would refuse to exert himself to prevent injustice to the mining industry or to sweep away any obstacles. He only wished he could say as much for the mining members in relation to the agriculturists. Three out of seven provinces was the smallest limit that should be given to the agricultural industry of this State, or, rather, those two and a possible third; two a certainty, the East and the South-East, and a possible third in the South-West. That was as little as we could give with a due regard to what were the true interests of Western Australia.

SIR E. H. WITTENOOM moved that progress be reported.

Motion put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 12 |
| Noes | ... | ... | 12 |

A tie

| AYES. | NOES. |
|---|---|
| Hon. A. Dempster | Hon. G. Bellingham |
| Hon. J. W. Hackett | Hon. T. F. O. Brimage |
| Hon. S. J. Haynes | Hon. J. D. Connolly |
| Hon. W. T. Loton | Hon. J. M. Drew |
| Hon. W. Maley | Hon. J. T. Glowrey |
| Hon. C. A. Piesse | Hon. A. G. Jenkins |
| Hon. G. Randell | Hon. W. Kingsmill |
| Hon. Sir George Shenton | Hon. Z. Lane |
| Hon. F. M. Stone | Hon. R. Laurie |
| Hon. Sir E. H. Wittenoom | Hon. B. C. O'Brien |
| Hon. J. W. Wright | Hon. C. Sommers |
| Hon. C. E. Dempster (*Teller*). | Hon. J. A. Thomson (*Teller*). |

THE CHAIRMAN gave his casting vote with the Ayes.

Motion thus passed.

Progress reported, and leave given to sit again.

### ADJOURNMEMT.

The House adjourned at half-past six o'clock, until the next day.

# Legislative Assembly,

*Wednesday, 11th November, 1903.*


| | PAGE |
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| Bill: Fertilisers and Feeding Stuffs Act Amendment, Report of Select Committee... ... | 2002 |
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| Bills (public): Supreme Court Act Amendment, in Committee, reported ... ... ... ... | 2003 |
| Election of Senators, in Committee, reported | 2006 |
| Government Railways, in Committee resumed, Clauses 7 to 24, progress ... ... ... | 2006 |
| Annual Estimates resumed, Colonial Secretary's Department, Medical to Education, progress ... ... ... ... ... ... | 2023 |
| Return ordered: Fremantle Harbour, Rebates ... | 2002 |


THE DEPUTY SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

### PAPER PRESENTED.

By the TREASURER: Return (additional) as to liquor licenses, moved for by Mr. Foulkes.

Ordered, to lie on the table.

### FERTILISERS AND FEEDING STUFFS ACT AMENDMENT BILL.

HON. J. M. HOPKINS brought up the report of the Select Committee appointed to inquire into the Bill.

Report received; to be considered on the next day.

### PRIVATE BILL.

Message from the DEPUTY GOVERNOR received and read, assenting (as far as the interests of the Government were concerned) to whatever the House might do in connection with the Land Act Amendment Bill (private).

### KATANNING ELECTRIC LIGHTING AND POWER BILL (PRIVATE).

Introduced by MR. FOULKES, and read a first time.

Select Committee appointed by ballot, comprising Mr. Atkins, Mr. Higham, Mr. Pigott, Mr. Wallace, also Mr. Foulkes as mover; with power to call for persons and papers, and to sit on days on which the House stands adjourned; to report on the 18th November.

### RETURN—FREMANTLE HARBOUR, REBATES.

On motion by MR. TAYLOR, ordered: That there be laid on the table of the

House a return showing—1, The number and amount of rebates in wharfage or other dues which have been made by the Fremantle Harbour Trust since the 1st January, 1903. 2, The circumstances and authority under which these rebates, if any, were made. 3, The names of the persons or firms receiving the rebates.

## SUPREME COURT ACT AMENDMENT BILL.

### IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the PREMIER in charge of the Bill.

Clauses 1, 2—agreed to.

New Clause:

MR. HOLMAN moved that the following be added as Clause 3:—

> The Governor shall, under the provisions of the Circuit Courts Act, 1897, proclaim a Circuit District, to include the Murchison and Peak Hill Goldfields and the Geraldton Road District; and quarterly Circuit Courts shall be held in such circuit districts alternately at Geraldton and Cue, at such times as may be appointed by the Governor.

At the present time the people on the Murchison Goldfields and at Geraldton were put to great expense to have their cases brought before the Supreme Court. Last year the Premier said the Act needed amending, and there was now an opportunity of amending it by the provision of this new clause. He believed provision could be made in this Bill to allow Circuit Courts to be appointed, and was sure the Premier would do all he could to assist. When Circuit Courts were first appointed, it was thought that certain districts would be proclaimed throughout the State, so as to give the people in outlying districts opportunity of having their injustices dealt with; and he hoped something would be now done to accomplish that. This clause could be broadened to include other places. The clause would provide that a Circuit Court should be held in Geraldton, to sit say in February and July; to sit also at Cue, say in May and October.

THE PREMIER: Such a clause should not find a place in this Bill. The hon. member really desired to amend the Circuit Courts Act; but there would be no necessity to do that, because under that Act the power already existed to proclaim Circuit Court districts, and the Governor could issue a proclamation dealing with the object sought to be attained. However, once a district was proclaimed a Circuit Court district there must be quarterly sittings, and it would be agreed that there was not sufficient work in the Cue district to hold a quarterly Court, and that in criminal cases there must not be an interval of six months between the sittings of the Court.

MR. HOLMAN: The Court could be held every three months alternately at Geraldton and Cue.

THE PREMIER: If the parties in a Peak Hill case had to travel to Geraldton, there would be little difference in bringing them on to Perth, since they had to travel as far as Geraldton. The Geraldton district would have to be extended at least to the Irwin, and there would be difficulty in taking Irwin people to Cue for the trial of their cases.

MR. HOLMAN: There would be no objection to quarterly Courts in each place.

THE PREMIER: That could not be done, because cases were extremely few. Under the Supreme Court Act a commissioner could be appointed to deal with cases where no Courts sat regularly, and that power was constantly exercised where there were several cases awaiting trial in such districts. A Judge had travelled to Geraldton to hear cases listed there, and where there was an accumulation of cases there would be no difficulty in obtaining an order for the trial of cases in those districts, Cue or Geraldton as the case might be. It would not be wise to put in the Supreme Court Act a section providing that a Circuit Court should be held at Cue or Geraldton, any more than to put in the Act a provision that a Court should be held at Kalgoorlie. The power to establish Courts was already given by proclamation, and beyond that we should not go. A Circuit Court should not be established in a district unless there was a fair amount of work to be done. The expense would hardly justify it, and it would be far cheaper to pay the expenses of witnesses by bringing them down to Perth as was done now. The hon. member should not press the clause, as the object he sought could be obtained by proclamation, more especially as the matter did not come within the purview of the Supreme Court Act.

MR. STONE: This matter had cropped up for the last sixteen years. Every additional Judge appointed was appointed to deal with circuit cases in the North. Cases came down every month from the northern districts, and people were put to considerable expense in keeping witnesses in Perth. The time had fully arrived when the Government should appoint Circuit Courts both at Geraldton and Cue, for there was ample work for quarterly Courts. If the Premier looked up the cases that came from these districts, especially those criminal cases which had to be tried before justices of the peace, he would be satisfied.

THE PREMIER: Information regarding criminal and civil cases in these districts would be obtained.

MR. STONE: There were cases standing over for years from the Geraldton district.

MR. MORAN: Of all the reforms urged in the interests of the people of the State this was the hardest to bring to any fruitful issue. Mr. Illingworth and he had nine years ago moved in connection with this matter, because then it was thought that a great injustice was being done to people who had to come from populous goldfields centres to Perth at an expense of tens of thousands of pounds, and at a great loss of time. There was certainly great delay in the present method in dealing with the titles to property.

THE PREMIER: People now came down from Kalgoorlie to have cases heard in Perth.

MR. MORAN: That was permissible. In no other part of Australia were places like Geraldton and Cue, so far removed from the capital and so well populated, not fully supplied with justice. It was an old argument. Nothing was so hard as to convince the legal profession and the Attorney General of the necessity of asking a Judge to go out of Perth because there was some sort of vested interest in keeping a Judge in Perth. It was harder even to convince the Attorney General in the Forrest Government.

THE PREMIER: The more tribunals there were the more law there was.

MR. MORAN: In Queensland Judges had for long years been going on horseback and in coaches to outside centres to give justice to the people, often crossing flooded rivers at great inconvenince to do so. Here we had a seaport town and a goldfields town with every means of communication not supplied with a visiting Judge. Nothing was more calculated to harass people than the uncertainty of their liberties and properties. It was easier to ask a Judge to go to the people than to ask the people to come to the Judge in Perth. We had four Judges, and one could not understand why long ago there was not a Circuit Court at Geraldton and six years ago a Circuit Court at Cue. The clause should be pressed so as to save the people enormous inconvenience and a very great deal of expense. He was entirely in sympathy with the object sought by the hon. member.

MR. TAYLOR: Although the Bill might not be the proper place for the clause, it was the only opportunity to ventilate the matter. When the member for North Murchison moved in the same direction last year on the Fourth Judge Bill the late Premier said that the Bill was brought forward in order to enable Circuit Courts to be established on the goldfields, and Cue and Geraldton were mentioned, so that it was generally understood the Judges would travel to those districts. In no part of Australia where people had such facilities as existed between here and Cue were Circuit Courts not held. Twenty years ago in Queensland a Judge and the Crown Solicitor travelled by coach and on horseback a distance of 400 miles to hold a Circuit Court, and they often camped on banks of rivers for days waiting for flood waters to go down. In view of the facilities we had in Western Australia, and in view of the fact that we had four Judges, it was time the people of Cue and Geraldton had quarterly Circuit Courts, so they should not be put to the expense of travelling to Perth. He hoped the Premier would make arrangements by which Circuit Courts could be established at these centres, for it was absurd to ask people to come to Perth, and it was quite convenient for the Judges to go to Cue. As it was pointed out time after time, there was something in the talk of a legal ring and in the belief that the Judges did not want to leave Perth. The people in outside centres should receive some

consideration at the hands of the Attorney General's department.

MR. HASTIE: Circuit Courts had not been established at Cue and Geraldton because of the old desire of centralisation. When the question was discussed years ago every possible obstacle to establish Courts in the Eastern Goldfields was put in the way. These obstacles were not removed for years. Apparently there was now a contest between the Perth lawyers and those of the country districts. The Premier said there was power to appoint a commissioner to hold a court at Geraldton.

THE PREMIER: Under the Circuit Courts Act, a Circuit Court district could be proclaimed at Geraldton. But the Court must then sit there once a quarter, to clear the gaol; and there was not enough work to justify separate Circuit Courts at Geraldton and Cue.

MR. HASTIE: Why not alter the Act?

THE PREMIER: The Act needed many amendments, and he hoped to introduce an amending Bill next session.

MR. HASTIE feared a fresh excuse next year. The strong desire of lawyers was to centralise legal business.

THE PREMIER: No. The bulk of the cases tried by a Circuit Court at Geraldton or at Cue would be criminal cases.

MR. HASTIE: And Perth lawyers would thus be deprived of remunerative work. The main consideration for this House was the great expense incurred by litigants who had to come to Perth from the Murchison to enforce claims or to prove their innocence. It was impossible for an accused person from the Murchison to get a fair trial in Perth unless he could raise say £100 for expenses of witnesses, cost of collecting evidence on the spot, and Perth lawyers to conduct his case. The trial was rarely commenced within a week after the arrival of witnesses and parties; and the accused must pay all expenses. The cost of Circuit Courts at Cue and Geraldton would be inconsiderable compared with the cost of the present system. The new clause should be pressed, so as to emphasise the desire of members for Circuit Courts.

THE PREMIER: That could be done by a substantive motion.

MR. FOULKES: The Premier was evidently impressed by members' arguments. The only argument against establishing a Circuit Court at Cue was that there might not be enough business. Circuit Court now sat on the Eastern Goldfields, and their extension was a matter of mere expediency. Let one be established at Geraldton, and subsequently another at Cue if necessary. It was not obvious why Circuit Courts were not established years ago in this country. The quarterly assizes in Britain were sometimes opened at places where no cases were ever tried. The new clause would be out of place in this Bill, and should be withdrawn. Table a motion that a Circuit Court should be established at Geraldton, and that motion would have his cordial support. Such a clause in this amending Bill would be patchwork.

THE PREMIER: The new clause was evidently moved to give opportunity for discussion. In this amending Bill we could not insert a clause directing Circuit Courts to be established in two towns, when power to do this was contained in the Circuit Courts Act; and if Circuit Court districts were proclaimed, there must be quarterly sittings.

MR. HOLMAN: The Court might sit in one quarter at Geraldton, and in the next quarter at Cue.

THE PREMIER: That suggestion was worth considering. He would have a return prepared showing the civil and criminal cases from the Cue and Geraldton districts dealt with in Perth during the last twelve months. There was much force in the contention that districts so far from the capital should be regularly visited by a Supreme Court Judge. Inquiry would be made, and the hon. member (Mr. Holman) advised of the result during next week.

MR. MORAN: Would the Premier promise to amend the Circuit Courts Act, if necessary, to permit of holding a Court at Cue and Geraldton?

THE PREMIER: Undoubtedly.

