

Legislative Council,

Thursday, 21st October, 1915.

	PAGE.
Papers presented	1844
Public Works, authorisation by Parliament ..	1844
Papers: Power House, East Perth	1844
Select Committee, Retirement of G. F. Gale, to adopt report	1855
Bills: General Loan and Inscribed Act Amend- ment, IR.	1855
Vermitt Boards Act, Amendment, Com. ..	1860
Health Act Amendment, Com.	1861

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: Balance sheet and profit and loss account of the State ferries, together with Auditor General's report thereon for the year ended 30th June, 1915.

PUBLIC WORKS, AUTHORISATION BY PARLIAMENT.

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

I have the honour to acknowledge the receipt of your letter of the 19th inst. forwarding copy of resolution passed by the Legislative Council at their sitting on Tuesday last.

PAPERS—POWER HOUSE, EAST PERTH.

Debate resumed from the 19th October on motion by Hon. H. P. Colebatch—"That the remaining files and contracts relating to the erection of the Electric Power Station at East Perth, now lying on the Table of the House, be returned to the Commissioner of Railways."

Hon. J. F. ALLEN (West) [3.5]: In supporting the resolution moved by the Hon. H. P. Colebatch, I think it is unnecessary for me to say that this House is fully justified in insisting that these papers should be laid on the Table of the House. We were assured by the Colonial Secretary in his speech on the pro-

position that the whole of the information which Mr. Colebatch had elicited from the files had been placed before members of the Chamber from time to time in the reports of the Commissioner of Railways. If this was the case why was strenuous opposition shown by the Government to the members of this Chamber and also to the members of another place when these papers were asked for? We have been told that on the 22nd July of last year, Hon. Frank Wilson in another place moved for these papers to be laid on the Table of the House. This was opposed by the Government and vetoed by the House in that place. When the resolution in question was moved in this Chamber for these papers to lie on the Table of the House the same opposition was manifested by the Government to these papers being made available to the members of the House. It seems strange indeed, if the whole information which was available on the files had already been placed before members of the House, that this opposition should have been manifested against the evident desire on the part of members to see these papers. The reason given by the Colonial Secretary on that occasion that these files were almost daily required by the Commissioner of Railways was obviated by your suggestion, Sir, that these papers could be returned to the Commissioner of Railways if required from time to time during the period in which they were available to members of the House. In the circumstances, if that was the only objection which could be raised to the production of these papers, I consider that we are fully justified in believing that there must have been other reasons for the suppression of the papers than that the information had already appeared in the reports of the Commissioner of Railways. One matter in connection with the files which struck me was this, that the Colonial Secretary stated in reply to Mr. Colebatch that tenders for machinery, buildings, etc., had been called for in the Old Country, although no particulars as to this fact appeared in any of the files

which were brought forward for the perusal of members of this Chamber; that the whole business in connection with the matter had been transacted with the department of the Agent General, and that consequently the Premier, in replying to a question in another place, was able to make a statement there which, however, was not borne out by the papers on the files. If this be so I contend that the whole of the files relating to the power house have not been laid on the Table of this Chamber. I cannot for a moment conceive that papers relating to such an important matter as the calling for tenders in London for machinery and buildings for the power house should not have been duplicated and copies sent to the Government of the State for their guidance from time to time. If such a state of affairs does exist, that papers of such importance are being retained in the Agent General's office in London and that no copies of these are available for perusal by the Government here, it is about time the Government saw that this unsatisfactory position of affairs was remedied and the papers produced here. On the other hand it is strange that, if these papers were in existence on the files of some department here when the resolution was moved, all the papers relating to the power house should not have been laid on the Table of the House, and made available to members, so that they could see what was being done in regard to such an important question as calling for tenders for a big expenditure of this description, and that everything was done decently and in order in accordance with precedent and the law. On another question which was recently before this House I moved for a select committee to be appointed to investigate a certain Bill which was then before us. When I moved this motion I was blamed by a number of members for having shown a certain amount of parochial interest rather than a general interest in the affairs of the State. In moving that motion I gave certain reasons which I believe justified me in voting in opposition to the measure and coupled with these the rea-

sons I gave in opposition to another measure. My action on that occasion has been fully justified by the very able resumé which Mr. Colebatch has given members upon the contents of the files laid upon the Table of the House. I think the thanks of the House are due to Mr. Colebatch for the amount of work and time that he has put into his perusal of these files in order that he might give us the very comprehensive idea of their contents which he has afforded to us. The facts which Mr. Colebatch stressed on that occasion have justified my action in moving for the appointment of that select committee. I venture to say that members of this Chamber, when they voted against the appointment of that committee, did something which was not in the best interests of the State and something which I hope they will not live to regret having done. With regard to the engineers, Messrs. Merz & McLellan, we have been told by the leader of the House that these gentlemen were men of repute and high standing in the profession and with a world-wide reputation. The files, however, disclose nothing of the sort. They do not show anything at all concerning the standing of Messrs. Merz & McLellan. What we find there is that Mr. Merz happened to be in Australia prosecuting certain business of his own, and that he was seized upon by the Government to give them the report which has led up to the present muddle at East Perth. I am convinced from the information which is in our possession to-day that these people were not the best advisers that the Government could have obtained in the circumstances, and that there were men in Australia at the time—and there are to-day—controlling large concerns of this nature and with varied and valuable experience of Australia, who would have been better able to advise the Government than Messrs. Merz & McLellan. I am satisfied that there are many men in Australia who, with their knowledge of local affairs and local conditions, would have been in a far better position to have advised the Government, and that the employment of their services would have saved this country pos-

