

Legislative Council,

Tuesday, 4th August, 1914.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, By-laws of the Municipalities of (a) Narrogin, (b) Coolgardie; and (c) Leonora. 2, By-laws of the Roads Boards of (a) Yalgoo, (b) Cue-Day Dawn. 3, Mines Department, report for 1913. 4, Education Department, amendment of regulation. 5, Metropolitan - Suburban Province election, papers (ordered on motion by Hon. J. Cornell). 6, Government Tramways, receipts and expenditure for quarter ended 30th June. 7, Government railways (a) returns for quarter ended 30th June, (b) report for quarter ended 30th June.

QUESTION—AGRICULTURAL AND PASTORAL INDUSTRIES, EMPLOYMENT.

Hon. R. G. ARDAGH asked the Colonial Secretary: 1, What are the latest figures available stating the number of persons employed in the agricultural industry? 2, The latest figures available stating the number of persons employed in the pastoral industry? 3, The total number of the white race employed in the agricultural and pastoral industries? 4, The total number of other races employed in the agricultural and pastoral industries? 5, The latest figures giving the amount of money spent in machinery

for agricultural purposes? 6, The latest figures giving the amount of money paid in wages for agricultural and pastoral purposes for the two years ended 31st December, 1913.

The COLONIAL SECRETARY replied: 1, 18,519 males, 4,010 females; total 22,529. 2, 4,857 males, 1,807 females; total 6,664. 3, 20,546 males, 4,269 females; total 24,815. 4, 2,830 males, 1,548 females; total 4,378. 5, Information not available. 6, Information not available.

QUESTION—HARBOUR DEPARTMENT, BROOME.

Hon. J. J. HOLMES asked the Colonial Secretary: 1, Is he aware that when the s.s. "Bullara" arrived at Broome on Saturday night, 25th inst., carrying mails and passengers, there was no officer of the Harbour Department available to berth the steamer? 2, That there was no tram provided to take passengers and mails from ship's berth to the township of Broome? 3, That the passengers, some 20 in number, had to walk from the steamer to the township on Sunday carrying their luggage? 4, That the mails were left at the wharf until Monday morning, 27th inst.? 5, If so, will he take the necessary action to prevent a recurrence of this unsatisfactory condition of affairs?

The COLONIAL SECRETARY replied: 1, Yes; but two employees of the department received the ship's lines, and their overtime was signed for by the ship. 2, Yes; but when a vessel is remaining in port till late the next day, it has not been found necessary to send the tram to meet passengers at midnight, as it is customary for them to stay on board till morning. No application was made by the postal department for mails, and no complaint received from that department, nor from passengers, as to the tram not being in attendance. 3, No; but passengers, if they so desired, could have other means of transport from the jetty to the township. 4, Yes; but the post office did not require the mails before Monday, as there is no delivery on Sundays. 5, The matter will

be further looked into, and any necessary action taken.

QUESTION—FREEZING WORKS, WYNDHAM.

Hon. J. J. HOLMES asked the Colonial Secretary: 1, In view of the contract entered into between the Federal Government and an English company for erection of meat works at Port Darwin, and the probability of all cattle from East Kimberley going in that direction, is it the intention of the Government to erect works at Wyndham and thus conserve the State's trade and the State's supplies for the State's consumers? 2, If so, will provision be made in this year's Estimates to commence the works?

The COLONIAL SECRETARY replied: 1 and 2, Inquiries are in progress, and a complete statement of the Government's intentions will be made at an early date.

QUESTION—RAILWAY SERVICE, MENZIES-LAVERTON.

Hon. R. G. ARDAGH asked the Colonial Secretary: Realising that a large increase in the population of Laverton and district has recently taken place, owing to the revival in mining, and the revenue derived from the railway between Menzies and Laverton has considerably increased during the present year, is it the intention of the Railway Department to increase the railway service between the two towns previously mentioned?

The COLONIAL SECRETARY replied: The question of increasing this service has been under consideration for some time past, and although there is a slight increase in traffic, the present service is capable of dealing with it and there is nothing to justify any immediate addition thereto. Should it be found in the future that the existing train service is insufficient for the traffic offering, the question of running an additional train between Malcolms and Laverton will receive consideration.

SITTING HOUR, THURSDAY.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3:38] moved

That for the remainder of the session, or until otherwise ordered, the Council do meet for the despatch of business at 3 p.m. on Thursday in each week, instead of at 4:30 p.m., as at present provided by Standing Order 48.

He said: In submitting the motion, I desire to point out that this session will be of short duration; it is anticipated that it will end this month. Very important measures are coming down and they will require some consideration, and if the convenience of country members is to be considered and if we are to avoid sitting after a quarter past six on Thursdays, it will be necessary to meet earlier as we did last year. Of course towards the end it may be necessary to sit even on Thursday nights, but I can assure hon. members that I will not ask them to agree to that unless it is absolutely necessary.

Hon. J. F. CULLEN (South-East) [4:40]: I do not think there will be any objection to this proposal of the Minister, but I am a little surprised to hear him say he hopes to get the business of the session through by the end of the month.

Hon. C. Sommers: Do not discourage him.

Hon. J. F. CULLEN: As a matter of fact, no business has come up yet, at any rate, nothing of any importance.

Hon. W. Patrick: There is plenty coming.

Hon. J. F. CULLEN: A great amount of business has been announced in another place, but I would like the Minister to tell the House when the Government intend to hold the general elections. I raise the point especially to ask that the general elections shall not be delayed until harvest time. Harvesting operations will begin early in November and it will seriously affect the exercise of the franchise by an important section of the people if the elections are delayed until then. I shall be glad to hear from the Minister that the general elections will be held as soon as possible after the expiration of the present Parliament by effluxion of time.

The COLONIAL SECRETARY: (Hon. J. M. Drew—Central—in reply): I have no exact idea as to when the general elections will be held. The matter so far has not been decided.

Question put and passed.

BILL—ELECTORAL ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—ROAD CLOSURE.

Read a third time and transmitted to the Legislative Assembly.

BILL—MELVILLE TRAMWAYS.

On motion by Hon. D. G. GAWLER, Bill recommitted for the further consideration of Clause 3.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill. Clause 3—Borrowing powers:

Hon. D. G. GAWLER moved an amendment—

That in lines 3 to 5 of Subclause 2, the words "and shall not be subtracted from seven times the average revenue of the board in making such estimate" be struck out.

A mistake has occurred with this clause. It deals with the borrowing powers and refers to part 7 of the Roads Act, 1911. That part of the Act of 1911 relates to the amount which may be borrowed. Paragraph (a) of Section 257 provides that the money borrowed shall not exceed seven times the average ordinary revenue of the Board, and in paragraph (b) of the same section it is declared that the amount shall not exceed, in the case of any board already indebted, the difference obtained by subtracting from ten times such average revenue, the balance remaining unpaid of any previous loans. It is clear that a mistake has occurred in the Roads Act. In framing Clause 3 of the Bill before members, the draughtsman has put in the words I propose to strike out, which

obviously refer to paragraph (b) of the Act. If he had inserted anything, it should have been "ten" and not "seven." The amendment will avoid all reference to the term of years, which is really a surplusage.

The Colonial Secretary: The words are unnecessary?

Hon. D. G. GAWLER: Yes, and in addition they confuse the error in the Roads Act.

The COLONIAL SECRETARY: I offer no objection to the amendment at this stage. The words appear to be unnecessary, and after what the hon. member has stated the amendment seems to be desirable.

Amendment put and passed; the clause as amended agreed to.

Bill again reported with an amendment.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th July.

