Legislative Assembly.

Wednesday, 16th November, 1904.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR MINES: Report of the Royal Commission on the Immigration of Non-British Labour.

Ordered to be printed.

By the PREMIER: Department of Agriculture, Annual Report.

BUSH FIRES ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman): In moving the second reading of this Bill, I may explain that it was introduced at the request of a large number of agricultural members, who recognise that as the Railway Department have not this year, as in past years, been able to burn off the grass in railway reserves, there will be great danger, unless that is done at an early date, of extensive fires starting, which it will be almost impossible to extinguish. Section 5 of the existing Bush Fires Act provides that the Governor may, by notice in the *Gazette*, declare the times of the year during which it shall be lawful to set fire to the bush in any district mentioned in the notice. A notice gazetted on the 3rd October, 1902, prohibits burning off in various districts therein mentioned. In different parts of the State it is necessary to allow a longer or a shorter period for burning off, according to the dryness of the season. Only last week this matter was brought to my notice by agricultural members, and I saw the great danger which threatened their districts, and thought it advisable, in the interests of agriculturists, to do all I could to prevent any danger of fire. Owing to the late season and long-continued rains, the Bill is absolutely necessary. Even now in various parts of the State the grass is still green, and it is impossible to burn off. According to the declaration before referred to, it is unlawful for anyone to burn off now in any part of the State mentioned therein; and the Bill seeks to amend the existing Act, so as to render the burning off legal in any railway reserve, but not on private lands. The Bill will empower the Governor to suspend, for any period not exceeding six weeks, the operation of the existing declaration. Thus, if we have another late season, a notice will be gazetted exempting certain railway reserves for any period necessary to permit of burning off; but in the ordinary run of seasons no effort will be made to exempt the railways, because we recognise that grass on railway reserves should be burnt off as soon as possible. The Bill will give the department power to burn off, and every effort will be made to obviate danger. We are all anxious to protect the interests of farmers. I have been informed by men in a position to know that if a fire started now in certain parts of the State, it would burn thousands of acres of crops before it could be stopped, and would ruin scores of people in the agricultural districts, besides causing the State a loss of hundreds of thousands of pounds. The danger lies to a great extent in railway reserves, where sparks from engine funnels or from the ash pans may set fire to the grass. In that event, the department would be condemned for not burning off, though hitherto the grass has been too green to burn, and only since the sudden spell of hot weather has the grass begun to dry up, resulting in great danger of fire. Some people are under the impression that the Commissioner of Railways should be exempted from the operation of the Bush Fires Act; but the Bill does not exempt him in any way. It merely gives the Governor power, in the event of a late season like the present, to suspend the operation of the notice under the Act, so as, if necessary, to give the Commissioner more time for burning off in

the railway reserves. It will also empower the Government to grant similar permission to any private railway; for on private railways the danger is just as great. If the Bill passes, the Railway Department will immediately set to work a gang of men skilled in burning off, so that the operation may be carried out with a minimum of danger. The period of exemption desired is not to exceed six weeks. If any future Government ascertain that the burning off can be done in a fortnight, the exemption should be granted for a fortnight only, because for such a purpose it is no use giving a a longer period than is absolutely necessary. An unduly extended exemption may result in laxity, and in a desire not to do at once what can be done subsequently. If a fire were now to start in the Eastern districts, thousands of acres of crop would be destroyed; the owners would suffer heavy loss, and many would be ruined. Moreover, we should have an unemployed difficulty, owing to the fact that agricultural labourers would not be employed as usual in harvesting; and from a railway point of view the result would be disastrous, as the department would suffer by the loss of freight on cereals. The whole State, in fact, would suffer irreparable damage. Last week the deputation who waited on me were under the impression that the department should notify those residing in the vicinity of railway reserves, and should compel them, when possible, to assist in the burning off. But the Government have found that impracticable, if not impossible; and it is not the intention to put in the Bill any provision of a debatable nature. Our desire is to get it passed without delay, so that the burning off may be effected at the earliest possible moment. The parent Act provides that before any burning off can take place the department must deliver or cause to be delivered personally to each owner or occupier of adjoining lands four days' previous notice in writing of such intention. If notice is given to people occupying lands adjoining the railway reserves, it will be to their interest to attend when these are being burnt off, and to assist in the burning. I am assured by the hon. members who brought the matter before me that such assistance will be given. In fact, some went so far as to say that persons occupying adjoining lands should be compelled to assist. But the Government do not think it advisable to insert such a provision in the Bill. The Railway Department is only too anxious to do all it can to assist those residing in the vicinity of the reserves. Last year we were so fortunate as not to have any fires; but this is an altogether exceptional season. We have a bountiful harvest; and now that the hot weather is coming there is great danger of fire. I have heard it said by experienced members that this season we shall not have fires, but that in the event of one fire taking place it will be the only fire, because it will burn off the whole of the crops within the district where it starts. I did intend yesterday to move for the suspension of the Standing Orders to pass this measure and allow it to become law at once, so that immediate steps could be taken to prevent this danger increasing. The summer has come along suddenly; and although the season is late, there is a tremendously heavy growth along the railway lines at present which has been kept green owing to the late rains, but which has now been dried up by the recent hot weather. Therefore every day there is increasing danger threatening us in agricultural districts from fires. This matter has been placed strongly before me, and I hope that members will realise with me the danger that exists to residents in agricultural districts. A great deal depends upon quickness in a question like this, and I would ask every member to assist me as far as possible, so that steps can be taken to burn off the grass as soon as it is in a fit state to burn off. The Railway Department is anxious to do all it can to prevent fires taking place; but at present the hands of the department are tied, because the law prevents action being taken, and this measure must become law in order that action may be taken. It is not necessary for me to say more. Members will fully realise the threatening danger, and I again ask them to assist me in getting this Bill through at the earliest possible date. I beg to move the second reading.

MR. J. L. NANSON (Greenough): We must all be glad to see that the Government realise the very special danger

that exists in the coming summer through bush fires in country districts. I do not rise with the intention of criticising or in any way finding fault with this small amending Bill, which I feel sure is a very necessary measure; but I should like to bring under the notice of the Government, and more particularly under the notice of the Minister for Lands, the necessity for using to the fullest extent the powers the Government already possess under the Bush Fires Act passed some two sessions ago. I think it would be well if the Government were to have notices drawn up and extensively circulated throughout country districts and along country roads, pointing out the precautions that must be taken by persons lighting fires during the summer months, and also the penalty that persons are liable to incur if they neglect these precautions. At the same time the police might, as far as possible, be instructed to exercise special vigilance. So far as that portion of the country I represent is concerned, I can bear out in the fullest degree what the Minister for Railways has said as to the danger of serious bush fires this year; and I feel assured that the Government, realising the danger as they do, will as far as lies in their power adopt the suggestion I have put forward whereby this risk of fire in the country districts may be still farther lessened. I have much pleasure in supporting the second reading.

MR. R. G. BURGES (York): With reference to this little Bill I may say that I was one of those who urged upon the Minister for Railways the necessity for bringing in some measure to meet the danger that has been pointed out. During the last two years we have had late rains, and it has been impossible to burn off grasses along the railway lines under the present Act, which provides that the department cannot burn off in the Eastern Districts after the 13th of October, and in the other districts at later or earlier dates according to the season. This Bill does not altogether meet all my wishes. The Minister for Railways read Section 7 of the Act, but he did not read that part of the section which says that nothing in the section shall authorise anything contrary to Section 6 (penalty for lighting fires during prohibited times). The Minister means that three men are sufficient to guard these fires. I suggested to him that there should be eight or ten men; but the Minister said that he could not pass such a clause. I would be inclined to have a clause providing that these fires should not be lighted unless there are ten men to guard them. I speak not only from my own experience, but after having consulted railway men who have had to burn-off along the lines for years as to their opinions on the matter, because they must have had a pretty good experience. It is the experience of men who have been burning off for years through the thickest grass country in the State, the silver grass country, that it is not safe to burn in that class of country unless with eight or ten men. I draw particular attention to this, because we have obstinate men to deal with who must take the responsibility of the law, if the Act does not exempt them. If they burn negligently, let them take the consequence. I am drawing attention to this so that injury will not be done. I hope the department will not burn off under the section mentioned by the Minister for Railways; but I hope that this Bill will be passed and put into force at once, and that proper precautions will be taken during the burning off. It is only misery at present to live along the railway lines. It is nothing but continual watching night and day, because one does not know when a fire will spring up or when the grass is burning. Farmers will have notice under the Act, and will be able to watch and assist at fires so as to make it safe to run the railways, and fairly safe for those who reside near the railway lines growing corn and having sheep paddocks. This matter affects the country right to York, and from Northam along the Eastern Railway as far as corn growing and sheep farming are carried on; and it affects the country along the Midland line right through the grazing areas, while it also, in a lesser degree, affects the South-Western Railway country. I hope this Bill will be passed, and that the Railway Department will take proper precautions when burning off.

MR. A. J. H. WATTS (Northam): In common with members who have spoken in reference to this matter, I sincerely hope this Bill will be put through in the shortest time possible.

The importance of having proper regulations affecting the burning of grass along the railways cannot be too greatly magnified. The grass existing at the present time along the railways is undoubtedly a menace to farmers; and, as the member for York has stated, the people are living in terror night and day for fear of their homesteads being burnt out. Although they have a chance of indemnifying themselves against the Commissioner of Railways, settlers have to run the risk all the time of having their homesteads or their stock and everything else burnt out; and these cannot be replaced; for no amount of indemnity will suffice to satisfy or compensate the settler for the loss he sustains.

MR. BURGES: We have to pay that in the end.

MR. WATTS: It has to come out of the pockets of the people in the long run. I agree with the hon. member that the number of men placed in charge of burning operations should be nine or ten. By amalgamating the different gangs, burning off can be carried out without danger that would otherwise ensue. Frequently a willy-willy and that sort of thing that we have in this State will carry a fire for a considerable distance, and three or four men would not be sufficient to put a fire out once it overleaps the boundaries of the railway enclosure. There is another matter which has not been touched upon, and which I think should be mentioned now—the use of Collie coal on railways in agricultural districts. I sincerely hope that during the summer months we shall not have Collie coal used on the railways in the agricultural districts of the State; for with the heavy draught and the trouble caused by the use of the coal, it is a great danger to the farmers. I hope the Bill will be passed speedily.

HON. F. H. PIESSE (Katanning): The firing of railway reserves by sparks from railway engines has been a danger for many years, especially in the agricultural districts; and although mechanical contrivances have been constructed to minimise the danger in this direction, so far they have not been a great success; particularly because Collie coal is a fuel which emits sparks which are carried a great distance by the wind, frequently firing the country in many places. The provision that has been made for burning off at certain times has to some extent prevented the danger, but I have travelled by trains when sparks have been carried over fences into adjoining paddocks; therefore I think not only should the Commissioner of Railways take precautions, but the owners of the adjacent lands should take precautions which they do not take at the present time. It is as necessary that farmers should take precautions as it is for the Commissioner of Railways, for farmers frequently suffer loss through their own neglect. Many fires have resulted from sparks carried from railway engines, and if the Bill will bring about a better result by enabling the Commissioner of Railways, or whoever is in charge of any railway reserve, to burn the grass within the railway boundaries under certain restrictions, it will do good, and afford relief in many districts. This year the grass is very high in many places, although it is not so inflammable just now as it will be later on; still we shall hear of large conflagrations unless precautions are taken now. I understand the Bill is brought forward to deal particularly with burning on railway reserves, and it is necessary to pass it as quickly as possible. Still there are other matters that need dealing with in connection with the Bush Fires Act. In the clearing of lands the restrictions now in force are most prohibitive. The way in which lands are allowed to be cleared now, starting on the 1st of March and completing on 1st November, gives a man an opportunity of doing the work, but not to such advantage as during the drier months of the year. There should be some provision introduced into the Bush Fires Act—it would not delay this measure very much if introduced into the Bill—permitting the burning of lands prepared for clearing, under certain restrictions. Take a hundred-acre paddock which has been chopped down for burning, and by accident a fire sweeps through the country and burns most of the timber and all the grass on the other lands around the paddock; this prevents any future fire passing over the country because it is denuded of grass. The Act does not allow the owner of that paddock to go on clearing,

although with very little expense the logs could be put together and fired.

MR. BURGES: What would it lead to?

HON. F. H. PIESSE: Everything has to be done under certain restrictions. If the owner ploughs for a chain wide around the paddock, he can burn within the paddock with safety. I am confident that three times the quantity of land could be cleared between the months of November and April at half the expense as when cleared between April and November—the winter months. It seems to be a great hardship on farmers that they cannot clear the land in the way I speak of. I know as much about the country as perhaps the member for York does, and I say farmers could make provision for burning on their lands under certain restrictions, and the country could be cleared with less expense during the drier months than during the winter months. The Bill has been brought forward for a specific purpose, and it should be passed into law as quickly as possible; therefore it is not my desire to cause delay, because I think the Bill is absolutely necessary and that no time should be lost in making the measure law. But in Clause 2 an amendment might be inserted providing farther protection, which would meet the objections raised by the member for York. The amendment might be in words to this effect, that after the word "week" the following be inserted: "Provided that no less than nine men be employed, for the purpose of a safeguard, by those in charge of such railway reserve." If something of that kind were inserted it would give some safety, and not less than nine men would be employed. I mention the number nine for the reason that a gang on a railway line is usually composed of three men, and three gangs would make the number of men I propose for safety. Among these men would be found a sufficient number who were expert enough to deal with the burning of grass. Take the eastern district, to-day you can burn in that district; but in the northern district the burning would have to be carried out much earlier, and in the southern district the grass would not burn now. The burning would have to be done according to the climatic conditions, starting in the north and travelling southwards, burning the country and taking every precaution. Although the Commissioner of Railways would take every care on his behalf, yet at the same time it would be well if an understanding was arrived at as to what should be done, and that it should be left to the judgment of those authorised by the Commissioner. It would be better to name the number of men to be employed at the time of burning off, which would give an additional safeguard in this respect. Something should be done quickly as the danger is facing us. If we have a fire in the eastern district it may lead to a great disaster in those portions of the country adjacent to the railway.

MR. F. CONNOR (Kimberley): I agree with the member for Katanning that if possible the burning off should be carried on with certain restrictions, so that there would not be any risk in the new country which has been opened up. In the south-west, when timber is a little wet it is almost impossible to clear it on payable lines. I may tell members that what I am saying is only second hand; it is not my own experience, although I have been in the district lately and gathered the experience of practical men. Proper restrictions can be taken and the time extended for another month to allow burning off—that is to January or February. That would be a great advantage, particularly in February when everything is perfectly dry. If the restrictions were removed it would be necessary to have some supervision by inspectors. I do not know if the Act provides for them. I presume there would be a necessity for an inspector or inspectors. There would also have to be regulations in regard to fire-guards by running a three-furrow plough around the land a couple of times so that the land would be ready for burning; the plough would create a fire-break. I do not pose as an authority, but I was asked when in the district to discuss this matter in conjunction with the member for the district. This Bill having come up, I think it the best time to refer to the matter. I would like to mention that in connection with fires in the North, where they are more prevalent and more disastrous when they sweep through tropical country and tropical vegetation, that a fire will travel forty or fifty miles in a

very short time. I intended asking leave to add a new clause to this Bill, but I find that the provision which I intended to suggest is almost the same as a section of the existing Act—that no fire should be lighted except where clearing has been carried out around the land, and that fires lighted and used should be put out. As a matter of fact, fires are lighted every day, and there is no such thing as any clearing done. I think we should bring this matter under the notice of the Government, so that instructions could be issued by the Lands Department that the police should take the matter in hand, as they alone can control affairs and see that the regulations are carried out.

MR. BURGES: We were promised that when the Act was brought in.

MR. CONNOR: Members will quite understand that in summer in the Kimberley district, close to a waterhole where no one has camped, the grass grows seven to ten and twelve feet high; if it is very dry and a fire gets to it, it is almost impossible to put the fire out. I wish to bring under the notice of whoever is responsible for it that the law that exists should be rigorously enforced, particularly in the Kimberley district. What will happen in a summer season when there is a comparatively light rainfall and a big bush fire starts? What at present is a prosperous place will become quite the reverse; thousands of cattle will perish for the want of food because people will not take the trouble to prevent the spread of fires. I have nothing farther to say as to the Bill; but I presume that if Collie coal is being used through the districts where there is the most railway traffic and where bush fires are so prevalent, the land will be guarded as much as possible. I suggest to the Minister in charge of the Bill that, whilst the greatest danger exists before the crops are harvested, it would be wiser, if he found it possible, to do away as much as he could with the use of Collie coal, and use coal which would not be as dangerous as Collie coal is supposed to be. Of course we all understand that it is impossible to do away altogether with the use of Collie coal, but from the debates which have taken place in this House members know there is a greater danger of fires in the country from the use of Collie coal than there is from the use of Newcastle coal. Although I should much prefer to see the local article used everywhere, where possible, still I think the risk is too great, and the Minister should take into consideration whether it is not worth while for the next two months or so, or six weeks anyhow, to have as little Collie coal as possible used on the railways after this Bill becomes law.

MR. G. S. F. COWCHER (Williams): I think the member for Katanning (Hon. F. H. Piesse) was saying just now that he thought it was rather late to have the burning off season up to the 1st March, and he thought it should be earlier. [Interjection by Hon. F. H. PIESSE.] I understood the hon. member said so. Very often bush fires go through the paddocks, and I am afraid we should have many of them if there were not some restrictions. If we have the burning done earlier we should, in my opinion, have restrictions.

MR. C. HARPER (Beverley): I hope no attempt will be made to alter this Bill to deal with anything beyond what is proposed in the measure, because there is an immense amount of controversial matter in the point raised by the member for Katanning (Hon. F. H. Piesse). This matter has been discussed over and over times out of number. I have always noticed that the new man who has not any crops and not any stock in the paddock is very anxious to start burning right away. Next year when he has some stock and crops he changes his view, and then it is not so good to burn. There is no doubt that much valuable time is lost in burning, but the risk of burning is too great. The point that often occurs to one as being rather illogical is that after a fire is accidentally started and has burnt perhaps ten thousand acres, no man within that area could go on burning then, but there is absolutely no danger where one is a good half-mile away from it. Yet a very careful set of regulations is required before it should be permitted, because a man may have his paddock burnt and feel quite safe, but the man adjoining, perhaps over the road only, may have saved a paddock of very valuable grass in it for the lambing flocks. It would be cruel to this man to allow the man over the road to burn because he is not running any risk.

Therefore I contend it cannot be done without a very careful set of regulations. A very elaborate set of regulations is required and careful inspection, to permit it to be done. The risk would be too great. Therefore, I hope nothing will be done in this Bill beyond effecting that object for which it has been introduced.

MR. E. P. HENSHAW (Collie): I have much pleasure in supporting this small measure. The risk of danger will be greatly reduced by adopting precautions such as could be taken under the extended time that will be allowed. Several speakers have referred to the small number of men who have been in the gangs. I myself think it would be far better to concentrate two or three gangs together and do the work thoroughly under very close supervision; and if that is done and the notice sent out to the settlers adjacent to the line, then that work can be carried through with practically no risk whatever of danger. I am of opinion that the dangers from the use of Collie coal are greatly exaggerated. I have been in districts where Collie coal is not used, and I have seen showers of sparks coming from the locomotives.

HON. F. H. PIESSE: They are not so dangerous; they go out before they reach the ground.

MR. HENSHAW: I still hold the opinion that this danger is greatly exaggerated. It is a case of giving a dog a bad name and it sticks to him.

HON. F. H. PIESSE: It is too good; it keeps alive too long.

MR. HENSHAW: I have travelled a great deal through the bush, and I hold the opinion that most of the fires start from carelessness of travellers, and not from sparks of locomotives at all. I have seen men who travel along the railway lines light fires. They do that, go away and leave them, and eventually the fires spread. I think that is the greatest source of bush fires. I am of opinion it would be found, if an investigation were held, that there were just as many bush fires on the Great Southern Railway as perhaps on the Eastern Railway; and unfortunately for Collie coal there is none of that coal used on that line.

MR. BURGES: Where do you say no Collie coal is used?

MR. HENSHAW: On the Great Southern line.

MR. BURGES: I beg your pardon.

MR. HENSHAW: The danger there is as great as on the other line.