sibly an enormous expense at the present time, and a good deal of difficulty and expense in the years which lie before us. We find from the file that the first recommendation of Messrs. Merz & McLellan to the Government in regard to this very much vexed question of periodicity was for a system on the 50 cycle periodicity, a system which I said should have been adopted by the Government from the beginning and which their report shows that they also agreed should have been the system adopted for such a work in this State. We find, so far as I can gather, that after the presentation of the report and this recommendation for the 50 cycle system certain representations were made by the Premier when he was in London in connection with the adoption of an alternative of the 40 cycle periodicity. It appears that the question of railway electrification was raised at the time, and as this future contingency was taken into consideration by Messrs. Merz & McLellan they decided, instead of recommending the 50 cycle, which was too high a periodicity for this purpose, to split the difference and suggested the adoption of the 40 cycle periodicity. The 40 cycle periodicity, however, is now obsolete in electrical work. There is a large number of big enterprises, I will admit, which use the 40 cycle periodicity and there is a very large one in this State, but none of the systems are of modern date. This is an old system and in the great majority of cases it is the result of a combination of existing systems of different periodicities when it was necessary to strike a happy medium so as to couple these up at the least possible expense with the concerns existing at the time. We in Perth were not faced with that difficulty. We were starting off scratch, so to speak, with a system which left the field entirely open to Messrs. Merz & McLellan to recommend any periodicity which they thought best in the interests of Perth and its environments. They first recommended the 50 cycle periodicity which should have been adopted by the Government, and have been adopted in all the existing systems, and

which would not have interfered with any expense which the Government might have desired to make in regard to the electrification of railways at some future date. This question of railway electrification we find is also referred to as a remote contingency, and as stated in a minute it will probably be many years before it eventuates in this State. Therefore, to have altered the cycle periodicity from 50 to 40 for the purpose of meeting this contingency in the far future, Merz & McLellan showed they were not as competent to advise the Government as they might have been. Any engineer who understands electricity will know that it was not necessary at that time for the Government to have adopted one periodicity for the whole of their requirements. Almost every electric power house where they supply current has different types of machinery working in the same room, so that if it is necessary in the future to lower the periodicity, that can be done, and if Merz and McLellan had followed the traditions of the profession they would have taken the course adopted by other engineers and would have recommended the Government to adhere to the 50 cycle to supply all requirements for many years to come, and then when the electrification of the railways came about the change could have been made in the same engine room controlled by the same staff and drawing the power from the same source. That is the course that should have been followed, and any electrical engineer of standing in the world would have recommended that. Messrs. Merz and McLellan recommended a system which, to my mind, is obsolete, and when they did that they did something which shows that in placing unlimited confidence in that firm the Government did not know the class of engineers with whom they were dealing, a firm of engineers who certainly were not competent to give that advice which the Government expected to receive and for which a large sum of money was paid. One point which is rather interesting in this connection is the surprise of the Commissioner of Railways and the Chief Mechanical Engineer when they discovered that the 40

cycle system had been adopted by the Government. When the Chief Mechanical Engineer found that out he asked the Government to urgently cable to London and see if the 40 cycle system could not be altered and the 50 cycle adhered to, and he pointed out that the whole of the motors in the Midland Junction workshops were set for 50 cycle periodicity, and an alteration to the 40 cycle would dislocate them all. It took some time before the matter could be adjusted to suit the Chief Mechanical Engineer. I will not say that he was satisfied because I do not think he is satisfied to-day. The alteration there has been effected by means of increasing the size of the driving pulleys of the motors which means a reduction in the number of revolutions. If the motors at Midland Junction can be utilised by the transference from the 50 to the 40 cycle we can congratulate ourselves on the fact that in the past we had engineers who were far sighted enough to anticipate the growth of the workshops' business and thus provide a margin of safety to enable them to make a change. But for that, the change could never have been effected without the dislocation of the whole of the motors. Engineers are in the habit of allowing this margin of security. No engineer, however, uses material or installs machinery which is expected to work up to its full capacity or to carry the load that it is capable of bearing. At the Midland Junction workshops the engineer had something in mind when he provided for a margin of safety. In regard to the change of periodicity we have an estimate of the cost of the alteration of motors. I am referring now to the Fremantle Harbour Trust. The Trust have a number of electric cranes and motors of various descriptions, and the Government electrician, Mr. Taylor, gave an estimate at a conference which I attended, that the alteration of these motors of the Fremantle Harbour Trust necessitated by the change from the 50 cycle to the 40 cycle would be £5,000. It means now that £5,000 will have to be expended on the alteration of these motors so as to adapt them to the altered periodicity. The

use of the 40 cycle motors for all time and the material in connection with them will cost more to those who use that current than if the 50-cycle system had been adhered to. Anything which is in universal use can be supplied more economically than that which is not. The 50-cycle motors are catered for by a greater number of manufacturers, and the consequence is that it is possible to obtain articles required for them at a lower rate than is the case in regard to the others. One of the members of this Chamber did not seem to understand that Perth up to the present time has not been supplied by the alternating current. In the city there is the direct current system, and consequently the motors in Perth would have had to be altered whatever periodicity might have been adopted. The motors would have had to be renewed and consequently this argument of mine does not apply to the city, but only to the environments where the alternating system is in existence. In regard to the building, I cannot understand why a chance was not given to local people to erect it. One would imagine that the Government would have erected a structure on a similar scale to that in London when they found it necessary to go to London to get the contractors to put up the building. We have buildings here which are far more complicated than the East Perth structure, and local people have been able to erect such buildings successfully, economically, and expeditiously. I venture to believe that if the Government had called for tenders in Western Australia for the erection of the East Perth power house, the building would have been constructed cheaper than is the case to-day, and instead of the work taking such a long time it would have been completed long since. In taking the work out of the State the Government have increased the cost and added to it the time required for erection. Moreover, a great act of injustice has been done by the Government to the people of the State in not calling tenders locally for the work. I am of opinion that every opportunity should be given on all occasions to people in the State to tender for works of this description. Why