Hon. D. G. GAWLER (Metropolitan-Suburban) [4-47]: I do not propose to say very much on this Bill, because hon. members will realise that, with the exception of the clause dealing with compulsory insurance, we have discussed the matters contained in this Bill over and over again, and of course it is open for us to discuss each clause in Committee. But we are entitled to an explanation from the Government, considering that we have discussed all these matters and decided on them, as to what has occurred since to make it necessary to bring them up again. They are all old friends, with the single exception I mentioned. We have the malingering clause, the one-week clause, the liberty of the employee to make application for commutation of the compensation into a lump sum, and also the definition of a worker which was fixed at £300 in the Bill last session. I do not intend to discuss these matters clause by clause, as we shall be able to do that in Committee. In most cases the Government are not following on the same lines as the Acts which are in force in other States. I do

not wish to say that the Government are bound to do so but where the other States have adopted certain principles and certain aspects in regard to this question, it is due to us that the Government should say why these recognised principles should be departed from, especially when such a measure was passed in Victoria so recently as the 21st February of this year. In the Victorian measure the malingering section appears, and there is no liberty to the employee to apply for the commutation of the amount to a lump sum. These comprise two of the most important provisions of the Bill. There is also a much smaller amount under which a man shall be deemed to be a worker and entitled to claim compensation in the Acts of all the other States than is proposed here. Hon. members will recollect that last session we decided on £300 as the maximum which a man should receive to be deemed a worker under the Act. The Government now seek to quarrel with that, and to restore the amount to £350. They also seek to expunge the malingering clause, and to give the worker the right to have the payment commuted into a lump sum. One of the most important clauses in the Bill undoubtedly is that providing for compulsory insurance. I would like to refer to Clause 4 under which the Minister seeks to allow, in the case of scheduled injuries, the worker to obtain a lump sum as compensation.

Hon. J. F. Cullen : Straight away ?

Hon. D. G. GAWLER : Yes. In this connection the Minister will experience difficulties in estimating the lump sums. No power is given to anyone in particular to estimate what the amounts will be. The schedule of the Act contemplates a weekly payment, and the percentage is fixed in regard to the weekly payment, but not the amount which it would represent in a lump sum. If the Minister investigates the matter, he will find it very difficult to make these ratios apply to a lump sum. I do not know how it will be done. He will probably say that the same provision appears in the New Zealand Act, but there is a provision

in that statute that such things as interest or discount, as it is called there, and back payments made shall be taken into consideration in estimating the proportion of a lump sum. We have no such provision in this measure ; therefore if a man is injured and at some time within six months asks for a lump sum there is no provision to indicate whether back payments shall be taken into consideration, or, inasmuch as the compensation provided for is a weekly payment, whether the employer shall not be allowed discount for paying a lump sum. This very point has raised great difficulties in New Zealand. If the Minister looks at the case of *Rough v. Prouse Lumber, Ltd.*, he will find that considerable difficulty was experienced in regard to the construction of the provision. With reference to obligatory insurance, the point I dislike is the State insurance department, because it really means that the Government intend at some time to establish a State accident insurance department. This is another of the Government's State trading concerns, and I have a very strong objection to them. At the present time, so far as I can judge, in view of the situation in Europe, business men are likely to suffer loss, and the Government will find that they will lose in common with other people. The Government will probably be sorrier than they are now after they have embarked on some of these additional concerns. The Government's function is to govern, and not to try to interfere with private enterprise, and if the Government do so they will have to take the same risks and losses as private enterprise is liable to sustain. As a contributor to the general revenue, I for one object to paying these losses. The Government have plenty of work to do to govern, and they should confine themselves to this work. However, this deals with the principle. This clause may be taken to allow the Government to enter upon this State trading concern.

Hon. J. F. Cullen : The clause does not authorise that.

Hon. D. G. GAWLER: No, but undoubtedly the Government will do so.

Hon. W. Kingsmill: It agrees to the principle.

Hon. D. G. GAWLER: Yes, and will give the Government a loophole to say to the Council—"You passed the Workers' Compensation Bill in which it was contemplated that we should establish a State accident insurance department." On reading the latter portion of the clause, I find that it is not to come into operation until a date fixed by proclamation. This is obviously intended to allow the Government to establish the department first. When the Workers' Compensation Bill was originally before the House, there was some mention of a State insurance department being established, and an amendment was moved to strike out the reference. The Minister agreed, and stated—"Yes, what is the good of putting it in. There is no department in existence, and we can wait until there is one." We may now use the same argument to the Minister, "Wait until there is a State insurance department, and then consider the insertion of such a clause." Whether on principle it is advisable to make it obligatory on every employer, irrespective of his ability to afford it or not, to take out a policy of insurance, will be a matter for considerable discussion. From the point of view of the worker, it is in his interest to have a fund to come upon. At the same time it will work hardly on the small employers who cannot afford to insure. The Bill will lend itself to more detailed discussion in Committee, and with these few remarks I support the second reading.

Hon. J. F. CULLEN (South-East) [4-56]: I will not at this stage discuss the incidental reference to the State insurance scheme; it can be discussed later on when it is proposed. The Minister would be wise to omit the reference from this Bill. There is no need whatever for it. It is merely an incidental reference which has no concern with this Bill. I dislike pottering with such a question as workers' com-

pensation in a Bill of this description. The present Act is a compromise arrived at after very mature consideration by both Houses of Parliament, and especially by this House and it is a good working measure. It is a pity to bring up such a question every session. Even if the Minister had some good amendment to propose, it is a pity to potter with great questions by introducing little proposals for amendment. I differ from the hon. Mr. Gawler with regard to clause 7. I think the only legitimate clause in the Bill is that compelling employers to make adequate provision for the payment of compensation. There are numbers of employers who need this provision by Act of Parliament. There are numbers of employers to-day who are exposed to enormous risks, and have never studied the question. I have spoken to many of them and said—"You are employing labour and any day there might be a serious accident. Can you meet it?" Many of them have never considered the liability which they are under. This is bad for themselves, and it is bad for the men who are relying on this Act of Parliament. I think it is quite a proper thing to provide, as in this Clause 7, that every employer of labour shall somehow, either by a scheme agreed upon between himself and his employees or by taking out a policy in some firmly established insurance company, provide to meet the demands of the principal Act. I am quite in agreement with Clause 7, although I say I do not like frequent amendment of important Acts of Parliament. I consider that Clause 7 is a workable clause, and that it will not be weakened by omitting the incidental reference to State insurance, which can come on upon its merits when the Government is prepared with the scheme. Every employer, the moment the principal Act came into force, should have provided to meet its demands by insuring. I would suggest, or even strongly recommend, to the Minister to omit the reference to State insurance. There is no need for it, because, should a system of State insurance be established, it will at once take its place as one of

the forms of insurance which can be resorted to under the present law. I wish to impress upon the Government the objections raised by the hon. Mr. Gawler to Clauses 4 and 6. The question underlying these two Clauses was fully argued in this House during the session of 1912. The view taken was that it is a dangerous thing to set up a temptation to malingering, and that that is the result of leaving it in the power of an employee to go to the Court and claim capitalisation of his compensation. It is quite a different thing to give that power to the employer: an entirely different thing. The employer cannot mangle, and he cannot get any advantage over his employee by going to the Court and saying, "Now that sufficient time has elapsed to enable the court to judge what the nature of the injury is, and what its probable duration will be, the court is in a position to fix the capital sum by which the whole claim can be settled." It is quite a different thing to say to an employee "If you can manage to mangle for a certain time you can go to the court and get a lump sum instead of a weekly payment." This is no imaginary danger. Hon. members know well of a case which occurred not long ago where a malingeringer was caught through trying the same trick twice, claiming on the same kind of accident twice. When he came up for the second time, he was found out. Why should we put a premium on malingering, or a temptation to mangle? Clause 4 is an exacerbation of Clause 6.

Hon. J. W. Kirwan: There is no connection between the two.

Hon. J. F. CULLEN: It is a worse clause than number 6. Clause 6 provides for the claiming of a lump sum after six months, but Clause 4 provides that under a certain schedule a claim may be made any time within the first six months. Why on earth there should be a limit to the first six months, I do not see.

Hon. J. W. Kirwan: Suppose a man cuts his finger off, the injury is so apparent.