THE MINISTER: This Bill apparently meets with approval. I ask members not to amend the measure in any way. There is a desire to put it through the House to-day and to get it passed through another place as soon as we possibly can. The principal Act says that a certain number of men must be told off, but it is the intention of the Railway Department to have special gangs of expert men at this business, and for them to do this business alone, and get it done as soon as possible. I think most members will recognise that the Commissioner of Railways, and in fact every person in this State, should consider the interests of the whole of the people in the State, and do everything possible to prevent these fires from taking place, because not only the individuals whose property is burnt will lose, but the whole of the State. [Interjection.] Section 7 of the Act provides that no person shall burn any part of the bush during the prescribed period unless "he keeps at least three men in attendance until all grass, stubble, or scrub has been burnt." I hope members will allow the Bill to go through without amendment, because I can give the assurance that every possible effort will be made by the Railway Department to see that fires are not allowed to spread. If we have provision made in this measure for a large number of men, it may be that those living in the vicinity of the railway reserves will become a little careless, though we desire that those in the proximity of the railway reserves shall come and assist in burning off, thus protecting their own interests. I repeat that I hope the measure will pass without amendment.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of 1 & 2 Edw. VII., No. 18, s. 5:

HON. F. H. PIESSE: If this Bill was to be made applicable to Government railways, it should also be made applicable to private railways. There did not

appear to be any provision in the Bill empowering the Commissioner to deal with the control of the lighting of fires within the prescribed period upon private railways. The Midland Railway, for instance, passed through a good deal of agricultural land, and he took it there was a lot of country which had not yet been burnt under the conditions which this Bill would impose.

THE MINISTER: The property of the Midland Railway Company was in a much drier climate than was the country in the eastern portion of the State, and the danger was not so great. There was a provision that three men were sufficient up to a certain date, or should be sufficient. On the Midland line even at the present time they had gangs of men, and he dared say every precaution would be taken there as well as on the other lines, because the population on the Midland line were just as anxious to protect themselves against fire as people in the other parts of the State.

HON. F. H. PIESSE: Had the Minister any assurance that the portion of the country he alluded to was now free from danger? because, if not, some protection should be afforded.

MR. KEYSER: What was the present control?

HON. F. H. PIESSE would like to know whether the Minister had any control over the line; whether he could call upon the company to do what we required under this measure.

THE MINISTER: The Act applied to the Midland line as it was.

MR. BURGES: The Bill must provide for a certain number of men to be in attendance at the burning off, otherwise the Minister could not insist that a private railway company should employ that number.

MR. WATTS: In the dry country referred to by the Minister, burning off in the near future would be more dangerous than on the Eastern or the Great Southern lines. When the grass was thoroughly dry three men were inadequate to look after the fire. To keep it in check a dozen or more would frequently be needed.

MR. HENSHAW: On private railways in the South-Western districts the danger would be quite as great. The Bill should apply, for instance, to the Rockingham Railway.

MR. NANSON: As to private railway companies the clause was purely permissive; hence these, if compelled to employ what they considered an unreasonable number of men, might refuse to make use of the clause. It did not follow that the owner of a railway was responsible for a fire which started near the railway; and the owner might prefer to take the risk of an action for damages.

HON. F. H. PIESSE: Section 7 of the principal Act provided that three men at least should be in attendance. This referred mainly to adjacent owners obliged to send assistants when notified of the burning off. These persons frequently preferred to risk the penalty provided rather than to send the assistants required by the Act; and from this neglect innocent neighbours frequently suffered. However, as every precaution was to be taken by the Commissioner, better pass the clause unaltered.

Clause put and passed.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Standing Orders suspended.

THIRD READING.

THE MINISTER FOR RAILWAYS moved that the Bill be now read a third time.

HON. F. H. PIESSE emphasised his previous statement that in the interests of the country another Bill to amend the Bush Fires Act in various particulars should be introduced this session.

THE SPEAKER: The hon. member was not quite in order, unless his remarks were relevant to this Bill. He could not discuss the general provisions of the principal Act.

HON. F. H. PIESSE: At a later stage he would move for leave to introduce a farther amending Bill.

THE PREMIER assured the hon. member that the Minister for Lands would be conferred with on the subject, with a view, if practicable, to meeting the hon. member's representations.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Council.

BILL, FIRST READING.

TRUCK ACT AMENDMENT (introduced in the Council by HON. E. H. Wittenoom) received and read a first time.

MOTION--HOUSE COMMITTEE, CHANGE OF MEMBERS.

THE PREMIER (Hon. H. Daglish) moved:

That the hon. member for South Fremantle (Mr. Diamond) be discharged from the House Committee, and that the hon. member for Menzies (Mr. Gregory), the hon. member for Sussex (Mr. Frank Wilson), and the hon member for Coolgardie (Dr. Ellis) be added thereto.

The member for South Fremantle desired to be discharged; and the additional members were added in conformity with the recent amendment of the Standing Orders increasing the number of members of the committee from three to five.

Question put and passed.

MOTION (PAPERS) — RAILWAY EMPLOYEES, INCREASE OF PAY IN WAY AND WORKS.

MR. F. GILL (Balkatta) moved:

That there be laid on the table of the House all papers in connection with increases of pay recommended by foremen and others in the Ways and Works and Locomotive branches of the railways for the year ending September 30th, 1904.

The chief object of the motion was to ascertain why the Commissioner had not carried out the terms of the agreement entered into some time ago with the Railway Association.

MR. E. P. HENSHAW (Collie) seconded the motion.

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman): It was not always desirable to pass a motion for laying on the table perhaps a cabload of papers. An examination of the papers referred to showed a hundred different jackets; and to bring all these to the House would be rather unwise, especially as most of them were required almost daily by the department, and some were confidential reports made by the foreman for the works manager, afterwards reviewed and sent to the Chief Mechanical Engineer, and dealt with by the Commissioner on a matter of general policy. Almost all the papers were required in the department. The late Speaker had ruled that once papers were laid on the table of the House they could not be removed until the end of the session. Members could understand the trouble and inconvenience that would be caused by these papers being away from the department, and if it was necessary to bring the papers to the House some might be lost. Men in the service could appeal to the Commissioner in regard to any grievance, and if he (the Minister) knew of a grievance existing he would see that it was redressed at once. There should be the best of feeling between all employees in the service. The Government recognised the unions, and the unions were recognised by the law of the State. He would like to know from the member for Balkatta the exact reasons why the papers were required. The Government desired to recognise the unions in regard to the Railway Department, and to prevent people outside interfering in departmental matters between the Commissioner and the men. To-day a conference was held between the Commissioner and the W.A.G.R. Society, and the Commissioner said that every man could appeal direct to the Commissioner on any grievance when recognised by the union or association, and the object of recognising the unions was to put an end to outside persons interfering with departmental management. That was placed before the men to-day, and the Commissioner stated that if he heard of a grievance there was no necessity for persons outside the unions taking it up. The president and secretary present stated that they did not want cases brought forward by anyone except themselves. It had been said there was dissatisfaction between the employees and the Commissioner; but it was only natural in a great concern like the Railways employing about 7,000 men that some disagreements should occur. Only a few weeks ago every effort was made by the Commissioner to make agreements with the men for lengthy periods. There had been three agreements made for a period of three years without any reduction in the rate of wages, and the unions interested had expressed entire satisfaction with the agreements which they had been working under for the past 12 months and with the agreements that were made for the next three years. The societies interested

were the moulders, the engineers, and the boilermakers. A statement had been made that the department was seething with discontent. A conference was held on the 9th of November between the Commissioner and the W.A.G.R. Society. Inquiry was made at that time, and it was found that such was not the case. Mr. Casson, the general secretary, at the conference said he knew nothing of the remarks that were uttered and he did not think any of the committee knew of them, nor were the union responsible for them. Mr. Swan said he did not know anything of the matter, and accepted the assurance that nothing was known of it. In connection with the moulders' union, to show that the men were satisfied Mr. McDowall wrote as follows:—

> I have also to inform you that the iron and brass moulders are well satisfied with the agreement which will cease by effluxion of time, and we shall be glad if you can see your way to renew the agreement. If so, our delegates can sign it.

A three-years agreement was entered into, which showed that the Railway Department quite recognised that when long agreements were made a better feeling existed amongst the men and the better it was for the State generally. As long as the conditions of work were favourable and the Government paid the highest rate of wages, all that possibly could be done was done. The engineers had made an agreement, and this was what the secretary wrote:—

> —hoping when the agreement is re-signed it will work with as little friction as the present one has done, and that the enclosed amendments meet with your approval.

A conference met on the 1st of November, and an agreement was made for three years. On the 29th October an agreement was made with the moulders for three years. Having taken a great interest in matters affecting employers and employees, members would recognise that he would take reasonable precautions to see that both sides were safeguarded. He had already promised the member who moved the motion, that if any special case of grievance was brought forward it would be redressed. With that assurance he hoped the member would not press the motion.

MR. A. J. WILSON desired to move an amendment for the purpose of overcoming the difficulty of having to bring a cabload of papers to the House, and which as far as the purport of the motion was concerned would bring about what the member desired. Whilst thanking the Minister for his assurance that he was disposed to give every facility for inquiries in regard to any grievance that might exist, and also while certain statements made to-day might be true in regard to the contented and happy condition of men in the Railway Department, no harm could be done by having information on the lines indicated by the member for Balkatta. It might meet the case if all the words after "House" in the first line and down to and inclusive of the word "recommended" in the second line of the motion were deleted, and the following words inserted, "a return showing the names of all employees recommended for increase;" also to add after "1904" in the third line, "the names of all employees to whom increases have been granted." We should endeavour to completely and effectively remove the accusation which was rampant at the present time that there was a certain amount of favouritism shown by the Commissioner in regard to certain employees in the service. He did not know if the rumours were well or ill-founded, but they were in circulation at present, and it was only right that imputations of that kind should be proved or disproved. The source of the rumours was not material. The position was that the foremen under whose direction the men were working recommended certain men for special increases, which he (Mr. Wilson) was given to understand they were entitled to under the terms of the agreement between the union and the Commissioner. If these increases were recommended by the foremen it was only reasonable to assume that the foremen knew their business, and in making the recommendations had good grounds for doing so. The recommendations ought to be *primâ facie* evidence that the men were entitled to the increases. The favouritism would not be so pronounced if the increases had not been granted to only a limited number. The Commissioner might be an angel, but some people thought he was not: at any rate he had not the wings. Others in the country regretted the fact that he had not wings, so that he could fly away and

not inflict injustice on so many people in this State. The return ought not to entail a great deal of trouble in the department, and would not entail much cost. If the Commissioner were to devote a little time in getting out the return instead of doing a lot of petty insignificant things in the department which ought to be beneath the dignity of his position, it would be much better. The return would at once show the persons recommended for increases, and would give the information as to which men had been granted increases. The men were also entitled to know the reason why the increases were not granted. He therefore moved an amendment:—

That the words "all papers in connection with increases of pay recommended" be struck out, and that the following be inserted in lieu thereof: "a return showing the names of all employees recommended for increase."

MR. E. P. HENSHAW (Collie): The motion of the member for Balkatta would not entail a great deal of work on the Railway Department. He was sorry indeed that it did not cover more ground, and that it was limited to Ways and Works. He would like it to have application to the carpenters in the loco. shops. There was three years' fighting to obtain the industrial agreement which we had heard so much of this afternoon. During those three years there was a great deal of trouble and discontent in the shops. When the agreement was made, quite a number of outside trades sent notice to the Commissioner that they would not be a party to it. He (Mr. Henshaw), as secretary of the carpenters' union, wrote to the Commissioner and told him that his union could never consent to the terms embodied in the agreement. He had a list of the names of something like 100 carpenters in the Railway Department, and if that agreement had been carried out those men would now have been getting about 2s. a day more than they were. One clause of the agreement said those men were to have a rate of pay ranging between 10s. and 12s., receiving 6d. per day increase each six months until they obtained the maximum. Although these men had been in the department four or five years, they were still in receipt of the minimum rate of pay. He knew many of them, and was in a position to say they were competent, and there was no reason why they should not have a higher rate of pay. The union had no power to enforce the terms of that agreement. It had no standing in law. The Commissioner was not amenable to the provisions of the Arbitration Act, inasmuch as the court itself could not make an award, or rather it declined to make an award or an enforcement on the ground that the payment involved would be subject to a vote of this House, and they could not force this House to vote money.

MR. F. GILL (on the amendment): In moving the motion he did not desire to say anything, as he understood there were some objections to the production of such a number of papers. He did not think of that when he gave notice of motion, or perhaps he would not have worded it in that way. Neither did he desire to have a discussion on the Commissioner of Railways or any other public servant. However, since the Minister for Railways thought fit to bring the matter before the House and discuss the Commissioner and his transactions, he (Mr. Gill) considered it his duty to say a word or two in reference to the amendment. Personally he was content to accept the amendment. His object in moving for the production of those papers was to be able to see the reason why the agreement entered into between the Commissioner and the employees had not been carried into effect. The Minister for Railways appeared to have a great amount of confidence in the Commissioner, and the hon. member might be justified in that for aught one knew. At one time he (Mr. Gill) had implicit confidence in Mr. George, but at present he had not the confidence in him which he had eighteen months or two years ago. His reasons for that were that he had come into contact with the Commissioner in connection with the very agreement he was now discussing. Some time ago an agreement was entered into, as stated by the Minister, between the railway associations and Mr. George. One of the most important clauses which they tried to have inserted in that agreement was for automatic increases of pay to railway employees up to a certain maximum. The Commissioner did not see his way clear to grant it, and assured them—and this was not only in regard to one agreement, but to other

agreements entered into with him—that if they would place their trust in him he would see that a fair deal was given to the whole of the men. Not only did the Commissioner say that whilst they were entering into the agreement, but he stated in public places that all he desired to see was a contented service, as he recognised that with a contented service he would get better results from the labours of the men, and the country would benefit from it. He (Mr. Gill) thought that a splendid sentiment at the time, not knowing the gentleman, and he had a certain amount of confidence that the Commissioner would endeavour to carry that into effect. He happened to be one of those on the classification committee at the time, and they entered into the agreement, one clause inserted being that the increases of pay to the employees would be granted on the recommendation of the foremen. When they expressed a certain amount of doubt as to the foremen and officers recommending increases, they were told that they had not sufficient faith. Having cultivated a little bit of faith, they accepted the agreement, for the simple reason they could not get anything else. They stated they were perfectly willing, seeing the Commissioner was new to the office and showed a desire to do what was fair and reasonable to the men. But what had been the result? Let us take the Ways and Works in particular. For a long time Mr. George did not enter into that agreement, but kept playing off one union against another; the boilermakers against the moulders, the moulders against the railway association, and the railway association against the carpenters' union. By playing off one against the other like billiard balls he kept the matter about for six or eight months. Eventually he entered into the agreement, and he (Mr. Gill) thought that such a conglomeration as met in the Commissioner's office had never assembled before to draw up an agreement. There was no unity or anything else amongst them. There were representatives from the carpenters outside the railways, and of all other unions it was possible to mention in that line of trade.

THE SPEAKER: The hon. member was getting a little beyond the amendment proposed. It would not be right to permit a discussion upon the whole of the administration of the Railway Department on this motion. He wished to give every latitude, but the hon. member should keep within the bounds of the amendment.

MR. GILL: Perhaps he was taking a long way round to work up to the point. An agreement was entered into, and he was desirous of seeing why the men had not been granted the increases which were to be granted on the recommendation of the foremen. He did not think we could find a dozen persons who had received any increase during the last twelve months in conformity with the terms of the agreement. That was why he moved for the papers to be laid on the table; and had the Minister stated that owing to the very excessive bulkiness of the returns he desired him to withdraw the motion, he would have been perfectly willing to do so. But as the Minister entered into other reasons, he (Mr. Gill) naturally felt it his duty to state that he did not altogether agree with the Minister's remarks; and the reasons the Minister gave against having the papers laid on the table were very poor. In the first place the Minister said the papers were required in the office. He (Mr. Gill) asserted unhesitatingly that they were not. As to the men who had a grievance appealing to the Minister, they had no right to do so. With regard to unions, certainly the Commissioner recognised this union; but that was no credit to him, for the simple reason that he was compelled to. The Commissioner's object in dealing with unions was to play one off against another, the same as he did 18 months ago in regard to the Railway Association, with the object of baulking the whole lot. While willing to accept the amendment by the member for Forrest, members should see the number of recommendations made during the 12 months and also the number of increases granted. That would serve his purpose, as he simply wished to find out how far the agreement had been carried out; whether the Commissioner had been wronged by the employees or whether he had wronged them.

MR. E. NEEDHAM (Fremantle) would not unnecessarily harass the Minister or the Commissioner. He agreed with the Minister that if the motion were carried it would entail an unnecessary

amount of labour. He also agreed with the Minister when that hon. gentleman said it was his intention to make the relations between employer and employees as pleasant as possible. He would support the amendment, and if it were carried it would considerably lighten the duties of the Minister in presenting this information to the House. The Minister had referred to a statement made by him (Mr. Needham) in this House, that the railway service seethed with discontent. Certain persons outside had been asked whether they had anything to do with that statement. They had not; nor was it necessary for any person outside the House to prompt him in his statements. He had spoken from personal experience; and repeated, despite the Minister and the Commissioner, that the service still seethed with discontent, mainly owing to the Commissioner's continual breaches of the agreement between himself and the unions. The reason hitherto given for not granting increases was practically that the men were not competent. Before receiving an annual increase, an employee must, according to the agreement, prove himself competent in the opinion of the head of his branch. But was it possible that practically the whole of the employees in the Fremantle and Midland Workshops were incompetent? If so, why were they kept there? Since the agreement was signed only one review had been made, instead of two provided for in January and July. The first few increases were made about November, 1903, but were retrospective to July, 1903, the date of the agreement. The next review was to have taken place in January, 1904, when a number of employees became entitled to farther increases. But in those workshops not one additional increase was given. The same applied to the Way and Works branch, employing some 200 or 300 men. The Commissioner deliberately made breaches of the agreement. This provided that boilermakers' assistants and strikers should receive a minimum wage of 8s. and a maximum of 9s. 6d. With one or two exceptions in the boiler shop and one or two among the strikers, none of these men had reached 9s. 6d. Other men quite as competent as the favoured few, and with longer service, did not receive the advances due; yet curiously enough their services were retained. It was said that the Commissioner was working the department as a commercial concern. Would any business man retain in his employment for eight or nine years 500 or 600 men who were not worth increases which he had agreed to give them? It was right that the matter should be ventilated, so that members might see both sides of the question, and that ruthless breaches of the agreement might in future be prevented. Of what use was it for members of unions, whether officially recognised or not, to waste time and money interviewing the Commissioner and drawing up agreements which the Commissioner assumed the right ruthlessly to break when he chose? He (Mr. Needham) repeated his statements without any modification.

MR. C. C. KEYSER (Albany) opposed both motion and amendment. It was regrettable that that the mover had seen fit to ask for these papers. After listening to the debate one was convinced that some members were moved to a disgraceful extent by an underground current. The member for Forrest (Mr. A. J. Wilson) said the Commissioner was showing favouritism.

MR. A. J. WILSON: No; that there were rumours of favouritism.

MR. KEYSER: That the foremen had suggested that certain men should receive advances or promotion, and that the Commissioner had disregarded those suggestions and had advanced other men. This was obviously absurd, as probably the Commissioner did not know either the name or the qualifications of any employee concerned. The object of one or two hon. members was to oblige certain employees who were working against their particular foreman, and who considered that the foreman ought to recommend them for promotion; hence these employees wanted the papers laid on the table, that they might see whom each foreman had recommended and whom he had not recommended. Would it be right to give this information to the service? No. Any man aggrieved could through his union approach the Commissioner. There was an agreement.

MR. A. J. WILSON: The Commissioner would not observe it.

MR. KEYSER: Then provision was made for bringing the offending party to justice. The agreement was plainly worded. Either party aggrieved could appeal to the Minister. But some incompetent persons were aggrieved, and knew well that if they did appeal they could not back up their cases with solid argument; otherwise they would have taken a different course than that of buttonholing several members, who were only too willing to be buttonholed by complainants.

MR. A. J. WILSON: Was the hon. member in order in saying that certain civil servants buttonholed members? The Commissioner had made a rule forbidding railway servants even to speak to members of Parliament.

THE SPEAKER: The hon. member (Mr. Keyser) was not out of order, unless he inferred that the members bringing this matter before the House were actuated by improper motives.

MR. KEYSER: That was not the inference. To assume that the Commissioner would invariably act on the recommendation of a foreman as to advances in pay or position was totally absurd. The seething discontent that was alleged to exist would be created in the service if the papers were laid on the table. The men under each foreman would know whether or not he had recommended them. Therefore he advised hon. members to negative both motion and amendment on the grounds that the information ought not to be tabled, and that if the men had grievances they should ventilate them through the proper channel.

THE PREMIER (Hon. H. Daglish): The whole question involved in both motion and amendment was whether the Railway Department was to be controlled entirely by members of this House or by the Commissioner appointed for the purpose. Parliament had established an Arbitration Court. The railway employees had been given power to resort to that court through their associations. No later than last session the Railways Act was specially amended to emphasise that the men had this power. Members denied that the power existed. Only a few months ago the power was exercised in a dispute between the locomotive engine-drivers and firemen and the Commissioner; the court gave its decision on that question, and the decision was acted on. Time enough for members to ventilate these questions in Parliament when all other modes of settling them had failed. Even then he (the Premier) would be inclined to doubt the wisdom of a motion or an amendment of this sort. After all, recommendations for increases of State employees' salaries had to pass through several hands. A recommendation would go from a foreman to a manager, from him to the head of the branch, and from him to the head of the department. The proposal was that the name of every person recommended by any of these officers should be supplied the House. To be correct, there must be a full statement of every recommendation made by any of these officers either for or against employees. This was objectionable; for it was not obvious how a big business undertaking like our railways could be carried on if every particular of departmental management was to be exposed to the public gaze on the table of the House.