should we send money out of the State when we know that it is possible to carry out work within our own borders. This practice should be followed by all Governments and if any Government should have adhered to it the present Government should certainly have done so. Even in regard to the selection of the site of the power house a serious blunder was made, and Merz and McLellan showed again that they were not the advisers which the Government thought and desired Parliament to believe they were. Merz and McLellan did not know that the Swan was a tidal river. No engineer would select a site for a power house without thoroughly understanding the local surroundings and without making a personal inspection. A full knowledge of the whole of the circumstances is required, and to make a report without having this information, an engineer would not be fit to be regarded as a man of any standing in the profession. Regarding the cost of the plant the Government have been ill-advised by Merz and McLellan, and notwithstanding the explanations given by the Colonial Secretary, I still maintain that this firm have displayed a great lack of knowledge or care in the production of their estimate, probably a lack of knowledge, which should have been possessed by them as engineers. The increase in the cost of the plant by practically 100 per cent. has in no way been explained by the Colonial Secretary's statement that it was due to the alteration from 9,000 to 10,000 kilowatts. In that increase I find that there was an increase in the cost of machinery of something like 10 per cent. The manufacturer of machinery in all cases enables the purchaser to put down large plants proportionately cheaper than smaller plants and the increase in cost on this account is something like 10 per cent. The increase for the extensions would probably represent another 10 or 15 per cent., so if we allow 25 per cent. increase for the sub-stations and so on, it is ample. But when we find an increase of practically 100 per cent. in the cost of the erection of these buildings and the plant inside, it shows that Merz and McLellan's

estimate was very wide of the mark indeed, and in my opinion they had not the necessary qualifications and knowledge to enable them to advise the Government successfully. Even in regard to the cost of production of current after the plant is erected, they have shown a lack of knowledge which has led them and the Government into error. The first estimate they gave was that the current could be produced at .54d. per unit. Later on it was increased to .827d., and this after the capacity of the plant had been increased. The increase in the capacity of an electric plant for the generation of power should reduce the cost of producing the current. The larger the plant, the more economically the current can be produced, and this is the reason why the Government undertook to establish this power house. But this has not held good in the case of Merz & McLellan. These contractors, with one plant, can produce current at .54d. per unit, but with a plant 33 per cent. bigger they estimate that it will cost .827d. per unit. Apparently, therefore, Merz & McLellan are incapable of advising the Government as to the cost of generating the current, and consequently cannot even give them a basis for negotiating for the supply of current to other bodies. At the conference to which I have referred, the electrical engineer who advises the Government in this State, Mr. Taylor, gave us an estimate of the cost of generating current at the East Perth power house, not of .827d. but of 1.2305d. per unit, or nearly 1¼d. When we have such a multitude of estimates and such a multitude of counsels, I am not surprised that the Government have got themselves into a muddle and do not know how to get out of it. The files do not disclose that Merz & McLellan have any status in the electrical world. Whatever the Government may have heard of them is not disclosed in the files. There is no documentary proof that they were capable or qualified to advise the Government on this question, and as a result they have led the Government astray. They have recommended a wrong periodicity, they have under-estimated the cost of the plant, they

have under-estimated the cost of generating the current, and they have made a serious error in recommending the site for the buildings. Consequently, on the four vital points on which these engineers should have been in a position to advise the Government, they have led them astray, and their report, in my opinion, is hardly worth the paper it is written on, much less the money the Government paid them for it. Merz & McLellan might be consulting electricians, but their report does not disclose it. In Australia we have great concerns of this description controlled by men of wide Australian experience, and what I said in relation to the erection of the buildings, applies also to this, that if we require advice and we have men in Australia capable of giving that advice, the proper thing is to engage them and thus support those who are amongst us and assisting us, and avail ourselves of their local knowledge. If the Government had done this, the result might have been very different. In conclusion, I would point out that in contracts entered into by the Government, for instance, the contract to supply the city council of Perth at .75d., we know this can be done without any actual loss to the Government on the generating costs. The Colonial Secretary gave .35d. as the actual cost of generating the unit, but I think he was rather under the mark. Still, we are satisfied that the Government can supply to other bodies at this low figure without any actual loss on the generating charges of the power house. But when a concern like this is established by the Government of the State on behalf and at the expense of the taxpayers of the State, the whole of the charges should be loaded on to the unit in all contracts entered into with any section of the taxpayers, and everyone who purchases should pay his share of all the charges. If current is supplied for less than that, it is tantamount to the Government taxing one section of the community unjustly and unnecessarily.

Hon. R. J. LYNN (West) [3.36]: The hon. Mr. Allen stressed the point that the capacity of the power house is being increased by 33½ per cent. at an in-

creased cost of 100 per cent. on the original estimate. It is owing to this, so the leader of the House told us, that additional cost has been incurred in connection with the installation. The files certainly disclose the fact that an additional 33½ per cent. plant has been provided for, and also that a 100 per cent. increase on the original estimate will have to be paid. But why this additional instalment at all? Why should the power of 9,000 kilowatts, which in itself would generate sufficient current for many years to come, have been increased to 12,000 kilowatts?

Hon. H. P. Colebatch: The Premier was advised to increase it.

Hon. R. J. LYNN: But why? The Government have not the consumers for the current which the 9,000 kilowatt plant can generate. The Government can have been advised to increase it only in order that some loophole might be provided to get away from the original estimate of the cost. In stressing this point, I desire to say that the Government are particularly anxious to get consumers for this power. They have gone to the extent of entering into many agreements which, before the passing of a Bill within the last few weeks, they had not the power to do. They have even entered into negotiations with private firms for the supply of electricity, and although the Government have no power to enter into negotiations to supply current where electric works are established, they are negotiating with large consumers of current in order to get their business. If a 9,000 kilowatt plant would have been sufficient for many years to come, why the necessity for installing a plant of 33½ per cent. greater capacity? If a power house was under construction for a private company, they would put in a generating plant to meet requirements for the present, and perhaps for five or ten years hence, but the Government have put in a plant to meet, not only the requirements of to-day, but those of 50 years hence, and unless they can prevail upon adjoining local bodies to assist them to consume the current, it is questionable whether the concern will

pay during the life of the plant. I am sorry these files were not laid on the Table before a certain measure was passed through this Chamber. The Government got in the thin edge of the wedge in connection with the installation. Then, by the passage of a certain measure, they attempted to force or coerce other municipalities into their scheme, and little by little they have succeeded in this direction, and the very people for whom this power house was originally installed will be the people who will be hardest hit in the days to come, namely, the Perth City Council. There is an anomaly that current is being generated at a given point within a radius of a five-mile centre, and the Perth City Council are unable to supply it at less than $3\frac{1}{4}$ d. per unit. Yet the Government, according to the files, can transmit that current outside that five miles radius and enter into agreements to supply adjoining municipalities and private individuals at $1\frac{1}{4}$ d. per unit. What effect will this have on the Perth City Council? The Perth City Council said, "We are willing to scrap our plant. We admit we shall have to carry standing charges to the extent of £400,000 on that plant, but we are willing to enter into this agreement with the Government in order that reciprocity acceptable to both parties might be brought about." Then the Government turned round and said, "You have assisted us in this direction, but if we can prevent the establishment of industries within a five miles radius and can supply consumers outside that radius at $1\frac{1}{4}$ d. per unit and enter into competition with you, you cannot supply at that price." I venture to say some hon. members who supported that measure will have cause to regret the fact that the files were not on the Table before that measure was passed, in order that they might have had an opportunity to understand the exact position. The files also disclose that these engineers are being paid 5 per cent. commission on the installation of the power house. Here we have Messrs. Merz & McLellan receiving a cheque for £2,000 as commission on the

building of the power house on the banks of the river at East Perth.