Hon. J. F. CULLEN:¹ Not necessarily. If his head were cut off, then of course it would be a settled case; but there are so few cases of that nature, they are so exceptional, in which the effects could be properly estimated, say on the second day after the accident. Under this clause the claimant could come at any time within six months, say on the second or the third day after the accident, and put all the machinery of the Court in motion to get a capitalised sum for his injury. To my mind that is preposterous. There is so little in the Bill that is really of value—I can only see any value in Clause 7—that, as I said before, it is a pity the Government potters with this important Act of Parliament. I have no objection, however, to the Bill going into Committee, when I shall vote for Clause 7, with certain modifications. I shall, however, certainly oppose Clauses 4 and 6.

Hon. Sir E. H. WITTENOOM (North) [5-6]: I am rather in accord with some of the remarks which have fallen from the hon. member who has just resumed his seat, as to the want of necessity for bringing in this Bill at the present time. The measure does not seem to be of a highly important nature, and in looking through the speech made by the hon. Mr. Dodd in introducing it I do not see that the reasons he advanced are of such a nature as to call for extreme urgency, more particularly during what we expect will be a short session. It would perhaps have been as well to defer this measure until some other time. The Workers' Compensation Act is, as we all know, a most important measure, and a medium of peaceable working between capital and labour. So far as I understand the subject, the Act has been fairly successful in carrying out the objects for which it was passed. The amendments proposed under this Bill may be of service, and in any case I have taken the trouble to go into them fully. I have listened with interest to the remarks of the hon. Mr. Gawler, because I understand that hon. gentleman has received some opinions from influential people in one part of the State and another. Now to go into the Clauses,

I find that Clause 2 amends the definition of "worker" in extending the amount of annual earnings from £300 to £350. Of course, £350 seems rather a large sum, and the proposed amendment will make the operation of the principal Act extremely comprehensive. In view, however, of the remarks which have fallen from the hon. Mr. Dodd, and upon careful consideration, I have come to the conclusion that I cannot see my way to offer any objection to this amendment. I think that perhaps it will be good to have this extended definition of "worker" established, and so include in the operation of the Act the people to whom this amount of £350 refers.

Hon. J. F. Cullen : But cannot a man earning £350 a year insure himself ?

Hon. Sir E. H. WITTENOOM : Wages awarded by the Arbitration Court are so high now that the sum of £350 is very nearly paid to workers in some instances. The hon. Mr. Dodd in the course of his speech said that many workers, shift bosses for example, are receiving £6 a week. That amounts to £312 a year, and therefore such men cannot be included in the operation of the Act unless the definition of "worker" is extended to include men earning over £300 per annum. Perhaps the amount of £350 errs on the side of liberality, and the House in agreeing to it may possibly get credit for liberality, if we get credit for nothing else.

Hon. J. F. Cullen : We will not get any credit.

Hon. Sir E. H. WITTENOOM : Then we shall have the reward of feeling that we have done the right thing. I come next to Clause 3, which proposes to amend the principal Act by repealing the following words—

The employer shall not be liable under this Act in respect of any injury which does not disable the worker for a period of at least one week from earning full wages at the work at which he was employed.

Of course, the argument which has been put forward for retaining that paragraph of the principal Act is that there is a liability on the part of some workers to malingering ; that is, to pretend that their in-

juries are much worse than they really are, and as a result to get excessive compensation for them. It is argued that unless that limitation of a week is insisted upon, such persons may often get two, three, or four days' pay for some little injury which, under the week's exclusion, they would go to work with. That is the argument. However, on looking into the matter carefully it has been taken into consideration that if the injury continues for over a fortnight a man gets paid from the date of the injury ; and from information I have received—and I repeat, I have gone carefully into the subject—I learn that if there is any malingering—of which there is not very much evidence—the inclination would be stronger to malingere in order to get a fortnight's pay than in order to get one or two days' pay. In many cases a man would have difficulty in getting a doctor's certificate for two or three days' incapacitation—and a doctor's certificate is indispensable. If a man malingered at all, he would do so under the present Act : malingere for a fortnight and get payment for the whole fortnight. Therefore I am prepared to support the adoption of this amendment and its embodiment in the principal Act. Clause 4 is one which I really do not understand. I must say that this clause is so conflicting and so involved that I have had difficulty in arriving at any understanding of it at all. The draftsmanship of the clause is exceedingly bad. The clause talks about compensation for injuries mentioned in the first column of the second Schedule to the Act. Now, if one turns to the second Schedule, one finds there is no column at all.

Hon. D. G. Gawler : The second schedule to the Act ; not to the Bill.

Hon. Sir E. H. WITTENOOM : There is no column in the schedule to the Act. I do not understand the clause. However, Mr. Dodd has kindly pointed out to me what the provision really does mean, and it appears that the words in the schedule are in one column, and the figures in another. That, certainly, is not very clear to the ordinary man. However, this amendment is one of which I should like to hear some further

explanation before I have anything to say on it. Clause 5 is, of course, naturally cut out, consequent upon Clause 3. Clause 6 is not quite such a simple Clause as it seems on the face of it. It provides that in any case where payment is continued for six months the injured worker may approach the Court and arrange if possible, either in agreement with the employer or not, for a lump sum payment. It is desired to extend this right to the worker. At first sight it seems unjust that the employer should have the right and that the worker should not. Cases have, however, occasionally arisen where the injury has been of such a nature that a period of six months is by no means sufficient to determine the duration of incapacitation. One or two cases have been cited to me in which at six months it had been considered that the injury was permanent, or of a very grave nature, and an amount of money had been awarded on that assumption, and then, after nine or ten months, the injured person had proved to be perfectly well. Therefore, it is contended that six months is not sufficiently long to allow of judging whether a serious injury is permanent or not. If the employer should go to the Court and say, "I am prepared to give so much," well and good, there is nothing more to be said. But if the employer is to be forced by the injured man, the claimant, to go to the Court, and if an award may be given by the Court for an injury as to which no one, not even the physician, can tell whether it is permanent or not, that is inequitable. Therefore there is a certain amount of danger in connection with the clause and it requires careful consideration. After hearing the arguments of others in Committee, I shall be prepared to make up my mind definitely about it. Clause 7 contains a very important provision. Hitherto an employer has only been compelled to pay. He has not been compelled to insure. There is a good deal of difference. The employer may be compelled to pay, and may not be able to do it, for the reason that he has not insured. Therefore there is a certain amount of reason in providing that all

employers shall insure. Personally, I have no objection to that provision, but I would like some information as to whether large companies will be permitted to do their own insurance. The proviso prescribes that this clause shall not apply to any employer who, in accordance with regulations to be made by the Governor, shall have established to the satisfaction of the registrar an insurance fund to insure to such employer indemnity of liability under the measure. This may be construed to mean that a company can do its own insurance, provided it satisfies the registrar that it is capable of carrying out its scheme of insurance. If that is the correct meaning, I think the clause ought to go a little further and empower companies to do their own insurance. I am quite in accord with the provision that the employer shall give satisfaction to the registrar, but I do not think it should be left entirely to the arbitrary discretion of the registrar. Something should be inserted in the form of a scale, either per head or percentage of wages, or something of that kind. Any one man left to make conditions of this kind might make them irksome. The registrar is only a man and is not experienced in everything, so I think the liability or the amount should be described as per head or percentage on the wages. Most large companies, I think do insure, so that they will be prepared to pay their employees compensation for any accident, but on the other hand there are some who have not done so. As one hon. member remarked, there are probably many employers in the farming and pastoral industries who scarcely know that they are liable, and if a man were seriously injured at his work it is quite probable that the employer could not pay the compensation demanded. Altogether, I think it would be wise to have a scheme of insurance, but whether it should be done by a State insurance department or by the employing company, I am not prepared to say. The Government have their hands pretty full in other ways just now, and in view of the sensational developments in Europe, I hardly think it would be a profitable

proposition to initiate a State insurance department at the present juncture. However, if the Government are prepared to do this I can guarantee them a good deal of business, especially if they undertake to do it at the same reasonable rate as, I understand, they sell their meat.