MR. A. J. WILSON: Did the Premier object to the observance of the agreement?

THE PREMIER: Surely the hon. member knew the Government were anxious that every agreement made with his employees by any employer, whether public or private, should be observed, just as he was anxious that every agreement should be kept by the employees as well. His reply to the hon. member was, farther, if an agreement was not kept, then the Arbitration Court was the place to go to in order to explain and prove the fact, and the court had full power to give an award thereon.

MR. HENSHAW: The president said the court did not have the power.

THE PREMIER: Portions of the Arbitration Act and the Government Railways Act covered the point; and upon them he relied for the statement made. Subsection 6 of Section 109 of the Industrial Conciliation and Arbitration Act said:—

> Such petition, when duly filed, shall be referred to the court by the clerk of the court, and the court, if it considers the dispute sufficiently grave to call for investigation and settlement, shall notify the Minister thereof, and appoint a time and place at which the dispute will be investigated and

determined, in like manner as in the case of a reference, and the court shall have jurisdiction to hear and determine the same accordingly, and to make award thereon.

In order that this section should apply to the Commissioner of Railways, when the Railways Act was amended last year Clause 82 was introduced, which said:—

Whenever in the Industrial Conciliation and Arbitration Act 1902 reference is made to the Minister for Railways, the provisions of that Act shall apply to the Commissioner as if the words "Commissioner of Railways" were inserted in place of the words "Minister for Railways."

There was also a subsection to the following effect:—

Subsection 6 of Section 109 of the Industrial Conciliation and Arbitration Act 1902 is amended by omitting the words "shall have jurisdiction to hear and determine the same accordingly, and to make award thereon," and by inserting in place thereof the words "shall have jurisdiction to and shall hear and determine the same accordingly, and make its award thereon."

That there was an option was said to be an objection; but the only option existing was that the court should do something if satisfied that the circumstances of the dispute were sufficiently grave to justify it. Surely this was a proper limitation. It could not be urged that the court would refuse to investigate any question worthy of consideration. The same limitation applied to cases other than those referred to the court by the employees of a department. The court could refuse to hear any application unless satisfied that the case was sufficiently grave to justify an award being made.

MR. A. J. WILSON: The court had decided differently in the case of the Government printers.

THE PREMIER: Details of the case of the Government printers not being at his disposal, he was not prepared to admit or argue the statement of the hon. member on a moment's notice. He relied upon the contents of these sections of the two Acts, and urged that an appeal should be made to the Arbitration Court. When the Arbitration Court had refused to hear the matter, it would be time enough for members to come to the House, if indeed the mere fact of the refusal of the court to hear the matter on the ground that the circumstances were not sufficiently grave did not prove that the circumstances were not sufficiently grave to warrant the time of the House being taken up in discussing the subject farther. No one was more anxious to see full justice done to every employee in the State, and to see successful administration of the State railways, than himself; but members were liable to endanger both objects by continually bringing forward motions of this description. Members were more likely to do harm than good to the persons whose case they advocated by introducing these proposals into the House when there were other places provided for the settling of them, not with motives of partisanship or to suit political parties, but purely in a judicial spirit. He hoped, therefore, that neither the motion nor the amendment would be persisted in. If they were persisted in, it would be his duty to vote against both.

MR. C. H. RASON (Guildford): It was not often that he had pleasure in saying that in his opinion the Government were taking the right course; but in this instance as a matter of principle he could. If certain railway servants were suffering from grievances, they had a remedy right at their hands provided by the Act passed last session. There had been some doubt as to the power of the court, and the section the Premier had just quoted was inserted in the Act so that there should no longer be any possibility of doubt as to the court having complete jurisdiction. If sections of the railway servants suffered under real or imaginary grievances because of a breach of agreement, nothing was simpler than to have the matter determined by the proper method in the proper place.

MR. A. J. WILSON: It could not be done.

MR. RASON: It was simply waste of words to say it could not be done. It could easily be done. If we were to admit the principle of having the recommendations of a foreman to the head of the department and the remarks of the head of the department thereon made available in every case to every member who liked to move for them in the House—made public property, in fact—there would at once be an end to the good relationship that should exist between the foreman and the men under him. A foreman's life would be simply

unbearable if he did his duty and distinguished between the good worker and the bad worker. If the foreman had the courage not to recommend a bad workman for an increase of pay, that bad workman might get some interested or disinterested friend to move for papers, and would then find out that he had not been recommended for an increase. What would the life of that foreman be afterwards in relation to that man? The instance need only be repeated a few times and we could readily understand that there would be at once good-bye to anything like proper control and friendly and good relations between the foreman and the men under him. Members, if they reasoned with themselves for one moment, must see that it would be impossible for any Government determined to do their duty to accept either the motion or the amendment. In this instance he congratulated the Government for doing their duty. He wished to make his conduct perfectly clear. If railway servants were suffering from grievances, he as well as anybody else would be anxious to have the grievances remedied, and, if necessary, he need only explain that there were many railway employees residing in his constituency. But he certainly would not be party to accepting the motion or the amendment. There was a proper course open to the railway servants to have their grievances remedied—open to them as to every other member of any union. Why should the railway servants have a privilege in this respect that was denied to other unions? Anyone engaged in the Way and Works and Locomotive branches of the Government Railways could get anyone to move in the House that the recommendations of his foreman be laid on the table; but we could not have anyone moving for the recommendation of Sandover & Co.'s foreman to be laid on the table. No one would think of anything so ridiculous as that. Yet it seemed to be imagined that it was quite in order to take an exceptional action in regard to some Government railway servants. He would not attribute any motives in this case, and did not like to do so at any time; but he hoped both the mover of the motion and the mover of the amendment would see the wisdom of withdrawing both, and of recognising that if grievances existed they could be easily remedied.

MR. W. NELSON (Hannans): The considerations advanced by the Premier and the leader of the Opposition might have considerable weight but for the fact that the mover (the member for Collie) informed him that only a week ago, in the case of the metal workers on the railway brought before the Arbitration Court, the court had said it could make a recommendation, but could not enforce it as it could in any other case.

MR. RASON: There was the Act.

MR. NELSON: True, the Act said so and so, but sometimes Parliament passed measures which were in conflict with other measures and could not be carried into effect. At any rate the member for Collie informed him that the court deliberately declared that, while it could recommend, it could not enforce its award, because no court could compel Parliament to vote money to pay wages.

MR. A. J. WILSON: That was the vital point.

MR. NELSON: The House could pass legislation, but had no right, after all, to interpret it. We had the Judge declaring that the Act, although passed, did not give the court power to do what the Premier and the leader of the Opposition declared the court had power to do; and the contentions of the hon. members, however plausible, must fall to the ground.

MR. KEYSER: That did not justify the production of the papers.

MR. NELSON: The member for Albany admitted being legally wrong, and it could be proved that the member was wrong from the point of view of common sense. It was undesirable that matters of this kind should be constantly cropping up and debated in the House, but the Minister should have granted the request embodied in the amendment without any discussion whatever. After all, what was wanted? We wanted to be sure about facts. Certain allegations were made. The men declared they were not receiving that which they ought to receive according to an agreement entered into by them. The official record, which would enable members to know whether the allegations were true or not, was demanded. If the allegations were true, then the men were vindicated and their

complaint was justified. If the allegations were false, the Commissioner was vindicated. It was utterly unfair to view this as an attack on the Commissioner any more than to view it as something entirely in favour of the men. If only a week ago Parliament thought necessary to call for papers in connection with a criminal supposed to be suffering an injustice, surely members had a right to call for evidence to determine whether the railway men were suffering justly or unjustly. He had no sympathy with the method of constantly attacking the Commissioner of Railways, but when members demanded evidence to know if certain allegations were true or false, the Minister should not stand in the way of the production of that evidence. He (Mr. Nelson) took it for granted that when the member for Balkatta, whose honour he did not think the leader of the Opposition would impugn, and who had been long connected with the Railway Department and was intimately acquainted with the men, demanded this evidence, it was a strong presumption that the House should furnish the evidence to judge whether the facts were true or false.

MR. A. J. H. WATTS (Northam): The information which we had received from the member for Hannans as to the infringement of the recommendation of the Arbitration Court should weigh with members. Unfortunately discontent was seething in the ranks of the railway employees. It should not be possible to attribute motives to a member in a matter of this kind. Most members came in contact with railway men and heard much said in regard to the disabilities under which the men laboured. When members had the interest of the country at heart, and the great body of the people were served by the railway employees, we had a right to inquire into the matter and ask for information to enable members to come to a correct conclusion. He regretted the member for Balkatta had withdrawn the motion, for we would have been able to get more information by it than by the amendment.

THE SPEAKER: The motion was still before the House.

MR. WATTS: From information he had received he considered the men had been badly treated, and he welcomed some farther information such as we could get from the reports that had been asked for. From what he had been able to learn, the men had just cause for complaint. A great deal had been said about the men having recourse to the Arbitration Court, but the men had no chance of getting satisfaction there. The Minister for Railways said he would try to settle differences between employers and employees. The Minister had a vast amount of work before him to settle the differences between the employees and the Commissioner of Railways. The Minister had a duty to go into the matter, if he did not know already that discontent was to be found in the Railway Department, and he should try and bring about a change in the state of affairs that existed. The member for Albany contended that a few incompetent men were aggrieved because they had not received advances. That was not a fair allegation to make in regard to the railway servants, because we knew that the great body of railway servants were at present dissatisfied and thought they had good grounds for their dissatisfaction. Farther than that, the member contended that we could not expect the Commissioner to act on the recommendations of the foreman as to advancement. If the Commissioner had no right to act on recommendations, he (Mr. Watts) failed to see the necessity for asking foremen to make recommendations concerning those under him. Despite the Minister's assurance that the men had a remedy, we might take it that they had not the remedy of appealing to the Arbitration Court. The Premier said the position seemed to be whether the Commissioner of Railways should rule the men and the railways, or whether members of Parliament should control them. In the interest of a great section of railway employees members had a right to inquire into what was being done, and in the best interests of the State to ask for information which members were inquiring for. It had been said that the production of the papers would lead to friction between the foremen and the men; but that ought not to be so. If men were not competent, the Commissioner should be supported in the attitude he had taken up; but if they were competent, inquiries should be made and justice awarded.

MR. H. GREGORY (Menzies) protested against the motion or the amendment being carried. It would be wrong for the recommendations of junior officers of a department to be made public. It would not be fair or conducive to the working of a large department. It was only reasonable to think that when the head of a department was asked by the Commissioner for recommendations in regard to increases, the junior officers would be called upon to make recommendations, and these would be dealt with by the higher officers and subsequently go before the Commissioner to be dealt with. To allow the recommendations of junior officers to be made public would be a most unbusinesslike proceeding, and he hoped the House would not allow it to be done. In reference to the statement of the member for Hannans that the Arbitration Court had no power to act in a matter of this sort, he (Mr. Gregory) hardly knew how far the hon. member intended to go. It was to be assumed that the member for Hannans believed that Parliament was supreme as to the spending of money, and that no increases or payment whatever should be made without the House having agreed to the expenditure of the money. On the other hand, in the Railways Act passed last year full power was given to the Arbitration Court to deal with the railway servants. Section 82 of the Government Railways Act dealt first with the word "Minister," altering it wherever necessary to "Commissioner," and it went on to say:—

> Subsection 6 of Section 109 of the Industrial Conciliation and Arbitration Act of 1902 is amended by omitting the words "shall have jurisdiction to hear and determine the same accordingly and to make award thereon," and by inserting in place thereof the words "shall have jurisdiction to, and shall hear and determine the same and make its award thereon."

So that the Arbitration Court had full power, always subject to the Estimates. The Commissioner would not dare to refuse to accept an award made. But after the award had been made it would be settled by Parliament when the Estimates were before members. The House could refuse any item appearing on the Estimates, for Parliament was not likely to give away its prerogative. There was no doubt whatever as to the powers of the court to hear and give awards. Members desired to try and carry on the railways after the style of a business concern. If a foreman of a workshop said that certain workmen should receive increases and that other workmen should not, that foreman would feel that he was giving information of a confidential nature. That information might not be accepted by the head of a department, still the recommendation would be made and would go on to the Commissioner, who would deal with it fully. It was to be hoped the House would refuse to pass either the motion or the amendment.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): In this discussion we had, he thought, got away from the motion and were discussing the workings of the Arbitration Act. He took it that the desire of the mover of the motion and also the mover of the amendment was to see what recommendations were made by certain foremen to the Commissioner of Railways in connection with the men under him. He considered it unfair to ask us to place on the table papers which would put a foreman into such a position that those immediately under him would know what recommendations he made. He had had a fair amount of experience as foreman of men, and had repeatedly had to go to those immediately above him to make certain recommendations in connection with men under him, but he would not like those men to know exactly what he had said. As to injustice, Parliament desired to give the Arbitration Court power to settle all disputes or grievances in connection with railway employees. It was true that the president of the Arbitration Court expressed the opinion that under the Arbitration Act passed in 1902 they had no power to enforce an award. But later on we passed a Railways Act, and a clause was inserted giving the court power to make an award. The officers of the Railway Association expressed to him personally their gratitude at the passing of that clause, and said now they would have power to go to the court. As far as his memory served him he had never known a case go to the court since that was passed. It was true that when the member for Collie was before the court recently the Judge expressed an opinion in connection with that case; but one noticed, and was sorry for it, that the

hon. member did not point out that under the Railways Act the court had jurisdiction. The point was never argued by the hon. member.

MR. SCADDAN: It was not a ruling; it was only an expression of opinion.

THE MINISTER FOR WORKS: Apart from that, the hon. member was pleading for employees outside the Railway Department. It was not a case connected directly with the Railway Department.

MR. HENSHAW: The Minister was wrong. A case was taken on behalf of railway employees, and they were told by Mr. Justice Moorhead that they could make an award, but as they could not enforce it, it was no good. They wound up by making a recommendation. That recommendation had never been acted on.

THE MINISTER FOR WORKS was afraid the hon. member was not following him during his speech. The difficulty which had existed was got over when we passed the Railways Act, and the hon. member had not pleaded a case in connection with the railway employees since the passing of that Act.

MR. HENSHAW said he had; only last week.

THE MINISTER FOR WORKS: The hon. member did not take the case with regard to the railway employees exclusively. The union was outside the railways, and the hon. member never asked for an interpretation or a decision on the point. The president in that case expressed the opinion that he could not extend the award to the Railway Department. The hon. member did not argue the point. The railway employees now had a right to appeal to the court. Every other employee in the State inside an organisation had to go to the court to get a settlement of a dispute, and we should not allow the railway employees to come to Parliament to settle their disputes when they could settle them exactly in the same way as a miner or anyone else. If the past agreement did not give satisfaction or the recommendation of the foreman was not adopted, the placing of these papers on the table would not help the employees in that direction, because that agreement had now expired, or would expire within the course of the next few days. He understood that the Commissioner and the associations were in conference to draw up a new agreement, and if there was any difficulty in the last agreement they had the power now to amend that and get an agreement which would surmount the difficulties they experienced under the previous one. If they could not come to a settlement at the conference, then undoubtedly they had the power to go to the court and settle it there. If members could prove the statement that the court had no jurisdiction, the Government would see that the Act was amended to give that power, because Parliament, when it passed the Railways Act, desired that the court should have such power. He hoped the motion would not be persisted in.

THE MINISTER FOR RAILWAYS (Hon. J. B. Holman): It had been mentioned by him that three unions had already made an agreement for three years with the Commissioner of Railways, and the largest association of them all, the W.A.G.R. Society, was sitting in conference with the Commissioner. Representatives expressed an opinion that they did not require anyone to interfere with their proceedings with the Commissioner. The members and officers of that union were quite able to conduct their case on behalf of the union they represented, and far better able to do so than men sitting in this House. It was the greatest mistake for us to interfere with any business affairs of an association and an employer in this House until every other available means had been exhausted for the settlement of the dispute. If those in conference did not settle the dispute or draw up an agreement, the Arbitration Court would be open to them. In the Railways Act it was stated that an award should be made, and the Commissioner should be bound to stand by the terms of that award. If he did not, and he (Mr. Holman) were Minister for Railways, he would endeavour to find out the reason why the Commissioner would not do so, and if he considered him to blame, he would lay the matter before the House at the very earliest opportunity. At the conference taking place to-day this point was put before the representatives of the men by the Commissioner, who stated:—

Every man can appeal direct to Commissioner on any grievance, and the men are represented by their unions and associations, and

the object of recognising unions etc. was to put an end to the practice of other persons than the unions interested with which agreements were made or being discussed, intervening in matters of departmental management. In conference to-day between the Commissioner and the W.A.G.R. Society the Commissioner laid this position before the men, and stated that he held that if he made agreements with the unions representing the men, there was no need for anyone but the unions taking up the case with him. The president, secretary, and others present stated that was exactly their view, and they did not require cases brought forward by anyone except themselves.

It was a great pity this matter had gone so far as it had, and he hoped that now the matter had been discussed both the motion and the amendment would be withdrawn. He had been asked by a representative of the railway unions whether the court had power to decide their case. He unhesitatingly said, yes. That was his opinion as far as he knew the Act, and he would take the matter up now and get the opinion of the Crown law authorities to find out whether he was right or wrong; and if the railway men could not come under the provisions of the Arbitration Act he could, he thought, speak for the members of this Assembly and say railway men should be treated the same as any outside workers, no better and no worse. If we had officers of the department, we should protect them. One member said he (the Minister) had confidence in the Commissioner. He had confidence in him up to the present, and if he lost confidence in the Commissioner he would do what he thought right, and leave the members of the Assembly to find out whether he was right or wrong. He hoped that members would, instead of attacking the Commissioner, get hold of facts before they made statements which were hardly correct. We had heard other officers condemned. We all remembered the late Mr. C. Y. O'Connor, how he was condemned by a class of people in this country, and we only recognised when he was gone how valuable he was to the State. It was totally unfair to attack the Commissioner of Railways in this House when the Commissioner had not an opportunity of replying. The member for Northam said there was great discontent in the railway service. As previously stated, we had made an agreement for three years with three of the associations. They were sitting in conference and endeavouring to make an agreement with the W.A.G.R. Society at the present time. If they could not make a satisfactory agreement, the Railway Association would have the opportunity of appealing to the Arbitration Court to get an award from that court. He had a letter which had just arrived from the secretary of the executive council of the Coastal Boilermakers' Union to the Commissioner, which showed that its members at least were not seething with discontent, but were well contented. Under date the 15th November, the secretary wrote:—

Yours of the 10th, also duplicate of agreement duly signed and in order, to hand. It is really a pleasure to receive same at your hands. I also beg leave to return the compliments. I can assure you, sir, as far as meeting you in conference is concerned, it was really a pleasure to do so. I have on several occasions had the pleasure of informing our members as to the courtesy and kindness I received at your hands on every occasion. In conclusion, as for the agreement, your sentiments are mine. Wishing you every success and a long continuation of your present position, I beg, etc., T. B. JEFFREY, secretary.

When he (the Minister) took office, one of his first acts was to receive a deputation from the boilermakers' association. The hon. member (Mr. Needham) then complained that the association could not get a conference with the Commissioner. He (the Minister) secured a conference, a three-years agreement entered into, and this letter was the result. If any other railway union desired a conference, an endeavour would be made to bring it about. Some statements made in the debate were regrettable, and might do harm. He would do his duty to railway employees as well as to the State. The agreement now the subject of a conference would probably be signed. If not, the employees had a right to go to the court; and surely the Commissioner would observe the award. Last Saturday he (the Minister) met the secretary of the engine-drivers' association, who explained that his association's agreement was entirely satisfactory to every member. Members here were mistaken in saying there was discontent in the service. Such statements might lead to the unnecessary ventilation of grievances.

We wished to abolish discontent, so that the department might work with advantage to the public. After the declaration of the unions that outside intervention was not desired, both motion and amendment should be withdrawn.

MR. FRANK WILSON (Sussex) opposed the motion. What good would be done by publishing confidential communications such as the papers asked for? Recommendations from subordinate officials in a large industrial concern must have reference not only to men's abilities but to their characters; and to publish such recommendations would be subversive of true discipline. As well publish the recommendations and confidential memoranda of Under Secretaries as to increases of salaries. The result would be a hue and cry throughout the land. The motion would set a bad precedent, which the House would regret. He disagreed with the statement that the Arbitration Court had full control over the Commissioner of Railways. He (Mr. Wilson) was a member of the court some months ago, when the locomotive engine-drivers and firemen's case was heard.

THE MINISTER FOR RAILWAYS (Hon. J. B. Holman): The Act was since amended.

MR. FRANK WILSON: The case was referred to the Arbitration Court after Parliament went into recess.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): True. The Act was proclaimed just after that case was heard.