Hon. H. P. Colebatch: Commission on the foundations.

Hon. R. J. LYNN: Yes, on the foundations. Surely it would have been more profitable to secure a site better suited for the power house than to expend £40,000 on the foundations of the building. I consider that both the building and the foundations should have been something outside the scope of Messrs. Merz & McLellan. Surely the departmental officers could have constructed some sort of a covering to put the machinery under without having to pay a commission of £2,000 on the foundations alone. The files, so far as I can ascertain, do not disclose any reason why the additional power should be required. That circumstance not being disclosed, it is, as I have said, extremely difficult to understand why the plant should have to be capitalised so heavily when the trade was not there for the power when generated. Another point disclosed by the file is that the Government before authority was given them, either directly or through the Commissioner of Railways entered into negotiations with a firm at North Fremantle, the Mt. Lyell Superphosphate Works, using every possible means in order to induce the firm to take the Government supply. Further, much to my surprise, although an agreement for the supply of power exists to-day between two local governing bodies, we find the Government negotiating with the Cottesloe municipality in order to take business away from the Fremantle tramway trust. The undercurrent of those negotiations, so far as the Government are concerned, is that the agreement between the two municipalities is not legal. Some little flaw has been discovered in an agreement which undoubtedly is morally binding. The flaw is that the Cottesloe municipality is not an adjoining municipality within the meaning of the Act, by reason of the fact that the North Fremantle municipality intervenes between Fremantle and Cottesloe. After Fremantle has pioneered the dis-

trict for some years, the Government endeavour to take advantage of a technical flaw in order to destroy an agreement extending over a long term. The Government have practically invited the Cottesloe municipality to break their agreement with Fremantle. Why is that being done? It is being done, as I pointed out on the second reading of a certain measure, because the Government are driven to this position, that they must secure some reasonable load, since otherwise their standing charges will be so high as to involve heavy loss in connection with the supply of electricity to the Perth City Council and other purchasers from the Government. I do not know that it is any use flogging a dead horse. So far as I am concerned, the matter is dead. But it will be resurrected, and before very long, much to the regret of many who supported a certain measure.

Hon. A. J. H. SAW (Metropolitan-Suburban) [3.50]: I also rise to point out that the main argument of the Colonial Secretary partook rather of the nature of a paradox. I think it might be stated in this way: it is true that the Government are making a loss on each unit of electricity which they are selling to the Perth City Council, but they intend to sell so many units that in the end they will make a profit. I think it would require the courage of a George Bernard Shaw to maintain that paradox. Another argument of the Colonial Secretary is that the cost of material has increased by 33 per cent. between the time of the framing of the estimates and the letting of the contract. Any child almost might have known that that was bound to happen as soon as the Western Australian Government went on the market; not because of the magnitude of their order, but because of the mere fact that the Western Australian Government were going on the market. That fact in itself naturally increased the price of material. I fancy there is a phrase used by the man in the street, "They saw you coming." Some four months ago I had my first experience and my first lesson as to the meaning of buying a pup. It was a real

pup I bought. It was an Australian terrier, or was said so to be. As that pup grew up, various people who saw it have been very undecided as to whether it is a rabbit, a rat, or a hare. Some people maintain that they have seen the same kind of animal at the zoo. However, a lady of critical mind made what I believe to be a correct diagnosis, because when she saw it—and she owns its cousin—she said, "That is not an Australian terrier; that is a mistake." And that is the kind of pup the Government usually buy. It always turns out to be a mistake. I listened with great interest to the argument of the Colonial Secretary, and he reminded me of those unfortunate Russian generals who are always having to fight rearguard actions in order to cover the retreat of another portion of the army. As the hon. gentleman proceeded, I thought of another simile, relating to something which has been evolved during this war. When a battle ship is disabled, destroyers and light cruisers come to its aid by emitting volumes of smoke. I congratulate the Colonial Secretary on his efforts.

Hon. H. P. COLEBATCH (East—in reply) [3.54]: After the remarks of previous speakers I hardly like to say much in reply, but there are one or two facts to which I desire to direct the attention of the House. Hon. members will recollect that in reviewing these files I drew attention to three cardinal points—first, the cost of construction; second, the cost of generating the unit of electricity; and third, the date of completion of the plant. Those were the three matters of importance. Now the Colonial Secretary, for reasons best known to those who furnished him with the material for his reply, has entirely disregarded the two latter and the two more important features of the argument, and has confined himself entirely to the first; and that not with a view of showing that anything I had said was wrong, but rather to reprove me for having said something that people ought to have known long ago. I am not very good at guessing, but I do know that within

a few hours of the time at which I made my speech the files were back in the hands of the people best competent to compile a reply for the Colonial Secretary. Those people had four or five days in which to compile that reply, and they have not done it. I say I am not good at guessing, but I have thought that the Colonial Secretary and the Ministerial head whom he consulted over the matter must have thought they would bluff their way out of it as best they could. Now to refer for a moment to the only point to which the Colonial Secretary has addressed himself, that of the cost of construction. The hon. gentleman said that in November, 1913, the Premier informed Parliament of this great increase in the cost of construction; and the Colonial Secretary read some quotations from the speech made by the Premier on the occasion referred to. Let me now read one brief quotation which the Colonial Secretary did not make. The Premier said—

In the first place it was estimated that to build a station which would provide the current necessary for the purpose of the trams alone would cost us approximately £150,000. On the other hand, for the Perth City Council to erect a station which would provide the current they would require, based on a period of five years from the date we took over the trams, and not for future extensions within the metropolitan area, would cost the city council about £130,000, making in all £280,000 for the two plants operating in the same area, supplying current in the one instance for trams, and in the other for electric light. Under the circumstances, it would be easily seen from the point of view of the capital expenditure in the first instance, we could, by entering into an agreement such as is now before the House, save from £40,000 to £50,000, and produce exactly the same current.