Hon. J. CORNELL (South) [5-28]: It has been said that speech was given to mankind to conceal their thoughts. The three hon. members who have gone before me illustrated this very well.

Hon. J. J. Holmes: What was it given to you for?

Hon. J. CORNELL: To make a noise with, just as you do. Mr Gawler has traversed the Bill, and I do not know now whether or not he is going to oppose it in Committee. Mr. Cullen favoured one clause, except for a proviso which, if struck out, would make the Bill inoperative. Sir Edward Wittenoom has decided to reserve that profound and mature judgement for which he is noted until we reach the Committee stage.

Hon. Sir Edward Wittenoom: No, I agreed to four of the clauses.

Hon. J. CORNELL: Mr. Gawler asked what has occurred to bring up this matter again. I think two years' working of any measure is sufficient to conclusively prove its utility or inutility, whether the wishes of the Legislature were clearly expressed in the phraseology of the measure or not. That is one reason for bringing up the Bill, namely, that the Act has not worked out as the Legislature thought it would. Mr. Gawler declared that the malingering sections of a Victorian measure of recent date had been copied from our Act.

Hon. D. G. Gawler: I did not say they had been copied from us.

Hon. J. CORNELL: Frequently it is asked in the House where this or that provision in a Bill comes from. The marginal notes are tobogganed down to find reference to other Acts, and if there are no such references it is deemed sufficient for the defeat of any such provisions. When are we going to build for ourselves? If, in the working of our legislation, we find that a measure is capable of modification or worthy of improvement, surely

there are men in Western Australia of sufficient ability to draft the wishes of those who have the working of the measure. I do not believe in hanging on to the tail of any coach. If we can make an improvement in our laws we should do it ourselves, and not borrow from other people. The hon. members who have preceded me have not had much experience of the Workers' Compensation Act. It is generally accepted that outside one or two industries in the State there are very few accidents and, in consequence, the employers in the other industries do not come into such close contact with this measure as do the employers and the workers in the more dangerous industries. My belief that the definition of "worker" should be improved is supported by a recent case in which the relatives of the deceased were debarred from receiving compensation under the present law. It was the case of a shift-boss who was killed on the Ida H. mine. At the time of the accident the victim was in receipt of a weekly wage, which if he had been receiving it for 12 months, would have brought him outside the pale of "worker." It has been found under the working of the Act that a workman could work for nine months at the rate of £300 a year and if he worked for one month at a salary of £7 or £8 a week and was killed while engaged in that class of work his dependents could claim no compensation. That has been proved. There probably would be a way of getting over the difficulty, but only by making invidious comparisons between workmen. I think the £350 in the mining industry—which I venture to say pays the highest rate of wages to foremen—will have very little effect, except to safeguard the repetition of such accidents as I have mentioned. There can be no objection raised to this, and there is no other way of getting over the difficulty, except by invidious comparisons between the workers. Let us come to the proviso, the striking out of paragraph (a) of Subsection 2 of Section 6 of the principal Act. When the measure originally came down from another place this proviso was not included, and the Bill provided

for compensation from the date of the accident. In consequence of that being struck out this proviso was inserted. I said at the time, and I say again, that the existing proviso is better calculated to encourage malingering than if compensation were paid from the date of the accident. This has been proved in the mining industry. The Act as it now stands provides that if a man was off for 8 days he would get one day's compensation, but if he was off for 14 days he would get 14 days' compensation. If a man was receiving £4 a week and was off for 9 days, he would get half wages for three days, whereas by stopping off for another three days he would receive his full £4 for the week. The Kalgoorlie and Boulder miners' accident pay has now reached the enormous proportion of 68 per cent. of the contributions, and there is not a miners' union official in the State to whom it has not been conclusively proved by the increased contributions that malingering is abroad.

Hon. J. F. Cullen : That is a serious charge.

Hon. J. CORNELL : It is generally accepted by the insurance companies. It is only human. When the hon. member rises in the House and prates about thrift and enterprise of the individual to make money if he can, he advocates a policy of which this is only an echo. By agreeing to the amendment we will have the approbation of the insurance companies and the mining unions also. We will then put the worker in a solvent position, and if he is off for one day he will get his accident pay and no more. So far as a doctor's certificate is concerned, it is not worth a snap of the finger. A doctor will give you a certificate for anything. Hon. members know that throughout the length and breadth of the Commonwealth there are the medical funds of friendly societies to which men contribute so much a week, and that when the doctor is called in to look at any one of them he will just glance at them and give them a certificate. A certificate is no safeguard. We should recognise these facts and also recognise that

a doctor has to get his own living. If a man thinks he is sick there is nothing coming out of the doctor's pocket if he agrees with him and gives him a certificate accordingly.

Hon. J. F. Cullen : That is rough on the employers.

Hon. J. CORNELL : We now come to the proposal dealing with the second schedule, and the insertion of the words, "If within six months from the occurrence of the accident, the claimant so requires, be a lump sum payment to." I was under the impression that when the second schedule was inserted in the Bill, if a man lost an eye, or suffered any other injury mentioned in the schedule, he could demand the amount set out in the schedule, subject to a deduction of any amounts he had already received in weekly payments. I want to make the position quite clear to Mr. Cullen, that there is no connection whatever between the proposed amendment in paragraph 4 and that contained in paragraph 6.

Hon. J. F. Cullen : No one said there was.

Hon. J. CORNELL : The Honorary Minister (Hon. J. E. Dodd), by way of interjection, said that if a man lost a finger that would be an injury which would be apparent. The hon. member doubted that and he was then asked to try it and see for himself. Every injury that is contained in the schedule is an outward injury with the exception of the complete deafness of one ear. They are injuries that can easily be ascertained by almost any layman. My idea was that they would get a lump sum, but such is not the case. I will say, however, that I have known of several cases on the Golden Mile where, on the loss of an eye, the mining company has paid the man what was thought to be the intention of the House in regard to the measure, and that such an individual got a sum of £200 for the loss of his eye. There was no quibble over the matter, no capitalisation, and no discount. He got the full amount.

Hon. Sir E. H. Wittenoom : He got 50 per cent. of the compensation ?

Hon. J. CORNELL: Yes, he got the full amount without any quibbling at all. This happened on the Associated Gold Mine.

Hon. Sir E. H. Wittenoom: Was it 50 per cent. of his wages?

Hon. J. CORNELL: He received 50 per cent. of the total amount he would have been given if he had been totally incapacitated. There are other places where men have applied for this to be done, but have been left in this position, that they could have their half wages, or if they were given a lump sum the employers would want something off by way of discount. As the measure stands, it is absolutely unsatisfactory. Those who take a liberal interpretation of it are doing a just thing, but sooner or later those who do the just thing will be forced to fall into line with those who are doing an unjust thing, because it will be profitable for them to do so. I can see nothing wrong with the amendment. If the worker desires within six months to make application for a lump sum I certainly think he should get it, and I think it was the intention of the House that this should be done.

Hon. Sir E. H. Wittenoom: Who decides the amount?

Hon. J. CORNELL: The schedule will decide the amount. If it is not clearly contained in the amendment that consideration shall be given for any amount that the injured man has already received by way of weekly payment, I am perfectly satisfied that the Honorary Minister will agree to such an amendment. Of course, the extent of the injury has to be taken into consideration. As I have said before, in a case of the loss of an eye, the injury is apparent, and, furthermore, any one who loses an eye has his other eye considerably weakened.

Hon. F. Connor: Supposing he only had one eye to start with?

Hon. J. CORNELL: Then I suppose he would get the full amount of compensation that he would be entitled to for total incapacity. If a man got the £200 at once, which he would eventually get if he stopped on at half wages,

that man might be able to do a little for himself.