MR. FRANK WILSON: Several sections of the Arbitration Act referred to railway servants, and Section 119 enacted that except as provided by Sections 107, 108, and 109, which gave power to the railway unions to appeal to the court and register agreements, nothing in the Act should apply to the Crown. Thus the court could not enforce an award against the Crown. Section 119 had not been repealed; and Subsection 11 declared that except for the purpose of the section, the court should have no jurisdiction over any Minister or the workers employed in his department; clearly showing that the House did not intend to empower the court to enforce an award against the Minister; and properly so. By what body should an agreement between the Commissioner and his employees be enforced? By Parliament through the Minister. If the complaints made this afternoon were justified, and if the Commissioner had in any way broken faith with certain railway servants, the Minister was the man to enforce the agreement. Minor disputes between master and men could not be settled by the House.

THE COLONIAL SECRETARY (Hon. G. Taylor): The union were now conferring with the Commissioner.

MR. FRANK WILSON: Exactly. Let them settle the dispute in conference. In the case of the drivers and firemen's union, the Arbitration Court made a recommendation, both parties having agreed that such recommendation would be embodied in an industrial agreement. This had apparently been done. If certain persons affected by the agreement believed that the Commissioner was not observing it, their course was not to ask for confidential communications to be placed on the table of the House, but in the event of their failure to get a satisfactory settlement by conference with the Commissioner, to appeal to the Minister, who was the Commissioner's parliamentary head. Then if the Minister did not satisfactorily settle the matter, let some member move a motion censuring the Minister.

THE MINISTER FOR MINES (Hon. R. Hastie): The preceding speakers seemed rather hazy as to the law. The case referred to was heard in 1903, when Parliament was in session, and it was largely the faults exposed in the hearing of that case which led to the Act being amended. Section 82 of the amending Act stated that Subsection 6 of Section 109 of the Arbitration Act 1902 was amended by omitting the words, "shall have jurisdiction to hear and determine the same accordingly and to make an award thereon," and by inserting in lieu thereof, "shall have jurisdiction to and shall hear and determine the same accordingly and make its award thereon." Before passing that, the House took the advice of every legal authority available, and was assured that the court would thus be given the power it wanted.

MR. F. WILSON: Where was the court given power to enforce an award against a Minister?

THE MINISTER FOR MINES: Such power was not given; but the hon. mem-

ber had to show that it was needed. The Arbitration Court could decide not to use the power it had. If the hon. member could show how the court could be given greater power, surely all sections of the House would be willing to endow it with such power.

MR. F. WILSON: No.

THE MINISTER FOR MINES: If the hon. member or others could assure the Government that the court had not the power which, as everyone knew, Parliament wished to give it, there would be no difficulty in giving that power. He protested against the hon. member's declaration that Parliament did not intend to give the Arbitration Court power to make any award.

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

THE COLONIAL SECRETARY (Hon. G. Taylor): Several members had repeated that the Arbitration Court had not power to enforce an award in the case of railway employees; but members who were in the House when the Arbitration Bill was passed knew that the Bill was in a large measure brought forward to settle disputes between railway employees and the Government, and that the most heated discussions took place on Clauses 108 and 109 relating to railway employees. The member for Sussex was correct in pointing out the sections in the Arbitration Act which prevented the Court from making an award and enforcing it; but if the Arbitration Court made an award in favour of increasing the wages of railway employees the award would be carried out by the Commissioner of Railways, or the Government would make provision on the Estimates by which the increased wages should be given. Parliament held that power and he hoped Parliament would always hold it. It was not the intention of Parliament that the Act should be interpreted as the president of the Arbitration Court interpreted it. Since being a Minister of the Crown the opportunity of meeting the various secretaries of the railway unions had not presented itself to him, but he was told by the secretaries that the agreements the unions had entered into were satisfactory. The member for Collie mentioned the case of some railway employees who were not members of the Railway Association. A similar case to that mentioned by the member for Collie had been decided in the Arbitration Court. An agreement was entered into by the employers and employees, and the court would not make an award while that agreement was in existence, with any other workers working for the same employer's association with whom the agreement was in existence. That decision was come to two years ago with regard to some paperhangers' union, and the member for Collie would remember the case. The member for Collie should have given clearer arguments with reference to these dissatisfied railway employees who were so much affected that it was necessary for this debate to take place in Parliament. It would not be wise perhaps for the employees to have some of the papers asked for made public property. The member for Forrest (Mr. A. J. Wilson) should recognise that a railway employee had a double advantage in appealing to the Minister for Railways, as that gentleman was also Minister for Labour, and their grievances would be removed if they appealed to that gentleman in his double capacity. The discussion had gone far enough, and the motion and the amendment should be withdrawn.

DR. ELLIS (Coolgardie): In dealing with this question, one could hardly say "in the multitude of counsellors there is wisdom," because up to the present time we had most emphatic statements on each side—on one side that the powers to deal with this matter were limited, and on the other side that the powers were practically unlimited. As far as he could understand, the question at issue was: had the agreement been carried out?—whether the agreement came under the Arbitration Act, and whether the president of the Arbitration Court admitted having power to deal with the matter or not.

THE SPEAKER: The hon. member could see by the motion that it was not a question of an agreement that was under consideration, but simply a question to lay certain papers with regard to certain figures on the table. As far as possible it was desired to limit the discussion to that point, but the question of right to appeal to the Arbitration Court

had cropped up. The terms of the agreement generally should not be discussed.

DR. ELLIS: It was absolutely with that view that he was considering the question, because if the court had not power to deal with the matter it then became a question as to whether it was not advisable for the papers to be laid before Parliament. If the court had power to deal with the matter, no one could contend that the papers should be laid before Parliament. He had the decision of the president of the Arbitration Court on the very subject given in the case of the machine printers. He would quote the case. Mr. McCallum put the question before the court by saying that "Subsection 12 of Section 109 puts the Minister in the same position as an employer"; and the president said:—

> Hardly. The words are "except where inconsistent with the express provisions of this and the two preceding sections." That brings in Subsection (11). You are undoubtedly a union of workers within the meaning of Section 107, but when we come to Section 109, which confers upon the unions mentioned in Section 107 certain privileges or rights, we are confronted with the exception I have just mentioned. The question, however, is whether we have an equal right to direct a Minister or Parliament to do a certain thing as we have to direct an ordinary employer. In my opinion we are limited in our dealings to those Ministers who have entered into industrial agreements with the employees.

In any industrial agreement entered into with the Commissioner, the Commissioner was the Minister according to the amending Act. There was no doubt that this case did come under the Arbitration Court, and that being so, the correct action to take was to present the matter to the Arbitration Court for an award. The question then arose whether there was a right to make such an award. There was no doubt, according to Section 109, that an award could be made, for Subsection 7 of Section 109 said:—

> In making any award under this section the court shall have regard to the provisions of any Act in force relating to the classification of the department of Government Railways.

That being the case he did not see how there was any difficulty in dealing with the matter. Before anything drastic was done, the recognised means of dealing with the question should be taken. The parties should cite a case for the opinion of the Arbitration Court and get the award, and if the Minister was not prepared to carry out the award, then he (Dr. Ellis) would be found voting on the other side. If the Minister refused to carry out the award of the Arbitration Court, he ceased to be a Labour Minister. From all inquiries made, the parties did not attempt to bring a case before the court, and no award therefore had been made. On the other hand no case had been cited in which the court had decided that the Minister came under the Act; therefore there was no course left but to vote with the Government on the question.

MR. J. L. NANSON (Greenough): The House had been asked to decide whether certain information should be made public or not. It would appear to be a simple issue, and not one requiring to be debated at great length. However, by some means a side-issue had been raised as to the powers of the Court of Arbitration. He confessed he could only see a most indirect connection between the argument as to the powers of the Court of Arbitration and the matter more immediately at issue. One naturally asked oneself why was it that this information was sought for? And listening to the debate, it appeared that there was a belief that certain foremen had made recommendations that increases of pay should be given to certain employees in the Railway Department, but in contravention of an agreement between the Commissioner and the employees, the recommendation made by the foremen had been disregarded. If that were so, he could understand the anxiety of members who had brought forward the motion and amendment to ascertain whether the recommendations made had been accepted by the Commissioner or had been flouted. There were other means by which the information sought to be obtained could be obtained than in the form in which the motion and the amendment were brought forward. It was undesirable that the information should be given in the form suggested by the motion or amendment. On the other hand it should not be a difficult matter to get the information from the Minister for Railways, and he took it that those members interested in the question had confidence in the

Minister for Railways and did not doubt that he would give them reliable information on the subject.

MEMBER: If he could get it.

MR. NANSON: Some members interjected that they had confidence in the Minister for Railways, but not equal confidence in his ability to obtain the information. Remarks of that kind suggested a rather improper reflection on the Commissioner of Railways. He did not think that any number of members believed that the Commissioner would wilfully deceive the Minister for Railways or the House. If it were thought the information would not be forthcoming, if the Minister for Railways were asked to give it without a formal motion, he (Mr. Nanson) would suggest that a farther amendment be moved—he did not intend to move himself, it not being a matter in which he was much interested—for a return showing the number of instances in which recommendations had been made by foremen for increases, and had been disregarded. That would give the number of cases, and would not be open to the objectionable feature that names would be mentioned and that individual workmen would know they had been recommended by foremen and that their claims had been disregarded by the Commissioner. It was incumbent on the Government to see that the agreement entered into between the Commissioner and the men was carried out. For his part he was not aware that it had been disregarded. The allegation had been made that the agreement had been disregarded; and without making public any information it would not be in the interests of the service or discipline to make public, there might be no difficulty in ascertaining the simple fact whether the Commissioner had or had not acted in contravention of the agreement entered into. Personally, he could not believe that the Commissioner had acted in contravention of that agreement. He felt sure that the return he had suggested would go a long way to settle the point, and if not to settle it conclusively the Minister for Railways should be perfectly willing to ascertain what were the actual facts of the case. If it should be proved that the Commissioner acted in contravention of the agreement, notwithstanding the fact that the agreement had expired or was just about to expire, one had no doubt that the House would let the Commissioner understand—pending the new agreement being entered into—that the spirit of the old agreement must be continued and observed.

MR. F. GILL: As far as he was concerned as mover, he did not intend to stand by the motion, but would like to see the amendment carried, although by the remarks made there was no possible chance of its being carried.

THE SPEAKER: The hon. member had already spoken to the amendment.

MR. GILL was replying to the Colonial Secretary.

THE SPEAKER: The hon. member could not reply until the amendment had been disposed of.

MR. P. J. LYNCH (Mt. Leonora): If there was any means of enforcing the agreement, he wished to be assured from some authoritative source that the Arbitration Court had been referred to and found wanting in regard to the enforcement of the agreement. This had not been made clear; and as far as the settlement of grievances of unions was concerned, the Arbitration Act had not been found inoperative. He would remind members of a circular signed by Messrs. Casson and Abbott, which had been sent to members asking that the very clauses which members were told had been found inoperative should be retained. He was prepared to believe that the Act had not been found inoperative as members were led to believe, and he would vote, in consequence, against the motion.

THE SPEAKER: The first portion of the amendment would be put, "That the words proposed to be struck out stand part of the question." Those in favour of the amendment would vote for the words to be struck out.

MR. GREGORY: Supposing the vote was that the words remain, the motion would be carried, would it not? Some members did not desire that.

THE SPEAKER: The only way he could put the motion was that the words proposed to be struck out stand part of the question, and then if the amendment was defeated by the majority desiring that they should stand part of the question voting Aye, the amendment thus being defeated, the motion would be

put to the House, and those also against the motion could vote No.

THE MINISTER FOR RAILWAYS: What would those who were against both the motion and the amendment do?

THE SPEAKER: The best way would be to defeat the amendment and ultimately the motion. If they wished to defeat the amendment they would have to vote Aye in the present instance; then, when the motion was put, it would be put in the form that the motion be agreed to, and they would vote No.

Question (that the words proposed to be struck out stand part of the question) put and passed; the amendment thus negatived.

Farther question (that the motion be agreed to) put, and negatived on the voices.

Amendment and motion thus negatived.

MOTION (PAPERS)—WATER SERVICE OF LEEDERVILLE AND SUBIACO.

MR. F. GILL (Balkatta) moved:—

That there be laid upon the table of the House the following papers: 1, The number of water services supplied in Leederville. 2, The charges for supply of water. 3, The number of services in Subiaco. 4, The charges for same. 5, The total revenue received from Leederville and Subiaco respectively, from 1st January to 30th September, 1904. 6, The number of meters supplied to each.

He did not anticipate as much trouble in regard to this motion as occurred in relation to the one just dealt with.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): There was no desire on his part to oppose the motion, because he had already issued instructions that certain information should be obtained for him, and a report given to him showing the revenue that would be derived by striking a rate in Leederville and in North Perth, instead of the present system of making a fixed charge; that was, a comparison as to what revenue would be derived by striking a rate on those properties to which we had a main running now, and the revenue derived by the present system. In order to obtain that information, certain facts would have to be obtained much on the lines of the information desired by the hon. member.

Question put and passed.

MOTION (RETURN)—EXPERIMENTAL FARMS.

MR. J. H. WATTS (Northam) moved:

That there be laid upon the table of the House a return showing—1, The total cost per annum of each experimental farm in this State. 2, The number of men employed, the salaries paid to each manager, and the district in which such farms are situated.

He considered it necessary that we should in this State give every encouragement in our power towards fostering the agricultural industry, and increasing the facilities for disseminating information and knowledge among the agriculturists of our State; to enable them to conduct their operations in a satisfactory manner and in a way which would give the best results, and thereby afford the best possible advertisement which our agricultural lands could obtain, and attract to our shores and our soils the settlers who would be ready and willing to come from other countries. At the same time it would increase the wealth of this State, and he believed that by the better fostering of the agricultural industry we would be able to make this State the greatest in the Australian Commonwealth; greater in prosperity and containing a larger population than any of the Eastern States could possibly contain; a State which would be one of the most prominent before the eyes of the British emigrants and the people of the old world. He believed the importance of the agricultural industry required that we should supplement the efforts which had been made in the past in regard to experimental farms by farthering the system of lectures, which had been proved to be advantageous in the Eastern States, in enabling farmers to work their lands satisfactorily and get from them the best results. By giving the best attention to the different districts of our State, to our varying soils, and the different climates we had in Western Australia, we should be able to largely increase the products, also be able to increase to a great extent the population of this State. The vastness of this State, extending as it did from the tropics in the North to the more temperate climates——

THE SPEAKER hardly thought the hon. member's remarks relevant to the motion which had been read.

MR. WATTS: The object in moving the motion was to draw attention to the amount expended at the present time and to the inadequacy of the provisions now existing for disseminating information; and at the same time to point out the advantage which might be gained by increasing the expenditure in the way of appointing lecturers.

THE SPEAKER: The proper course was first to get a return, and after the return was laid upon the table the hon. member might, by motion, call attention to that return, and could urge certain things to be done. He hardly thought the hon. member could do that at this stage.

MR. WATTS: The experience of the Eastern States with regard to those farms should be acted on by us to a certain extent, and the system which had been found to work to advantage there should also be adopted here. He believed that this information would enable us to deal with the matter in a fuller manner and with a far greater amount of success than was experienced at the present time from the experimental farms established in our midst. He would have much pleasure in bringing this matter on more fully at a later stage if he was not in order in doing so now.

Question put and passed.

MOTION—PROSECUTION OF A PUBLIC SERVANT.

MR. G. F. FRASER, COOLGARDIE.

MR. H. GREGORY (Menzies) moved:

That all papers in connection with the recent prosecution against F. Fraser, with the opinion of the Crown law officers inclusive, be laid on the table of this House.

It was only fair both to the Government and to members that the papers should be laid on the table, so that if we should come to the opinion that there had been any harshness in connection with this matter, we could then take farther action. He was not one of those who liked to make any statement in regard to this until the fullest information had been afforded. Therefore he desired to say it was purely a formal matter to move this motion.

THE PREMIER (Hon. H. Daglish): In connection with this motion he must state that the papers might possibly be required for a week or two, because of the fact that it might be necessary to have an inquiry into the circumstances of the case. He had no desire to prevent the papers from being laid on the table unless they were required for that purpose. In fact, he welcomed the fullest inquiry into this case. He had been accused in some quarters in the public Press of having been guilty of persecuting a member of the public service, and he welcomed this opportunity, therefore, of explaining the nature of the papers that had been called for. It was his desire, as far as he could in administration, to be just just alike to the public servants and to the public whom they served; and one of the first essentials to justice of administration was that a Minister should allow no knowledge of persons to influence his decisions on any question whatever; that he should deal with every case on the strict merits of that case; and this had been the plan he had adopted in the present instance. Some time in September a report was made by the Auditor General by a memorandum to the Under Treasurer, in these words:—

> The following interpretation of code wires received from my officer at Kalgoorlie is forwarded for the information of the hon. the Colonial Treasurer.

This was the interpretation:—

> Treasury cashier Coolgardie admits shortage of ten pounds in stamp revenue. Money refunded immediately.

The memorandum proceeds:—

> I have telegraphed my officer asking for information as to whether the case can be considered one of fraud, in order that the question of the officer's suspension can be determined. My officer has been instructed to make a complete audit of the accounts and to report.

Following on that, on the 29th September the Auditor General again wrote:—

> Farther to mine of yesterday's date. In reply to my wire asking whether the shortage could be considered one of fraud or otherwise, my officer wires: "So far deficiency appears not to have been fraud. Cash evidently correct. Money refunded in capacity of Treasury cashier." I cannot, therefore, make any recommendation as to suspension until I receive further particulars from inspector.

On the 1st October, the following memorandum was addressed by the Auditor General to the Under Treasurer:—

> Farther to my minute on the 28th ult., I have just received an urgent telegram from

my inspector (Mr. Clark), which reads as follows: "Costegan's Estate. Amounts have been received by agent for Curator of Intestates' Estates, totalling £28. Only £18 accounted. I hold a receipt for former. Agent Curator of Intestates' Estates admits shortage of £10. Fraud. See my letter posted last night."

The Auditor General proceeds:—

In accordance with paragraph 2 (c.) of the ex-Premier's minute of 8th July, I now have to advise that the officer should be suspended. I hope within the course of a day or so to be able to supply you with full particulars, and also to state whether the officer should be prosecuted. You will notice in my previous correspondence on this matter that the inspector states the amount of £10 discovered short has been refunded. This is contrary to Clause 2 (*b.*) ex-Premier's ruling.

It would be understood that these two amounts were entirely distinct one from the other, and had no relation whatever. On receipt of this memo. the Under Treasurer minuted it to him with the remark: "I regret to have to recommend Mr. Fraser's suspension." I indorsed that with the minute:—

Suspension I regret is necessary, pending final audit report.

That was on 1st October.

MR. GREGORY: Was the officer suspended at that time?

THE PREMIER: Undoubtedly; else there had been neglect of duty. On receipt of that memo. approving the suspension, the Under Treasurer wired the Warden at Coolgardie on the same day:—

The Treasurer regrets having to suspend Mr. Fraser from performance of his duties, on the report of the Auditor General on state of his accounts.

Here was a definite order that suspension should take place; and if it did not take place a departmental order had been disobeyed. Nothing farther transpired until the 5th October, when the Auditor General wrote to the Under Treasurer:—

Farther to my memo. on 1st inst., I enclose for your information a copy of communication addressed to the Crown Solicitor. It is in accordance with the procedure laid down in Treasury file 3028/04, in connection with prosecutions.

That memo. to the Crown Solicitor, also dated 5th October, stated:—

In accordance with the ex-Premier's minute of the 8th July, 1904, I have to advise that in my opinion a prosecution should be made in connection with the shortage discovered in the accounts of Mr. G. Fraser, Treasury cashier, Coolgardie, in his capacity as agent for the Curator of Intestates' Estates. The particulars of the case are as follow: Between 5th and 12th September, £25 in £5 notes and £3 in gold was handed to Mr. Fraser in connection with the estate of John Costegan, who died in the hospital on the 4th September, 1903, by the hospital authorities, and a receipt obtained for the amount. On the 10th September, 1903, Mr. Fraser paid £15 for funeral expenses; and on the 11th December the curator (after receipt of a letter from the relations of the deceased with reference to his estate) wrote to his agent, Mr. Fraser, Coolgardie, *re* the estate, and sent a farther communication on the matter on the 21st idem. On the 12th January, 1904, Mr. Fraser wrote the curator enclosing £1 11s. 6d., stating that the value of the estate was £18; £15 had been paid for funeral expenses, £1 8s. 6d. for commission etc., and the balance £1 11s. 6d. remitted. At the same time Mr. Fraser sent the usual form of particulars relating to the deceased person, which it is necessary to furnish to the curator. In this form the value of the estate is also stated as being £18. No entries whatever appear in Mr. Fraser's books for the transaction. I enclose hospital receipt form No. 01784, for the money received by the hospital from J. Costegan, and receipt from Mr. Fraser to the hospital for the money handed over. The curator could supply original advice from Mr. Fraser, also copies of letters sent to him. Mr. Clark, of my office, was in charge of this audit and could supply any farther information you may require.