MR. HOLMAN, in view of the Premier's promise, withdrew the new clause. There was nothing in the Circuit Courts Act to prevent a Court sitting at Cue and Geraldton alternately. Within the past few years he (Mr. Holman) had helped to finance three or four civil cases in which the parties came from the

Murchison to Perth for the hearing. Every witness sent from Cue to Perth cost at least £15; and if nine or ten witnesses were needed the cost was so heavy that many cases were not heard at all. Moreover, in mining cases a jury of practical men would be of great assistance.

New clause withdrawn.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

## ELECTION OF SENATORS BILL.

### IN COMMITTEE.

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

## GOVERNMENT RAILWAYS BILL.

### IN COMMITTEE.

Resumed from the previous day.

MR. ILLINGWORTH in the Chair; the MINISTER FOR WORKS AND RAILWAYS in charge of the Bill.

Clause 7—Commissioner of Railways:

MR. PIGOTT: The clause made provision for the filling of a vacancy in the office of the Commissioner, and it stated that on the occurrence of a vacancy the Governor might appoint a person to be Commissioner who should hold office for the term of five years. That was all right, but the clause went on to say "but any such appointment shall be subject to the approval of Parliament." These words were not necessary. The Government in this State was carried on by responsible Ministers, therefore the Governor should appoint a Commissioner and stand or fall by the appointment. Members of Parliament should not have a say in the appointment of the Commissioner. He moved as an amendment,

That the words "but in such case the appointment shall be subject to the approval of Parliament" be struck out.

THE PREMIER: The Commissioner of Railways was an officer with extensive powers, and if we had a Commissioner at all he must have extensive powers. The Commissioner was appointed for a term of five years, and during the term of his office he could have a very material influence, one might almost say, in the development of the State. The object of inserting the words proposed to be struck out was to impress upon any Minister called on to make such appointment the obligation of using particular care, bearing in mind that the appointment would have to be approved by Parliament. If a Commissioner retired or died or a vacancy occurred, an acting Commissioner would be at once appointed to fill up the intervening period. Steps would then be taken to fill the permanent position, and the Minister would come to the House and say that the Government proposed to appoint Mr. So-and-so as Commissioner of Railways. The House would have to express opinion one way or another on the appointment. Having regard to the great powers exercised by the Commissioner of Railways this was not an unwise provision to insert, and there was the safeguard that the appointment must be subject to the approval of Parliament.

MR. MORAN: Perhaps the Premier was thinking of the last appointment.

THE PREMIER: No.

MR. MORAN: During the debate just after the assembling of Parliament and after the appointment of Mr. George as Commissioner, some startling speeches were made in contravention of the clause by the present Government in defending the position the Government then took up. Having appointed Mr. George the Government now wished to take from the power of any other Government the opportunity of making the egregious error which they had made. If the clause which it was now proposed to pass had been law the country would have been protected. He asked the House deliberately, did anyone for a moment think, had this provision been the law, Mr. George's appointment would have been ratified?

THE PREMIER: The House would have made a mistake if it had not ratified the appointment.

MR. MORAN: That might be so. The appointment was so extraordinary and the circumstances surrounding it so peculiar.

THE PREMIER: The change from the previous administration.

MR. MORAN: There was a great deal of odium as far as the Government were concerned. He doubted very much, had this power been in the Bill, whether Mr.

George's appointment would have been confirmed. There was something in what the leader of the Opposition said, that there was a tendency—and this was the case with all legislation—to do away with the responsibility which was cast on the shoulders of the Government. The Arbitration Court was one instance by which the civil servants were removed from the immediate control of the Government, and the classification scheme was another instance. In one case thousands of men were removed from the immediate control of the Ministry, while in the case under review the appointment of one man was removed from the Government.

MR. PIGOTT: The classification of the service had nothing to do with it at all.

MR. MORAN: The position was so grave, the lessons of the past were so vividly imprinted on his mind, that he intended to vote for the clause. For the present he preferred Parliament having a say in the appointment of the next Commissioner, and he hoped an officer at double the salary of the present occupant of the office, and the best man in the world, would be appointed to the position of Commissioner, so that we should have a trained man whose ability had been proved in other parts of the world to carry on a work of the magnitude of our railways.

MR. HASTIE: The member for West Kimberley seemed to assume that the appointment of Mr. George should be treated in the same way as the appointment of any ordinary officer, while the hon. member also desired that the Government should be held responsible for any appointment. Under ordinary circumstances he (Mr. Hastie) would agree with the leader of the Opposition; but the position of Commissioner was different from that held by any ordinary civil servant. Take for instance an Under Secretary: the Minister was responsible for that officer's acts, and the Minister was responsible for the acts of other servants, but the Bill placed the Commissioner of Railways on a pedestal and made him independent of the Cabinet and Parliament itself. In a number of cases the Commissioner was quite independent of the Government. The present Bill gave the Commissioner increased power. Nothing could be done by the Government in regard to the railways without the consent of the Commissioner, and the Bill stated that certain things might be made by the Commissioner with the consent of the Executive, which meant that unless the Commissioner was willing, practically nothing could be done. The Bill allowed the Commissioner to charge freights and fares with the consent of the Executive, but in the first place the Commissioner was required to give them authority before the Government could use any power. Unless the Commissioner gave his consent for changes to be made, even Parliament in many cases was powerless to make those changes. If Parliament shirked its responsibility altogether and wished to throw that responsibility on the Ministry, then Parliament could not exercise that responsibility. Members were sent to Parliament to become responsible for what was done, and if the clause was passed in its present form there was no way in which members could be held responsible for their actions. There was a scattered population in this State, and we should have in the position of Commissioner a man who was as good as the ancients and those of modern times. If such a man could not be obtained, then we should place the Commissioner in such a position that Parliament would have some control over the appointment. If Parliament made a foolish appointment, then members were responsible for it. The leader of the Opposition wished to shirk that position.

MR. PIGOTT: One could hardly follow the arguments of the Premier, who said that the object of putting this portion of the clause into the Bill was to impress on the Minister the responsibility of his position. If the clause was passed as printed it would have an exactly opposite effect to that desired, for the Minister would then say there was no responsibility cast on the Government in the matter.

MR. MORAN: The initiative was with the Ministry.

MR. PIGOTT: But the House took the responsibility from the Ministry. If we were to have responsible government that clause would not be right. The Premier said Mr. George's appointment had been justified, therefore the Government were right in appointing him before

getting permission of the House. If Mr. George or any other man was appointed, this House could dismiss him in 24 hours.

MR. MORAN: And pay £5,000?

MR. PIGOTT: If the Ministry made a mistake, they should bear the punishment. In regard to every Bill which had come before us, where there had been the chance of throwing the responsibility off the shoulders of the Ministry on to those of private individuals and Parliament, that course was taken.

THE MINISTER FOR RAILWAYS: This proposal, he thought, should meet with the favour of Parliament. It was not introduced with any desire to shirk responsibility, nor did he (the Minister) see how it would effect that object. The appointment of Commissioner of Railways was, in his opinion, the most important appointment in this State. Unlike any other appointment, it was for a fixed period of five years, and the Commissioner was only removable from office during that time for misbehaviour or incompetency, which had to be proved. It had been asked, how could Parliament judge of the merits of the Commissioner? If Parliament was not competent to express an opinion as to the merits of the Commissioner, it was also not competent to express an opinion as to his demerits. But seeing the nature of the appointment, how important it was, how much the destinies of Western Australia were at stake, it was fair that Parliament should have a voice in the appointment.

MR. PIGOTT: Did the hon. member think that, before the last appointment?

THE MINISTER: Certainly; but he was only one man.

MR. PIGOTT: The hon. gentleman did not say that when he came before the House.

THE MINISTER: Many things were thought by him which he did not say.

MR. JACOBY: And the Minister said a good many things he did not think.

THE MINISTER: If the Committee seriously objected to this clause, he did not wish to insist upon its being retained; but it was advisable the clause should be retained, and he intended to divide the Committee upon the point, if necessary. This was what would follow in the event of a vacancy occurring, during the tenure of office of the present Government, for instance. They would have to come to the House and propose the appointment of a certain individual as Commissioner. Probably that proposal would have to emanate from him (the Minister), and he would have to show good cause for the appointment. If the Government recommended a certain individual to an important position such as this and the House rejected the nomination, that Government would have to seriously consider its position.

MR. JACOBY: If the clause were retained, the Ministry, after making very full inquiry as to the eligibility or otherwise of an applicant, would be in this position: they would bring down a recommendation to the House, who would practically make the appointment, and if the appointment turned out a bad one the Minister would escape the responsibility. If we were going to have one officer appointed by this House, we might logically as well go on and appoint others. The Government did not ask Parliament to appoint gentlemen for the judicial bench.

THE MINISTER: What the Government were asking in relation to the Commissioner was that the appointment should be confirmed by the House.

MR. JACOBY: Were the members of this House so well capable of looking into the merits or demerits of a gentleman suitable to the position as the Minister, surrounded by his expert officers, and with every means of gaining information? If we had power to appoint officers, we should have power to dismiss them, and we should be gradually creeping on to such a position that if an officer did wrong, the Government would refuse to take any action until recommended by this House. He had always advocated keeping on the shoulders of the Ministers full responsibility.

MR. MORAN: Did the hon. member agree with the appointment of Mr. George?

MR. JACOBY: No.

MR. MORAN: If this clause had been in existence, Mr. George would not have been appointed.

MR. JACOBY: The responsibility of any ill deeds were upon the shoulders of the Ministry, and that was the position he wished to keep the Ministry in.

MR. HOLMES: Were we likely to get an expert to accept the position, if the appointment had to be confirmed by Parliament? Assuming the appointment were made in recess, it would be a very nice point for the Opposition to bring forward immediately Parliament met. for a vote of no confidence.

MR. BUTCHER: The person appointed would only be acting.

MR. HOLMES: Could we get a man to accept the appointment temporarily?

MR. MORAN: One would be approached in the ordinary way. A person might be in Canada, America, or England, and would be asked if he were willing to be an applicant.

MR. HOLMES: What would happen when he came here?

MR. MORAN: He would be appointed.

MR. HOLMES: An expert in America or elsewhere would be pretty hard up to take a position in any of the Australian states on such a condition as that proposed. Any appointment of this kind should be as far removed from political influence as possible. If this clause were passed, a ratification of the appointment would be subject to the whim of this House and to party politics.

MR. MORAN: Could not Mr. George be removed, if the Government chose?

MR. HOLMES: Yes. If he (Mr. Holmes) were in Opposition, and the Government made such an appointment, he would, if he thought the appointment a bad one, shift the Commissioner.

MR. MORAN: That was political interference.

MR. HOLMES: What would two or three thousand a year be in the case of a man controlling the revenue and public expenditure in the Railway Department? If the Commissioner was not discharging his duties satisfactorily, the cheapest way would be to pay him a sum and let him go.

MR. MORAN: The hon. member said that if the Government had appointed a Commissioner and he did not like him, he would shift the Government and then shift the Commissioner. That would be political influence at once. If what was proposed were adopted, we should prevent that circumlocution. If the Government had to fill a permanent position, and filled it temporarily, that would last probably through the recess; and in the meantime the suitability of applicants for the position would be canvassed in the Press, before Parliament could deal with the ratification of an appointment made.

[Sitting suspended for ten minutes.]

MR. ATKINS supported the amendment. The Government should have the right to appoint whom they chose, and should have the responsibility also. Why should they burk responsibility?

THE PREMEIR: They had always taken the responsibility.

MR. ATKINS: Moreover the proposed method of appointment was cumbrous. Any man in a leading position would object to accepting an appointment as Commissioner subject to a vote of Parliament. This country had none too good a name for its treatment of civil servants in high positions; hence divided authority was objectionable. If the Ministry were not fit to make the appointment, they were not fit to run the country.

MR. HASTIE: Supporters of the amendment objected to one species of political influence and favoured another. The Ministry, who were subject solely to political influence, were to make the appointment, and Parliament was not to be consulted. Members seemed to think there was something magical in the phrase, "altogether outside political influence." All business done by a Minister was subject to the approval of Cabinet, and Cabinet held its billet solely by political influence. The Ministry, having no assured tenure of office, had no right to be above Parliamentary control, but should be responsible to Parliament for every act. The Commissioner, who could make or mar the country as he chose, would have in many respects more power than the Governor; yet members were not to have any voice in the Commissioner's appointment. Why? Because members wished to shirk responsibility and throw it on the Ministry. If we appointed a Railway Commissioner, 99 per cent. of his acts were outside the control of Parliament and the Ministry. The saving words "subject to the approval of Parliament" would lead to care being exercised in selecting a Commissioner.

MR. JACOBY: Ministers would be more careful if they had full responsibility.

MR. HASTIE: If Ministers had full responsibility and made an unwise selec-

tion, the hon. member interjecting would try to put them out of office.

MR. ATKINS: Members had always that right.

THE PREMIER: But the clause gave Parliament power to avoid a mistake.

MR. HASTIE: The member for the Swan (Mr. Jacoby) said Parliament was not capable of selecting applicants for the commissionership; yet the hon. member considered Parliament fit to dismiss a Ministry for appointing an unqualified Commissioner. The appointment of Commissioner was the most important in the State. The powers of a Chief Justice were circumscribed. To put the railways under the control of one man was a new idea; and if Parliament consented to the change, Parliament should be responsible for the Commissioner's appointment.

THE MINISTER FOR RAILWAYS: Supporters of the amendment argued that Parliament should not interfere in the Commissioner's appointment because they were not competent, and that responsibility should rest with the Government. But immediately after the appointment was made, if Parliament considered the Government had made a mistake, those hon. members considered Parliament quite competent to judge of that, and to get rid of the Government and the Commissioner too.