In the speech which the Colonial Secretary tells us should have revealed to the public the fact that the Power House was going to cost something like £400,000, the Premier says that had the

Government built two power houses they would have cost £150,000 and £130,000 respectively, making a total of £280,000, but that by doing what the Government proposed there would be a saving of £40,000 or £50,000. So that in the speech referred to the Premier indicated that the capital cost was going to be only about £230,000. We are told that Messrs. Merz & McLellan represent the best electrical talent in the world. I do not know what authority the Colonial Secretary has for making that statement. I have not been able to trace the record of Messrs. Merz & McLellan. I have not been able to discover anything that would justify the Colonial Secretary in making that statement. In reply to my contention that local experts should have been consulted in the matter, the Colonial Secretary tells us that it would have been folly, having engaged the best electrical talent in the world, to refer their report to local experts. As a matter of fact when these gentlemen made their report it had to be referred to somebody. Mr. Merz came over from Melbourne and spent eight or ten days in this State, and then made his report. His report was referred to somebody. It had to be referred to somebody. Somebody had to say whether the Government should go ahead on that report or not. My argument is that the report of Mr. Merz ought to have been referred to somebody. There was the Commissioner of Railways, and the Chief Electrical Engineer of the State, and the Engineer-in-Chief. Those three gentlemen could have had a look at the report and said whether they thought that in the best interests of the State we should go right ahead. But no. The Premier, acting on the same system as has been adopted by another member of the Ministry, took the view that he was the captain holding a pilot's exemption certificate; and he decided that Mr. Merz's report was all right and told him to go straight ahead without referring to any of the electricians or engineers with local knowledge. I say that when the Colonial Secretary states that, having the

advice of Mr. Merz, it would have been ridiculous to consult local experts, he casts an underserved slur upon the engineering and electrical talent now at the disposal of the Government of this State. I say that even were Messrs. Merz & McLellan the best electricians and engineers in the world, the men with local knowledge should still have been consulted. We have Mr. Merz coming to Perth and spending eight or nine days here and then making a report. He could not possibly have acquired local knowledge in that time. The reasons given for the selection of the site are that the site being located in a swamp—where the foundations would cost an enormous amount of money—there would be an abundant supply of fresh water and conveniences for taking coal supplies up by river. Those are the only two reasons given by Mr. Merz for the selection of that site. If fresh water is to be obtained by boring, then I take it there are many places in the metropolitan area more conveniently situated at which the site could have been established without incurring an expenditure of £40,000 for foundations. But apparently that was not the idea, and it is for that reason we find Mr. Merz plaintively pleading that he had not known that the Swan River was a tidal river. Apparently he thought that he was going to obtain a supply of fresh water from the river itself. So far as conveying coal to the power house is concerned, I do not know much about that matter, but I venture to doubt if one ton of coal would be taken to the power house by means of the Swan river. If the coal is to be brought from Collie, as I understand is the intention—many members are far more competent than am I to express an opinion on this question—I doubt very much if it can be brought from Collie to Bunbury by rail, thence to Fremantle by water, and sent up the river to this site, at a lower cost than it can be brought direct from Collie by rail. What a mistake was here made through not applying to people of local knowledge! Again, directly Merz & McL-

ellan gave their estimates and called for contracts there was a rise of 30 per cent. in prices, although only a month had elapsed. Can we believe it? I fear I cannot. And I want to emphasise the point that when Merz & McLellan forwarded their recommendations for the acceptance of tenders, they made no reference whatever to the question of any advance in price. So much so was this the case that the Commissioner of Railways recommended the acceptance of those tenders in the full belief that they were within the original estimates, and it was not until months afterwards, when Merz & McLellan recommended the acceptance of another tender for a condenser, that the Commissioner of Railways and his officers woke up to the fact that the estimates were being exceeded. Is it reasonable to believe that there was this rise of 30 per cent. in the price and that Merz & McLellan recommended the acceptance of tenders, without making even a casual reference to this advance in price? They made no reference at all to it until they were bombarded with requests from the Railway Department and from the Government as to what the thing was ultimately going to cost. Then we are told the cost was high because only a few firms could supply the articles which it was decided were required. If we are going to confine the supply of certain articles to a very few firms we must justify our action in doing so. If by restricting ourselves to the scouring of certain articles which only a few firms can supply, we get what we want cheaply, well and good; but if, as in this case, we are potted for an enormous excess over the estimated cost, and get finally a concern that will not produce the current at a payable rate, does it not show that we have been badly advised by those people who restricted us to one or two firms instead of allowing us to go to the open market for what we required? I was glad to see that the Colonial Secretary had the decency to smile when he took me and other members to task for not having condemned the agreement between the Government and the city council when

it was before us. I would ask the Colonial Secretary to discard the nonsense in which he indulged when speaking to the motion, and to apply to the question his own sound common sense for a moment. The agreement submitted to us was that the Government should supply the city council with electricity at cost price, not to exceed .75d., and we were told the estimated cost was .54d. Why should I, or any other member, object to an agreement like that? On the face of it the agreement was a perfectly good one. The Government said, "We are going to make electricity at $\frac{1}{2}$ d. per unit and to sell it to the city council at cost, because they are going to scrap their own plant." It was a perfectly reasonable agreement. But the Government knew then that they could not produce the current at the price. They did not tell us so. In the Assembly an hon. member, Mr. Wisdom, not quite satisfied with the position, made this statement—

The current could not be produced at $\frac{3}{4}$ d. per unit.