Within a few days the report of the audit officer who examined the accounts came to hand, with a memo. dated 7th October, and addressed by the Auditor General to the Under Treasurer:—

I enclose for the information of the Colonial Treasurer a report by my inspector, Mr. Clark, on the accounts of Mr. G. F Fraser as agent for the Curator of Intestates' Estates, disclosing a shortage of £11 2s. 1½d.; also report by my inspector Mr. Bell, who inquired in the curator's office into the shortage of £10 in Costegan's estate. It would appear as though no books of account were kept, and that the practice has been to mix the money received from estates with private moneys. Mr. Fraser's own cheques have been received by the curator. The disclosures in regard to this agency emphasise the necessity for sending periodical reports to the curator of all agencies, and the exercise of some check by the curator on the business done by his agents. These matters have been previously referred to by me in connection with other shortages, and in the reports on the accounts of the curator. I would now again urge that some action be taken to place matters on a proper footing in the future.

The report of the audit officer who made the inspection at Coolgardie reads as follows:—

I beg to report having made an examination of the accounts and papers relating to John Costegan deceased, late of Coolgardie. The first intimation of this estate to the curator was a letter received by him from Alice Boyd, of Fitzgerald Street, North Perth, dated 10th December, 1903. Another letter was received on the 21st December, from Mrs. Jane Bollmeyer, Wallaroo, South Australia, both these persons claiming relationship. The first letter to G. F. Fraser asking for particulars of this estate was dated the 11th December, 1903. Mr. Fraser's reply was dated 12th January 1904, in which he states the value of the estate received was £18, from which is deducted funeral expenses £15, and commission etc. £1 8s. 6d., leaving a balance of £1 11s. 6d., which was remitted to the curator. The receipt for funeral expenses from Walker and Greenwood was dated 10th September, 1903, and paid by cash and cheque. The form of particulars (copy herewith) shows that the deceased died on the 4th September, 1903, leaving a sum of £18. A receipt seen by me, brought from Coolgardie by Inspector Clark, and signed by G. F. Fraser, was for £28, leaving a balance of £10 not accounted for. It seems to me that had not the persons written to the curator, nothing would have been heard of this estate, seeing that four months had elapsed between the date of the death of deceased and receipt of any information from Mr. Fraser, and only then after being written to.

MR. RASON: The Premier was reading all the papers moved for.

THE PREMIER: Some of them.

MR. NANSON: Was the Premier opposing the motion?

THE PREMIER: Let the House form its own judgment on the merits of the case.

MR. NANSON: On a formal motion for papers, was the Premier in order in reading such papers to the House, unless he intended to oppose the motion? If he did not oppose the motion, there was no object in going through all the papers now.

THE SPEAKER: The Premier was quite in order in referring to the case; and the reading of the papers could not be prevented.

MR. FOULKES: Did the Premier intend to oppose the motion?

THE PREMIER: The desire was to give the House the fullest information; but as an inquiry into the case might be held immediately, it was necessary that the papers should be available to those conducting the inquiry. Hence, if the mover wished the papers laid on the table immediately, it would be difficult to fulfil that desire unless the inquiry was indefinitely suspended.

MR. GREGORY (in explanation): A statement was made to-night that if the papers were laid on the table they could not be removed till the end of the session. Surely with the Speaker's permission they could be taken away at any time and returned.

THE SPEAKER: The papers could be removed; but he would have great reluctance in allowing such papers to go outside the precincts of the House unless in charge of an officer of the House.

MR. FOULKES: That being so, the papers could be produced before a board of inquiry, if they were produced by an officer of the House.

THE SPEAKER: That course seemed unobjectionable if it were not too inconvenient.

THE PREMIER: One was at a loss to understand the attitude of members. Was not the desire to have the full facts of the case laid before the House? Now it seemed members objected to hearing the facts, and complained that he was reading the whole of the papers. In other words, he was giving the whole of the information contained in the papers; and to this members objected.

MR. NANSON: We wished to read the papers at our leisure.

THE PREMIER: There would be full opportunity for that. The hon. member could have read them without difficulty, had he wished, before any attack was made in the Press on him (the Premier). But when he was attacked in the Press for the performance of his official duty, he had a right to justify himself in the House; and it was surprising that the hon. member should seek to prevent his doing so.

MR. NANSON: There was no objection to the Premier's making a personal explanation.

MR. FOULKES: It was Fraser, not the Premier, who was on trial.

THE PREMIER: Fraser's trial had concluded.

MR. FOULKES: But his character was still at stake.

THE PREMIER: As some members seemed to object to full information on

this case, he would not read the whole of the papers, but would submit one or two of the salient points for members' consideration. One feature of the case which emphasised the desirableness of having it investigated in a public court was that paragraph in the audit inspector's report reading—

It seems to me that, had not the persons written to the curator, nothing would have been heard of this estate, seeing that four months had lapsed between the date of the death of the deceased and the receipt of any information from Mr. Fraser, and only then after being written to.

That coming from the officer who had made the investigation seemed to him to be a very serious statement and one worthy of very careful inquiry. There was a farther letter from the Auditor General dated the 8th October, 1904, relating to the shortage in the stamp revenue to which the first telegram of the Auditor General likewise related. The Auditor General wrote to the Under Treasurer:—

Farther to my memo. of 8th September, I enclose my inspector's report in connection with the shortage in the stamp advance of the Treasury cashier, Coolgardie. Taking into consideration the surplus of £1 9s. found in the cash advance of £50, the net shortage amounts to £10 6s. No satisfactory explanation for the shortage could be given by the cashier; but the amount was immediately obtained by him and paid in. The inspector did not authorise the refund or receive the money. A farther report on the books of the officer concerned will be sent to you later.

In justice to the late Treasury cashier at Coolgardie, while there was a shortage of £10 in the stamp account there was a surplus of £1 9s. in his cash account. The same neglect which led to the surplus on the one hand might have led to the shortage on the other hand. He (the Premier) wished to make no circumstance in any case, no matter who the individual might be, especially in the case of an officer serving in the public service, darker than it was; he simply wished to protect his administration and to justify his action when it was challenged. The Under Treasurer wrote in this connection the following minute:—

To the hon. the Colonial Treasurer.—In submitting the Auditor General's report in regard to certain shortages in the accounts of Mr. G. F. Fraser, Treasury cashier at Coolgardie, I beg to remark that the £10 found short by the audit inspector in the duty stamps account was immediately made good by Mr. Fraser; but the deficiency of £11 2s. 1½d. in his accounts as agent for the Curator of Intestate Estates, which appears to have taken place in September last, has not been made good.

There were two small deficiencies besides that in the estate for which the prosecution was initiated. They amounted together to £1 2s. 1½d. The minute proceeded:—

In a communication addressed to the Crown Solicitor on the 5th inst., copy of which is enclosed, the Auditor General intimated that in his opinion a prosecution should be initiated in regard to the shortage in Mr. Fraser's account as agent for the curator. You will perceive that Mr. Owen, who was acting warden at Coolgardie, is of opinion that the shortage was the result of carelessness and not wilful embezzlement. There is no proof in the papers submitted for your consideration that such is the case; and I regret to say that the facts as reported by the Auditor General clearly disclosed the greatest carlessness imaginable, and that Mr. Fraser should and ought to have known that he had not accounted for all the money he had received daily. If he placed the money to a private banking account, a very reprehensible proceeding, it was all the more incumbent on him to be careful that the correct amounts were accounted for to the head office. Mr. Fraser has not yet been called upon for a statement. Will you allow him to make a written report before a prosecution is commenced?

In reply to that minute he (the Premier) wrote the following minute:—

The Crown Solicitor has this matter in hand. It is for him to decide in conference with the Auditor General on the question whether proceedings shall be taken at once or whether an explanation shall be requested. I should be sorry to see any officer who was innocent of dishonesty prosecuted, but the circumstances of this case seem to me difficult of satisfactory explanation. Any officer who is guilty of embezzlement or fraud must be proceeded against.

In accordance with that the matter had been referred to the Crown Solicitor on the following minute:—

The Colonial Treasurer is of opinion that Mr. Fraser, who has been suspended from his duties as Treasury cashier at Coolgardie, should be furnished with a written copy of a charge to the following effect:—That his conduct renders him unfit to remain in the public service, because as agent for the Curator of Intestate Estates he failed to account to the Curator for moneys received by him in connection with certain estates. Will you please draft the charge and advise who is to sign it.

Subsequently the Crown Solicitor wrote:—

The facts disclose a *primâ facie* case of stealing, for which I have no doubt this officer would be committed for trial; but in view of his long service, the positions of trust as Treasury cashier and manager of the Savings Bank which he has filled, and that the charge is based on an isolated instance of alleged dishonesty, I think it is unlikely a conviction would be obtained before a jury.

The matter was then referred to Cabinet, and Cabinet decided that a prosecution was necessary, a decision in which he (the Premier) entirely concurred. Subsequently the lower court fully justified the prosecution by committing Mr. Fraser to stand his trial. The result of the trial was that the jury acquitted Mr. Fraser without a stain on his character. Subsequently the matter was submitted to the Crown Solicitor with the question, "What action should now be taken in this case? I am not prepared to reinstate Mr. Fraser." The Crown Solicitor then prepared a statement of the case in order that it might be submitted to Mr. Fraser, with a view to getting the matter settled finally whether the officer should be retained in the public service or not. A copy was sent to Mr. Fraser on the 9th November, but no demand for an inquiry had yet been received. It was not necessary to recapitulate the charges which were embodied on the file, which was available whether laid on the table or not for the perusal of members; but the report in regard to the estate of the deceased man Costegan gave full particulars of his occupation and the cause of his death, and was dated the 16th September, about 11 or 12 days after the death. These particulars were:—

Name? John Costigan.—Aged? Sixty years.—Last place of residence? Coolgardie hospital.—Occupation? Miner.—Exact date of death? 4th September, 1902, at 2 a.m.—Exact place of death? Coolgardie hospital.—Cause of death? Cerebral hemorrhage.—Native of? Ireland.—Was deceased ever married? No.—Did deceased leave a will? No.—Full particulars and valuation of deceased's property? £18.—If deceased left property, money in a bank, state where and whether on deposit or at current account, and where deposit receipt or pass-book is? Post Office Savings Bank account.—Who paid for funeral and cost of same? £15.—(Signed) G. F. FRASER, Coolgardie, 16th September, 1903.

If from recollection all these particulars of the case, the exact time of death and birthplace, could be recorded on 16th September, surely the exact amount of the deceased's property could likewise be stated; but if the report were written in January, immediately prior to being sent in, there must have been necessity to refer to some books for particulars, and the books to which reference was made for those particulars would also surely have been available to supply particulars of the estate. There was no objection to the whole of the papers lying on the table of the House. He would have been glad to have laid them on the table long ago, except that the papers must be made available if an inquiry was demanded and held. In the interests of the service as well as in the interests of Mr. Fraser, the matter should be settled finally at the earliest possible date.

MR. C. H. RASON (Guildford) regretted that the Premier should have taken the course he had adopted in regard to this motion, unless it was intended to oppose the motion; but the Premier at first led members to understand he was willing to produce the papers. The Premier then recapitulated the evidence upon which Mr. Fraser was tried, and members knew the result of the trial.

THE PREMIER: The audit officer was not called, unfortunately.

MR. RASON: Mr. Fraser was acquitted by the jury, who said he left the court without a stain on his character, and the Judge also made the same remark. The Premier gave as a reason for his extraordinary action to-night that, because he had been charged with persecution by a section of the Press, he was determined to read to us a great deal of the evidence; but the Premier was not on trial by the House and had not been accused of anything. If accused, the Premier was not acquitted. Mr. Fraser, on the contrary, had been tried and acquitted by a jury of his fellow countrymen. The motion was merely that the papers be laid on the table of the House, and was moved formally without a word of comment; and the Premier might have adopted the usual course and either formally agreed to or opposed the motion. If the Premier had opposed the motion he should have given reasons for opposing it; but to agree to produce papers and then to read portions of them to the House was a

most extraordinary procedure, and one which should not be repeated.

MR. J. C. G. FOULKES (Claremont) regretted that the Premier thought it necessary to read extracts from the papers with regard to this case. It was difficult, as the Premier must have found, to set out a case fairly and dispassionately without bias or prejudice against the party affected by the production of the papers. Mr. Fraser had been acquitted by a jury without a stain on his character; but the Premier, unfortunately, seemed to have had some charge of some kind brought against him. The Premier did not tell the House what the charge was; but it was understood some charge was brought against the Premier in the Press with regard to his conduct of this particular matter, and the Premier appeared to think it necessary that his conduct of the management of this case should be free from suspicion; but in order to clear himself of a charge levelled against him by some newspaper, he appeared to have attached more importance to clearing himself than to the consideration of the charge brought against Fraser. The Premier did not appear to care what happened to Fraser so long as he himself was free from any accusation of mismanagement of the case. The most serious charge that could be brought against anyone was brought against Fraser. It was practically a charge of embezzlement or stealing; but the charge against the Premier was that of bungling, and that was not an unusual charge to bring. It was rather hard on a young man like Fraser that the Premier, who held the second or third highest position in the State, should avail himself of this opportunity of clearing himself from the attacks of the Press, when the Judge in the case said that the young man left the court without a stain on his character. In most cases when a request was made for the production of papers, it was the duty of the Minister to state openly and at once whether he objected to the production of the papers. The Premier at first said that he could not produce the papers because they were wanted on an inquiry; but when he (Mr. Foulkes) pointed out that the Premier could place the papers on the table, and that subsequently they could be produced at the inquiry, and when the Speaker said that an officer of the House could produce them, then the Premier changed his ground. He (Mr. Foulkes) asked if the Premier intended to oppose the motion or not, for he (Mr. Foulkes) was capable of obtaining the information from the papers that he wished. The Premier said that he wanted an opportunity of explaining his own conduct, and that he did not care what happened to Fraser.

THE MINISTER FOR JUSTICE: The hon. member did not care what happened to the Premier.

MR. FOULKES: There was another way of dealing with the Press, that of bringing the editor before the bar of the House. That was the system the Premier supported a short time ago in dealing with the publisher of a newspaper which had the audacity to attack the Premier. That was far more simple than to do an injury to a man who, a Judge recently said, left the court without a stain on his character. The Premier suggested that as this young man was committed for trial, that was a sufficient guarantee that he (the Premier) was quite right in ordering the prosecution to take place. In most cases of fraud or embezzlement or other serious charges it was the duty of a magistrate when he thought a *primâ facie* case was made out to commit the defendant for trial. The lower courts refrained from expressing an opinion as to whether a man was guilty or not of charges brought against him. The mere fact that a person was committed for trial was not evidence that a man was guilty, but it was tantamount to saying that the case should be inquired into. But the Premier seemed to have ordered a prosecution even after obtaining the advice of the Crown law authorities, who said that it was unlikely that a jury would convict. What stronger evidence was there that there was no case against the man when the Crown Solicitor said, "If you go on with the case you will find Fraser will be exonerated from the charge brought against him." It was not for members at this stage to say whether Fraser was guilty or innocent. That could not be found out until the papers were perused. It was not fair for the Premier to read extracts from a file of papers to point out whether a man was innocent or guilty. It was impossible

until after the papers had been read through to do justice to a man. Justice could not be done by reading certain extracts from the papers. We should recollect that the Premier was prosecutor in this case, and it was not fair for the prosecutor to read portions of the case to suit himself.

THE PREMIER said he was reading all the papers until he was stopped.

MR. FOULKES: That was a statement one would have expected from the Premier.

THE MINISTER FOR JUSTICE: Was it not true?

MR. FOULKES: The hon. member knew the Premier as well as he did, and could form an opinion.

THE SPEAKER: The hon. member must address the Chair.

MR. FOULKES: Perhaps the Speaker would make the same suggestion to the Minister for Justice, who made the remark that he thought necessary to reply to. An important matter of this kind should be discussed without any party feeling. It was the wish of every member, he was sure, and their sincere desire that this young man should be found free from guilt. One had every confidence that he would be found innocent. The fact that a Judge also stated that the young man left the court without a stain on his character was sufficient presumptive evidence that the man was innocent of the charge brought against him.

THE MINISTER FOR JUSTICE (Hon. R. Hastie): If the member for Claremont was always of the same mind as he was now, he (the Minister) could not believe that the hon. member had pity for this young man and believed he had been unfairly used. The member for Claremont was acquainted with parliamentary usage sufficiently to discourage the calling for papers. If papers were laid on the table they were open to the Press, and every suggestion made about Fraser would be open to the public. Was it wise or desirable this matter should be made public? The Premier hesitated to bring the papers before the House until Fraser had had an opportunity of having every possible inquiry made. The Premier showed every respect for this young man's character. The member for Claremont as well as the leader of the Opposition declared that the Judge said that Fraser left the court without a stain on his character. That was true, and it was for that reason that the member for Greenough and others had charged the Premier with persecuting this man.

MR. NANSON rose to order. When had he accused the Premier of persecution?

THE MINISTER FOR JUSTICE: The hon. member had declared in the House that he was responsible for the publication of a certain newspaper, and one was sure the member was plucky enough to take the responsibility for what was written in that newspaper, as well as for what he said in the House. When the Premier brought forward facts to justify the position which he had taken up, then the member for Greenough, the member for Claremont, and the leader of the Opposition found fault with what was being done, their plea being that they should always have the last word. They had the right to criticise, but denied to others the right of reply. What would have been the criticism if no prosecution had taken place? The facts alleged by the Premier were that there was a shortage, and that shortage would not have been found out had it not been that the relatives of the deceased made an application; also had it not been for the fact that an assistant to the Auditor General made an audit of the books of the department. What would have been the criticism if the Government had not said that a *primâ facie* case had been made out and should be inquired into? Would not members have believed that some undue influence had been used to save Fraser from prosecution? He (the Minister) did not know that Fraser was a particularly bad individual or a particularly good individual. One did not suppose that he was anything different from thousands of other individuals in the State, only Fraser had placed himself in a peculiarly unfortunate position, and under the circumstances no Government would have been justified in overlooking a case of this kind. The man had to be treated as everyone else would have to be treated. One did not know if the prosecution in this case was as strong as it might have been, and he did not know that the member for Claremont was justi-

fied in saying that the prosecution was mismanaged.

MR. FOULKES: No such statement was made.

MR. GREGORY: The Premier suggested that.

THE MINISTER FOR JUSTICE: It was said that the Premier blundered in the management of the prosecution.

MR. NANSON: The Premier suggested mismanagement because the Auditor General was not called.

THE MINISTER FOR JUSTICE did not know the particulars in this matter, but he had read all the papers and was unable to see anything that would justify the Government or any other Government in not sending the case before the court. A jury was not always true in a decision, but if a jury found that a certain action on the part of the Government was not proved up to the hilt, that did not justify members in saying that the Government had no justification whatever in sending the case before the jury.

MR. RASON: No one had said that.

THE MINISTER FOR JUSTICE: That was the suggestion.

MR. RASON: No one suggested it.

THE MINISTER FOR JUSTICE: There was no need to follow that line of argument. Sufficient had been said to show that the action the Government took was justified. He (the Minister) did not regret that the jury had taken a lenient view of the case and had given Fraser the benefit of the doubt. If any member was found fault with for any action of his in Parliament or out of Parliament, that member should always have the first opportunity to make an explanation.