MR. JACOBY: The House could judge by results.

THE MINISTER: That would be a costly process, at all events with respect to the Commissioner. The whole difficulty could be overcome by the House exercising their judgment before the appointment.

MR. ATKINS: The House had no right to interfere.

THE MINISTER: If the House had no right to interfere at one period neither had it at another.

MR. ATKINS: There was the right to interfere with the Ministry.

THE MINISTER: Parliament was asked to form a judgment prior to the appointment, but certain members of the Committee stated that Parliament was not competent to form a judgment prior to the appointment but was competent to form a judgment afterwards.

MR. ATKINS: There was nothing said about the competency.

THE MINISTER: The argument brought forward was that members should not exercise their judgment prior to the appointment but afterwards. Was that just? He trusted the Committee would say it was not.

MR. PIGOTT: There was a good deal to be said in favour of the argument advanced that Parliament might not as a whole be competent to give an opinion before the appointment was made, but was competent to express an opinion after the appointment.

MR. MORAN: How long?

MR. PIGOTT: When it had been proved without a doubt that the appointment was a bad one and that the Commissioner was not capable of doing his work.

MR. MORAN: Then members were wrong in dealing with the appointment of Mr. George last session.

MR. PIGOTT: Last year the Ministry took up the position which was the right one. It was their duty to appoint a Commissioner.

THE MINISTER FOR RAILWAYS: And the Ministry were roundly condemned for doing it.

MR. PIGOTT: No complaint was made against the Ministry for appointing Mr. George by him (Mr. Pigott). He condemned the Ministry for not sticking up for Mr. George. The Minister for Railways of the day made no defence in support of Mr. George.

MR. MORAN: The leader of the Opposition condemned Mr. George's appointment.

MR. PIGOTT: That might be so. A motion of want of confidence in the Government was moved to force the Government to state on what grounds the appointment had been made, and the Government refused to give any grounds with the exception that they believed Mr. George to be a good man; that was all that was said. The House backed up the appointment. Those who voted for the Government on that occasion were prepared to vote against that action to-day. The member for West Perth had stated that if this clause had been the law last year Mr. George's appointment would not have been made. Those who supported the Government last year approved of the appointment.

THE MINISTER FOR RAILWAYS: Would it not be better to discuss the clause irrespective of Mr. George?

MR. PIGOTT: That was so. He had only mentioned Mr. George's name as illustrating the position.

MR. MORAN: Mr. George was not a sacred person.

MR. PIGOTT: The member for West Perth had said that Mr. George would never have been appointed if this clause had been the law.

MR. MORAN: That was still his opinion.

MR. PIGOTT: While we had responsible government the Ministry should take the responsibility of appointments of this nature; and if a mistake was made and Parliament discovered the mistake, it might be some months afterwards, then members had a right to express their opinion; but Parliament was not capable of judging before an appointment was made, although members might be competent to judge six or twelve months afterwards, because Parliament would then have had an opportunity of judging of the work done. If the clause was passed as printed, whenever applications were called for the filling of a vacancy in the commissionership, there would be great difficulty in getting good men to fill the office. No one who held himself in any respect would like to be submitted to a discussion, for such an appointment would be discussed in the House for party purposes.

THE MINISTER FOR RAILWAYS: The hon. member would discuss the appointment afterwards.

MR. PIGOTT: Did the Minister ever hear one word from him (Mr. Pigott) as to the appointment of Mr. George?

THE MINISTER: But the hon. member would not always be leader of the Opposition.

MR. PIGOTT: It was to be hoped not. He did not think Parliament would take a mean advantage and discuss a man after appointment, in the way that probably members would discuss a person before the appointment was made.

MR. MORAN: It was the tender sentiments of the appointee the hon. member was considering.

MR. PIGOTT: They should be considered. If members did not consider them, good men would not apply for the position. The Government had the power to appoint men to high positions, and it was the duty of the Government to select the men and stand by the appointments. If the officer did not do his duty the Ministry would be blamed. One would be sorry if the responsibility was taken from the Government.

MR. HASTIE: But if the Government made a small mistake surely they should not go out for that.

MR. PIGOTT: The member for Kanowna would not call the appointment of Commissioner of Railways a small mistake, seeing that he had said the Commissioner was the most important man in the State. It was absurd for the Ministry to expect members in the first week of Parliament to express an opinion as to the appointment of a Commissioner.

MR. HASTIE: The Ministry could be blamed for wrongly advising the House.

MR. PIGOTT: If that was so, then the Ministry could be blamed for wrongly appointing a man.

MR. HOLMES: The member for West Perth tried to make it appear that he (Mr. Holmes) was opposed to making the appointment subject to the approval of the House. That attitude was not taken up at all. He was willing to make the dismissal subject to the House but not the appointment. Whilst the Ministry had authority to appoint Judges of the Supreme Court, the dismissal or removal rested with both Houses of Parliament. He contended that the appointment of Commissioners should be in the hands of the Government, but the dismissal should be in the hands of the House. If the Government went out on a vote of censure in connection with the appointment of a Commissioner, the natural consequence would be that the new Ministry coming into power would dispense with the services of the Commissioner. If an appointment was made to the position of Commissioner and the officer was not fit to discharge the duties, machinery should be brought into existence to remove the Commissioner from office, but party politics should not be mixed up with the appointment. If the Government of the day did not take steps to remove a Commissioner the House should. There was another objection to the clause. It removed the responsibility from the Ministry and placed it in the hands of

the House, and if anything went wrong afterwards it would be stated that the House was responsible for the appointment.

MR. MORAN: The initiative for the direction of the House would come from the Government, the same as the initiation of every act, wise or unwise.

MR. HOLMES: If the responsibility for appointment rested with the Ministry they would use greater judgment, because they would accept the full responsibility on every occasion.

MR. FERGUSON: Whatever course was taken, it was not possible to remove an appointment of this sort beyond the range of political influence. If the clause were to stand and the appointment be subject to the approval of Parliament, there would be a certain amount of political influence. If, on the contrary, the amendment were carried and the Ministry of the day had to make the appointment irrespective of Parliament, then after the new Ministry had been in office for some time what was to hinder the Opposition from making a party attack on the Government, alleging that the new officer was not performing the duties properly? The Opposition could make an attack on the Government, but it could not turn out the new officer until five years had elapsed, or unless he was proved to be incompetent or guilty of misbehaviour.

MR. PIGOTT: If incompetency was not proved, the Ministry would not suffer.

MR. FERGUSON: Such appointment could not be removed entirely from political influence. In an appointment with the extraordinary powers given in the Bill to the Commissioner of Railways, Parliament should take the responsibility.

MR. JACOBY: If responsibility for approving the appointment was to rest with members of this House, they would naturally want to know all the evidence which had led the Government to make the recommendation to the House, and would want to know all the applications received for the position. Any member could call for all the papers. There might then be considerable discussion in the country as to the qualifications of this or that applicant for the position. It was improper that an appointment of this nature should become a subject of such discussion. If the principle were affirmed in this case, it would practically lead to all the officers of State being appointed directly by Parliament and not by the Ministry of the day; and in this way Ministers would become automatic machines, whose strings might be pulled by members of this House. He would support the clause as it stood. As to Mr. George's appointment, the great objection raised at the time by the Opposition in this House was not so much against the man appointed as it was to the reversal of the policy of the country from Ministerial control of the railways to control by a Commissioner, and this without consulting the country.

MR. MORAN: It would be extraordinary if all the good points were on one side and none on the other. He admitted some good points had been made on the Government side, but the question of Ministerial responsibility might be carried too far. In its essence, responsibility rested in the people's representatives, the Ministry being the executive committee of Parliament. In many elective bodies applications for an important position were referred to a committee, and after the committee examined them and made a recommendation, the whole of the applications usually came before the full body, but even then the committee's recommendation was usually adopted.

MR. HOLMES: Were there two parties in a municipal council as there were in Parliament?

MR. MORAN: Two parties at least, always. Take a concrete instance, that of the appointment of the present Railway Commissioner. He was appointed in recess; and when Parliament met, a big uproar ensued, but the clear-cut issue of Mr. George's appointment was not submitted to this Chamber. Some members who disagreed with the action of the Government and sympathised with the view of the Opposition, would not support the Opposition because they did not regard them as capable of taking charge of the affairs of the country.

Amendment put, and a division taken with the following result:—

| | | | | |
|---|---|---|---|---|
| Ayes | ... | ... | ... | 9 |
| Noes | ... | ... | ... | 21 |
| Majority against | | | ... | 12 |

| AYES. | NOES. |
|---|---|
| Mr. Atkins | Mr. Burges |
| Mr. Jacoby | Mr Daglish |
| Mr. Oats | Mr. Diamond |
| Mr. Piesse | Mr. Ferguson |
| Mr. Pigott | Mr. Foulkes |
| Mr. Stone | Mr. Gardiner |
| Mr. Throssell | Mr. Gregory |
| Mr. Yelverton | Mr. Hastie |
| Mr. Holmes (*Teller*). | Mr. Hayward |
| | Mr. Hicks |
| | Mr. Higham |
| | Mr. Holman |
| | Mr. Hopkins |
| | Mr. Hutchinson |
| | Mr. James |
| | Mr. Johnson |
| | Mr. Moran |
| | Mr. Rason |
| | Mr. Reid |
| | Mr. Wallace |
| | Mr. Taylor (*Teller*). |

Amendment thus negatived, and the clause passed.

Clauses 8, 9, 10—agreed to.

Clause 11—Commissioner eligible for reappointment:

MR. PIGOTT: We should add, "but such reappointment shall be subject to the approval of Parliament."

THE PREMIER: The reappointment must be made under Clause 7; therefore the words proposed were unnecessary.

MR. STONE: The term of five years seemed long.

THE PREMIER: That was fixed by Clause 7.

Clause put and passed.

Clause 12—Deputy Commissioner:

MR. PIGOTT: There was no limit to the term of office of the deputy. As the Ministry were obliged to consult Parliament when appointing a Commissioner, Parliamentary approval was equally necessary in case of a deputy. The clause should provide that the deputy must not hold office for more than six months. The Commissioner might be absent for two or three years.

THE MINISTER FOR RAILWAYS trusted that "approval of Parliament" would not be ridden to death. The deputy would be appointed in case of the illness, suspension, or absence of the Commissioner. The Commissioner would hardly be absent on leave for three years out of a term of five.

MR. HOLMES: Was not Mr. George entitled to 12 months' leave at the end of his term of office?

THE PREMIER: But then he ceased to be Commissioner.

MR. HOLMES: He was eligible for reappointment.

THE PREMIER: And could not be appointed without Parliamentary approval.

MR. HOLMES: No other appointment could be made until his leave expired. Parliament would not vote two salaries.

MR. PIGOTT: If the Commissioner became incapacitated through illness or insanity, was there provision for dismissing him?

THE PREMIER: Yes; in subclause (*d*), if the Commissioner absented himself from duty or became incapable of performing duty.

Clause put and passed.

Clause 13—Suspension and removal of the Commissioner:

MR. PIGOTT moved that the word "may," in line 1, be struck out, and "shall" inserted in lieu. The clause defined certain offences which, if committed by the Commissioner, rendered him liable to suspension. As these offences were grave, the suspension should be mandatory, and not discretionary with the Minister.

Amendment passed, and the clause as amended agreed to.

Clauses 14, 15—agreed to.

Clause 16—Commissioner to manage railways:

MR. HASTIE: Did this mean that the Commissioner would have the absolute management and control of every Government railway? Could he refuse to comply with Ministerial requests? Was there any alteration in the existing law?

THE MINISTER FOR RAILWAYS: The clause was practically the same as Section 9 of the existing Act, by which the Commissioner was given the management, maintenance, and control of all railways open for traffic, and by which he might, with the approval of the Minister, construct additional lines, etc. According to the Act, the Commissioner could do certain things without Ministerial approval, and others he could not.

Clause put and passed.

Clauses 17, 18—agreed to.

Clause 19—Gates and cattle-stops:

MR. BURGES: By subclause 4 the Commissioner might require any gate at a level crossing to be removed if cattle-stops were provided. Near York there had been several accidents at such places, and the absence of gates was dangerous.

The Commissioner might prohibit gates within five chains on either side of the centre of the railway line, and the landowner would then have to fence off at a distance of five chains before he could erect a gate. What difference would it make if a gate were within one chain of the line, as gates were now in many places? Many existing cattle-stops should be abolished. Did the Minister consider this power necessary?

THE MINISTER FOR RAILWAYS: The first object sought was the safety of the travelling public; and although certain powers were given to the Commissioner it was optional whether those powers should be used. The Bill said it should be lawful, with the consent of the Commissioner, to do certain things, or the Commissioner might agree, or the Commissioner might require. Naturally the Commissioner would not require any of these things to be done unless it was in the interests of the public. All the powers given in the Bill were copied exactly from the New Zealand Act of 1900, even to the provision as to the distance of five chains, which had been objected to by the member for York. That was the distance set out in the New Zealand Act, and if it was advisable to make that provision in New Zealand it was reasonable to give a similar power to the Commissioner here. That power would not be exercised in an arbitrary way; if it was a remedy could be applied. It was of the utmost importance that the Commissioner should have power to do certain things necessary in the interests of the travelling public. No Commissioner would object to gates being erected where they could be erected with safety, but reasonable precautions must be taken, and if a gate was placed in a certain position it was only right that the Commissioner should have power to object. No power that did not exist elsewhere was given by the present Bill. If it was necessary to have such an enactment in New Zealand, then surely such power should be given here. He had taken the opportunity to cable to the Minister of Railways in New Zealand as to the working of the Act, and the Minister said that the law was working splendidly.