Hon. Sir E. H. Wittenoom: There ought to be discount for cash because the man does not have to wait.

Hon. J. CORNELL: I do not have to wait for my wages, but I do not see why anyone should ask me to give discount. If a man can work he can get his wages. If he is injured the compensation he is to receive is set out here, and he should get the full amount here stated. If men did so receive the full amount of compensation there would probably be many who to-day are a burden upon the community, but who, with their compensation, would be able to start some little business, and would in that way not become a burden upon the community. I hope the House will give that consideration to the proviso which it deserves. The proviso in Section 5 is, I think, covered by Section 3, which refers to payment from the date of the accident.

Hon. Sir E. H. Wittenoom: That is consequential.

Hon. J. CORNELL: We now come to paragraph 6, where the principal Act sets out certain payments for all apparent injuries, that is to say, injuries about which there is very little doubt, and when you need not call in any medical skill to determine them. I take it that Section 6, which is now confined to the employer, who after six months may apply to the court in respect to a lump sum, would only apply to injuries of such nature that scientific investigation would have to determine.

Hon. Sir E. H. Wittenoom: It does not say so.

Hon. J. CORNELL: Some of the speakers, during their remarks, took exception to a worker, probably a day after he had lost his eye, applying for the full amount named in the second schedule of the Act. Now, under this section the employer cannot enforce a settlement until six months after the date of the injury. It has been pointed out by Sir Edward Wittenoom that, at first sight, the proviso appeared to be a just one, but that on a second sight

it did not so appear. Personally, I think, the longer one looks at it the more just does it become. Sir Edward Wittenoom has said that a man is malingering for six months.

Hon. Sir E. H. Wittenoom: I did not say so.

Hon. J. CORNELL: The hon. member suggested that if, after six months, the employer got tired, he might cite the employee in the court and give him a lump sum, and that a few months afterwards the man might be perfectly well and able to go to work.

Hon. Sir E. H. Wittenoom: On a point of explanation: What I said was that a settlement had taken place at the end of six months on an injury that previous medical officers thought was a permanent one; but that it had turned out that it was not so, and that the man was well within nine or ten months. I did not say anything about malingering at all. What I suggested was that a mistake might be made on the part of medical officers in saying that an injury was a permanent one, and that whereas it might be cured within a much shorter time, six months was not a long enough time to arrive at a conclusion.

Hon. J. CORNELL: I accept the explanation of the hon. member. His position is now that within six months after the date of the accident the employer can apply to the court for a lump sum. We desire that the employee should be enabled to do likewise. When one comes to examine our laws one finds that if some hon. member who possesses a motor car runs over a man in the street, that man can sue the hon. member for damages, and these damages may be of such a nature that the best of medical skill has to be called in to determine the extent of the injuries, so that the damages to which he is entitled may be ascertained. If that is a fair law to which a man who is, say, a mine worker can refer, when he is injured in the street, I think it is only fair that he should have the same privilege when he is injured at his trade or calling.

Hon. Sir. E. H. Wittenoom: They are not parallel cases.

Hon. J. CORNELL: The hon. member says they are not parallel cases, but I submit that they are. The law, as it now stands, gives the workers no right. If you make it 12 months you might be doing something towards remedying the matter. Under other laws he has every right to sue for injuries received at the hands of any person. This House surely desires to be just to the workmen and to the employers. This provision is like many other bogies that dangle and dance before the eyes of hon. members, who are afraid that it will work out to their detriment. I have had considerable experience in the mining industry, where a large number of accidents take place, more, probably, than in any other industry in the State. I think that, instead of this being a hardship upon the employer, it will come out in much the same way as the weekly payments, and will be a benefit to him and not a detriment. I am in accord with Section 7, which has one object only and that object is that every worker as defined in the Act shall receive the benefits of the Workers' Compensation Act. We know of numerous cases which can be cited where he does not receive the benefit, and where the employers dodge their obligations. To provide ways and means for compulsory insurance is a very big question, but there is this point, which has not been touched upon by the three previous speakers, namely, who is going to carry the risk? If members will take their minds back and recollect the inclusion of industrial disease in the New Zealand Act, they will find that no insurance company in New Zealand would take the risk, and, as a consequence, the New Zealand Government had to do so. There is no intention on the part of the Government, as far as I am aware, to compel those persons or companies that are running their own insurance concerns to come under the State insurance scheme. There is no such intention and I do not believe it will ever come about. The idea is that nobody will take up the risk and if

there is no one to take up the risk, and insurance is made compulsory, there must be some institution to cover that risk. Mr. Cullen said that he would willingly agree with the clause if State insurance was struck out. I will ask the hon. member when we get to the Committee stage to devise some scheme whereby he can get any company to take a risk from a man of straw. I say it cannot be done. It is the State, acting as the insurance company, who will take the risk, and who will take the risk which is made obligatory by law on the employer.

Hon. J. F. Cullen: It does not matter if the person is a man of straw or not, if he pays the premium.

Hon. J. CORNELL: I have stated a case where they would not take the risk.

Hon. J. F. Cullen: Not under our law.

Hon. J. CORNELL: If we included, as we should do, industrial disease, no company in Western Australia would take the risk. As to the question of State insurance, Mr. Cawler has said that the function of Government is to govern. If that is Mr. Cawler's idea of the function of Government, I think he has departed from this earth once before and come back again, and has not reached the stage of civilisation which we have reached to-day since he last left it, because I would like to know if the workings of the post office, the railways, and all other great public utilities, which are almost universally adopted by Governments in this world, are only functions of Governments. I say it is more than the function of governing, it is holding the control, as well as the governing of the utilities of the State. I hope to see the day when we shall have State industrial insurance and fire and life insurance as well. I am not so pessimistic to think that we shall lose. Some members may think that we will lose because when the State loses they will gain. Numbers of persons embark in private concerns in which the Government are making inroads, and it is only human and natural that they should hope that the concerns will lose, otherwise, if

they are a success, it will mean a loss to them. I hope the House will not take into consideration the shortness of the session as an excuse for jettisoning the measure, but will take into consideration the amount of good that it is going to confer on mine workers who come under the Compensation Act. I venture to say, in conclusion, that the amendments contained in the Bill will give effect to the law, as was intended when the Bill was passed.

On motion by Hon. R. J. Lynn debate adjourned.

BILLS (5)—FIRST READING.

- 1, Bills of Sale Act Amendment.
- 2, Rights in Water and Irrigation.
- 3, Supply (Temporary Advances) £230,830.
- 4, Nyabing-Pingrup Railway.
- 5, Cottesloe Municipal Rates Validation.

Received from the Legislative Assembly.

MOTION—POLICE MAGISTRATES' RETIREMENT.

Debate resumed from the 28th July.

Hon. J. J. HOLMES (North) [4.49]: I should like to say that my reason for addressing the House on this subject is that there is an important principle involved. To my mind we are reaching a stage of almost a reign of terror in the civil service of the State, and instead of the civil servants being servants of the public, as they should be, they are asked to become creatures of the Ministry to carry out the wishes of the Ministry of the day, or make place for someone who will. That, I suggest, is the position reached in connection with the civil servants of the State, and it is a position which I, for one, am not prepared to tolerate. Anything that I can do to prevent that going on, and placing the civil servants of the State in their proper position, it is my duty to do. The position, I take it, is this: the principal members of the civil service are the custodians of the public. They go

on from year to year and with the present Ministry in office they are important officers doing the work while Ministers are touring about the country in motor cars. When we find men in the service prepared to do their duty and carry out the business as it should be done, it is the clear duty of this House to support them. I desire to make it clear that I have not discussed this matter with Mr. Roe, Mr. Cowan, or Mr. Foss. As a matter of fact, I am afraid to go near any civil servant and ask for information, which I would be justly entitled to, for fear that by giving the information these civil servants would become marked men. I venture to suggest that Mr. Roe has been retired from the service for no other reason than that he had the courage of his convictions and did his duty some time ago, when he found, according to the evidence which has been adduced, that Mr. Johnson, the Minister for Works, was guilty of an unlawful act in the public streets of Perth.