MR. J. L. NANSON (Greenough): The remarks of the member who had just sat down were not altogether what one would expect from a Minister for Justice. They savoured rather, to his mind, of injustice. The hon. member began by deprecating the practice of calling for papers, and the ground upon which he deprecated that practice was somewhat singular, namely that when papers were placed upon the table they were at the disposal of the Press, and therefore they could be made public. He (Mr. Nanson) rather regretted to learn that the members who now occupied the Treasury bench had become, as one might suppose from the Minister for Justice, opposed to publicity where there was the slightest suspicion of hardship or persecution or blundering; opposed to having the facts fully stated. On that (Opposition) side of the House there had been no attempt whatever to precipitate the debate. The motion should have been treated as it was treated by the member for Menzies when he brought it forward, purely as a formal one; and the discussion which had taken place, or the greater portion of it, should have been relegated to a later stage He more particularly wished to refer to remarks the Minister for Justice made in reference to himself. The Minister charged him with having accused the Premier of persecution; and when he (Mr. Nanson) protested against a charge of that kind he was told that the charge of persecution had been made in a newspaper with which he was connected. He had on more than one occasion protested against being made responsible in his capacity as a member of Parliament for everything which appeared in a newspaper in which he happened to have an interest and which he happened to manage, and he thought it hardly fair that he should be held personally responsible in his capacity as a member of Parliament for whatever might appear in that newspaper. He did not wish to excuse what was said, nor did he wish to suggest that personally he disapproved of what was said there or that he approved of it; but he objected to its being thought that what appeared in that newspaper appeared there because he happened to be connected with it and because he was in Parliament. It did not improve friendly relations between members of this House, if it was thought that everything which appeared in that newspaper was dictated by a sort of personal bias against the member attacked. One had only to see from his attendance in the House, especially in the evening, that it would be almost an impossibility for him to look through everything that appeared in that paper before it was published; and whilst he, just as every other shareholder in the company, must take the legal responsibility for what appeared in the paper, there was a distinction between legal responsibility, the responsibility to defend a libel action

and to pay damages if given against him, and the sort of responsibility which the Minister for Justice had endeavoured to fasten upon him. Just for a moment let him meet that charge, and suppose, for the sake of argument, that the Minister for Justice was entitled to make that charge against himself personally. What was it, after all, that the *Herald* said in regard to that case? He had a pretty fair recollection of the circumstances, and speaking from memory the very most that newspaper said was that the prosecution savoured of persecution, and more would have to be heard about the matter. He did not think that was a very serious criticism, either on the Premier or the Government; but he did think it was a very justifiable criticism, and he ventured to say that nine people out of ten who either read the report of that case as it appeared in the newspapers or who were present in court at the time and heard the verdict of the jury and the rider attached to that verdict, and also the remarks of the Judge when he dismissed the defendant, as he said, without a stain on his character, would think there had been unnecessary harshness in prosecuting Mr. Fraser. Supposing Mr. Fraser, instead of being a public servant, had been a private employee; was there any single private employer in this House who, if he had been given the advice tendered by the Crown Solicitor, the Crown Law Department, to the Premier, would have prosecuted one of his employees under similar circumstances? One sincerely hoped we had not heard the last of this case. He hoped that as soon as the papers had been laid on the table the member for Menzies, who was responsible for the original motion, would carefully go through those papers, and if he thought an injustice had been done, if he thought a blunder had been committed in placing Mr. Fraser in the dock, he would then bring forward a farther motion so that the question might be adequately debated. There could be no question that it was inadvisable to lay down an absolutely hard and fast rule that wherever there was a case in which the lower court considered that there was sufficient evidence to send it to the higher court for trial, there should be a prosecution. The Premier and members of the Government should deal with such matters in precisely the same way as a private employer would deal with them, and if they thought there was reasonable ground for the belief that there was no criminal intention at all, they should be prepared to take the responsibility of saying, "We will spare that particular officer the anxiety of mind and the humiliation of being placed in the criminal dock and standing his trial." The Premier had complained this evening of the mild charge of persecution, or alleged persecution, that had been laid against himself. If he felt a mild criticism of that kind, what must be the feelings of a civil servant or any individual who, guiltless of any criminal intent but made a mistake in regard to money matters, in finding himself subjected to all the anxiety of mind occasioned by being in the first place arrested, then brought before a police court, and then finally placed in the dock to stand his trial before the Supreme Court?

THE PREMIER: Was he ever arrested?

MR. NANSON: If he were not arrested, at any rate he must have been served with a legal process equivalent to arrest, and one took it that he must have been brought before a police court. He did not think it was disputed that this Mr. Fraser was tried by a police court; and if the Premier felt a very mild attack upon himself, how much more acute must have been the anxiety of the civil servant whom he placed in this position? One hoped that if the member for Menzies, after looking through these papers, found as one suspected from the statement already made by the Premier that there was ground for farther investigation, this matter would again be brought before the House.

MR. H. GREGORY (as mover): After the discussion that had taken place, it was he thought necessary that he should explain why he took the action he had done. A week or so ago he was asked if he would try to take action in regard to this matter, having known Fraser for some years as a civil servant. However, he decided that he would take no action at all unless he was in the fullest possession of all particulars in connection with the matter. He was not one of those who thought that the Executive should not have strong powers in regard to these

civil servants, nor was he one of those who would care to criticise their action except in circumstances like this, where after a charge had been made we found not only the verdict of the jury but also the very strong and pertinent remarks of the Judge. It struck him then that possibly there had been some miscarriage of justice, and he was afraid, from the argument brought forward by the Minister for Justice, who asked what criticism would have been levelled against them had they not taken action, that a fear of adverse criticism induced the Executive to take this action rather than, when looking through the case fully, to take action on their own part, and either compel this Mr. Fraser to resign or dismiss him from the service. We had heard a portion of these papers read to-night. He knew that a report was obtained from the warden, and the warden gave this officer a very good character. That was not one of the statements read out to-night by the Premier. [Interjection.] He hardly thought it was a confidential report. He hoped it would be in these papers, because it was in connection with this case.

THE PREMIER: This was not connected with the case at all.

MR. GREGORY: However, he thought it was in very bad taste to read only part of the evidence against this man. One was quite satisfied the Premier never intended us to sit here while he went through a voluminous file of papers giving us the full reports of his officers in connection with this matter. It did appear ill-advised to give us any portion of the papers. Certainly the Premier could have made an explanation if he had liked; but a portion of these papers being read, every member of the House should insist upon the whole of the papers now being laid on the table. He presumed that the parts read were those which had been more against Mr. Fraser than anything else. There was one peculiar incident in regard to this mistake, or whatever it was, on the part of Fraser which occurred in connection with the Curator of Intestate Estates department. There had been no department where the administration had been more lax. He (Mr. Gregory) had to go through some of the papers a little while ago in connection with some other officer, and he found their rules were very old and that very little care had been taken; that it had been the practice of officers when realising upon intestate estates to place the money to their own private accounts, and when the whole of the work had been completed to then pay the money in to the credit of the Curator of Intestate Estates, less their commission. The department had been managed in a very lax way, and those of the old administration were possibly to blame to some extent for having allowed this laxity. Still that laxity did exist. He was quite satisfied that the Premier, if he had perused any of these papers, would admit also that in that department there had been great laxity. These officers had been allowed to hold those moneys. They were not compelled as soon as they received money to immediately pay it to the credit of the Curator. He thought it was only of late, if at all, that the Curator of Intestate Estates had decided to have new regulations framed so that he would have much better administration in the department. If that was the case, it was quite possible this officer might not have paid in this money at the time, and that a mistake could have occurred. For his (Mr. Gregory's) part, he wished to offer no opinion on the matter at all. If after perusal of these papers he thought the action of the Government justifiable, he would be only too pleased to stand behind them in any discussion which took place in this House, because he was of opinion we should assist them every time we possibly could. If any officers were not carrying out their duties efficiently or were carrying them out in a perfunctory manner, we ought to assist the Government in trying to get rid of them. If the officer were guilty of a mistake merely, the Premier, disregarding criticism, should endeavour to make reparation.

THE PREMIER: If the case were now before him, he would prosecute to-morrow.

MR. GREGORY: If the Premier were right, he should be supported; but if he were actuated by mere obstinacy, he should be compelled to change front. This unfair discussion was regrettable. Members had no papers before them. Only portion of the papers had been

read, and the House should insist that all be laid on the table so as to judge whether the Government had acted properly and conscientiously.

Question put and passed.

MOTION (RETURN)—RABBIT FENCING, TRAPS AND TANKS.

MR. R. G. BURGES (York) moved:

That a return be laid on the table of the House giving in detail:—1, The number of miles of rabbit-proof fencing already completed to the South and North of Yilgarn railway on No. 1 and No. 2 fences. 2, The number of boundary riders or attendants superintending the fences already erected, and cost per 100 miles for such supervision. 3, The amount spent up to date in erecting No. 1 and No. 2 fences. The amount to be expended during the current financial year. 4, The quantity of fencing material ordered for future construction of such fences. 5, The amount of fencing required to complete No. 1 and No. 2 fences. 6, The amount spent in rabbit traps to West of No. 1 line of fence. Also the number of tanks made for poisoning rabbits on the main lines of fence already completed.

Some of this information was given last night in the Budget Speech; but details were needed. The return would show whether the Government were receiving value for the large sums which rabbit prevention was costing the country.

Question put and passed.

MOTION—GRAZING AREAS, YILGARN, TO INQUIRE.

MR. R. G. BURGES (York): I move:

That a select committee be appointed to take into consideration an amendment of the Land Act with a view of making special conditions to suit the dry areas in the country north and south of the Yilgarn railway, at a point east of the cereal growing areas, with a view of forming grazing areas in such localities on special conditions suitable to the country in such latitudes; with power to form an honorary Royal Commission if the select committee is not able to complete its investigations and report before the close of the present session.

I consider it is nearly time that the Government or the Minister for Lands did something to utilise country in proximity to the rabbit fences now erected. If more liberal grazing area regulations were framed, now that the railway runs through this country, with permanent water along the line, many graziers would be induced to settle if they had a prospect of securing the freehold after spending money on dams, fencing, and other improvements. Under the Land Act of 1898, if one person selects two or more leases of different classes of grazing land, the total quantity must not exceed 4,000 acres. For second-class land, under Part VI. of the Act he would have to pay 6s. 3d. per acre, and for third-class land 3s. 9d. By Sub-clause 2 of Section 98—

The minimum area of either class shall be 1,000 acres, but if the land applied for is so shut off by other holdings as not to contain the minimum area aforesaid, or for any other special reason, the Governor may approve of a lease of a lesser area.

The present regulations are quite unsuitable for country beyond the cereal-growing areas. I am sure it will not be satisfactory to any agriculturist to take up a 5,000-acre lease about 170 or 180 miles from Perth, in a country with such an uncertain rainfall. We know from experience throughout the goldfields that, up to 400 or 500 miles inland, people are successfully taking up pastoral areas in such country.

MR. MORAN: The farther in they go the better the land.

MR. BURGES: But much of the country is not so good for grazing; and though some members think that corn cannot be grown there and that this country is not worth improving, corn can be grown in some of these areas better than in the mallee country of Victoria. Many Victorians have given us their experience of the mallee country, that if they could get one good crop in three years in that country, it would pay them better to cultivate land here where they have a regular rainfall. About ten days ago a number of people asked the Minister for Lands to throw open the land around Southern Cross. In dry seasons, a grazier can move his stock; and the droughts do not last for ever. The scheme water is now lying partly idle, and can be used for stock if necessary. One of the strongest reasons for taking action is that every acre of land settled in the vicinity of the rabbit-proof fence will assist in keeping back the rabbits. Settlers can help to preserve the fence; and it will be to their interest to keep the rabbits out of the country. The sooner something is done as to this part of the country, the better for those

in the settled portions of the State. I believe that in New South Wales—possibly in South Australia—20,000 or 30,000 acres in such dry areas may be taken up for stock-raising purposes only.

MR. MORAN: Surely you do not want better terms than our law now offers to pastoral lessees?

MR. BURGES: Certainly I want better terms than are now offered.

MR. MORAN: You have the best pastoral terms in Australia.

MR. BURGES: If we are to improve this country and make it more valuable, settlers should be given the freehold after a certain number of years, say 30. Charge them almost a nominal rent. That will be better than leaving the country idle. It is one of the greatest blots on the land administration of West Australia that past and present Governments have not been able to induce enough people to settle on the pastoral areas, either by means of the present or by some amended regulations, thus reducing the price of meat. If this question had been taken up and settled as it should have been, we should have a far better meat supply. This country is idle. Why should it remain idle when we have a railway and water running through it? Why not spend money to induce people to settle the country, when we have positive proof that men with means are settling on it? In addition, we should attract small men, by offering them a freehold after they have made improvements. Many of these men could, in addition to stock-raising, increase their incomes by ringbarking and other employments, and would thus be able to double and treble their stock. I saw recently a newspaper advertisement for a dairyman at Southern Cross to look after 100 cows; so there is something in that part of the country which justifies new land regulations. Much of the country extends far north of the present railway and a long way east of the cereal-growing areas; and to the south of these also is much land which could be turned to account. It is also known now that, even in the driest of summers, on some of the worst portions of this country the men employed by the Government on the rabbit fences have obtained water where they thought there was little chance of getting it. This is in country to the south of the line, generally supposed to be the driest part. The experience of the men scattered in the country to the north of the line is that at a depth of 60, 70, or 100 feet they can obtain a good supply of water for stock purposes. I am sorry this matter did not come on in the daylight. I believe in dealing with such matters in the light of day, and not in the night when members seem to get into an argumentative mood, especially on nights when private members' business is taken; but I hope the House will take this matter into consideration. I have mentioned in the motion that, if the select committee cannot carry out the inquiry before the session ends, an honorary Royal Commission should be appointed.

MR. MORAN: Will a select committee travel all over this country, or not?

MR. BURGES: The committee could get advice. They could go to the place and take advice, just as a select committee could go to Hamel or Nangeenan. I should like the whole three matters to be referred to a select committee, and that an honorary Royal Commission should take the matter up when Parliament goes into recess, so that they can be thoroughly inquired into before this country goes to waste and to the rabbits. I might point out that this motion covers the whole of the country upon which the Premier recently said he would consider the granting of pastoral leases. The late Minister for Lands can verify my statements. Mr. Ponton, one of the partners who took up land at Balladonia and conserved all the water for the whole of their stock because they had no wells of any sort, has a great belief in that country, and recently bought for cash 40 miles of rabbit-proof fencing from the Government, because he could get it cheaper from the Government than from a private firm. I had a conversation with him, and he told me that he had 15,000 sheep now, and that if he could go on improving the area by conserving water he would get 40,000 sheep. This country has been lying neglected long enough. It is of the same type north and south of the railway line, and it is time the Government made some use of country that can carry any stock at all. The sooner the matter is inquired into, and the sooner something

is done with this country, the better it will be for the State and for the people living in it, for they will get a better supply of meat. One of the cries of the country is the enormous price of meat. The member for Kimberley (Mr. Connor) often tells us that meat must come down; but the price is a long time coming down. I do not believe that, in his heart of hearts, the hon. member does wish it to come down; but for all that, it is time the price came down. I have asked no one to second this motion, having left it to its own merits; but I hope, if it be carried, some good will be brought about. I beg to move the motion.

MR. GORDON: I second the motion.

THE SPEAKER: I can only put the first part of the motion to the House, because the House has no power to instruct a select committee to appoint an honorary Royal Commission, nor has the House itself power to do that. If the hon. member wishes to move farther in that matter, I would suggest that he should bring it up in another form later on. The question is:—

That a select committee be appointed to take into consideration an amendment of the Land Act with a view of making special conditions to suit the dry areas in the country north and south of the Yilgarn Railway at a point east of the cereal-growing areas, with a view to forming grazing areas in such localities on special conditions suitable to the country in such latitudes.

MR. W. B. GORDON (Canning): This is a question of great importance to the State. It seems to be one that is more a matter of policy for the Government to take up, because the departure necessary to establish the class of leases suggested by the mover of the motion will be even more liberal than the liberal land policy we have now. The country referred to by the hon. member is that with uncertain rainfall, which at some seasons is up to 16 or 17 inches and sometimes is down to four inches.

MR. MORAN: It is very rarely 16 inches.

MR. GORDON: I know exactly what I am speaking about. A rainfall of 16 inches happens in this country referred to once every four years—the country from Arrino to Yilgarn. It has been said that this question is practically covered by our pastoral areas, and that land can be taken up in leases at reasonable prices. That is so; but if one applies to the Lands Department to take up this country, should there be a patch of salmon gum or morell on it, no matter what the rainfall may be, the department classes it as first-class land at 10s. an acre, allowing a man to take up only 1,000 acres. This class of country is no good. We have evidence that a man cannot do anything with a thousand acres in such country. In the northern parts of South Australia, farmers are able to take up a thousand acres of similar land; but the man with a thousand acres gets one good season out of three. It would be far better for the State if we had one man doing well on 5,000 acres than five men on 5,000 acres half-starving and being kept up by the State. I should go farther and say that it is the duty of the Government, whoever may be in power, to prevent farmers being tempted to go on this land where rainfall is uncertain. It would eventually come back on our own shoulders, as in the sister States, for we would have to supply seed wheat and other things for the farmers. We have plenty of wheat-growing country. We want country for stock fattening; and this country is more suitable for that than for wheat growing, and would prove much more profitable to the settler and to the State. It is a question whether any select committee could convince a Government very much opposed to the alienation of Crown lands to go into a matter like this, to give a man the title to 5,000 acres; but I would give a man in some of this class of country 10,000 acres, for the land is useless to us, and it would induce settlers to come here from the other States. I have much pleasure in supporting this motion; not that I think any good can come from it, because it will cost a lot of money for a select committee to undertake a survey and to travel over these lands, but because it is well that the question should come before the country. It must eventually be handled by some Government. Therefore the matter is worthy of being recorded on the minutes of the House.

THE PREMIER (Hon. H. Daglish): I may inform the mover that arrangements are already being made by the Lands Department for the despatch of an officer on a special visit of inspection

to these districts, for ascertaining the possibilities of utilising the land with some degree of advantage. I think, therefore, that the question may well be allowed to wait until that officer's report is received; and I think there is more good likely to result from a report of a responsible officer of the Lands Department than would probably accrue from an inquiry by members of a select committee, no matter how well they might be chosen. I at once hasten to state that probably had a select committee not been moved for, the matter would not have been brought under notice; but immediately it came under notice through the hon. member's motion finding a place on the business paper, the Minister for Lands decided that the best step in the matter that could be taken at present was to despatch an officer to investigate the value of the land available in that particular portion of the State. I do not desire of course to prevent a discussion on this matter by members if they desire to do so; but I would suggest that the matter be adjourned so as to enable the Government to be in possession of information which the hon. member can be supplied with before the question is finally dealt with.

MR. A. J. WILSON: I move that the debate be adjourned.

Motion put and negatived.

MR. A. J. H. WATTS (Northam): I shall have to oppose the motion brought forward by the member for York. I cannot see that we can ask for much more liberal conditions in regard to this country than we have at present, and I can see no good reason for the appointment of a select committee to inquire into the matter. As probably most members are aware, the land lying to the east of the areas fit for growing cereals is very dry and subject to seasons when droughts are almost complete, and when there is practically no rainfall whatever. Other seasons are fairly good. In any case, the land in these areas, as I presume the member for York is aware, can be taken up at 2s. 6d. per thousand acres. I do not think anyone could ask for a more reasonable rate than that.

MR. GORDON: There is no certainty of tenure.

MR. WATTS: There is security of tenure for 30 years for a pastoral lease. There is not a great deal of land situated close to the railway, for a man has to go far back to get a large area of land for grazing purposes. There are many stations in the back country doing well at the present time with the reasonable rental charged. Although a select committee may be appointed to go into this matter, we will get no practical advantage from it, because while people get the land at such a reasonable rate, they will not apply for it under conditional purchase rates. I do not think it would be possible to bring forward conditions for purchasing lands under conditional purchase which would be appreciated by settlers, although prospective settlers may go there. The member for Canning has said that the Government will not grant morell land, and land of that description, as first class. I do not know of any applications, in fact I do not think there has been any application, for land in these areas at all. The only portions taken up are small areas round the waterholes of settlers. People are not seeking to take up the land as first class or under conditional purchase. The same member mentioned something about 5,000 acres; but I would point out that the hon. member evidently does not know much about the conditions of land settlement in this district. There are very few people who will attempt to run a flock of sheep on 5,000 acres in that country. I do not know if there is a person in that country who does attempt such a thing. As to the Premier's statement that an officer of the Lands Department has been sent into this district, I do not know that we shall get much good from that. We are likely to get more practical knowledge from the settlers who have been there and have made use of the land for grazing purposes than we shall get from an officer sent to the district in a casual way to inspect the land and make a report to the Lands Department. We know there are grazing areas of land as far as the Eastern Goldfields growing good grass and suitable for grazing purposes; at the same time, I consider we have sufficiently liberal conditions to enable settlers to deal with the land without having a select committee to go into the matter and make a report. I do not think we

can ask for or expect to get more reasonable conditions than we have at present. I am sorry to oppose the motion brought forward by the member for York, who thinks it is for the advancement of the agricultural industry; but we shall not get much from the motion if carried.

MR. T. H. BATH (Brown Hill): The member for York deserves a word of commendation for the interest he has taken in the agricultural industry; but in the proposal submitted to us for the consideration of the question of the settlement of these lands he has adopted a rather cumbersome method. I agree with him, and with the member for Northam, that it is certainly undesirable to send settlers wishing to indulge in agricultural pursuits on to these lands.

MR. BURGES: Not for agriculture.

