the interests of one section of the community, the section which, under manhood suffrage, commanded the greatest political influence. As to the squatters being the only class in this Colony who require Coolies, he did not think the cry for Chinese servants was confined to that particular class, though no doubt they largely avail themselves of Coolie labor, and, in doing so, he thought they would be conferring a favor upon the Colony by assisting to develop an important industry, the development of which was now retarded in consequence of the dearth of suitable labor.

MR. CAREY would support the motion, and strongly too. He had seen the evils attendant upon the introduction of Chinese in the other colonies and also the beneficial results attendant upon their introduction, and he had no hesitation in saying that the evils were more than counterbalanced by the good. In other parts of the world their introduction, on a moderate scale, had proved most beneficial. As to the opposition manifested to Chinese in the sister colonies that was easily accounted for, as had been pointed out by the hon. member for Geraldton. These men would work at a reasonable rate of wages, and work six days in the week, whereas a great many European laborers in those colonies—the so-called paradise of the working man—expected, as a rule, to get paid for six days and only work for about half that period. For certain purposes, and to meet an urgent demand for labor which could not otherwise be satisfied, he thought the proposal before the House was entitled to every support.

MR. S. H. PARKER said that when this matter was before the Council last Session he had protested against the public funds being appropriated for the purpose of introducing a class of immigrants who would never settle down in the Colony, and he meant to protest against it this Session. He maintained that the public revenue should not be devoted for any such purpose as to provide a few favored individuals with cheap labor at public expense, and that no system of immigration should be supported out of the public funds unless the object in view was the permanent settlement of the Colony.

MR. MARMION intended to oppose the resolution. It was not the first time he had done so, for he had consistently opposed the introduction of these Coolies at the expense of the general public. He had always been of opinion that those who wanted them should import them. He admitted the value of this class of labor to those who actually required it, but he thought that those who benefited by it should fairly be asked to bear the expense of its introduction. The amount of the passage money of these Coolies was not much—about £10, and as their period of service extended over three years it would only be at the rate of

about £3 a year. Surely this was not much to ask from those who derived the benefit of these men's labor. They were introduced more for the advantage of individuals than of the general community, and he therefore thought the cost of their introduction should be borne by those individuals and not by the community at large.

MR. CROWTHER said there was work to be done in a Colony like this—important work, too—which could only be done with cheap labor, and it was useless saying that the development of the country's natural resources was an object which affected individuals rather than the general public. As to the statement made by one hon. member that hardly any applications were received last year when the Government proposed to introduce Coolie labor, the paucity of applications was attributable to the elaborate machinery which had to be put in motion in order to secure the services of these men, and to the fact of the harassing conditions imposed by the Government as regards their employment.

The resolution, as amended, was then put and passed.

#### SUPERVISION AND EXPENDITURE OF ROAD LOAN: REPORT OF SUPERINTENDENT OF ROADS.

MR. CAREY, in accordance with notice, moved, "That the House resolve itself into a Committee of the whole to take into consideration the report of the Superintendent of Roads, with a view to take some steps for providing a more effectual system of control as regards the expenditure of the Road Loan."

Agreed to.

#### IN COMMITTEE.

MR. CAREY said he was somewhat induced to bring this matter before the House in consequence of the smallness of the vote on the Estimates for the ensuing year for roads purposes, namely, £1,000, for distribution among all the District Road Boards. There were thirty-one of those Boards in the Colony, and this amount fairly apportioned between them would give each Board £32 5s. for the year's expenditure. It was not probable that the settlers constituting these Boards were likely to go to the trouble