The Colonial Secretary: Is the hon. member in order in imputing motives to the Government?

The PRESIDENT: The hon. member is not in order in imputing motives to any one.

Hon. J. J. HOLMES: I did not know that I was imputing motives, but I suggested that the position was so and so.

The PRESIDENT: The hon. member can express his mind without imputing motives. There is such a use of language.

Hon. J. J. HOLMES: I believe I am stating facts, and there is nothing that goes home so keenly as the truth. I honestly believe that Mr. Roe would have been retired long ago only for the fact that it was recognised he had the ability to discharge his duty, and that he still has the ability, and but for the fact that some time ago he came up against a certain section of the community, and put them in their places, and did his duty, and I make this assertion—

Hon. J. Cornell: When did that happen?

Hon. J. J. HOLMES: The hon. member knows when it happened; when the present Minister for Works was proceeded against under the law of the

State and a fine inflicted by the magistrate. I am endeavouring to prove that a reign of terror has been caused by the present Ministry.

Hon. J. W. Kirwan: On a point of order; under Standing Order 395, is the hon. member in order by casting a reflection on present members of Parliament.

The PRESIDENT: As I have already stated, the hon. member is not in order in imputing improper motives.

Hon. J. J. HOLMES: Before I leave this point, I would like to ask the Colonial Secretary whether he conscientiously believes that Mr. Roe and Mr. Cowan are physically and mentally unfit to occupy the positions they hold; does he honestly believe that to be the case? I honestly believe that there is no one more sorry for these gentlemen than the Colonial Secretary himself, and I really believe that the hon. Mr. Dodd also regrets the unfortunate position these gentlemen have been placed in. But the ultimatum has gone forth from the trades hall that these magistrates must go, because of their alleged unsuitability for the positions they are occupying, and that they must go before the general elections take place. That is my candid opinion. Members of Parliament are entitled to information concerning the departments of the State, and I claim that I am entitled to go to the public offices and see the files. I am here acting as the director for the people of this State, and in that capacity I am entitled to see, not only the file dealing with these gentlemen, but every other file in connection with the administration of the affairs of the State. They are our affairs, and I am entitled to know and see what is going on regarding all matters affecting the welfare of the State, so as to judge whether the business is being carried on as it ought to be, and whether or not we are living in a fool's paradise. I know what I did when I was acting in the capacity of a Minister of the Crown. I invited members of Parliament to call at the office to peruse files.

Hon. J. Cornell: That is how you retired.

Hon. R. G. Ardagh: Have you been refused by the present Government?

Hon. J. J. HOLMES: Information has been refused by the present Government in regard to the rates on fertilisers. What condition of affairs have we reached? But to return to the point. Members of Parliament should have access to all files. In my time no member was ever refused the right to inspect a file. While I was Minister for Railways I found that there were secret files dealing with employees, and it was possible, and it had actually happened, for the principal officers to record black marks, as it were, against employees who knew nothing at all about those marks. The employees never had an opportunity of seeing those files. That was a condition of affairs which I considered should not exist, and I issued instructions to the principal officers in my department that every employee, provided he selected a suitable opportunity, should have access to his own personal file, and see what was recorded on it. That is a fair thing to do, and it should be equally fair to give members of Parliament the right to see files respecting the general affairs of the State. If members had access to these files and saw how the business of the State was being conducted, I venture to suggest that Ministers would exercise greater care in dealing with matters of State than they do at the present time, and I further venture to suggest that the reign of terror which is being set up by the present Ministry would cease to exist.

Hon. J. Cornell: Does the hon. member think that I am under that reign of terror?

Hon. J. J. HOLMES: The hon. member knows that every word I am saying is true, and that those who are outside are forcing a section in this Parliament to do things they would not otherwise do. We know that if officers of the department do their duty their retirement will be brought about, while if they pander to the Ministers of the day promotion will follow. That is a position of affairs we ought to prevent if it is possible to do

so. I should like to know from the Minister when he replies whether Mr. Roe and Mr. Cowan possess the ability to discharge the functions of their respective offices. There is another gentleman, too, who is to be retired from the magistracy. I refer to Mr. Foss, and I should like to ask the Colonial Secretary whether he will also lay on the Table of the House the papers referring to this gentleman's intended retirement. Mr. Foss has been in the service of the State for a number of years—

The PRESIDENT: I must ask the hon. member to remember that the motion refers simply to the papers regarding the retirement of Mr. Roe and Mr. Cowan. Mr. Foss is not referred to in the motion.

Hon. J. J. HOLMES: I am endeavouring to speak, not only on the motion, but on the effect all these retirements will have upon the service.

The PRESIDENT: The hon. member can move an amendment to include the name of Mr. Foss, and then he can refer to that gentleman.

Hon. J. J. HOLMES: Very well, I will move an amendment—

That in line 3 after the word "Cowan" the words "and Mr. Foss" be added. I happen to know this gentleman; in fact, during my election campaign I was held up in Carnarvon for a fortnight, and I saw Mr. Foss repeatedly.

Hon. W. Kingsmill: A charming man.

Hon. J. J. HOLMES: Yes, a very charming man, who possesses the necessary qualifications, so far as one can judge, to discharge all the duties pertaining to the office he occupies.

Hon. W. Kingsmill: Hear, hear!

Hon. J. J. HOLMES: Mr. Foss has rendered good services to the State. I believe he has been in the North for 33 years, and in that time has not had annual leave. He is qualified to discharge all his duties with credit to himself and to the satisfaction of the people of Carnarvon and the district he presides over. I understand that it is proposed to appoint as successor to Mr. Foss, a gentleman who will fill the dual capacity of magistrate and doctor,

half lawyer and half doctor. Probably, the law will be good and the medicine bad, or the medicine may be good and the law may be bad, or the gentleman may not have given proper study to either, in which case we would have bad medicine and bad law. At the present time, Carnarvon is provided with good law, and there is a practitioner who is well qualified to look after the health of the people. If a successor to Mr. Foss is appointed, and that successor is half lawyer and half doctor, he will be appointed at a salary higher than that which Mr. Foss is receiving, and as medical officer will be subsidised by the Government, and will enter into competition with the private practitioner there, and the private practitioner will be squeezed out. The result will be that Carnarvon will be left between the devil and the deep sea with a gentleman who will not be properly qualified to discharge the duties of either office. The Government proposals will end in increased expenditure, and the result will be less satisfactory. I claim that Mr. Cowan and Mr. Foss are being retired in order to cover up the attack on Mr. Roe.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: What I am aiming at is the probable effect on the public service that this policy of promotion to those who pander to the Government and the pushing out of the service of those who attempt to fulfil their duty to the State will have. No commercial concern can be successfully run except with a proper and efficient staff, the members of which are convinced that justice will be done to them; and the same thing applies to the State service. The first duty of a public servant is to serve the best interests of the State irrespective of parties or persons, and he should be able to do this without putting himself in danger of being told that he is the servant of the Minister for the time being. True, he has to obey the lawful commands of his Minister, but in anything concerning the welfare of the State the