MR. BATH: I am only referring to the settlement that has taken place. I understand the member does not desire settlement for agricultural purposes; but an attempt has been made, and settlement has drifted into the zone of land on which it cannot be hoped men can become prosperous settlers. We can only expect in Western Australia the same experience as South Australia and New South Wales and Queensland, where perhaps there is a succession of two good seasons, deluding people into the belief that the conditions are suitable for agricultural settlement; and after expending considerable time and labour on holdings there is a continuous run of bad seasons, which have destroyed the hopes of the settlers and placed them on the verge of bankruptcy and starvation. As far as the lands of this State are concerned, there should be a distinct division of the land into various grades, in which it should be laid down that they would only be made available for settlement of a particular kind. We have in the South-Western district, in the zone of good rainfall and favourable conditions, a very large area of land that will accommodate a considerable number of settlers for years to come, and we can well set apart the land with which the motion deals for pastoral purposes purely. The member talks of introducing the small man to settle on this land; but I am not one to favour that proposal. While we have such magnificent areas of land along our existing lines of railways, all our efforts should be centred towards settling there the small men who wish to take up small areas and go in for agricultural pursuits. If these lands cannot be made available in any other way, the hon. member might support a proposal for the taxation of unimproved land, which experience has proved in other parts of the Commonwealth and New Zealand to be eminently successful in inducing the settlement of these areas. The member, by his motion, has a sort of covert desire to settle this land by deluding people into going thereas a sort of forlorn hope, for settling the rabbit question in order to protect those in more favoured areas. I believe such a proposal would only end in disaster for those it is proposed to send out. I agree with the hon. member that these lands are only suitable for pastoral settlement, and if so the land should be made available in areas sufficiently large to enable those who settle on it to earn a decent livelihood. The fact of the member having brought the motion forward, as stated by the Premier, has influenced the Minister for Lands to take up the question and have an investigation made as to the suitability of the country for pastoral settlement. In that the proposal will do good; but the proposition for a select committee is cumbersome and one that cannot reasonably be undertaken by the House. At present we have a considerable number of select committees sitting inquiring into various questions, and although they are not Royal Commissions and not so expensive as Royal Commissions, members must not run away with the idea that committees do not involve expense. Some cost a considerable amount. I think this matter might be left to the investigation of the Lands Department, and we might well await their report before dealing with the matter, rather than a select committee should be appointed to go into the question. I maintain it is impossible to give an intelligent and complete report of the matter without being in a position to visit the land. Although the member stated we could get expert evidence from those who have been out there, that is not as successful a test as if an officer of the Lands Department who is competent should go out there, make investigation, visit the territory, and submit a report to the Lands Department, which in due

course will be available to members. I believe the hon. member is conscientious in his desire, and I know as far as my experience of the member is concerned that on every occasion he has shown the greatest desire and anxiety to see settlement of our lands in Western Australia proceed apace; but the proposal submitted to us is not the most practical method of dealing with the question he has brought before the House.

MR. F. CONNOR (Kimberley): I rise to support the motion of the member for York, also to say that any step which is taken in connection with the settlement of our lands that will have for its object the possibility of settlers going on the lands at once without the trouble which takes place now, will be to the benefit of the country. The Premier tells us that an inspector is to be sent out to go over this land. The experience of most people who have had to rely on reports of inspectors up to the present time is not a very good one. I am not speaking particularly of the present Government but of the past, and I presume not much alteration has been made up to the present time. It is not the inspector who goes out who has anything to do with giving people information, but the whole business is done in Perth by people who know nothing about the land. For that reason I support any motion brought before the House which will tend towards the solution of this grave question. And it is a very grave question. I know from experience, and having mixed with people who have settled on the land, and in this I am backed up by the member for Canning, that grave dissatisfaction has existed up to the present time. I do not blame the Minister at present in charge; he has not had time to reorganise and to overcome the difficulties; but the sooner it is done the better it will be for the country. It is not an unusual thing for would-be settlers to come here—legitimate *bona fide* men—who desire to settle on the land, but they cannot get a classification for months. That is not what should happen. We want to get the right class of settlers, and we have had practical men who would make good settlers coming here with their families and plant and their money, and it is necessary to have money to go on to this land so as to fence and to kill the poison. When suitable people are prepared to come here, it is the duty of the Lands Department to see that they are not hindered, but that they get every possible help to settle on the land. The Lands Department, with the staff they have, should be able to give a decided answer inside a week or a fortnight to any legitimate settler coming here. I do not blame the present Administration, who have not had time since they have been in power to make any alteration, but some alteration will have to be made. We shall have to depend more in future on our land settlement than we have had to do in the past. We must look to our land settlement for the success of this country in the future. The gold has been a great boon to this country, but we cannot depend on it for all time. We must look forward to the time when our success as a country will depend more largely than in the past on the settlement of the right class of people who come here to grow cereals and to grow live stock, so that we shall have sufficient in our own country and not have to send away for supplies necessary for our small population to exist. As to pastoral lands we were told about the great concessions the pastoralists of this country get; but the pastoralists of this country really do not get half as well treated as those in the neighbouring States. In parts of South Australia they talk about how many square miles people hold as pastoral country, and not how many acres. I do not wish to take up the time of the House, but I wish to bring before the notice of the Premier, who I suppose is acting for the Minister for Lands in this House, that it is necessary that grave consideration shall be given to this question and all others pertaining to the same matter, the settlement of people on the land.

On motion by HON. F. H. PIESSE, debate adjourned.

ADJOURNMENT.

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

Legislative Council,

Thursday, 17th November, 1904.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Balance-sheet of the State Hotel at Gwalia.

BUSH FIRES ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew): In moving the second reading of this Bill, I wish to explain that the object of the measure is to enable the Commissioner of Railways, by the authority of the Governor, to burn grass along the railway reserves during the prohibited periods. In the eastern districts, for instance, burning is prohibited from the 1st November until the 1st March. The season is late this year, and the Commissioner has been unable to burn off before the 1st November; consequently unless the Bill be passed, he will not be able to burn off until after the 1st March. The farmers' crops will be in very great danger from sparks of locomotives unless the grass along the railway reserves is burnt off without delay. Last week a very influential deputation, including Mr. C. Harper, Mr. R. G. Burges, Mr. Quinlan, and Mr. Butcher, representing the farmers of the Eastern Districts, waited on the Minister for Railways and asked him to bring forward a measure for the total exemption of the Commissioner from the provisions of the Bush Fires Act. The Government could not go as far as that, but they have decided to introduce legislation which will enable the Government to give the Commissioner exemption from the operation of the Bush Fires Act. It is my intention later to move for the suspension of the Standing Orders to enable the Bill to pass through its several stages, as it will be recognised that this is a matter of extreme urgency. I beg to move the second reading of the Bill.

HON. W. T. LOTON (East): I have pleasure in supporting the second reading of the measure. I suppose we may consider the necessity for it is due to an exceptionally good season almost throughout the country. In the southern portion of the State, the rains have caused a late growth of grass and crops, and the object of the measure, as explained by the Minister, is to extend the time for burning within railway reserves. The time at present under the Act ends on the 1st November. If the Commissioner was to proceed to burn off after the 1st November, he would be acting illegally. This Bill gives the Commissioner six weeks extra time. It is not proposed to give private individuals any extra time; but to prevent fires spreading through the emission of sparks from railway locomotives, the Commissioner is to be allowed to burn off.

HON. V. HAMERSLEY (East): As representing the Eastern Province, it is right that I should indorse the remarks made. Owing to the state of the season, and the rains coming late, the grass is found to be in a state in November this year in which it is usually found in October. As a rule, grass will burn freely in October, but we find this season it will not burn, and the extension of time for the Commissioner to burn the grass from the railway reserves is undoubtedly in the interests of the farmers and graziers throughout the districts through which the railways run. I regret a farther provision has not been made which will enable people who have a great deal of sand plain country that requires clearing, to burn off. In these areas it is impossible to burn at the latter end of the summer, in March. I should very much like to see provision made by which settlers in sand plain country could burn during the month of February. In these areas a fire only rages about once in four or five years. If we are to wait until the latter end of the summer in March, when the weather is cold, it will be impossible to get the severe burning which is necessary. I hope this measure will go through, and that later on a measure will be introduced making provision for burning off country of the description I have referred to.

SIR E. H. WITTENOOM (North): I am extremely pleased that the hon. member (Mr. Hamersley) has spoken on the Bill, as he is one of those who has a good practical knowledge of the subject. Burning off in different parts of the State is of great importance, and unless people have had experience in it they do not realise the importance of this necessary operation. In connection with Northern sandplains, about the Irwin for instance, the country there is of no use unless burning off takes place, and to burn in March is of no earthly good. The burning off in that country must begin in January or at the latest in February, and I am glad to hear Mr. Hamersley has spoken in a practical way on this subject.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of Act, Section 5 (burning off):

HON. J. W. HACKETT: According to this clause, the Governor could suspend the operation of the Bush Fires Act as regarded railways, not only for six weeks but for the whole of the year.

THE MINISTER: No; six weeks.

HON. J. W. HACKETT: The clause would enable him to suspend the Act for six weeks at a time, then for six weeks more, and so on through the year if he chose to exercise the power.

THE MINISTER: The intention was that the period of suspension should be limited to six weeks in any year.

HON. J. W. HACKETT moved an amendment, that the words "in any one year" be inserted after "suspend."

Amendment passed, and the clause as amended agreed to.

Preamble, Title—agreed to.

Bill reported with an amendment, and the report adopted.

THIRD READING.

Standing Orders suspended.

Bill read a third time, and returned to the Legislative Assembly with an amendment.

PUBLIC SERVICE BILL.

SECOND READING.

Debate resumed from the previous Tuesday.

HON. G. RANDELL (Metropolitan): I regret that I have not had time to go into the clauses of the Bill so fully as I intended; but I would like to make a few remarks on the main features. The keynote of the measure and its guiding principle is the appointment of a Public Service Commissioner. As the civil service has been a good deal under discussion for some time, and a desire for change has been manifested in some quarters, I find this desire for change is expressed in the Bill. For my part, I dislike particularly the appointment of another Commissioner —I was going to say another czar. We are getting rather full of such appointments; and while I like to have my own liberty, I wish also to preserve the liberty of others. The existing arrangement, by which each department is controlled by a Minister and the Ministers are answerable to Parliament, has worked very well, and I think the civil servants as a body are making a mistake in desiring a change in this new direction. Still, that is their business, and they ought to know more about it than I do. I am not so pronounced in my opposition to the principle of the Bill as to move that the second reading be postponed till this day six months; because I see evidence in the Bill of a great amount of care exercised in its preparation. The measure has been compiled or drafted with very considerable care, and it goes a long way beyond the provisions of the present Act governing the public service. The Bill provides for almost every contingency that may arise in the administration of the public service. Although there may be here and there in the measure some verbal amendment required, particularly for making the meaning clearer or for making a definition more definite, on the whole I recognise the industry and care expended on the measure; but the feature of the Bill to which I object is that of the appointment of a Commissioner to control the public service. I say the public departments can carry on their work satisfactorily under the existing system; and even if members look carefully into some of the clauses of this Bill, they will see that the principle is overridden to a large extent, for the heads of departments are to have control of the practical working of the service even under the Bill. All the details of

administration will be in the hands of the permanent Under Secretaries, for they can suspend officers and can fine them for certain offences. Another reason why I object to the appointment of a Commissioner is because, while he is to have charge of the public service, the Railway Department is to be exempted from the operation of this measure. It seems to me that if a Commissioner is required to be placed over all other departments of the service, why not over the Railway Department? I am not arguing that the Railway Department should be placed under a Public Service Commissioner, because I think the Railway Department is being managed in a way that is satisfactory to the public and the service. We shall never get a public service that will be satisfied in all directions, for there will always be some persons in the service who think their merits are greatly overlooked, or that they are treated unjustly, or that they are the victims of favouritism; but I do not think we can mend that by the appointment of one Commissioner who is to deal with the whole of the public service except the one great department which is to be exempted, and I think rightly so. I have always objected to the Railway Department being included in a measure for controlling the civil service, because that system would be unworkable. The Commissioner may recommend appointments and changes, but is not to have power to carry them into effect without the approval of the Governor-in-Council. To a large extent the professional staff are to be left out of his control. So it will be seen, from these specific features in the Bill, that the principle of control by a Commissioner will be to a large extent overridden; and as the Governor-in-Council is to have a great controlling power over the Commissioner under this new system, it will be seen that the Commissioner will not be entirely free from control exercised through the Governor by the Government of the day. Then the Governor-in-Council has to make regulations in regard to many particulars, and he can refuse to appoint any servant the Commissioner has recommended. It is true the Governor in such case has to give reasons for the refusal, and these have to be placed before Parliament, which will in that case be the last resort. These are some of the features in the Bill which I dare say hon. members have looked into. There is another thing in regard to it. I think I shall table a motion later asking the Minister to give us an estimate of the probable cost of the establishing of this new department in the State. In my opinion it will be equal in magnitude to that of the Auditor General, and will therefore cost a large sum of money. A number of persons will have to be appointed under the Bill, for instance in the Education Department as classifiers and in other departments as examiners; and these persons will have to be paid for the services rendered. Other persons have to be appointed by the Commissioner to do things for him which he will not be able to do himself in outside districts. So I say one of the objections to the Bill is that it will be very expensive to administer, and my opinion is that it will not be satisfactory in its operation. The man who is to be appointed as Public Service Commissioner will have to be a paragon of knowledge, a sort of Admirable Crichton, acquainted with all description of things from the lowest to the highest division in the public service. Apparently he will not have much power over the permanent heads of departments, except that he can examine the general working of departments and take evidence if necessary. The permanent heads are to make certain recommendations to him, as in fact they do now to a Minister, in regard to the appointment of persons to the public service. I suppose members know the practice that has been observed; and though it has been open to charges of favouritism, I do not think there are many cases in which these charges can be established as correct. The head of the department is, in my opinion, as little liable to influence of that kind as a Commissioner will be, for a Commissioner must naturally be dependent on others for his information. It is utterly impossible for him to carry out the duties assigned to him by this Bill, unless he has a considerable amount of assistance of such a high character that he can rely on it. The Commissioner has to furnish reports, just as the heads of departments have to furnish reports which they receive from their next in command every year. That

is not a new feature. It was so in my time, and was carried out satisfactorily. The whole staff in a single department came under the review of the Minister in that way. Recommendations of the immediate junior officers to the head of the department were furnished. I need not dwell too much on this point; but I think that members should earnestly consider the aspect of the question I have put before them. There is objectionable matter in Clause 8, and I fail to understand why such a privilege should be granted to a person occupying such a high position whose duty it will be to entirely devote his attention to his work, except on holidays granted by the Government. He will be allowed by this clause to absent himself without leave for fourteen consecutive days. I can imagine no reason for his absenting himself for that time without leave from the Government. An inquiry would be held if an officer in a department were absent without leave for more than a few days, and the officer would be reprimanded or discharged; yet a man in this high position is to be allowed to set such a bad example to the officers in the service under him. He should not be allowed to absent himself for a day without the consent of the Governor.

THE MINISTER FOR LANDS: Who is that?

MR. RANDELL: I refer to the Commissioner. If any gentleman appointed to the position of Commissioner observes the duties cast upon him by this Bill, he will be a most admirable man, and worthy of more than his £1,000 a year. I do not anticipate that we shall see any great change in the service as to its efficiency or even its satisfaction with the administration of departments. I object to taking away the power from those best fitted to judge of the capacity of officers under them, or to judge whether they are doing their duties satisfactorily. I see no justification for the appointment of a Commissioner—one man to discharge all these duties and to exercise this autocratic authority over the public service of the State. Clause 12 provides for holding an inquiry or investigation outside Perth, giving permission to the Commissioner to delegate his powers to any person. The provision is necessary, and it is the principle I have advocated, that no one man can discharge the duties that will involve on the Commissioner under this Bill. In this respect expense will be incurred in the administration of the Bill. Another member has had some acquaintance with the Education Department, and I have no doubt we shall hear him on the question. I am not sure that his views will be in harmony with mine; but I have always been opposed to teachers, because of the peculiar nature of their duties and qualifications, coming under the operation of a Public Service Act. Exceptions are made in their case, and provision is made for other persons to do the Commissioner's work in their regard; but if the Commissioner be not satisfied he can object to the decision of these other persons. More persons will be needed to carry out the services that will have to be rendered in the discharge of the duties involved on the Commissioner by this Bill, and the cost of appointing the Commissioner and his assistants will involve the expenditure of a very large sum at a time when we are trying to economise in all directions. The Commissioner may reduce some departments and may increase others; but I think the general effect will be, not to reduce the cost, but on the other hand to increase it with no certain promise of greater efficiency in the administration of the public service. Everybody will agree with a number of the clauses in this Bill; and one feature of the Bill is entitled to the acceptance by members, that is, the part referring to the appeal board. I have always advocated an appeal from a decision of any one man, even from a magistrate to a higher authority, and ultimately to the Supreme Court; so I am very pleased to see that an appeal board is to be appointed, consisting of three individuals—one the Commissioner, another appointed by the departments, and another elected by the department in which the inquiry may take place. I do not know but that the constitution of the board is a fairly good one, although, the decision of the Commissioner having been arrived at, we may naturally expect he will endeavour to uphold it. It is just possible that members may think it would have been better to have had another person on the appeal board in place of the Com-

missioner. Reference was made by Mr. Langsford to the age of persons appointed to the service; but the hon. member did not notice the whole of the clauses. In the lower division of the service a person of 14 years may enter; and in circumstances, as long as the Education Act is complied with, a person of the age of 13 years may be employed in the public service in certain departments. However, I think 16 years is low enough for an appointment to the clerical division. I think a boy should continue at school until he is 16, so as to get such an education as will fit him to serve the country well in the future. The youth is to be on approbation for six months, and if not satisfactory on that probation he will be retired; but if satisfactory he will get a rise of £10, and at the end of another 12 months another £10, and when about the age of 21 or 22 he will get the magnificent sum of £100 a year, on which he will probably marry and set up an establishment. Persons outside the public service will not compare for one moment in the amount of duties performed with a public servant, and at the end of that same period the person outside the service would be getting £3 a week if the present rate of wages continues. This does no apply to a person on the goldfields, but to a person on the coast. A person entering the service at 16 years of age and giving proof of his ability to discharge his duties will receive the sum of £100 a year at the age of 20 or 21 years. I do not know that I need dwell on the clauses of the Bill any longer—that may be done with more profit and success when we are in Committee; but I should like to draw the attention of the Minister to the fact that members will require to be told the estimated cost of the administration of the Bill if it becomes an Act, and what fees will need to be paid for the rendering of certain services to the Commissioner. I fall back on what I started with, and say that if we are to have a Commissioner at all to regulate the public service, we should have three gentlemen to do the work. I think it would work out far more satisfactorily, and I do not think the cost would be much more.

HON. W. KINGSMILL (Metropolitan-Suburban): It is not my intention to make more than a few remarks on the second reading of this Bill, which as it appears before us bears in some respects the aspect of an old friend of mine, though it has excrescences which, in my opinion, do not tend to the symmetry or the probable usefulness of the measure. In the first place, I fancy that Clause 6, providing for the appointment of a Commissioner, errs on the liberal side in giving the Commissioner a tenure of six years. I think that is liberality itself. Five years would be more like justice. Possibly the Commissioner my live seven years. At any rate he would have a a better chance of living through the period if we gave him five years for a start, and then he would be eligible for reappointment. With regard to the policy of appointing a Commissioner to the public service, I must differ from Mr. Randell when he says that it is advisable for every department to manage its own affairs. Every department does manage its own affairs, with the exception perhaps of the Statist office. These discrepancies, which are bound to crop up whilst the different departments separately manage their own affairs, are a constant cause of complaint between officers and departments. Ministers are fully aware of the fact that officers in one department are not getting as large a salary as officers in similar positions in another department are alleged to get; and one of the principal reasons for introducing a Public Service Bill providing for a scheme of classification is that officers doing similar work throughout the service shall receive similar pay. The system of dealing with departments separately at the will of the permanent head or the Minister without reference to other departments has to a great extent existed in the past, and while that system continues to exist so long will those discrepancies arise, and so long will there be discontent, than which there is nothing more fatal to a department. I note that in Clause 15 it is stated that the public service shall consist of five divisions, one of which is proposed to be the educational division. I am glad indeed that in the opinion I am about to express I have the concurrence of Mr. Randell, a gentleman who was for some years Minister for Education, and who thoroughly understands the subject on which he speaks—that this State has in the Education De-

partment, I think, a scheme of classification which has for its basis methods as fair as possibly could be desired. We have, in my opinion, as complete and as good a scheme of classification as can be arrived at by any commissioner or by classifiers, whom I am inclined to look upon as superfluous. I am sorry it has been thought fit to include in this Bill a department which has already been classified, whose duties and whose objects are altogether different from the duties and objects of any other department in the civil service; which cannot by any stretch of imagination be brought into touch with other departments of the civil service; and whence transfers to the other departments practically never occur. I think it is a pity to alter classifications and regulations governing a department which is absolutely, as I have said, self-contained, when it is not possible or probable that such a department will come into any intimate relations with the rest of the service of which it forms a part. I should very much have preferred to have seen the Education division left out of this Bill altogether. Then again, with reference to the appeal board which is provided in Clause 53, I agree with Mr. Langsford in saying it seems to me an absurdity that one of the parties to a case should sit as chairman of the appeal board. The appeal in practically all instances is from the decision of the Commissioner himself, and yet we find that gentleman sitting as the chairman of the board of appeal. Thus I think a high absurdity is reached, and the value of the finding of such an appeal board is very seriously discounted. It is somewhat amusing to find in Clause 69 that the state of political opinion of the Government rather than any excessive patriotism has actuated them in setting aside the public holidays, because we find in paragraph (*b*) of that clause that instead of Proclamation Day, which I think is a day to be revered by all classes of the community, a day called Eight Hours Day is put down. I do not think—if I may be pardoned for using the expression—it is very tasteful, because after all Eight Hours Day only appeals to a section of the community, whereas Proclamation Day should, and I am sure it does, appeal to all sections. That, however, is one of those little amendments I have no doubt Ministers will consent to with the utmost pleasure. Clauses 74 to 80 deal with the subject of civil service life assurance, and I am pleased to see that finds a place in the Bill. In my opinion life assurance in the civil service does not go far enough. Whilst I was in office I was conducting several inquiries as to the system in vogue in several places throughout the world of providing for the future of civil servants or for the future of those dependent upon them, when they become, through age or illness, incapacitated from work, or when they die; and I am sure there are to be found in addition to life assurance certain schemes in force in other parts of Australia and other places throughout the world whereby provision could be made for a superannuation fund and also for fidelity guarantee. It is not touched upon to any extent in this Bill, and I think that with a view to arriving at the best solution of the very many difficulties which undoubtedly exist in the management of the civil service, and to making proper inquiries so as to definitely fix as nearly as possible the probable expense of this measure in its administration, it will be desirable to have a select committee. I do not quite agree with some members who have expressed the opinion that this Bill, when it becomes law, is likely to result in a severe loss to the State. I fancy that the expense which will be incurred in regard to it will be more than covered by the saving in administration of the departments. If that were not so I should have no hesitation in saying the whole Bill was unjustified and unjustifiable. I think the civil service can be rendered a great deal more efficient than it is, and efficiency is surely worth the expenditure of a certain sum annually. With a view to find out something upon this subject, and in view of the importance of the measure and of the fact that we have at present in Western Australia gentlemen who can give us very valuable assistance with regard to civil service management, I should feel inclined to move that before this Bill goes into Committee it should be referred to a select committee. I do not think there can be any reasonable objection, nor do I think it would hamper the progress of the measure. I do not think it should suspend the measure for

more than a fortnight. The end of the session, I am informed, is not in sight, and if the investigation made in that fortnight would result in the removal of the objections I have alluded to, and in the acquisition by this House of more knowledge relating to this measure, then I think the time will have been well spent. I agree altogether with the principle of the Bill; but there are certain details already alluded to by me to which I must take the strongest exception, and I think that for the farther information of the House and the acquisition of information which members will not, I take it, acquire by themselves, it will be a good plan to adopt the suggestion I have made, and I hope the leader of the House will consent to have the Bill at a later stage referred to a select committee. I beg to support the second reading.