MR. BUTCHER: Was there any reason why the gates should be within five chains of the centre of the railway?

THE MINISTER: There was no magic about five chains; it might be four chains.

MR. MORAN: For every beast along the railways here there were hundreds in New Zealand.

THE MINISTER: If the member for York thought, with his practical experience, that the distance was not reasonable, there would be no objection to reduce the distance to three chains, but there must be some limit.

HON. F. H. PIESSE: The Committee gained no advantage from the explanation by the Minister. The question of erecting gates within five chains of the centre of a line needed farther explanation before the provision should be adopted. Most railway lines were from one to three chains in width, and if gates had to be erected five chains from the centre, that would mean that the two gates would be erected 10 chains apart.

THE MINISTER: Three chains had been consented to.

HON. F. H. PIESSE: Gates should be erected on the boundary of the railway reserve. He could not see the object of having gates five chains from the centre of the railway. Take the Eastern railway as an example. If gates were erected five chains from the centre of the railway, that would mean that the gates would be four chains within the boundary of the adjacent owner's land. The object was to prevent the trespassing of stock, and if the gates were placed at the boundary the object would be secured. Although this law had worked admirably in New Zealand, that was no reason why the law should be introduced here. This clause would act detrimentally to the owner of land adjacent to a railway. He moved that the clause be postponed.

Motion passed, and the clause postponed.

Clause 20—Motive power:

MR. BURGES: This clause gave rather great power. It allowed the Commissioner to use any fuel which might be injurious to the country. In future some Commissioner with eccentric ideas might be appointed and might use fuel which would damage the country. There was fuel in this country that had caused the loss of thousands of pounds to people.

MR. MORAN: What did the hon. member suggest?

MR. BURGES: That the clause should provide that the Commissioner should use any fuel which was safe to use through dry country.

MR. MORAN: Did the hon. member suggest that any fuel now being used was not perfectly safe?

MR. BURGES: There was a fuel which was being used which was not safe.

MR. MORAN: What was that?

MR. BURGES: Collie coal.

MR. DIAMOND: A certain amount of responsibility attached to the Railway Department, but squatters and farmers should accept some responsibility by ploughing a certain distance on each side of the line to prevent sparks catching grass and crops. In the Eastern States this was done by the farmers.

MR. TAYLOR: There was no Collie coal there.

MR. DIAMOND: No; but the Railway Department used a combination of wood and Newcastle coal which was worse than Collie coal. The whole responsibility should not be thrown on the Railway Department.

THE MINISTER: It was practically impossible to limit the kind of fuel to be used on the railways. This power was given in the 1897 Act and no new power had been added. How could the Bill describe what sort of fuel should be consumed on locomotives? The measure provided that precaution should be taken to prevent damage from sparks, but to say that only a certain kind of fuel should be used would be to place a handicap on the railways of the State. He agreed with the member for York that it was desirable that every precaution should be taken to prevent damage by fire, but that would not be attained by limiting the discretion of the Commissioner as to the kind of fuel to be burned.

MR. BURGES: The Minister should not accuse him (Mr. Burges) of advancing his own interests. He was speaking in the interests of the country as a whole, and the damage which had been done in the past was disgraceful. Farmers had practically been burnt out. Members advocated the settlement of the country, but as soon as people took up land the Government ran a train through, and the crops or grass were destroyed by fire. It might have taken years to improve a person's property, and before the crops were thoroughly dry they were destroyed, and the work of three or four years gone. The Government expressed their sorrow, but the same thing was done the next day. Last week patches of hay were burnt in the fields, and one could hardly believe that the damage could be done so soon. It was a splendid season, but if fires were ignited amongst crops there would be no stopping the devastation in the country. When the Committee came to another clause, he intended to fight this question out as long as he could stand in the House. There were some clauses in the Bill which never ought to have been introduced.

MR. DIAMOND: The hon. member had not said a word as to the responsibility of the farmers in regard to ploughing.

MR. BURGES: That would be dealt with later on.

MR. HASTIE: Could the Minister give any idea as to the amount of destruction which had been done or claimed for along the railways during the last two years, for he (Mr. Hastie) believed it to be very small.

THE MINISTER: There had been no idea on his part to accuse the member for York of advancing his own interests, for he knew that member represented the views of the country members generally and the people residing in the country, as to the damage caused by engines passing through country districts. That was not a new feature, but had been going on for many years; and as every summer came round complaints were made, to a great extent justifiable, by people whose property was burnt. The hon. member would realise that attempts had been made to remedy this trouble; but it seemed impossible to prevent sparks flying from the engines. The only efficient spark arrester would stop the engine; and it was an open question, after the efforts made, whether it would not be better to do away with spark arresters, and after taking reasonable precautions pay for any damage caused by sparks from engines. The spark arresters which had been used were very unsatisfactory. There were other clauses in the Bill on which this question could be discussed.

MR. HOLMES: Three years ago when he was a Minister and Commissioner of Railways, there was an accumulation of claims, representing considerable amounts,

and extending over a number of years, for damage done by fires from railway engines. Some of the claims were large, particularly those for the destruction of stock; and so serious were the claims that it was necessary to keep the papers in a secret chamber, because if the applicants had known the exact position of the Government on the question, the Government would have fared very badly.

MR. PIGOTT: Were those claims still in existence?

MR. HOLMES did not know.

MR. STONE: The member for York referred more particularly to the use of Collie coal. In the northern district the coal used on the railways was Newcastle coal, and it did not cause the same trouble by throwing off sparks as did Collie coal. He suggested that Newcastle coal should be used in agricultural districts in the summer months, and that would reduce the trouble.

Clause put and passed.

Clause 22—agreed to.

Clause 23—Commissioner may fix charges:

MR. HASTIE: This appeared to be a revolutionary clause. The present Act declared that the Governor-in-Council should fix the scale of charges on railways. This clause said the Commissioner should fix the scale of charges with the consent of the Governor-in-Council. This would place extraordinary powers in the hands of the Commissioner, because no alteration could be made in freights and fares without the goodwill of the Commissioner. This was a power which the Minister should not surrender, unless he was at present too much subject to what was called "political influence" in the way of people asking him for some reduction. If the clause were passed, it would be useless for anyone to ask the Minister to consider the subject of freights and fares, for he would say "You must convert the Commissioner." The idea of the clause was that the Commissioner should be the man to regulate the freights and fares. When this matter was discussed last session, many members spoke strongly to the effect that the Commissioner should not regulate freights and fares, that the Minister should take the responsibility. This clause would alter all that.

THE MINISTER FOR RAILWAYS: There was no intention to attain the end which the hon. member seemed to dread. The intention of the clause was that full control of the rates and charges should remain with the Minister, and therefore with Parliament. Last year when the Railways Bill was under discussion, he urged that this power should remain with the Minister and with Parliament, though some members then opposed that opinion. The intention of the clause was that Parliament should be able to control the policy of the railways as to the scale of charges.

MR. HASTIE: Suppose the Commissioner did not take the steps mentioned in the clause for advertising any change in the freights and fares?

THE MINISTER: The clause said the scale of charges had to be fixed by the Commissioner, with the approval of the Minister; therefore, if the Commissioner wished to fix rates that did not meet with the approval of the Minister, that scale could not take effect. If the clause would not carry out the intention he had expressed, he would have it examined with a view to safeguarding the public interests in the way he had stated.

MR. MORAN: The intention of the clause, no doubt, was that the Minister and the Commissioner should work as one in this matter; but this was a permissive clause, that the Commissioner might make alterations which must be approved by the Minister; but if the Commissioner failed to make alterations no penalty was provided.

MR. STONE: The responsibility for fixing the rates and charges should be removed from the Minister, because as members of Parliament were not now allowed to interview the Commissioner, they could not make any impression on the Minister, though they might be able to persuade the Commissioner who had the practical management of the railways.

THE MINISTER FOR RAILWAYS: The hon. member unintentionally misrepresented the facts. Any member of Parliament could interview the Commissioner, but a member must not accompany a deputation to the Commissioner.

MR. HASTIE: Was the present law the same as in the clause? If so, this was a great power to put in the hands of

one individual. In Great Britain all the railways were subject to the Railways and Canals Act, which regulated rates within certain limits. Here it was intended to give this discretionary power to one individual. Was it advisable to give the Commissioner of Railways power to alter the freights and fares as he pleased?

THE MINISTER: On this point the hon. member was under a misapprehension. The power in this clause existed in every railway management. A scale of charges was first laid down for ordinary occasions and ordinary traffic, but not as a hard-and-fast rule to be adhered to without exception; for there were excursion rates and special rates for large consignments to be provided for, and hence a discretionary power was necessary. This clause was not intended to give the Commissioner of Railways a power to distinguish between individuals, by charging one rate to this person and a different rate to that person for the same kind of traffic. All must be treated alike; but on certain occasions there must be special rates for goods or passengers.

MR. ATKINS: Evidently the Commissioner had not power without Ministerial consent to make or alter charges. If the Ministry chose to carry traffic for nothing they had a right so to do.

THE MINISTER: That was the meaning of the clause.

MR. HOLMES: The clause stated that the Commissioner might fix charges with the approval of the Minister; but the next clause stated that the Commissioner could fix freights without the approval of the Minister.

MR. JACOBY: Deal with that on the next clause.

Clause put and passed.

Clause 23—By-laws:

MR. DAGLISH moved that progress be reported.

MR. MORAN: Discuss the principle now.

Motion withdrawn.

MR. PIGOTT: When the Act of 1902 was passed, he understood that Parliament was delegating to the Commissioner practically full control of the working of the railways, retaining in the Minister control over freights. By this clause the Commissioner might make certain by-laws regarding such matters as speed of trains; but by Clause 24 that power was taken out of his hands and vested in the Minister.

THE PREMIER: All by-laws made now were subject to the approval of the Governor-in-Council. That was rather a restraining than an initiating force.

MR. PIGOTT: True; but if we passed this Bill we practically repealed in spirit the Act of 1902.

THE PREMIER: Any alteration of the classification and rate book was now subject to Ministerial approval. The Bill would not alter the existing law.

MR. PIGOTT: Would the Minister read Section 9 of the Act?

THE MINISTER FOR RAILWAYS read the section.

MR. PIGOTT: From that section it appeared the Commissioner had full power to manage the railways, and that with the consent of the Minister he might make alterations. He (Mr. Pigott) was convinced when the Act was passed that the Commissioner had full control of the management, with the exception of charges for freights and fares.

THE PREMIER: So he had now.

MR. PIGOTT: Then Clause 22 was wrong; for if Clauses 23 and 24 were in accord with the existing Act, Clause 22 could not be. The Commissioner, though he fixed rates, could not levy them without Ministerial approval. Did that not leave the sole control of freights in the hands of the Minister? Did the Premier mean to say that the Bill would leave the freights under the control of the Commissioner?

THE PREMIER: Freights would remain as now, subject to Ministerial approval.

MR. PIGOTT: The control was left practically in the Minister.

THE PREMIER: No.

MR. PIGOTT: If not, it was left in the Commissioner. Surely by Clause 22 the Minister had supreme control. The Commissioner might recommend rates for Ministerial approval. But by Clause 23 the Commissioner might make by-laws, which were by the next clause subject to the approval of Cabinet. Therefore Cabinet was left to manage the railways, whereas the Commissioner should be responsible. The Act of 1902 relieved the Minister of responsibility and placed it on the Commissioner. The Bill would

take power from the Commissioner and give it to the Minister.

THE PREMIER: If the Commissioner now wished to exercise the powers given him by existing Acts, he did so by means of regulations. These he could make without Ministerial approval if they were not such as would have the effect of by-laws imposing penalties. If they were, he must do what practically every by-law-making authority had to do. Why place the Commissioner in a peculiar position? Power to make a by-law was quite different from power to regulate internal management. If the Commissioner wished to regulate the speed of trains and to enforce that regulation as if it were in an Act, he made a by-law. If he did not want a by-law, he could still define the manner in which his engine-drivers should work their trains. To make a by-law, thereby exercising a legislative power delegated to him, he must obtain Ministerial approval. That was the existing law. Any amendment to the rates and classification book must come before the Minister and the Executive for approval. He (the Premier) believed he had pointed out last session the great difference between giving the Minister the initiative and the Commissioner the initiative. If the Commissioner's recommendations were not followed by the Minister, the Commissioner could point that out in his annual report, and the responsibility rested with the Minister. The Bill provided that by-laws must be made by the Commissioner, but subject to the approval of the Minister, who refused approval at his own risk.

MR. PIGOTT: Thus taking the power from the Commissioner.

THE PREMIER: No. The Minister simply took the responsibility of saying whether the Commissioner's recommendation should be followed. That was not contrary to the spirit of the existing Act; for we never had any Act which provided otherwise. To assist in carrying out the internal arrangements there must be regulations. By-laws might be framed and have the force of law, inasmuch as they could be enforced before a justice of the peace. The regulations for the internal working of the department must be submitted to the Governor-in-Council for approval.

MR. HASTIE: Supposing the Minister wished to have an alteration in the regulations?

THE PREMIER: That could not be done; the whole initiative rested with the Commissioner.

MR. DAGLISH: The whole of the by-laws could be stopped for the sake of one, or could the one be struck out?

THE PREMIER: The Minister could strike the one out. It would not be wise to object to all for the sake of one. There ought to be power in the Minister and the Governor in Executive Council to see that the by-laws practically became part of the statute.