public servant himself, the head of the department, is the one really responsible for the conduct of the business of the department, and therefore he should have a free hand and should be able to make the files available to members of Parliament in order that they may see how the business of the country is being conducted. The effect of the retirement of these competent and efficient officials is that we are adding to the expenses of administration and at the same time exposing ourselves to the danger of getting a less efficient service. At Fremantle some time ago the resident magistrate was wrongfully retired by a previous Minister. However, I have yet to learn that two wrongs make a right. I say wrongfully retired, because it is said that the magistrate chose to take a firm stand against some of the leading solicitors down there, and would not allow them to do as they thought fit, but insisted upon administering justice irrespective of persons. That gentleman is on the pension list to-day, notwithstanding that he is still well qualified to discharge his old duties. I refer to Mr. Fairbairn. We have had Mr. Dowley appointed as his successor. Mr. Dowley, I am told, has now received notice that he is likely to be called upon to retire. He is threatened with retirement. We know that there is a big organisation at Fremantle—I do not say that this has anything to do with the case—and that there is a fair amount of pilfering going on along the wharves, and that a number of convictions take place in consequence. In effect, it is said to Mr. Dowley, "If you continue to carry out your duty—well, you know what was done to other people." If this kind of thing is to go on it will demoralise the public service, and I for one am not going to be a party to it. If Mr. Dowley is retired we will have both Mr. Fairbairn and Mr. Dowley on the retired list drawing pensions while another officer will be doing the duty and drawing full pay. That is the irresponsible way in which the affairs of the State are being conducted at the present time. Assuming that these

officers who have grown grey in the service are efficient and competent to discharge their duties, the only argument that could be used in favour of their retirement is that they have been keeping younger men back and that they ought to move out to make room for younger men. But those younger men themselves are protesting against the manner in which these senior officers are being treated. Seeing that even the younger members of the public service, who are anxious to move up, are of the opinion that justice is not being done to the senior officers and are prepared to sink their individual advancement in order that the seniors should get justice, this argument, which might otherwise be used, falls to the ground. The younger men say it is not fair and that they themselves are quite prepared to wait for advancement until a proper opportunity presents itself. It is said that the vacancies are to be filled only by properly qualified legal practitioners. That means the introduction of new blood into the service. I do not know that we have in the public service properly qualified members of the legal profession available to fill these positions. I know we have properly qualified men in Parliament, but I would not suggest that members of Parliament—

Hon. J. Cornell: How many members of Parliament are properly qualified legal practitioners?

Hon. J. J. HOLMES: Some of them at all events, but I should hope that they would not be a party to pushing out men who have rendered long service.

Hon. J. Cornell: There are only three in another place and two in this.

Hon. J. J. HOLMES: In order to confirm what I said before as to these gentlemen, Mr. Roe in particular, being pushed out, and Mr. Cowan and Mr. Foss being included in the list to cover up the attack on Mr. Roe, I would like to refer to what Mr. Cornell said quite recently. Mr. Cornell told us this afternoon that speech was given to men to conceal their thoughts. When I asked for what purpose speech was given to him, he said, "to kick up a noise and make a row." Mr. Cornell has been

making a row to the disgust of some of his people outside, because he has given the show away. In reply to what Mr. Cullen said about the retirement of Captain Hare, Mr. Cornell said, "Mr. Cullen says that Mr. Roe is being retired for the same reason, namely, impartiality. I have a lively recollection of the horse-driver's case tried before Mr. Roe. That was practically the first case under the new Act—"

Hon. J. Cornell: What is the hon. member quoting from?

Hon. J. J. HOLMES: I am quoting from this piece of paper.

Hon. J. Cornell: Where did the hon. member take my remarks from?

Hon. J. J. HOLMES: You dispute them, if you can. The hon. member went on to say, "the first grievance which came within the purview of the new Act. I disagreed at the time and I still disagree with the action of Mr. Roe on that occasion—"

Hon. J. Cornell: On a point of order.

Hon. C. Sommers: You are not afraid of anything you have said, are you?

Hon. J. Cornell: No. I believe the Standing Orders provide that no member shall quote from *Hansard* any debate of the current session. Mr. Holmes was not here when I made my remarks and the remarks have appeared only in *Hansard* and not in the Press.

Hon. C. Sommers: Someone may have told him.

The PRESIDENT: The hon. member objects on a point of order. What does the hon. member complain of?

Hon. J. Cornell: That the hon. member is quoting from *Hansard*.

The PRESIDENT: He told us that he was quoting from a paper and not from *Hansard*.

Hon. J. Cornell: It is transcribed from *Hansard*.

The PRESIDENT: That is a different thing.

Hon. J. J. HOLMES: We have the admission of the hon. member that he did say what I have quoted, and it connects up very well with the attempt made this afternoon to prevent me saying the same thing in another way. Another

important matter bearing on this subject is that quite recently, when trouble with the carpenters was on in Perth and action was subsequently taken against Millar's and other companies for a lockout, the Government were prevented from proceeding against these companies in the Arbitration Court. They removed the case to the court over which Mr. Roe presides. I do not think that was a fair thing. The conclusion people have come to is that there was thus an opportunity given Mr. Roe to put himself right with the Government, to give the verdict in their favour and remain in his position. I do not say it is true, but it presents that appearance; and be it said to Mr. Roe's credit that he found on the evidence before him and gave his verdict against the Government. Ministers should recognise that public servants ought to be in a position of security and able to consider themselves permanent so long as they are prepared to do their duty, irrespective of party or person. Ministers are only birds of passage, they come and go, but State servants go on, or should—and would under ordinary circumstances—as long as they have the ability to discharge their duties. If this tyranny continues, the whole service must fall into chaos and it will be found to be a bad thing for the administration of affairs. When we have permanent officials without a soul to call their own, at the mercy of Ministers who are continually saying, "This policy has been handed to us, and if you disagree with us we will push you out"—when we reach that stage, then it will indeed be bad for the country. This terror would appear to extend even to officers appointed under special Acts and who are understood to be beyond the control of Ministers. For instance, the Auditor General was appointed under a special Act, and is supposed to be removed from Parliamentary or Ministerial influence, but I understand that his salary appears in the Treasurer's Estimates which come before the House. Whether this reign of terror has extended to the Auditor General or not, I do not know. I know he is a very capable and good officer; I do not know that

we have ever had a better officer. If he sees that other people, after doing their duty, are victimised, what effect will it have on him? For evidence of this, we have only to look at the State steamship return purporting to be a report.

The Colonial Secretary: Is the hon. gentleman in order?

The PRESIDENT: I think so. He is merely using it as an illustration. I am giving him plenty of latitude. Perhaps it will be well to read the motion, which states—"That all papers relating to the retirement of Mr. A. S. Roe and Mr. James Cowan respectively be laid upon the Table of the House." The hon. member has moved an amendment to include the name of Mr. C. Foss.

The Colonial Secretary: The hon. gentleman is commencing to deal with State steamships now.

Hon. J. F. Cullen: Only incidentally.

Hon. J. J. HOLMES: I am trying to show to the House and to the country what effect this will have on the service. We have an Audit Act under which the Auditor General is removed from political influence in order that he may do his duty to the State. If he finds that other people are being victimised when they do their duty, what effect will it have upon him? The return laid upon the Table of the House in connection with State steamships is an insult to the intelligence of this House, and I am a supporter of State steamships.

The Colonial Secretary: Mr. President, I protest again and ask you to reconsider your decision.

The PRESIDENT: I consider the hon. member's remarks are relevant to the motion.