That was the statement the hon. member made when the agreement was before the Assembly. And what treatment did he receive from the Premier, who knew then that it could not be produced at that price and that the estimates of Merz & McLellan were all at sea? The Premier said—

I am not prepared to accept your advice. I think you are foolish to waste your time here if you can give better advice than Merz & McLellan. Merz & McLellan said the current could be produced at .54d. but Mr. Wisdom said it could not be produced at .75d. Mr. Wisdom was right and Merz & McLellan were wrong. And on the following page of *Hansard* the Premier is reported to have said—

Were he not perfectly satisfied in regard to the expert advice received and paid for at a high figure, he might have wondered whether the hon. member was not the leading electrical expert in the world.

The Premier told Parliament he was perfectly satisfied with the advice received and paid for at a high figure, and at the same time he concealed from Parliament

the fact that this estimate had gone all awry. Instead of the agreement entered into with the city council being a safe agreement, it was one on which the Government were bound to lose money, because even at that time it was well known to the advisers of the Government that the current could not be produced at less than 1.8d. Let this was not communicated to Parliament. There is one other matter to which I would refer. Dr. Saw seized on one feature of the paradox, and I hope that in future it will be embodied in all schoolbooks in this State. This is the proposition which the Colonial Secretary put up to us: Having manufactured an article at a cost of 1d. and sold it again at a cost of $\frac{3}{4}$ d., one can put oneself quite right by buying it back again at $1\frac{1}{2}$ d. It is true it is going to cost over 1d. to produce it and the Government are going to sell it to the city council at $\frac{3}{4}$ d., and they are going to put this right by buying it back at $1\frac{1}{2}$ d. Finally, I do not agree with the statement that Merz & McLellan were the best electrical engineers in the world. I do not agree that the Government were entitled to accept their report without first referring it to the best local talent available; and I know, as the Government know and all the country will soon discover, that the result of what they have done has been to saddle the community with an impossible proposition. Given advisers efficient, of high integrity and with local knowledge, it should have been an easy matter for the Government to have installed an electrical plant which would have produced current at $\frac{1}{2}$ d. per unit, and been a fine asset to the State. Mr. Lynn made reference to contracts being entered into at the present time by private people. I did not refer to them on the floor, because I did not see that any good would come of it. But the files clearly disclose, among other things, that certain private people have made contracts with the Government, the Government to supply them with current at less than cost. The Government could not have got the patronage of those people unless they supplied at less than cost. Other large consumers have broken off

negotiations with the Government and decided to provide for themselves, because the Government could not go on supplying at less than cost. Had the Government received what they were entitled to receive if they had appointed engineers of high integrity and local knowledge, they could have produced electricity at $\frac{1}{2}$ d. per unit and defied private competition. They have not got that. They have got a plant which prohibits them from supplying at a moderate economical rate and they have got it because in one or another, I will not say which, of these three features of high efficiency, high integrity and sound local knowledge, the engineers whom they employed were not fully competent.

Question put and passed.

BILL—GENERAL LOAN AND IN- SCRIBED STOCK ACT AMEND- MENT.

Received from the Assembly and read
a first time.

SELECT COMMITTEE, RETIRE- MENT OF C. F. GALE.

To adopt report.

Debate resumed from the previous day on motion by Hon. J. J. Holmes, "That the report of the committee be adopted."

Hon. J. CORNELL (South) [4.12]: I share with Mr. Holmes the regret that the committee's report was not unanimous. When I gave my promise to Mr. Kingsmill to act on the committee if appointed, I did so with an open mind. My sole intention was to do the right thing. Some of this report I agree with. I do not oppose the adoption of the report in its entirety. If I did so I would be doing Mr. Gale an injustice, because I agree with the first three paragraphs. I agree that Mr. Gale was a good servant—his record testifies to that—and a capable man. Therefore, I cannot logically oppose the whole of the report. But I have not altered the opinion which I formed on entering this Chamber as a greenhorn, namely that select committees are of very

little use. My summing up of the evidence in this case is that it can only be taken as *ex parte* statements. The only witnesses examined were public servants. It is to be regretted that the Assembly did not see its way clear to meet the wishes of this House by passing the necessary resolution that Mr. Underwood should be allowed to appear before the committee.

Hon. W. Kingsmill: He was done without.

Hon. J. CORNELL: But we cannot get away from the fact that all the witnesses examined were public servants. I take most exception to the fourth paragraph of the report. I have no desire to weary members by reading it, but the committee find that Mr. Gale has been illegally retired. That is a very drastic finding for any committee of laymen to arrive at. The Executive minute which brought about Mr. Gale's retirement was based on Subsection 9 of Section 6 of the Public Service Act. The only witness who was likely to influence me as a layman in arriving at an opinion as to the legality or otherwise of Mr. Gale's retirement was the Crown Solicitor, and the Crown Solicitor, as the evidence will reveal, held that the subsection under which Mr. Gale was reported to have been retired was not the subsection that would hold good, but he held, and held emphatically, that Mr. Gale could be retired under that section. If members will peruse the evidence they will find where Mr. Sayer said that, "If I were to look for a section under which to retire Mr. Gale I would look at Subsection 2 of Section 9." I claim that not one line of this evidence will reveal that Mr. Sayer said that Mr. Gale had been illegally retired. I myself pressed him and other members of the committee pressed him, and it will be found in the evidence that the only opinion Mr. Sayer expressed was that the legality of the retirement was arguable. He said Mr. Gale had his remedy and that remedy was a court of law. In the face of the Crown Solicitor's statement a majority of the committee say that Mr. Gale was illegally retired. I have said that most of the

evidence was *ex parte* statements and I am firmly of opinion that the finding in paragraph 4 of the committee's report is only an *ex parte* statement; it is not borne out by the evidence. The committee was not competent to judge of the legality or otherwise of Mr. Gale's retirement without legal advice. I would never attempt to do it and the only legal man who was brought before the committee was the Crown Solicitor, and he never admitted that. I regret the committee should do as they have done. I will not say they were actuated by any wrong motive, but it was injudicious on the part of the majority of the members of the committee to arrive at that decision. I think it would have been more politic and better if the committee had reported to the House that after hearing the only man who should influence them in that direction, they could not get an answer from him, and they were not competent to answer the question. In respect to the fifth paragraph, I am not too much in disagreement with the committee. The committee used these words, that "The evidence in the files disclose," etc., that "this appointment appears to have been made in a most irregular manner. The permanent head of the department was not asked to furnish a report, as is provided with regard to such appointments, under Section 44 of the Public Service Act, and indeed was not notified of Mr. Neville's appointment until such had actually been made by the Executive Council minute of 24th March above alluded to." Mr. Jull was very exhaustively examined and he held that, seeing that the Government had adopted a policy of amalgamating two offices it was not always customary to even notify the permanent head.