MR. HASTIE: According to the clause the initiative must rest with the Commissioner. It was to be hoped the Minister would consider that point when dealing with another clause. As he understood it, supposing a municipality or roads board passed by-laws, those by-laws had to be approved by the Executive Council.

MR. DAGLISH: There were two points from which this matter was viewed, the point of view of the member who wished to give the Commissioner absolute control of the railways, and the point of view of the member who wished to give power to Parliament to veto the Commissioner on any occasion. In his opinion the clause did not meet the view of either side. The power of veto was not enough in itself, and did not retain the privileges of the powers of Parliament as they should be retained. It was right that the Minister and Government should have control over the Commissioner as to by-laws, which should be made, for if the Minister saw by-laws working badly he should have the power to repeal them.

THE PREMIER: That would destroy the Commissioner's independence.

MR. DAGLISH: It would destroy a lot of the arbitrary powers of the Commissioner, but let the Commissioner be responsible to Parliament for the working of his department. If we repealed the law which was on the statute book the Commissioner was responsible for the working of the railways, but there was no power over him except at the time that his engagement expired. During the term of his engagement the Commissioner had arbitrary power in almost every respect, once the Government

sanctioned particular Acts. In connection with the matter of fares and freights the Government had told the Committee at the outset of the session that there was likely to be a certain reduction made in fares and freights. The Government could only make an announcement like that by virtue of having first obtained the sanction of the Commissioner to it. The Government had only power to fix scales of charges on the Commissioner's recommendations that alterations should be made.

THE PREMIER: Did the hon. member object to them?

MR. DAGLISH: Yes with any interference with the Government over the control of the railways.

MR. MORAN: Then why call him Commissioner, not General Manager?

MR. DAGLISH: It did not matter what the name was, but the important question was what power Parliament exercised over the Commissioner. There was no reason why Parliament should not retain some power, as Parliament was representative of the people who gained or suffered by the wise or injudicious management of the Railway Department. He (Mr. Daglish) had never advocated giving arbitrary power to the Commissioner. He was quite aware that it was held by the member for West Perth, and others who looked at the matter in the same light, that we should retain to the Minister the power of initiation as well as the power of veto on these important matters.

MR. MORAN: We had come to the very crux of the Bill, and the position should be approached with the greatest care to see whither we were going. At first he agreed with the contention of the leader of the Opposition until he heard the explanation by the Premier. He (Mr. Moran) had thought no regulation was good until approved by the Executive Council and published in the *Government Gazette*; but we were informed by the Attorney General that that power already existed, it was latent and dormant in the Commissioner, and was only brought to light in certain cases. The Commissioner had great powers without the publication of the by-laws: this was new light. Let members thoroughly understand the position. Were we to have a Commissioner with only powers which were usual to a Commissioner, or were we to have a general manager and cease the sham of calling the officer a Commissioner?

MR. HASTIE: The Court the other day decided that the Commissioner had absolute power.

MR. MORAN: We were dealing with the proposed legislation, and he believed the Attorney General had given a frank explanation of the law. It was proposed to give the Commissioner the last say as to freights, therefore it was meant that the Commissioner should have arbitrary powers over the public. By the subclause, as pointed out by the member for Subiaco, the Commissioner had ultimate power over the employees. Were we to have once more in Western Australia a general manager? If so he welcomed either scheme. Let there be a general manager with responsible power, but if we arrived at that stage perhaps there was a majority in the House who would say that the Commissioner should have more powers than a general manager. We invoked the aid of a third party between the Commissioner and the employees. First there was the Arbitration Court to settle the wages question and the classification, and then an appeal board by which the employees got a fair hearing. The subclause went to the point as far as the employees were concerned. We should approach the question and endeavour to set at rest, if we could, any feeling of distrust or discontent in the Railway Department. He was satisfied with the power given to the Commissioner as to the initiative in regard to traffic. The Commissioner ought to know what were his powers as to traffic. The Minister should be able to say to the Commissioner that it was desired to build up a special industry and ask the Commissioner for assistance. The Commissioner could then say in his report to Parliament that on a business basis he could not suggest the proposal, but in the special circumstances, as there was a desire to build up an industry, he proposed to support the suggestion. The time had come when we should give a manly trial to what a great many public men and the employees required, that the Court should settle the wages of the employees. The Commissioner should be put on one side and the Arbitration Court on the other. Any Government in framing their Estimates

should have a basis to go upon, therefore we should not allow the employees to go to the Arbitration Court and alter the wages more than once a year. There should be the right to approach the Arbitration Court once in the year, and that period should be before the framing of the annual Estimates. That would secure that the wages would be absolutely unchangeable for the safety of the Commissioner and the employees, and the Commissioner in submitting his Estimates would then know that he could definitely fix his budget. If appeals were allowed at all times, the basis of capitalisation would be altered. Parliament should say there was to be an appeal once a year, and the employees should not make a demand for an appeal oftener than that time. We came to another question. There was grave discontent amongst a great majority of the employees who said there was injustice in regard to dismissals. The power to retrench must always remain with the Commissioner. If the Commissioner wished to do away with two-thirds of the employees so as to make the railways pay, he should have the power to do so; but it was asked that if power was given to make this reduction, it should be apart from personal feeling or prejudice, and that seniority should have, all other things being equal, the right to take the first place. The question of ability and quality should be proved before an impartial tribunal, and was capable of proof in a simple manner. We ought not to be afraid of trying to settle this difficulty, and now was the opportunity, for we had arrived at such a stage that when we gave to a body of employees what they asked for because we thought it was just, and if they made a mess of the power so given them, on them be the blame. This question should be settled now, because he believed the time would come when severe retrenchment might be brought about, and he wanted to have the most impartial machinery to deal with it. We should not be afraid of giving too much power when we were satisfied that the tribunal was an impartail one. We should not deny that which was sought by the bulk of the State employees, if members thought what they asked for was reasonable. It would enable Parliament to deal with the development of the State apart from petty troubles with our own servants.

THE PREMIER: It would be well to explain that we provided by Subclause 26 that the Commissioner might by regulation provide "for organising, classifying, and paying the staff employed on Government railways." As between the Minister and the Commissioner one of them must do it, and the clause provided that the Commissioner should do it. There must be a method of doing it, and *primâ facie* the method was by regulation, the same as a private employer would regulate his business. Subject to the Arbitration Court, the power was there. We provided by Clause 77 that the Arbitration Act should be amended so as to apply to the Commissioner of Railways the power that was now made to apply to the Minister for Railways. The Government in any State did not allow the judgment of a court to be enforced against it directly. It insisted that Parliament should control that, and if Parliament did not vote the money the judgment could not be enforced. On the order of a court against the Government, there could be no distraint on the assets of the State. No Parliament allowed a claim to be enforced against a public service the same as against a private individual. So the only difference under our existing Arbitration Act between the position of the Crown and the position of a private individual was that the court might make their award, but could not put a Minister in gaol if he did not carry out the award, and unless Parliament provided the money the Minister could not pay the amount of award. By our Act of two years ago we gave the public service greater protection and power than even in the case of New Zealand, where the railway servants were controlled by a Classification Act. We provided here in the Arbitration Act that any award made in the case of the public service should be subject to the Classification Act if it existed; but he questioned whether it was advisable to have a Classification Act at present, because an Arbitration Court was a better authority for regulating wages accordingly as they went up or down. Clause 77 provided that the Commissioner should be subject to the Arbitration Act to the same extent as the Minister for Railways would be.

When Government servants appealed to the Arbitration Court they must first show their case was sufficiently grave to call for inquiry by the court; and, secondly, the award when given could not be enforced against the Government in the same way as against a private individual.

MR. MORAN: The Government had never refused to pay a debt in such a case.

THE PREMIER: No.

MR. MORAN: The Attorney General had now assured us that it was the intention of the Government to submit the employees of the railway service in both branches to the Arbitration Court, and that the award of the Court was to run for the year or for a definite period stated. Having gained this much, he was glad the Government had taken this course. The only question that remained to make this legislation satisfactory was that of an appeal board. On which clause could that be discussed?

THE PREMIER: On a new clause if proposed.

MR. MORAN: Three successive Judges of the Arbitration Court had stated the opinion, Mr. Justice Parker being the last to state it, that the power of the Arbitration Court on certain points was not definitely fixed. Would it not be wise to define the Court's powers clearly?

THE PREMIER: One would like to know where the element of doubt was, for it seemed to him the Act was clear. In New Zealand they had almost word for word the same powers. If the word "Minister" were changed into the phrase "Commissioner of Railways," we were putting our legislation on the subject in the same position as the legislation in New Zealand. That was the result he desired; and until the amendment made last year, when we gave the special powers to the Commissioner of Railways, the railways being then under a Minister, our legislation was almost the same word for word as in New Zealand.

MR. HASTIE: If the Arbitration Court in future would only take the explanation given by the Attorney General as the will of Parliament on the subject, we might avoid grave difficulties. Each of the three Judges who had presided over the court had laid down that the court was not in a position to enforce any award against the Government, and therefore not in a position to make an award. What the court had done was to give a recommendation; and in each case the court first asked the Government officer concerned whether he would agree to carry out the recommendation if made.

THE PREMIER: As had already been explained, the court had no power to enforce an award against the Government.

MR. HASTIE: No court of law ever hesitated to give an award in respect of money, when the action was against the Government; but in arbitration cases the court did hesitate to give an award against the Government.

THE PREMIER: As to what the court had done, he knew of only two cases; firstly that of the Government printers, secondly the recent case of railway employees and the Commissioner, when the case went off because Parliament had nor changed the words "Minister for Railways" to "Commissioner of Railways."

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

MR. HASTIE: The Premier had stated this afternoon that the Commissioner of Railways was for practical purposes subject to the Arbitration Court; but Judges had in several cases taken a different view.

THE PREMIER: Even so, the question did not arise for discussion till we reached Clause 77. We were delegating to an agent certain authority; and by the subsequent clause we could say whether the agent should be controlled by the Arbitration Court.

MR. HASTIE: Let us finish this discussion. In the case of the railway carpenters *versus* the Commissioner, Mr. Justice Moorhead said he had no power to enforce an award, and that he would not make a recommendation unless both parties agreed to abide by it. The Government Printer's employees had a case before Mr. Justice Burnside, with a similar result. Then the Railway Association made an industrial agreement with the Commissioner; and thinking that the Commissioner was not carrying out the agreement, they brought a case before the Full Court, which ruled that

the agreement was not worth the paper it was written on; that the Commissioner was superior to the Court, which had no means of enforcing the agreement; and that although the Commissioner had signed the agreement, he was not legally bound by it. This evening's paper reported a case between another section of railway employees and the Commissioner; and before even considering the question, Mr. Justice Parker asked that both parties should agree to abide by whatever recommendation the court might make. Surely the court lost much of its dignity as a superior tribunal when it had to ask both parties to agree to abide by its recommendations. No member of Parliament ever dreamt that such would be the position. Last year every member interpreted the law as the Premier did to-night—that the court should state exactly what must be done, and that the decision must be carried out.

THE PREMIER: The law was clear.

MR. HASTIE: But the Judges did not agree with the Premier.

THE PREMIER: Surely there was no decision to that effect. The decisions referred to were given under the law as it now stood—before we substituted "Commissioner of Railways" for "Minister for Railways." Obviously compliance with the award was voluntary at present; but it could not be when we amended the law.

MR. HASTIE: In the case brought by the Government Printer's men before Judge Burnside, the Judge, with great hesitation, made certain recommendations, as recommendations only.

THE PREMIER: But that was always the procedure when a Judge gave a verdict in favour of a private creditor of the Government. The court could not put a bailiff into a Government office to collect the debt.

MR. HASTIE: Why could not the court say at once, "We think this ought to be done."

THE PREMIER: The court ought to say that.

MR. HASTIE: The Judges seemed to think they lacked the power.

THE PREMIER: Certainly they had not power to enforce awards against the Government.

MR. HASTIE: Evidently the Judges would like to see it more specifically stated what they were expected to deal with, and much trouble would then be obviated. We should not have the Commissioner signing an industrial agreement and then disputing it before the court, as he did within the last fortnight, when the Full Court said in effect, "We cannot consider the agreement; the Commissioner had no authority by this agreement to limit any of his powers; and therefore it cannot be enforced." Subclause 26 provided that the Commissioner could make by-laws for organising, classifying, and paying the staff. To this should be added some such words as "subject to the decision of the Arbitration Court."

MR. HOLMES agreed with the member for West Perth that the fixing of the rates should be in the hands of the Commissioner, subject to the approval of Parliament, and that the Commissioner should have power to control the staff, also that the Arbitration Court should decide the rate of pay. The object he had in view was to bring about the repeal of the Conciliation and Arbitration Act. If we gave the Court the control or right to decide the rate of pay we gave the court the right to decide what the rate of freight should be, because on the award of the court as to the rate of pay the rate of freight would be decided. The Government would then be placed in the same position that the House had placed outside employees of the State in. What was good for outside employees should be good for the Government. The court should fix the rate of pay, and the result would be that the court would fix the rate for the carriage of goods, because the rate of freight would have to be fixed according to the wages paid. If the court reduced the wages the court would still control the rates; the reduction of the wages would bring about a surplus in the Railway revenue, and the House would at once say there should be a reduction of rates. An attempt had recently been made on the part of the Government to evade the responsibilities of the Workmen's Compensation Act. Provision was made in regard to damage done to employees, and at the present time the idea was to compensate an employee from the benefit fund. That was not the condition of affairs required by the Workmen's Compensation Act, and as

that Act applied to private employers it should also apply to the Government.