of meeting together for the purpose of deciding as to the expenditure of such a trifling sum as that. Hence the resolution which he intended asking the House to agree to. That resolution in no way proposed to take from the Central Road Committee the right to decide what additional sum out of the road loan should be apportioned to District Boards generally, nor did it contemplate depriving that Committee of the right to determine upon what particular roads in a district the money allotted, out of the loan, to the Local Boards should be expended. But it was proposed to alter the present system of supervising the expenditure of the loan money, with a view to ensure more satisfactory results than were derived under the present system of supervision. And he proposed doing this upon the principle recommended by the late Governor (Sir Harry Ord), when suggesting to the Secretary of State the advisability of raising the loan. His Excellency in his Despatch on the subject to Lord Carnarvon—after sketching out the proposed constitution of the Central Road Committee, and suggesting that the number of the District Boards be reduced—said, "to these Boards should be committed (with such professional assistance as they might require) the duty of seeing to the due execution, by contract or otherwise, as might seem to them best, of the works approved in their respective Districts by the Central Board." That was exactly what he now proposed doing—that the money allotted by the Central Board should be left to the discretion of the Local Boards as to the manner in which it should be expended, without having recourse to the tutorship of any outsider. That this would be a much more economical system than that now obtaining was very certain, while at the same time it could not fail to give much greater satisfaction to all concerned. If hon. members would refer to the message sent down to the House by Governor Ord on the 11th August, last year, with reference to the apportionment of the Road Loan, it would be seen that a total sum of £40,000 was then proposed to be apportioned—the expenditure of this sum to be spread over two or three years. Out of that £40,000, a sum of £1,000 only was set apart for supervision and

expenses. He thought he might safely say that a great deal more than that amount had already been expended on supervision, in one year, and the results were by no means satisfactory. On the contrary the whole system had been condemned from one end of the Colony to the other. They had heard a great deal about road-making on scientific principles, but he thought the correspondence which was published recently in the *West Australian* newspaper showed beyond doubt that the so-called scientific principles were (to use the words of the hon. member for the North) contrary to the principles of common sense. Latterly, it appeared, the Government had to fall back upon one of the members of these much-despised Local Boards to assist the gentleman who did the work on a "scientific" principle, and see if the "common-sense" principle would not be an improvement. As hon. members were aware, a much respected colonist, Mr. Benjamin Mason, had recently been associated with the Superintendent of Roads, to assist that "competent man from the other side" to carry out the work of road-making. So far as Mr. Mason was concerned, he (Mr. Carey) was very glad he had got the appointment, for there could be no doubt Mr. Mason was a "competent man" from our own side. At the same time, it must be borne in mind that the Colony had now to pay not only a Superintendent of Roads but also an Assistant Superintendent. In addition to this, there were young gentlemen connected with the Works Department, and who knew as much about road-making as a school-boy did, sent here and there on special missions connected with the roads; so that the costs incidental to the expenditure of the loan money was a very serious charge indeed upon the loan, and the £1,000 set down as the estimate of the cost of supervising the expenditure of the £40,000 would go but a very little way indeed. As he had said before, it had cost the Colony a great deal more than £1,000 already to supervise the expenditure of £7,000 or £8,000. And he thought the House would agree with him that it was very desirable that some other system, more economical, and at the same time more satisfactory in its results, should be adopted. He did

not think it could be said that the arrangement contemplated in the resolution which he was about to submit could in any way be regarded as a breach of faith as regards the Imperial Government in the matter, for, as he had already said, it was not proposed to take away from the Central Road Board the right of appropriating the money, and deciding upon what roads it should be spent. All that was asked was that the money should be expended upon the principle proposed by Governor Ord to the Secretary of State, when requesting the sanction of the Imperial Government to the loan being raised, namely, that the duty of seeing to the due execution (by contract or otherwise as might seem to them best) of the works approved by the Central Board should be committed to the District Boards. The resolution he had to propose was as follows:—"That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to take into consideration the question of the Roads Loan, with a view to securing the following adjustment:

"1st. That the Central Board shall have the full power of deciding what moneys shall be expended in each district, and also on what roads the amounts shall be expended.

"2nd. That the District Roads Boards shall be responsible for, and shall have full control over, the expenditure of all moneys so allotted—together with the complete supervision over the said roads."

On the motion of Mr. S. H. Parker, Progress was then reported, and leave given the Committee to sit again on Friday, 3rd September.

#### SCAB ACT, 1879, AMENDMENT BILL.

Read a third time and passed.

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