THE MINISTER FOR LANDS (in reply): This Bill has been criticised by members of the House, and it came here for criticism. I may say it has received very generous criticism, and from gentlemen eminently qualified by their experience of Government departments to criticise the measure. I may tell the House that the Bill has not been conceived in any party spirit whatever. The one object of the measure is the efficiency of the public service. It has been stated that the administration of the Bill will be very expensive, that it will be a huge cost to the taxpayers. I have made some inquiries, and I find it is not the intention of the Government, if this Bill is carried, to go in for the creation of any expensive department. For inaugurating the work no doubt a fairly large staff will be required, but it is intended to draw those officers from the different branches of the public service. It is contemplated that when the initial task of the Commissioner has been completed, not more than three clerks will be necessary in order to aid the Commissioner in his work. Some other expenditure will no doubt be necessary, but in any case it is understood, after investigation of the matter, after careful inquiry into the probable working of the Bill, that an expenditure of not more than £2,500 a year will be necessary. As against that we can rely upon it that if the Commissioner is efficient, as no doubt he will be, a very great saving will be effected in the administration of the public service. At any rate, I think that if we have an efficient officer appointed who will investigate all the departments and see that the officers receiving their salaries from the State are discharging their duties in a conscientious manner, an immense sum will be saved to the country. We hope to achieve by this measure, if it be carried into law and put into operation without delay, economical administration of the civil service, a high degree of efficiency in the service, greater despatch of public business, and more equitable treatment of the officers in the service. The reception given to the measure so far has been in every sense satisfactory. Several objections have been made to certain clauses in the Bill. I have taken careful note of those objections, and I may be in a position later either to meet those objections or to fall in with the views expressed. Our sole object is to see as perfect a measure as possible placed on the statute-book of the country.

HON. S. J. HAYNES (South-East): I have listened with pleasure to the very able speeches given by previous speakers on this exceedingly important Bill; and I recognise the necessity for some reform in the civil service. But the Bill has only recently been circulated among members. Mr. Kingsmill suggests that it be referred to a select committee, and I think that the proper course to adopt. In fact, that seems the proper course with every important Bill; for by a select committee details can be more minutely examined than in the House or in Committee of the Whole. I am perfectly satisfied that the Bill is an honest and able attempt to cope with present difficulties in civil service administration. I listened with great interest to the remarks of Mr. Randell, which have much weight with me in view of his Ministerial experience. I agree with him that the Bill may result in a largely increased civil service expenditure. On the other hand, Mr. Kingsmill voices a rather opposite opinion. I believe the intention of the framers of the Bill is to lessen expenditure; and I hope that will be the effect. I do not propose at the present stage to deal with the clauses of the Bill; but I trust members will in

their wisdom refer it to a select committee, so that we may have an opportunity of considering the committee's report, and of perusing the Bill itself, which is likely to be of far-reaching importance, and not inferior to any other measure which may be introduced during the present session of Parliament.

Question put and passed.

Bill read a second time.

SELECT COMMITTEE.

On motion by Hon. W. Kingsmill, Bill referred to a select committee comprising Hon. J. M. Drew, Hon. J. W. Hackett, Hon. M. L. Moss, Hon. G. Randell, with Hon. W. Kingsmill as mover; to report this day fortnight.

PRIVATE BILL--KALGOORLIE AND BOULDER RACING CLUBS.

SECOND READING.

HON. W. KINGSMILL (Metropolitan-Suburban), in moving the second reading, said: The Bill now before members is a private Bill, introduced to another place by Mr. J. M. Hopkins, at whose request I take charge of it here. In another place it was, as is always the case with private Bills, referred to a select committee, which, after several sittings and the examination of various witnesses, found the preamble of the Bill proved, and recommended to the Legislative Assembly certain amendments which were afterwards embodied in the Bill as it now appears before hon. members. The objects of the Bill are to more clearly define and to improve the position of two bodies connected with sport, and known as the Kalgoorlie Racing Club and the Boulder Racing Club. It will, I think, be unnecessary to dilate to any great extent on the position of these bodies or their status in the sporting and the business worlds. People who have visited the goldfields know that the racecourses owned by these clubs form in themselves what one may almost characterise as monuments of enterprise; and it is pleasing to see that the pluck, energy, and spirit of the people in Kalgoorlie and Boulder have found such a solid and an eloquent expression in the two courses to which I refer. One of the primary objects of the Bill is the fixing on a definite basis the title to the ground held by the two clubs, and in this respect I would like to point out that the clubs have, under the Bill made a pretty considerable concession. The present state of affairs is that the Minister for Lands may, at his option, give to the clubs a fee simple. It has been decided, for reasons that will be obvious to everybody, that the granting of a fee simple for such land as the racecourses on the goldfields metropolis would be wrong. It was therefore decided by the select committee that one of the amendments should be that the power to give the fee simple should be excised from the measure. That has been done. In no way has the position of the clubs been improved as to title. They have now a definite title, which is a lease to be vested in the chairman of the clubs. Power is given to the chairman to exclude undesirable persons, and in this connection I would like to explain that persons who may not break the law as it exists on our statute-book may nevertheless be undesirable persons from the point of view of racing. Power is given in this Bill, as is given in all other Bills connected with racing throughout Australia, to exclude such persons from the course, and if such persons do obtain admission, they may be removed subsequently. Another important subject is the nomination of the chairmen of the two bodies as representatives of those bodies for legal purposes. That gives to the clubs a representative who may sue and be sued on behalf of the community he represents. Financial powers are granted under the Bill similar to those enjoyed by the West Australian Turf Club, except that the borrowing and mortgaging under the Bill is somewhat more restricted than is the case under the Act regulating the conduct of the affairs of the West Australian Turf Club. It is proposed to give to the chairman, as representative of these bodies, power to borrow moneys for the purpose of improving the courses, which I have alluded to. At the same time the chairman cannot exercise that power without the consent of a 75 per cent. majority of the members at a general meeting, and farther without the consent of the Governor-in-Council; so that members will see that every means is taken to safeguard any rash use of the borrowing powers. Members will realise that in the conduct of affairs of institutions of such size as these racing clubs, and

whose operations run into so much money, it is very often necessary that financial powers should be given to their representatives. For instance, I am informed that very frequently during the first days of the racing at Kalgoorlie and Boulder, a sum for change amounting to £7,000 or £8,000 has to be provided for use in the totalisator. The practice has been in the past that when this money was wanted, and when other moneys were wanted, prominent sporting men in the club gave their names to be accepted by the bank as a joint and several guarantee. Such a position is not just to clubs occupying such a prominent position, or to their guarantors. To relieve the people who have so generously supported the club hitherto from the necessity of doing this any longer, these financial provisions have been introduced into the Bill. Members will notice that the Bill provides for a State audit; and farthermore it provides that the Minister for Lands, if he is dissatisfied with the way in which the grounds of the clubs are kept, may order certain additions and alterations to be made, and that the clubs shall forthwith carry them out at their own expense. Perhaps I may be able to say a little on the attitude of the clubs towards the public. Members who have visited Kalgoorlie and Boulder know that the attitude of the clubs has been no uncertain one; that the racecourses are not so much racecourses as recreation grounds and parks, and that admission of the public on other than race days for legitimate purposes has never been refused, and indeed the principal pleasure resorts of Kalgoorlie and Boulder are the two racecourses of which I am now speaking. In spite of the powers given to the clubs in the Bill, and which they have at present, it is unlikely that this attitude will become changed; for in the first place the success of the clubs depends to a great extent on the patronage of the public. This is fully recognised by the clubs, and it is not likely they will ever offend their patrons by excluding them from the grounds on other than race days. These clubs are not proprietary clubs; they do not exist for the purpose of making a profit. Whatever profit they make can only be expended on the grounds belonging to the clubs. It does not go into the pockets of private individuals; it is not divided amongst the members. Really the object of the Bill is a fairly public one. It was mentioned in another place that it would be well to include other clubs in this Bill; but I may point out that the Bill itself is essentially a private one, and that these clubs consider that they have reached such importance, and their operations are of such a size, that they should have special legislation for the purpose of defining the operations of the clubs, and for the purpose of ensuring that their action with the public, and the business they do with the public, shall be subjected to the strictest supervision possible. The Bill itself is practically a copy of the Bill under which the West Australian Turf Club holds its existence. For the information of members I would like to point out that this Bill in no way interfers with the rights and privileges of the jurisdiction of the W.A. Turf Club. There must be a head body to which disputes must be referred in the racing world as in other walks of life. This Bill will not affect the position which the West Australian Turf Club has held with benefit to the State and the public for many years. With regard to the borrowing powers, they are practically the same as the powers in the West Australian Turf Club Act, with the exception that the West Australian Turf Club is not bound to get the consent of a general meeting for the purpose of borrowing: it has only to get the consent of the Governor-in-Council. If members will bear with me a little longer I will just review the Bill, touching upon the various clauses and pointing out whatever I see of interest to members. In the first place members will notice that the purport of the Bill and the justification for bringing it forward is set out in the preamble, which is of considerable length. Members will see by Clause 3 that the power to sue and be sued is vested, as I have said, in the chairman, who must be recorded in the Supreme Court as the representative of the clubs, by memorial. Clause 5 provides that no action can be taken until that memorial, giving the name of the chairman to the Supreme Court, is recorded in that Court. Clauses 6, 7, and 8 deal with the legal status of the chairman. Clause 9 vests in the chairmen of the two clubs the racecourses of which

they have the lease; and Clause 12 vests the land and property in those gentlemen. In Clause 13 members will find there is a difference from the West Australian Turf Club Act, for the reason that the wording of this Bill is that the lands vested in the chairmen are to be held for the purposes of the clubs, and the wording of the West Australian Turf Club Act is that the land shall be held by that body for racing purposes only. I will explain why that is done. It has been the custom, and I presume will continue to be the custom, to allow these grounds to be used for the celebration of trades galas, also for pigeon matches and various other forms of sport; and if these clubs were prohibited, as they would be by the insertion of the words "for racing purposes," from allowing these sports to be held it would work an injustice on those sections of the community who hitherto have made use of the grounds. In Clause 16 power is given, as in the West Australian Turf Club Act, for the committee to make by-laws, and Clauses 17, 18, 19, and 20 provide for the disallowance of the by-laws by the Governor-in-Council if they are against public policy, and for evidence of the existence of such by-laws. Clauses 21, 22, and 23 deal with the exclusion of undesirable persons from the grounds, and for the removal of those persons should they gain admission. Clause 25 gives to the chairman the power which is given to the West Australian Turf Club, to let the lands and buildings. Clause 20 is the first of the financial provisions, and imposes on the chairman certain restrictions at the end of the clause as security for such power. Clause 27 gives power to mortgage. In Clause 30 as the Bill was introduced there was evidently a slip in draftsmanship. Although the Bill provided that the club might borrow £10,000 only, with the consent of a general meeting of members and the Governor-in-Council, in the original Bill it was provided that they could re-borrow without such consent; now in all cases of re-borrowing it is necessary to get the same consent as is necessary with the original borrowing. Clauses 32 to 34 deal with repairs which may be insisted on at the instance of the Minister for Lands; and Clauses 35 to 38 deal with, in the first place, the fidelity guarantees from officers of the club, and afterwards provide that accounts shall be kept and the books balanced and audited at the instance of the Governor. Clause 41 is a usual provision, and provides that if the racecourses are not maintained and used, the land shall revert to the Crown. Clause 43 is the usual provision saving the rights of His Majesty. I have nothing farther to add in moving the second reading, but to again call the attention of members, and I am sure they will agree with me, that these bodies who have constructed in the wilderness a pleasure resort for the public, and have kept that resort for sport, essentially British, who have done the work in a most elaborate (not to say lavish) manner, who have spent their substance there amidst innumerable difficulties, are worthy the consideration of the House; and I think we should do our best for them, and endeavour to place them on as satisfactory a footing as possible. This Bill does not in any way affect the rights enjoyed by other bodies, nor does it affect the privileges and jurisdiction of the main racing body, the West Australian Turf Club.

HON. T. F. O. BRIMAGE (South): In seconding the motion so ably moved by the hon. member, I thank him for the manner in which he has placed the Bill before the House. The racecourses of the two clubs mentioned are the only resorts the public have in connection with the towns of Kalgoorlie and Boulder; and as the mover has stated, nearly the whole of the money received by these clubs has been spent in beautifying these grounds, which are used not only for racing purposes but used by golf clubs, used for playing tennis, and a gala society meets there. The members of the two clubs have long felt the need of some power to sue and be sued, as well as to remove from the grounds any undesirable persons. Of course we all know there are many men in connection with racing who should not be allowed on a racecourse. These men are known to the police, and the only chance which clubs have of removing them is by seeking the protection of the police, though clubs are not always ready to do this. By this Bill, such power is vested in the chairman. I have pleasure in informing hon. members that the

grounds are well kept, and are used as places of resort for the people in those two towns. Great credit is due to the committees of these two clubs in having allowed the public to have free access to the grounds on other than race days. The goldfields, as most people know, are not places where green turf can easily be made or maintained; and what the clubs have done in making their grounds so useful and attractive has been done at considerable expense, so that the grounds are now in every way a pleasure resort for the public. The mover of the second reading has put the matter so well before the House that I need not say more than support the motion.

HON. R. D. McKENZIE (North-East): In supporting the Bill, I am glad to add my testimony to the able manner in which the measure has been placed before the House. The measure will confer great benefits on the two racing clubs, who have by their good and capable management created an oasis in the desert, and have done this without State assistance of any kind, which is exceptional in the case of most recreation bodies throughout the State. One object of the Bill is to create a central legal figure, who can sue and be sued on behalf of the respective clubs. Therefore it will not necessitate the whole of the members of each club being named in any citation to appear before a court. The clubs also wish to have power to make by-laws, under which they may be able to expel or exclude undesirable persons from the racecourses. In connection with the borrowing powers, the difference between the powers given to the W.A. Turf Club and the powers proposed in the Bill to be given to these two clubs is that the W.A. Turf Club has the right to mortgage its rents and profits, whereas under this Bill these two clubs are asking for a right to mortgage their lands and improvements. The reason for this is that the W.A. Turf Club is the superior body over racing in Western Australia, and therefore it would not be sufficient for these two clubs to have power to mortgage their rents and profits, because the W.A. Turf Club could at any moment step in and prevent these clubs from racing on any given day, and in this way the rents and profits would not be a good security for enabling them to obtain advances. The mover was not quite correct in saying that 75 per cent. of the members of each club had to be in favour of borrowing before that could become lawful.

HON. W. KINGSMILL: No; 75 per cent. must be present at a meeting.

HON. R. D. McKENZIE: Yes; that is so. It may also be pointed out that in borrowing money for the purpose of working the totalisator, it will not be necessary under the Bill for a club to get the consent of its members, but only to obtain the consent of the Governor-in-Council, because in fact it would be difficult about race-time to get so many as 75 per cent. of the members of a club to meet for this purpose. I know from experience that these clubs have had to find as much as £10,000 on more than one occasion to work the totalisator satisfactorily, and that has had to be done by giving the joint and several guarantee of members of the committee. This Bill will do away with that necessity, and the clubs can send their application to the Governor-in-Council to get permission to borrow up to £10,000 for this purpose. Under the present lease the two clubs hold, there is no necessity for them to carry on racing at all. The only obligation is to form a racing club, and then the clubs might, if they chose to use their power, prevent the public from going on the ground. Therefore the clubs, in asking for these powers, are really giving a concession to the public. It was mentioned in another place that there was a municipal reccommendation from Kalgoorlie to the effect that the right of access for the public on non-racing days should not be optional with the clubs, but compulsory. I can assure hon. members, as an old member of the committee, that the one desire of these clubs is to provide clean sport for the people, and to keep these grounds in such a state as to be not only a credit to the members of the clubs, but a pleasure to the whole population on the Eastern Goldfields. The committees of the two clubs comprise very representative men; for among them will be found leading commercial and professional men and many leading mining people, who do the work without any emolument, and do it for the pleasure they derive and for the pleasure they give to the public in being able to run these clubs and keep such beautiful grounds for

the public enjoyment. In addition, the Kalgoorlie Race Club alone has given £10,000 to local charities, and the Boulder Race Club has given an almost equal amount; so that these clubs are not only non-proprietary in character, but are doing good in many ways; firstly by assisting in charities, secondly by providing parks for the public, and thirdly by using their extensive revenues in employing a large number of men on race days in running the totalisator and for other purposes. I believe they expend between £200 and £250 daily in salaries and wages at race times. When the Bill is in Committee, if members wish for any farther information I shall be pleased to give it. The two clubs are anxious to have the Bill passed, so that they may have time to make their by-laws before the next round of race meetings comes on early in the new year. I commend the Bill to the House.

HON. W. T. LOTON (East): It seems to me that the main departure in principle embodied in the Bill is to give to certain leaseholders the power to borrow certain sums of money on leasehold land, and converting that leasehold land into freehold as security for the money advanced. It is proposed in the Bill to give power to borrow money up to £10,000; and as security for repayment of moneys so borrowed and for interest, Clause 27 provides power to mortgage the land and hereditaments in fee simple or for any term of years; also that the land so mortgaged "shall thenceforth be held and enjoyed by the mortgagee" . . . "freed and absolutely discharged from the trusts to which the same may for the time being be subject." The point is that this land is leased for specific purposes, and the clubs are to be empowered to borrow money for certain improvements. Then supposing a club has borrowed a certain sum of money and is not able to repay it, or gets into arrear in the payment of interest, the mortgagee is put in a position to proceed to sell the leasehold, about 130 acres, as though it were a freehold. That seems to me the only grave responsibility which Parliament is taking in allowing the Bill to go through. I only rose to draw the attention of members to this point.

HON. W. KINGSMILL: Read Clause 41 along with Clause 27 you have quoted. That provides sufficient protection.

HON. W. T. LOTON: There is some protection in Clause 41; but there is the liability I have pointed out, that this leasehold land is practically converted into freehold for mortgage purposes, and the property may be sold as freehold for recovery of the amount due. So the Bill practically converts a leasehold of 99 years into a freehold under certain conditions.

HON. R. D. MCKENZIE: We have £30,000 worth of improvements on the Kalgoorlie course at the present time.

HON. R. F. SHOLL: This is an important Bill, and we have only had it placed on the table to-day. I move that the debate be adjourned.

Debate adjourned.

ADJOURNMENT.

THE MINISTER FOR LANDS, in moving the adjournment of the House, said: I hope the select committees on the Aborigines Bill and the Public Service Bill will push on with their work, so that we may have something to do when the House meets again.

The House adjourned at twenty minutes past 6 o'clock, until Tuesday, the 29th November.