THE PREMIER: So it did, and claims were paid under it.

MR. HOLMES: At the present time he was told the Government were paying compensation out of the benefit fund which was set apart for the whole of the employees, which meant that the Government evaded their responsibilities. The Premier said that the court had no right to enforce an award. If that was so in regard to the Arbitration Court, the same principle applied to the Supreme Court. Why did the Premier try to lead the House off the track? When a private individual brought an action against the Government in the Supreme Court the Government honoured the debts they were liable for; therefore they were bound to honour an award of the Arbitration Court. Someone was quibbling when a plea was set up that a court had no right to enforce an award. The Supreme Court in a civil action had no right to enforce an award, but there were those responsible for the award being honoured.

Clause put and passed.

Clause 24—Provision as to by-laws:

On motion by MR. HASTIE, progress reported and leave given to sit again.

## ANNUAL ESTIMATES, 1903-4.

### IN COMMITTEE OF SUPPLY.

Resumed from the previous day; MR. ILLINGWORTH in the Chair.

COLONIAL SECRETARY'S DEPARTMENT (Hon. W. Kingsmill).

*Medical*, £95,352 6s. 9d.:

Item—Government Hospitals, £15,450 (farther considered):

MR. PIGOTT: When progress was reported the previous evening, he had brought up the subject of the Fremantle Hospital to get some information from the Government with regard to the action taken by the Colonial Secretary in dealing with a nomination made by the Fremantle Hospital Board in connection with the appointment of an officer to the honorary medical staff The business of this hospital had been carried on by a board almost from the inception of the hospital, and he was given to understand the management had been conducted in a very satisfactory way. It was generally acknowledged that this was the best conducted hospital in Western Australia. A vacancy occurred on the medical staff, the board called for applications which were received, and it was decided to nominate one gentleman for the appointment. The nomination in the ordinary course was submitted to the Colonial Secretary, who did not approve of the nomination, the result being that the Fremantle Hospital Board intended to resign. He understood that eight gentlemen out of the 12 on the board had stated publicly that unless the Colonial Secretary reversed his decision they would resign their positions. It was the duty of the Minister in charge of the department to give some explanation to the Committee so that members could judge of the true state of affairs. The Fremantle Hospital Board had done their work well, and some of the members, including the chairman, had been connected with the hospital many years, were well known men, and the people of Fremantle considered that the board could not be replaced in the event of the resignations being sent in. The Government should state the true facts of the case. The gentleman nominated was almost a new arrival in the State. He held exceedingly good qualifications, he had been resident surgeon of one of the largest hospitals in the world, St. Thomas's, and was recognised as being a first-class man. The lay members of the board came to the conclusion that of all the medical men who were prepared to give their services to the hospital, this gentleman was most eminently fitted for the position; but the Colonial Secretary said "no," and a deadlock occurred. Unless some explanation was given that would be satisfactory, he felt sure that certain gentlemen who had been on the board many years, and who were highly respected by all the residents of the district, would resign; the consequence would be that the hospital would lose the services of some very good men.

THE PREMIER: The Hospital Act of 1894 was perfectly clear on this question. It provided, by Section 12, that the board of management might nominate for appointment such medical and other

officers, nurses, and other attendants as were necessary for the requirements of the hospital, and might request the removal of such officers, nurses, and attendants, and on such nomination or removal being approved by the Governor the person nominated, or whose removal was recommended, should be appointed or removed as the case might be.

MR. PIGOTT: Did that apply to all honorary officers?

THE PREMIER: The law made no difference between honorary and paid officers. That cleared up one of the points raised as to whether the Government had the power. In this case the Colonial Secretary objected to the nomination because the gentleman nominated was a partner of one of the members of the board.

MR. PIGOTT: That was the objection.

THE PREMIER: That was, so far as he knew, the only objection existing. The Colonial Secretary thought, and he (the Premier) must say he agreed with the Colonial Secretary, that it was a bad practice to have the partner of a member of the board on the medical staff. For that reason, and acting on that principle, the Colonial Secretary refused to accept the nomination. The power of refusal by a Minister was not supposed to be absolute waste paper. Considering the Government found the great bulk of the money, they were entitled to have some control, however slight, in connection with hospitals. In this case the hospital was well conducted and well managed by the board. He assumed that the Colonial Secretary had a right to apply to them the same principle he desired to apply to other hospital boards. The Colonial Secretary had found the practice an undesirable one, and he wished to prevent its growth. Acting on that principle, he refused to adopt the board's nomination to the medical staff, and he explained the position to members of the board when they waited on him. Those members seemed to think there should be no such thing as a Colonial Secretary over them; that although they expended public money, there should be no interference with the board's discretion in the management of the hospital; in other words, that the power of approval given by Parliament was waste paper. He (the Premier) was sorry the board of management had taken that position, especially as they had done good work. If, however, they must resign, it was believed that energetic and capable men would be found to carry on the work of the hospital.

MR. FOULKES: The practice was settled by the Act of 1894. It was well known to be the ambition of most medical men to get on the board of management or on the medical staff of a hospital; and one advantage was that a medical man in that position acquired greater experience, and was thus in a better position to extend his private practice. The result was that for every vacancy occurring in the medical staff of a hospital, there were at least two or three aspirants. In this case he believed there were three applicants for the one vacancy. To illustrate the working of the system, three vacancies occurred in the medical staff of the Perth Hospital about three weeks ago, and no less than eleven medical men applied to be appointed. This fact he mentioned to show what great emulation and competition there was among medical men to obtain these honorary appointments. It was, therefore, necessary that all appointments with regard to the medical staff of a hospital should be made by a board of members free from all suspicion of bias, prejudice, or personal interest. Up to a few months ago everything seemed to run smoothly in relation to the Fremantle Hospital. Dr. Lotz was then a member of the board of management, and was also a member of the medical staff of that hospital. A change came on the scene when a Dr. Martin arrived in the State, settled at Fremantle, and joined Dr. Lotz in partnership. One of the rules of the Fremantle Hospital was that no one should be appointed on the medical staff unless he had been in practice in Fremantle at least two years. Dr. Lotz interested himself in this particular, and a proposal was made through him to the hospital board that the rule as to requiring a local residence of two years before appointment to the medical board should be rescinded. On the same day this question was raised, the question as to who should fill the particular vacancy in the medical staff was also dealt with by the board. They first decided to rescind the rule as to local residence, and on the same day they decided the question of

filling the vacancy on the medical staff, and that Dr. Martin should have the appointment. One doctor on the board objected to the alteration of the rule, and he objected to any appointment being made under the altered rule until it had been gazetted in regular course. Then the board decided that the appointment of Dr. Martin should stand over until the alteration of the rule could be gazetted. A farther meeting of the board was held, and after some discussion they decided that Dr. Martin should be appointed to the vacancy in the medical staff, there being then two or three other applicants for that position. The board having decided that, they sent their nomination to the Colonial Secretary; and he finding that Dr. Martin was a partner in business with Dr. Lotz, who was a member of the board of management, the Colonial Secretary objected to approve of the appointment. Dr. Lotz openly championed the cause of his business partner, stating that he was the best possible candidate who could be obtained; but the other doctor on the board said Dr. Martin was not the best candidate. All this showed that it was not advisable for any board of management of a hospital to have on the board one who was also a member of the medical staff. It should be observed that the medical staff were practically the servants of the board of management; and if the same man were a member of the board of management and a member of the medical staff, he would be at once in the position of master and servant. On the Perth Hospital board many such cases had occurred in the past, and he found that in the course of seven years 54 appointments were made to the medical staff, and amongst these no less than 49 were given to members of the board of management or to their partners in business. This would show what a great advantage a candidate would have if he had a partner on the board of management. The procedure for getting appointed on the medical staff of a hospital was simply this, that if a man was not a partner of a member of the board or was not himself a member, he could get over the difficulty by entering into partnership with a member of the board. Experience had shown that once a man became a partner with a member of the hospital board in Perth, he soon obtained an appointment to the medical staff. In one case that could be cited, a man who became the assistant or partner of a member of the board was at once placed on the medical staff, but after a time, unfortunately for him, he dissolved the partnership, and immediately he did so he lost his seat on the medical staff of the hospital; in other words, he was not re-elected. He found that in having lost his partner he lost his qualification. This showed what enormous influence a medical man had if he were a member of a hospital board, for he could canvass and influence the other members. Appointments of this kind should be made without fear and without favour. Dr. Lotz had probably been placed in an unfortunate position in having to champion the cause of his business partner.

MR. PIGOTT: He was only one out of twelve.

MR. FOULKES: In the case of the Perth Hospital, only five members of the board of management were medical men out of 14; yet no less than 49 appointments were given to members of the board or their partners. As to the difficulties arising under this system, suppose a patient made a complaint against Dr. Martin that he had not given the patient proper attention, that complaint would come before the board of management; and if Dr. Martin's partner were a member of that board, he would not be likely to view the conduct of his partner so severely as a competing practitioner might do. Since the change had been made in the system of the Perth Hospital no difficulty of this kind occurred, and the members of the board were free from all bias or prejudice. He could honestly say that the desire of every member of the hospital board in Perth was to make the best possible appointments to the medical staff. There were now no members of that board who had partners anxious to be appointed to the medical staff, and therefore the course of that board was made the more clear. If Dr. Lotz wanted to have his partner appointed to the medical staff of the Fremantle Hospital, the simple course would be for Dr. Lotz to resign his position as a member of the hospital board. That would make the course clear. The appointments of the present members to

that board would expire at the end of the year, so that if they were threatening to resign, there would be no great harm in that, as they had only a few weeks to run. Last year the Colonial Secretary did not quite approve of this policy with regard to the Fremantle Hospital; but now he had changed his mind, no doubt after seeing the successful manner in which the Perth Hospital was carried out. He (Mr. Foulkes) was glad the Minister was firm with regard to this matter, and he hoped the Government in January next would appoint on the Fremantle board representative men, such as members of the town council and others. No doubt the present members were highly estimable, but one could not say they were representative men.

MR HOLMES: The mayor of the town was on the board.

MR. FOULKES was glad to hear it. He would, however, like to see representatives of the labour organisations and friendly societies on the board. All classes of people should be on the board. It was not quite fair to appoint only a few merchants, though they were good men.

MR. HOLMES: In connection with this matter, at this stage he absolutely declined to take either side. It was a matter between the board of management and the Colonial Secretary, but he must reply to some of the remarks of the member for Claremont. That gentleman stated that the board at Fremantle was constituted of men not deserving respect.

MR. FOULKES: No.

MR. HOLMES: If the members of the board were guilty of the conduct the hon. member imputed to them, they had no right to continue on the board, and if the Colonial Secretary was not prepared to accept their recommendation and make the appointment, the Minister's duty was clear—to disband the board and appoint another. The treatment meted out to the Fremantle Hospital by the Government was not too satisfactory. The Government gave the hospital a considerable area of ground necessary for hospital purposes, but subsequently, without any reason whatever, resumed a portion of the ground and built a school in the immediate vicinity of the nurses' quarters. The only structure to prevent the rowdy children keeping the night nurses awake during the day was a stone wall, which the Colonial Secretary proposed to increase in height by galvanised iron, in order to deaden the sound. The board contended that in connection with the salaried staff, the Government who had to provide the salaries should undoubtedly have the right to make appointments; but in regard to the honorary staff, the board rightly contended they should have the right to make appointments. The Premier said that the Government provided the funds to carry on this hospital; but in fact the Government only provided a portion of the funds, the people of Fremantle having done a great deal in connection with the hospital by providing considerable funds for the general carrying out of the work and for erecting permanent buildings on Government property. The Premier said the only objection to Dr. Martin was that he was a partner of a member of the board; but Dr. White and Dr. Hope, who were partners, acted on the self-same board.

THE PREMIER: Because some past appointments were made, we did not wish to continue the system.

MR. HOLMES: If the policy were bad it should not be continued, and one of these doctors should be asked to resign. The member for Claremont alluded to an alteration of a rule. It was found by the board that, no matter what qualification a medical man might hold, before he could obtain an appointment on the honorary staff he must be a resident of the State for two years.

THE PREMIER: The board only found out the injustice of the rule after the man applied.

MR. HOLMES: Not desiring to go into the merits of the appointment, he simply wished to say that the board considered six months a quite sufficient residential qualification, and recommended that the rule should be amended. The recommendation was approved of, for no possible objection could have been taken to such a reasonable request. Surely the member for Claremont would admit that those occupying seats on the board were at all events a respectable body of gentlemen. They were representative, because the board included the mayor of the town and representatives of nearly every section of the community.

Surely the member for Claremont would admit that the majority should rule. Eight members on the board favoured the appointment of Dr. Martin, and four opposed it. The majority should rule.

MR. FOULKES: If the majority were not interested.

MR. HOLMES: That brought him back to his starting point. If the gentlemen composing the board were guilty of the conduct the member for Claremont insinuated, they were not worthy of being on the board. If the statements and insinuations levelled against medical gentlemen by the member for Claremont were correct, the time had now arrived when we should cease to have any honorary appointments.