Hon. J. J. Holmes: The Act sets out that he must.

Hon. J. CORNELL: Mr. Jull is the gentleman charged with the administration of the Public Service Act, and in arriving at a conclusion on this point, Mr. North held one opinion and Mr. Jull the other, and the majority of the members of the committee gave their finding in favour of Mr. North. They have not

given their finding in favour of the gentleman who administers the Public Service Act. If I were asked who was the more competent to judge whether the action taken was irregular or not, I should certainly take the opinion of the person who is charged with the administration of the Act as against the head of a department, especially if the head of that department was not a legal man.

Hon. J. J. Holmes: It was not what they thought, but what the Act defines.

Hon. J. CORNELL: The committee have put in a definite finding and they find in favour of Mr. Gale. But we will not fall out on this question. I only desire to point out that I think Mr. Jull the more competent person to judge. In respect to paragraph 6 the committee *inter alia* state—

The president and secretary of the Civil Service Association, who gave evidence before your committee at the request of such association, hold the opinion that the retirement of Mr. Gale as now affected has had a disquieting and deleterious effect on the *morale* of the service. They are of opinion that the Public Service Commissioner, having at the outset expressed himself as strongly adverse to the retirement of this officer, which opinion he states he still holds, should not have allowed that opinion to be overridden by the policy, or as it has been termed by the secretary of the Civil Service Association (Mr. Stevens), the "wish" of the Government.

I will use an oft-quoted phrase in this Chamber, that in most of the venomous insects the sting is nearly always to be found in the tail. It is inferred here by Mr. Stevens, and has the concurrence of the majority of the committee, otherwise it would not go in, that Mr. Jull should not have been actuated in the steps which he took by a wish from the Government. If anyone will go into the evidence and look at it with an open mind he will find that as the report says at the outset, Mr. Jull held the opinion that the office should be filled by an expert. He holds that opinion as a personal opinion to

this day, but he holds this opinion, that the policy of the Government or any Government should not be dictated by the personal opinion of the Public Service Commissioner or the head of any department, but it is the duty of the Public Service Commissioner to give effect to the policy of any Government as far as lies in his power.

Hon. W. Kingsmill: Legally.

Hon. J. CORNELL: I do not think anyone will dispute that. It has been clearly pointed out, it is clearly shown in the evidence, that Mr. Jull did not do this on the wish of the Government. The policy was put forward to Mr. Jull that two offices be amalgamated and that Mr. Neville of the Immigration Department be given the honorary position of Chief Protector of Aborigines. It may be claimed that that was an effort to get rid of Mr. Gale, but it is a question of policy and I say that Mr. Jull acted in my opinion within the four corners of the Public Service Act in giving effect to the policy of the Government.

Hon. J. J. Holmes: What was the policy?

Hon. J. CORNELL: The policy was to amalgamate two departments which hitherto had existed as separate departments. There was a motive. One motive was clearly pointed out and appeared to be satisfactory to the committee, though they dodge it later on, that the amalgamation would effect economy in the two departments. I do not think anyone will dispute the fact that the amalgamation of two departments would effect economy. Any amalgamation which would make greater concentration of a department must effect economy in administration, that is if it is within the four corners of the department. I do not say it would do so outside the actual sphere in which it works. On this paragraph, the finding of the committee is that they agree with the president and secretary of the Civil Service Association that the Public Service Commissioner should be bound by the four corners of the Act and not by the alleged policy of a Minister. I have already pointed out that the majority of

the committee, on their own assumption, and no other, said that the Act had broken down by Mr. Gale being retired illegally. There is no need to stress the point as to the Public Service Commissioner acting within the four corners of the Act, which the majority of the committee say was broken. I say that it was not broken, and that the evidence does not show that it was. I may say that I agree with a good deal of paragraph 7, but do not agree with a little that it contains. There is nothing in the paragraph, one may say, of a very contentious nature, and nothing which one could take offence at, and I have very little fault to find with it in a general sense, with the exception that it says that economy is much more apparent than real, and is dependent to a far greater extent on the abolition of the Immigration Department than on the retirement of the Chief Protector of Aborigines. I do not know on what basis of reasoning they have arrived at this finding. It is admitted that when this amalgamation came about, the Immigration Department, to all intents and purposes so far as its business was concerned, unfortunately through the war, might just as well have closed its doors. Here, the committee set off the department as against the individual. I have already said that these two departments were amalgamated. When they were amalgamated the two departmental heads remained, and Mr. Neville retained his position as Secretary for Immigration, together with the position of Chief Protector of Aborigines in an honorary capacity. I cannot see what benefit it would have been to have left the Aborigines Department with Mr. Gale as it was—for that, after all, was the finding of the committee—and to have abolished the Immigration Department altogether, and dismissed Mr. Neville. No exception has been taken in a sense by the committee to the amalgamation of the departments. Exception only is taken to the fact that Mr. Gale was dismissed in the process of amalgamation. Mr. Neville happened to be the man at the head of the Immigration Department, and he,

therefore, was chosen to take over the other department in conjunction. Looking ahead, the Government decided that it would be better to keep the Immigration Department and the machinery going, and to amalgamate the two departments. They did so, and as there was no need for two permanent heads, they dismissed one of them. As regards paragraph 9, if the committee set themselves up deliberately to put the boot in, they could not have done it better than they did in that paragraph.

Hon. Sir E. H. Wittenoom: What does that mean?

Hon. J. CORNELL: The hon. member has had the boot put into him in days gone by in that manner, and he has a pretty good idea of what is meant by the expression. The paragraph says—

Your committee therefore consider that the action in retiring Mr. Gale, which they have been appointed to inquire into, is an ill-considered and an injudicious step, illegally carried into effect, resulting in no saving of sufficient magnitude to justify it, and redounding neither to the credit of the State nor to the efficient administration of the office in question.