Hon. J. J. HOLMES: Parliament intended that the Auditor General should supply proper information in connection with every concern whose affairs he is called upon to audit, and the Auditor General should be, as we thought he was, in a position to do so. If his salary has to come before the Treasurer every year for ratification or recommendation, the sooner it is taken away from the control of the Treasurer and put on another list, the better. There is an-

other matter which illustrates my point regarding the effect this sort of thing is likely to have upon those who discharge their duties. Some time ago four gentlemen were appointed a Royal Commission to inquire into certain charges regarding the management of the State steamships, and three of the four were civil servants. These Royal Commissioners were armed with the powers of a Supreme Court judge. It was a position in which no civil servant should be placed. Three civil servants were put in the position of having to report upon the Ministerial control and management of the State steamships. They were commanded by the Governor, in writing, to make full inquiry as to the truth, or otherwise of the charges and report to His Excellency, but they were never allowed to do so. These men were in this position they had to find against the Government of the day; they are honourable and straightforward men and would have found against the Government if they had been allowed to report, but by some means or other, when the case was going against the Government, the ground was cut from under their feet, they were not allowed to report or obey the commands of His Excellency. Was this fair from the point of view of the plaintiff or the defendant, or of these civil servants? I claim it was not. These gentlemen were prepared to do their duty and would have done it but for the reign of terror which has been established throughout the service, and which prevents them from discharging the functions of their office. It would be interesting to know the success with which these three gentlemen meet in the public service when this kind of thing goes on. They are very worthy gentlemen, well qualified to fill the positions they occupy, but they have done service to the Ministers instead of to the State. Whether they ask for promotion or not, the policy of the day is, "If you do as we want you in defiance of the welfare of the State you will be pushed forward in the service." Already one of these commissioners has been pushed forward. I do not doubt

his qualifications, but he has stepped over other gentlemen in the service into the position of Under-treasurer, formerly held by Mr. Eliot. This is an example for other civil servants. Instead of reporting to the Governor he, with his colleagues, reported to the Minister. Whether he received promotion on this account or not, I do not say, but the fact remains that he is now Under-Treasurer in this State. What about some of the other gentlemen? There is now an assistant Public Service Commissioner. The Public Service Commissioner has to be appointed by the Government every five years, and we have evidence that the present Commissioner is taking instructions from the Ministers, in defiance of the Act of Parliament. If he does not do so, what will happen? The other Royal Commissioner, who is Assistant Public Service Commissioner, is entitled to promotion, and is dangled before him—"If you do not do this, and we are in office when you come up for reappointment, you will not be reappointed." The Assistant Public Service Commissioner is entitled to the position for services rendered to the Ministry in defiance of the interests of the State. This is plain language but we are here to speak plainly on all matters. The welfare of this country depends largely on a proper and efficient public service. Not only are we concerned about the pushing of people out of the service, but we are also concerned about the other aspect of bringing supporters into the service. The original appointment as manager of the State steamship service was a political one and no other, and I repeat this statement. As an accountant, I do not say a word against the gentleman. If I wanted an accountant to-morrow I would probably appoint him, but he had no qualifications and no experience to manage State steamships.

The PRESIDENT: I think the hon. member is over-labouring his illustrations.

Hon. J. J. HOLMES: To my mind it affects the State public service if we are pushing some of our public ser.

vants out and bringing in others who are supporters of the Government.

The PRESIDENT: Yes, but the motion is simply one to lay papers on the Table of the House.

Hon. J. J. HOLMES: In conclusion, I want to say that this reign of terror—I can call it nothing else—is likely to have ill-effects on the service as well as on the State. In supporting the motion for the production of the papers, I wish to emphasise the fact that I desire to put our public servants in the position they should occupy, namely, servants of the State and not creatures of the Ministry of the day.

Hon. C. SOMMERS (Metropolitan) [7-55]: I support the amendment as well as the motion. The public generally regret the retirement of Mr. Roe, and the placing on the Table of this House of the papers dealing with his retirement will be of considerable interest to hon. members in the first place, and to the public in the second place. There may be some good reason disclosed by these papers why Mr. Roe should be retired, and I must admit I am curious to know the reason. I have had the honour of sitting with Mr. Roe on several cases as an assessor, and it came as a great surprise to me to learn that a man of his ability and experience was to be retired. Mr. Roe is a gentleman who, from his legal training, stands high in the profession, and now that he is to be retired, one begins to wonder on whom we can possibly hit as a suitable successor to him. Mr. Roe has grown up with the affairs of this State: he is impartial, he is competent, and he has had a varied experience, and I do not know whether we could get a more valuable man for the position. Even if he has reached the age of 60 years or more, surely there are many instances in other States of men remaining in the public service after having reached an age of even 70 years. There is plenty of evidence to this effect on record as the result of the inquiries by the select committee into Captain Hare's retirement. I do not desire to impute any motives because I believe one ought to wait for the papers before forming any judgment on a matter

of this kind, but, taking it from the financial aspect, this country cannot afford to retire men as Mr. Roe has been retired. We have not so much money that we can afford to fling it away as we are doing by putting competent and impartial men on the pension list, and paying successors to do the work which they are able and willing to perform. Mr. Fairbairn, who retired from the Fremantle magistracy some time ago, was a competent man. There was no urgent necessity to remove him from office, and, as proof of my statement, I may mention I am credibly informed that after Mr. Fairbairn's retirement by the State Government, he was asked by the Federal Government to assist in the examination of the papers of claimants for old age pensions under the Federal Act. Although he was not considered to be good enough or competent enough to look after our State affairs, he was quite good enough in the opinion of the Federal authorities to look after their affairs. What a commentary on the State Administration! We have to pay Mr. Fairbairn his pension and we have to pay the salary to his successor. This brings me to Mr. Dowley. This gentleman, I understand, has not yet reached the age of 60, and yet we know that he has received a letter—

Hon. J. Cornell: Is the hon. member positive that he has not reached the age of 60?

Hon. C. SOMMERS: Yes.

Hon. J. Cornell: Then he has altered his dates recently.

Hon. C. SOMMERS: Mr. Dowley has received a letter telling him it is quite possible that he may be retired in the very near future. Under the Public Service Act the Government have no right to anticipate the finding of the Public Service Commissioner because the Act clearly lays it down that although a man may have reached the age of 60 he cannot be retired by the Government unless a recommendation comes from the Public Service Commissioner. How can the Government anticipate what the Public Service Commissioner's report might be? Surely it will be time when the man has reached the retiring age, and

a report is received from the Public Service Commissioner for the Government to consider whether it is desirable to retire him. The Government, out of ordinary courtesy, might have awaited the receipt of the Public Service Commissioner's report to find out whether he is in favour of Mr. Dowley's retirement. If he is all of us might not agree with him; I, for one, would not. Those who know Mr. Dowley and have met him frequently say that he is quite capable of carrying out his duties. We seldom hear of his decisions being upset by superior courts, nor do we hear any complaints as to the manner in which he discharges his duties. He is a highly educated man and is respected by the community generally. The position would be that Mr. Fairbairn would be on the retired list and Mr. Dowley would be on the retired list, and that we would be paying their successors. There would thus be three competent men, I presume that the new man would also be a competent man, one at full pay and the other two on the pension list. I do not wish to delay the House in the matter, but it does seem to me, just looking at it from the financial point of view, that we cannot afford these luxuries, even if there are other men in the service coming on who want promotion. We are told that the civil servants themselves object; indeed there must be a great feeling of uncertainty amongst our public servants, and a feeling that there is very little reward to look for. On the very day that they attain the retiring age they are liable to be shot out on very short notice indeed. This certainly is not encouraging, and, as I said before, we cannot afford these luxuries. I do trust that, even at this late hour, the Government may hold their hand and allow us to keep our faithful servants who are carrying out so well their duty to the State.

On motion by Hon. V. Hamersley debate adjourned.

House adjourned at 8.2 p.m.

Legislative Assembly,

Tuesday, 4th August, 1914.

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

PAPERS PRESENTED.

By the Minister for Railways: 1, Returns in accordance with Sections 54 and 83 of The Government Railways Act, 1904, for the quarter ended 30th June, 1914. 2, Return of receipts and expenditure of Government Tramways for the quarter ended 30th June, 1914.

By the Minister of Education: 1, Addition to Regulation No. 22 of the Education Department.

By the Minister for Works: 1, Approval of uniform general by-laws adopted by the municipalities of Coolgardie, Leonora, and Narrogin. 2, Additional By-law of Yalgoo road board (fees for tents).

By the Minister for Lands: 1, Return showing Areas and Revenues of University Lands. (Ordered on motion by Mr. B. J. Stubbs.)

QUESTION—FREMANTLE HOSPITAL, FINANCES.

Mr. CARPENTER (without notice) asked the Honorary Minister: Has his attention been called to a paragraph in this morning's newspaper touching upon the paucity of financial assistance received by the Fremantle hospital from the Government, and intimating that the chairman of the board had resigned as a protest against the action of the