MR. HIGHAM: As one who had been associated a great deal with the Fremantle Hospital Board, he would like to say a few words on the subject, although he had taken no active part in the dispute. When Dr. Davy resigned, the board called for applications. It was found that one applicant favoured by the majority of the board was ineligible; so the two other applicants who were eligible were passed over, and the matter was adjourned until the rule with regard to residence in the State could be amended. These other doctors were very considerably dissatisfied at the proceedings of the board, and justly so, because it was certainly a slight to them. They were both medical men of the highest repute, and one was not surprised at any action they took to resent the step taken by the board.

MR. PIGOTT: What action had they taken?

MR. HIGHAM: They had made representations to the Colonial Secretary.

MR. PIGOTT: By back-stairs influence.

MR. HIGHAM: There was no back-stairs influence through him or through any other member so far as he knew. He had taken no active part in the matter till the present moment. Last year we fully discussed a similar matter in connection with the Perth Hospital, when the question of the multitude of junior partners congregated on the Perth board led to bickering and bitterness and general disorganisation in that hospital.

MR. HOLMES: Was the position better to-day?

MR. HIGHAM: The Perth Hospital was now working more smoothly. He hoped the board of the Fremantle Hospital would reconsider any determination they had come to in this matter, and bring a little bit of common sense to bear on the subject. He was satisfied, knowing every member of the board, that they would not take the step it was said they contemplated. [THE PREMIER: Hear, hear.] There was a splendid board at Fremantle.

MR. PIGOTT: If that was the case, why was their recommendation not accepted?

MR. HIGHAM: It was not for him to accept their recommendation.

MR. HOLMES: Why should the hon. gentleman not justify their stand?

MR. HIGHAM: It was not for him to do so. If the head of a department laid down a principle that too many partners should not be on the board, the members of the board should accept it.

MR. PIGOTT: The head of the department had not laid it down at all.

MR. HIGHAM: The Colonial Secretary had done so. It had been said by, he believed, the member for West Kimberley that the board were going to resign.

MR. PIGOTT: No. What he said was that all the laymen were going to resign.

MR. HIGHAM: The laymen were not, he thought, going to resign. He was judging by the published report of the meeting. He knew that one layman dissented from the motion and joined with two of the medical staff in supporting the Colonial Secretary in the attitude the hon. gentleman took up. This matter would probably be settled, and he was rather sorry the matter had come up for discussion, for the discussion was not likely to improve the position.

MR. DIAMOND: The member for Claremont had betrayed a gross amount of ignorance as to the constitution of the board of the Fremantle Hospital. That hon. member referred to the immense improvements at the Perth Hospital, and suggested that all these vast improvements had come about since his advent to the board. [MEMBERS: Hear, hear.] The best thing, as soon as the hon. member had completed his reforms in the Perth Hospital, would be for the Government to ask him to resign and send him down to Fremantle to reform

the Fremantle Hospital. The hon. member made some very, if not sneering, patronising remarks about the representative character of the board of the Fremantle Hospital. First of all there was Mr. James Lilly, who was a man of the very highest standing, who was looked up to and respected not only by the people of Fremantle, but of Perth and Western Australia generally; then came Mr. Leeds, manager of Dalgety & Co., Ltd., and a member of the Harbour Trust; the Mayor of Fremantle, Mr. T. Smith; Mr. W. Duffield, a man looked up to with the very highest respect, an old resident born and bred in Fremantle; Mr. Charles Hudson, an ex-president of the Chamber of Commerce and now representative of the employers at the Arbitration Court; Mr. J. Pearse, who had been councillor and mayor; Mr. W. E. Moxon, manager of the Adelaide Steamship Company and recently a member of the Arbitration Court; and Mr. D. K. Congdon, who had been a member of the Legislative Council and also Mayor of Fremantle and Mayor of North Fremantle. At present the board consisted, he believed, of 12. He had given the names of eight laymen and there were four doctors, and he supposed there would be another. It was ridiculous to say that with eight laymen on a board of 12, one doctor could put his partner on the medical staff. If those eight representative men did not possess the confidence of the Government sufficiently for the Government to adopt their nominations, the sooner the Government asked them to resign the better. It had been suggested that political influence had been used upon some members. He had never heard political influence mentioned until he saw reference made to it. The members for Fremantle and East Fremantle said they knew nothing about it, and the member for North Fremantle was not here when the occurrence took place. It would be a good thing for the Government to reconsider their attitude towards this board at Fremantle, their attitude for the last year or so having been directly antagonistic. The board were promised certain things, but the promises had all been broken. The board were backed up by the whole of the public at Fremantle. The Fremantle Hospital board, medical men and laymen, the Fremantle Town Council (every member of it, including the mayor), the members of the district, and representative people generally objected to the building of that school in front of the hospital, but it had been done in spite of the general public opinion. It was a mistake to appoint a partner of a member of the board to a position on the medical staff, but it was absurd to say that four medical men on the board could influence the votes of eight other members.

MR. PIGOTT: The explanation by the Government was not satisfactory. The Government had laid it down that they were going to reform the constitution of these public hospital boards, and were not in future going to allow the partner of a man on the board to be on the medical staff. If this principle was right, it should be carried out to its proper conclusion. It had been said that when the election for the board took place the unsuccessful candidates were piqued and took certain steps. When the hon. member was asked to define what steps they took he refused to do so. He (Mr. Pigott) was absolutely certain that influence was brought to bear through some members of Parliament, and the consequence was that this recommendation was made by the majority of the board, consisting of laymen and not medical men at all, but their recommendation was refused and that of two medical men who were partners was accepted by the Colonial Secretary.

MR. HIGHAM: What ground had the hon. member for accusing Dr. Hope and Dr. White of being influenced?

MR. PIGOTT: In this case the medical men were not in a majority, but very much in a minority, and out of, he believed, 11 who voted, one medical man who happened to be a partner of this gentleman voted for his appointment, but the other medical men voted against it. One was extremely surprised at the remarks by the member for Claremont regarding his opinion of the medical profession in Western Australia. The hon. member was himself a professional man, and one could not conceive how he had such a mean opinion, such a low idea of members of a profession which had always been considered one of the highest and most honourable. How the hon. member could conceive that one

medical man on a board of 11 would lower himself to such an extent as to induce all his fellow members on that board to vote with the object of putting his partner on the medical staff was something one could not understand.

MR. FOULKES: That had been done repeatedly.

MR. PIGOTT: We were told by the member for Claremont that these people were influenced by the one medical man, that they were not men of judgment, and that even if they were they would put their own views aside. If the Government intended to take this stand the board should not resign; for their resignation would be a calamity, and their services would not be again obtainable. The matter ought to be reconsidered; the Minister should meet the board, and should withdraw his refusal if they were not willing to abandon their position. It was regrettable to hear the member for Claremont branding an honourable profession.

MR. HIGHAM: The two doctors who were in partnership had been on the medical staff since the start, and owed their position to their being the senior doctors in the Fremantle district. The partnership between them was nominal. Dr. Hope, by virtue of his Government position, was entirely engaged in Government work, Dr. White conducting the private practice. Neither of these gentlemen was capable of using any undue influence.

MR. FOULKES: The member for West Kimberley (Mr. Pigott) accused him of branding an honourable profession. His object was to rescue the medical profession from a false position in which some members of that profession had placed it. Dr. Lotz evidently felt it his duty to his partner to get that partner appointed on the staff, at all costs. But other medical men must be considered, apart from members of the board of management.

MR. PIGOTT: Did that apply to lawyers?

MR. FOULKES: In such circumstances lawyers took great care to have the appointments made by a fair tribunal. Not being fools, they knew it was hopeless for a candidate to obtain an appointment which was the gift of the partner of another candidate. Nothing had been said about the feelings of the two other applicants for this post.

THE PREMIER: Do not harass our feelings.

MR. PIGOTT: The hon. member maintained that the board was most dishonourable.

MR. FOULKES: No; all he wanted was a fair tribunal, not inclusive of anyone pecuniarily interested in any of the candidates.

Vote put and passed.

*Observatory*, £3,630 12s.—agreed to.

*Police*, £129,031 5s.:

Item—Clerks, £1,855:

MR. MORAN: Why was the former title, "chief clerk," altered to "clerk"? In other departments were under secretaries and chief clerks; and this officer had been previously recognised as chief clerk.

THE MINISTER FOR LANDS: There was now only one chief clerk in each department.

THE PREMIER: That was so. Such titles had been used indiscriminately. Last year the Registrar of Friendly Societies had an item, "clerk and accountant." The accountancy consisted in filling up the ordinary departmental forms. Leaving such titles on the Estimates might lead to misapprehension. If a man were called an accountant, he was inclined to believe himself an accountant. Each department had now an under secretary and a chief clerk; but there were no longer chief clerks in each subdepartment. The chief clerks were receiving good salaries; and if the title were retained in subdepartments, the officers holding it would claim increases. No doubt the Police was a large subdepartment; but so were the Medical and the Educational.

MR. MORAN accepted the explanation as to chief clerks. But in the Education Department the title "accountant" had been retained.

THE PREMIER: It was not stated that "accountant" had in every case been struck out.

MR. MORAN: But the Police Department was as important as the Education; yet Mr. Sherwood, accountant in the Police Department at £235, had been deprived of his title of accountant and

had not received an increase, while Mr. Randell, accountant of the Education Department, retained his title and had an increase of £15, though handling less money than Mr. Sherwood.

THE PREMIER: The Treasurer would explain.

MR. MORAN: Was there a grosser inequality on the Estimates? This showed the urgent need of some classification. These subdepartments were under the same Minister.

THE MINISTER FOR LANDS: The accountant had been knocked out of the Lands Department.

THE TREASURER: To-day the Colonial Secretary was asked, so far as the accountancy was concerned, which was the most important office in his department, and the Colonial Secretary said it was the Education Department. A number of officers were called accountants who were clerks. In other departments the Government had been bringing all subdepartments under one accountant. The title of accountant was being taken away in many cases because officers were simply clerks.

MR. MORAN: The officer in the Education Department was entitled to his title and salary. No one was advocating the degrading of civil servants, and the accountants both in the Police Department and in the Education Department should have their titles. There were extensive accounts in connection with the Police Department.

MR. QUINLAN: Why did the chief clerk in the Police Department receive less salary than chief clerks in other departments?

THE PREMIER: There was only one chief clerk in each department.

MR. QUINLAN: The chief clerk of the Police Department did more work than the chief clerks in other departments, because there was no Under Secretary in the Police Department. One saw the necessity for classification in these matters every day.

MR. MORAN: Would the Premier inquire into the case of the officer who previously was called accountant of the Police Department? This officer had been recommended for an increase.

THE TREASURER: The work of these respective officers would be looked into.

MR. MORAN: If the Minister in charge of the Police Department had recommended this officer for an increase would the Minister's recommendation be accepted?

MR. HOLMES: Last year the Superintendent of Police received £440. This year it was proposed to pay that officer £390. The officer had done nothing to warrant a reduction.

THE PREMIER: There was an allowance of £50 for lodging.

MR. HOLMES: The same might be said in regard to the inspectors of police.

THE PREMIER: There was provision of £40 for each of the inspectors. The matter would be righted.

MR. JACOBY: In regard to the item "Provision for unsentenced prisoners in charge of the police, £1,300," how was this money expended?

THE PREMIER: It was to pay for the upkeep of men awaiting trial in places far away.

MR. JACOBY: Was it for the upkeep of unsentenced prisoners which was paid to the police in charge of various stations?

THE PREMIER: Where prisoners were kept in gaols provisions were found, but where men might be arrested some distance out, a certain allowance was made to constables for the keep of prisoners.

MR. JACOBY: It was only fair to the House that the Minister in charge of the Colonial Secretary's estimates should be fully prepared to answer questions, otherwise it was a farce to ask Ministers about these items.

MR. QUINLAN: Referring to the item "Subsidy to police benefit fund, £1,200," the late Mr. Leake promised that provision should be made for ex-detective McCartney. A gratuity was promised to this officer for loss of position through ill health.

THE PREMIER: Attention should have been called to this matter before. He would look into the question now, if particulars were given him.

MR. QUINLAN: The matter would be brought up later on,

MR. JACOBY: Did the Government intend to continue the practice of housing constables in charge of stations, 20 miles away from Perth, in ragged tents or dilapidated buildings? There was a police station at Mundaring situated on the public highway which consisted of a

ragged tent. Numbers of people had visited this district lately owing to the attraction at the Mundaring Weir. The most serious aspect of the question was that through the absence of provision for a residence, the officer in charge had to live at an hotel. That was a bad principle indeed, for the officer was supposed to exercise control over hotels.

THE PREMIER: Better accommodation for the police was required in many places. Last year provision was made for a number of places, and provision was being made this year for other places. On the Estimates for the past two or three years liberal sums were voted to enable the department to make better provision for housing constables at various places. The item of £1,000 was for small additions and repairs. The works that were to be carried out came under the department of the Minister for Works. The £1,000 did not represent all the buildings to be carried out for the Police Department.

MR. JACOBY: Out of the £1,000 on the Estimates, could a little canvas be bought to patch up the old tent in which the officer at Mundaring was supposed to reside, or could a new tent be provided?

MR. HASTIE: On the last Estimates there was a grant of £100 towards the Police Band. Were the citizens of Perth to be deprived of listening to the Police Band when marching through the streets to the Commissioner's office on each pay day?

THE PREMIER: It was to be hoped that members would not be deprived of the pleasure of listening to this band. He believed that the band was doing very good work in playing at public entertainments, and as years went by the band would be one of the most pleasant features of Perth.

Other items agreed to, and the vote passed.

*Public Health*, £8,712—agreed to.

*Registry*, £6,665:

MR. BURGES: The *Year Book* should be published earlier. If not, it might as well be abolished.

THE PREMIER: The attention of the responsible officer had been drawn to the delay; but there was great difficulty in gathering statistics. By missing a year we might bring the book more closely up to date; but at present the second volume contained matter beyond the year covered by the book. The Registrar General complained that he could not get the statistics in time, and that there was difficulty in getting statistics from various departments. He (the Premier) had given instructions to the Registrar General that if he experienced similar delay in getting statistics from departments he was to complain, and the work would be expedited if possible.

Vote put and passed.

*Rottnest Establishment*, £1,163 11s. 7d.:

MR. HASTIE: The Premier should give some information as to Rottnest Island. How long was it to be continued as a prison establishment?

THE PREMIER: Under the Prisons Act we repealed the old Act which made Rottnest a prison, and Rottnest would continue a prison until the Act came into operation. It was kept now as a prison for a few natives of the North-West, and the Government proposed to declare what was now known as the official portion of Rottnest a penal out-station.

MR. MORAN: It was thought we were going to keep the island clear of prisoners altogether.

THE PREMIER: An advisory board, appointed some time ago for the purpose of making suggestions for opening up Rottnest, recommended that the official portion of the island which had been built on for some years should be fenced off and kept as a penal out-station. On the other portion of the island a town-site had been selected and a surveyor would be sent over as soon as possible to survey it. Before anything effective could be done a jetty would have to be built, but that could not be accomplished during this financial year. When the next Parliament met, a definite scheme would be brought forward, and in the meantime no attempt would be made to alienate land. The portion reserved as a penal out-station would be a place to which good-conduct prisoners could be sent. They would be kept out of the sight of visitors at holiday times. On the island we could find useful employ-

ment for a great number of prisoners at present in the Fremantle prison, for whom we could find no decent employment except the drudgery work of shifting stone from one spot and putting it back again. This work was not good for men, and decent employment could be given on Rottnest. Conditions would exist on the island which would make it an attractive spot, and there would be anxiety on the part of prisoners to obtain good conduct marks so as to spend some portion of their sentences on the island.

MR. HASTIE: Was it the intention of the Government to sell blocks in the townsite?

THE PREMIER: We would have to dispose of some blocks on leasehold, but nothing would be done in connection with the disposal of any land until the matter was placed before Parliament. He hoped Parliament would not consent to give away the fee simple.

MR. MORAN: The agitation which had led up to the removal of black prisoners from Rottnest would in a large measure be fruitless if the black prisoners were supplanted by white prisoners. We would not then remove from Rottnest the stain of being a penal establishment, and we would not have the advantage of making the island a magnificent holiday resort. It would be a great mistake to rehabilitate the island as a prison, for it would be undesirable to have prisoners on what would be the favourite resort for children and for hundreds of thousands of people of all classes. The people of the goldfields would like to make the island a holiday hunting ground, and their greatest pleasure would be to camp there for a week. He favoured leasing some of the ground for hotels.

MR. HASTIE: We were going to have a State hotel.

MR. MORAN: A glass of good whisky was just as good sold by an independent publican as by a State publican. We should spend money on the island to make it a pleasure resort, as was done with islands in New Zealand. Prisoners could not be kept out of sight on holidays, because there would always be holiday-makers on the island during summer. Surely there was any amount of land in this State on which good conduct men could be put to work.

MR. JACOBY: In New Zealand prisoners were utilised in the parks.

MR. MORAN: In New Zealand he visited a penal out-station where prisoners were experimenting in planting trees in what was formerly desert country. He seriously advised the Government to hesitate before re-establishing Rottnest as a penal out-station. It would be undesirable to have prisoners wandering about the island where children and women would in the future spend their holidays.

[MR. QUINLAN took the Chair.]

MR. HASTIE hoped the Premier would not continue Rottnest as a prison establishment, for the island would then be occupied to some extent by what would be looked upon as somewhat inferior beings clad in uniforms or bearing some mark to show they were prisoners, and it would be less favourably regarded by people going there. He hoped some other place would be obtained for a penal out-station.

MR. ILLINGWORTH: In this matter he strongly opposed the Government. While he was administering the department it was the policy of the Government to clear Rottnest as a penal establishment in every form. To this the Ministry were pledged, and it was a breach of faith with the public and a breach of the policy of the past to continue the island as a penal out-station. If it were only a temporary arrangement to relieve the Fremantle prison while arrangements were being made for the building of a townsite and a jetty, it was another question.

THE PREMIER: It was entirely a temporary arrangement.

MR. ILLINGWORTH: On the other hand if it was intended to continue Rottnest in any shape or form as a penal settlement it was a backward proposition and a reversion of the policy of the past. If it was fairly understood that what was proposed was simply to accommodate the excess prisoners at the present time, and that Rottnest was to be freed from this penal taint at an early date, he did not raise the same objection, but he wanted it to be clearly understood that this was only a temporary arrangement and would cease in about a year.

THE PREMIER: There was no intention to make a penal station at Rottnest, but under the Prisons Act the Government were entitled to make a place an out-station. This was a mere temporary accommodation which could be used for that purpose without detriment to anyone.

MR. MORAN: There was talk about building a wall.

THE PREMIER: Not building a wall, but putting a wire fence across.

Vote put and passed.

*Education*, £136,230:

MR. MORAN: Not long ago a reproach was levelled against Western Australia that its teaching staff was the worst-paid in Australia. He would be pleased to hear whether some consistent policy of paying this important branch of the civil service something in keeping with what was paid in other branches of the service had been pursued. Seeing the high cost of living in this State, the teachers here ought to be better paid than those in other States.

THE PREMIER: While not able to state the extent to which salaries had been increased, if they had been increased, he knew they were fixed by departmental scale. In the item "Government Schools," the sum of £90,000 was mentioned.

MR. MORAN: What did that cover?

THE PREMIER: The corresponding sum for last year was £78,950; so there was an increase of £11,000. The teachers' salaries in that sum amounted to £85,000, and lodging and forage allowance £1,291; wages for cleaning schools £4,346, and caretakers £134.

MR. MORAN: It must not be supposed that these figures showed an increase, because the staff was increasing.

THE PREMIER: It was not stated by him that the whole of the increase was for salaries. He had not the number of teachers to date, but on the 31st December, 1902, it was 677 as compared with 625 the prior December.

MR. MORAN: That would account for the increase, without any rise.

THE PREMIER: That would include an increase of 12 head teachers, 33 assistant teachers, 25 pupil teachers, and 12 sewing mistresses. He did not think increases of salary, if any, were ever shown on the Estimates, because these teachers were always dealt with by the departmental regulation scale. There was a departmental classification. He had always expressed the opinion that we spent money wisely when we devoted it to assisting education. He was sorry to hear the hon. member thought the salaries paid in Western Australia did not compare favourably with those paid elsewhere.

MR. MORAN: In the past the salaries were disgracefully below what they were in any other part of Australia, but he believed they had been improved. He could not, however, find out.

THE PREMIER said he would ascertain definitely if any rate of increase had been made during the past year or two years.

MR. HOLMES: The salary of the Chief Inspector had been advanced from £450 to £475; three inspectors from £380 to £425; the next inspector from £370 to £400; the accountant from £260 to £275; clerks from £240 to £250, £220 to £240, £190 to £200, and £170 to £180.

MR. MORAN: Those were only the ordinary civil servants.

MR. HOLMES: What had been done in the rank and file was difficult to understand. We could not find out from the Estimates.

MR. TAYLOR: Whilst there was an idea on the part of the Government to adopt a higher standard of education, he wished to point out the inability of people in the back portions of the State to get necessary education for their children, even the lower standard of education. At Mt. Sir Samuel he, through the representations of a progress committee, made application for a school. The mothers of the children were very anxious about the matter. The children were running about, 35 miles from another school at Lawlers, to which they could not possibly be sent, and there was the necessary number of children to have a school. These people met the committee in charge of the Mechanics' or Miners' Institute in the town, who promised them a portion of that institute for a school-room, and the parents guaranteed £1 a week towards the upkeep of a teacher. He was absolutely tired of going to the Colonial Secretary as head of the Education

Department, and the Chief Inspector, to have the existing state of things remedied. An application had been in for the last six months. The people had found a school-room and would guarantee £52 a year towards the upkeep of the teacher, yet nothing had been done. People could not get teachers to go out back, because the salaries were so miserably small. Besides the place he had mentioned, there was Anaconda, where accommodation was badly needed. When the Minister for Mines was acting in the Under Secretary's department, that hon. gentleman was very anxious to assist, and more was done than at any other time.

MR. HIGHAM: A matter to which he wished to refer was the system of hand-writing adopted. For considerable time there had been a discussion between the Chief Inspector of Schools and the staff. The teachers were unanimous that there should be a uniform style, and the majority of teachers recommended that the semi-upright style be adopted. The Chief Inspector and his predecessor disagreed with them, and adopted the upright system, to which business people strongly objected.

THE PREMIER said he wrote the upright style.

MR. HIGHAM: And the Premier's writing would be the last to satisfy the commercial community. While the upright system was legible, it was lacking in fluency and tended to induce writer's cramp when written at high pressure; whereas the semi-upright was more fluent, and was as legible as the upright style. After scholars left State schools they abandoned the upright style and adopted a cramped and illegible backhand, displaying those faults of which the Premier might approve. The upright style was a grave mistake; there was nought to be said in its favour; and the recommendations of teachers should receive consideration.

THE PREMIER: Any change in the style of writing was doubtless made after due consideration, and had not been determined by local experience merely. Considerations which had force in the old country and America would apply here also. Recently he saw a specimen of this upright style on a blackboard, and congratulated himself on his own handwriting being up-to-date. He understood that the upright style was better for the eyesight, while the person writing it could sit in an easier position than that required for a sloping hand. The system was not a mere fad of one or two men in Western Australia. As to the complaint of the member for Mount Margaret (Mr. Taylor) of the failure to appoint a teacher to a school in his electorate, doubtless the difficulty was to obtain a teacher who would undertake the conduct of such a small and distant school; for the size of the school must somewhat affect the salary. This State did as much if not more than other States to meet the wants of outlying districts. From the 1st July, 1902, till the 30th June last, the department opened 27 new schools, and during this financial year 13, and 34 additional applications had been approved or were being considered; showing that the Government were not unmindful of the need for providing accommodation where the necesssry number of pupils was forthcoming. If the hon. member would privately draw his attention to the matter, he would personally inquire as to the cause of the delay.

MR. JACOBY: Eight months ago the Minister for Education, while on a visit to Wanneroo, promised that a half-time school should be opened at East Wanneroo, and said he had given instructions for its provision. The promise was still unfulfilled, and the school ought to be provided within the next 12 months.

MR. BURGES hoped that the Government would not forget the advantages enjoyed by children in large towns compared with those in the country. Teachers for outside places were procurable if higher salaries were offered. Country people did as much for the development of the State as townspeople, but did not get fair play. Any sort of teacher was frequently sent to a country school; while in towns, Perth especially, State school children received a first-class primary and even a secondary education.

MR. DIAMOND: The upright style of handwriting taught was most stupid, and had never come into extensive use in England or America. The Premier's own writing resembled cuneiform inscriptions which none could read but the writer. The upright system was a fad of a

few English officials in the department, and was opposed by the majority of teachers. The Minister should at once stop this nonsense; for the style was always abandoned when the children left school, and it had no merit save its being "very English, don't you know." He (Mr. Diamond) had for several years been a member of the board of technical education at Fremantle, but had never seen anything of the director of technical education or the two lecturers. These officers should make themselves known to the people. As to the cadets, these boys were recently kept standing for hours on Mount Eliza, in close formation, with rifles shouldered; and two of the boys fainted. Those in charge had not the sense to allow them to stand at ease with rifles grounded. If this was the cadet staff which cost £700, it must consist of idiots. But, generally speaking, our system of education was better than any other in Australia.

MR. PIGOTT: How many pupils were there at the Training College at the present time, and how many were resident pupils?

THE PREMIER: There were between 30 and 40 pupils, he understood, but could not say definitely.

MR. PIGOTT: The upkeep of the Training College was to cost £4,345 for next year, and that money was spent in training 40 teachers. In other words, it was to cost about £100 to give each of the teachers a training. The Government had a rotten system in connection with the training of teachers, and if the Premier went into the question he would come to the same conclusion. At the present time there was another system for the training of teachers under the supervision of the Government. Up till lately, when Mr. Andrews was manager of the Training College, there was an assistant who had received his appointment in England to take charge of one of the schools and assist in the training of teachers. From information received this gentleman had given up the position in the Training College and had offered to train teachers under another system. This gentleman threw up a good position in order to show that his principleof training teachers was the correct one, and could be carried on at a saving of two or three thousand pounds a year to the Government. To-day this gentleman visited the main schools in Fremantle and Perth, and he was putting through a class of training more pupil teachers than were at present attending the Training College at Claremont. If this gentleman's system was the correct one, the Government must acknowledge there was a great waste of money in keeping up the Training College at Claremont. Inquiries should be made into this matter, for it was worth going into. If for £450 the training of teachers could be carried on which had cost four or five thousand pounds a year in the past, he had no hesitation in saying that the system ought to be changed. Because the Training College was built under the idea that it was going to be a success and had proved a failure, there was no reason for carrying it on. The Government would not be blamed if they did away with the present system in favour of the new system which was being initiated under the Government. He moved that progress be reported.

Motion put and passed. Progress reported, and leave given to sit again.

## ADJOURNMENT.

The House adjourned at ten minutes past 10 o'clock, until the next day.