The committee therefore had nothing left to do. They did everything that they could have done, but their actions are destroyed by the fact that they are based on assumption and bunkum, and not on evidence.

Hon. J. Duffell: I question that.

Hon. J. CORNELL: I do not question it. Mr. Duffell apparently sets himself up as being better qualified to give information than the man who is paid by the people of the State and who occupies the position of head of the Crown Law Department. If he can do that I am perfectly satisfied to bow to his opinion.

Hon. J. Duffell: It is in the evidence.

Hon. J. CORNELL: It is not in the evidence.

Hon. J. Duffell: It is.

Hon. J. CORNELL: That may be the hon. member's assumption. On my as-

sumption, however, it is not in the evidence.

The PRESIDENT: Mr. Duffell will have an opportunity of speaking afterwards.

Hon. J. CORNELL: The committee say that there was no saving of sufficient magnitude to justify the action. I ask the committee what evidence they had before them to justify the assertion that there will be no saving in the future administration of the Aborigines Department. We had a lengthy statement from Mr. Gale covering almost the whole of his service. We had it illustrated to the committee that certain economies had been made. Many of these economies were patent to the whole of the committee, for the simple reason that they were past history. As regards the future of the Aborigines Department, and those who come under it, I say that there was no evidence placed before the committee to guide them. After all, the only evidence that could guide them is the test of practical experience. My opinion on this point is that the majority of the committee have developed from assumers to prophets. I am glad to know that prophets have arisen. I have no doubt in my mind that, as one or two years go by, as many have gone before, each prophet will become a false one, and will remain in the same category as the Messiah who has to arise. The gem of the evening, if I may call it so, has yet to come. They have not only developed from the role of assumers and prophets, but they have now got right up to the position of commanders. "Your committee therefore are of the opinion that Mr. Gale should be requested to resume his duties." Were the committee appointed to do that? I was under the impression that the committee were appointed to inquire into the circumstance surrounding the retirement of Mr. Gale. Not only did this committee inquire into the circumstances, assume on them, and prophesy on them, but they have come forward with a recommendation

that this gentleman should be asked to resume his duties.

Hon. Sir E. H. Wittenoom : What else was it put there for?

Hon. J. CORNELL: It is all right of course if the House decides to take this action when it has adopted the report, but it is ridiculous to pin such a recommendation to the tail of any report. If any report, substantiated by evidence that Mr. Gale has been harshly dealt with, is presented before any decent body of individuals—and I think the present Government are a decent body of individuals—they will act fairly without this recommendation being pinned to it. I very much regret that I cannot see eye to eye with my brother members of the committee. Before I sit down there is one feature of this report, and the circumstances surrounding the investigations of the committee, with which I wish to deal. If the government of this State or any other State is to be efficiently carried out, and any of the servants of the State do not render such services to the Government as they should do, then it seems that we have to appoint a select committee to inquire into the circumstances surrounding the dismissal of the particular officer concerned. This sort of thing does not go on in any institution or any business carried on by private individuals. The committee have stated that the action in retiring Mr. Gale has had a serious effect on the morale of the civil service. If there is anything calculated to have a bad effect upon the morale of the civil service it is that members of Parliament should interfere with the heads of departments or civil servants who are justly dismissed. I have yet to learn that any Government, whether they be Labour or Liberal—at all events it has never come within my experience—were not as well constituted so far as fairness and broad-mindedness are concerned as any other body of individuals, or, taking individual Ministers with individual business men outside the Government, that every Minister would not stand for justice and broad-mindedness just as

much as an outside individual. There is a feeling abroad which has been in existence ever since I came to this House that no civil servant can be retired unless ulterior motives are at the back of his retirement. So long as we are prepared to allow that state of affairs to continue, so long shall we have dissatisfaction and discontented civil servants. There is just one more word I would like to say. The committee, right through the report, have held the opinion that something irregular has been done, that the Act had been broken. I put this question to Mr. Jull—I might state that I did not put many questions to him because I did not have much opportunity—I asked him pointedly whether he was of opinion, after his long term of administration of the Public Service Act, that any of its provisions relative to the retirement of civil servants required to be amended. The answer he gave was that after 11 years experience he did not think they did. We have the administration of this Act in the hands of Mr. Jull. It is said that Mr. Jull is a man of putty. It is said that the Act has been broken not only on this, but on another occasion. If the Act has been broken it has not been efficiently administered, and it is the duty of the legislature to rectify that fault. But we have the opinion of the Commissioner that the Act does not need amending. Of course, if an hon. member considers that it does, he has the power to submit a Bill to amend the provisions of the Act and I advise that that should be done, and in that way we shall get the general opinion of members of Parliament in the discussion which will follow in both Houses, and a good deal of friction will be avoided in the future. There are several paragraphs in the report which I do not agree with, and which I think are a blot on the report and which should not be there. Consequently, I move an amendment—

That the paragraphs 4, 9, and 10 be struck out.

On motion by the Colonial Secretary, debate adjourned.

BILL—VERMIN BOARDS ACT AMENDMENT.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 2—Validation of the constitution of certain districts, the election of boards, etc.:

Hon. J. J. HOLMES: I move an amendment—

That the following be added as a proviso to the clause:—"Provided that no proceedings shall be taken for the recovery of rates heretofore struck if, and so long as, the amount thereof is paid by equal annual instalments extending over ten years from the commencement of this Act; the first of such instalments to be payable at the expiration of one month from the commencement of this Act, and every subsequent instalment to become payable at the expiration of each succeeding period of twelve calendar months."

It has been made clear that of the 36 ratepayers responsible for the payment of these rates, 11 who were in the position to pay have paid and 25 who were not in the position to pay did not pay. The Government have power to come down on the 25 unfortunate individuals straight away. If that had been done these individuals would have been driven off their holdings and the Government would not have got the arrears in rates nor would these people have been there to pay interest and sinking fund in due course. These people have come through a very severe drought. They owe £8,400 and they have to pay a vermin tax equal to their crown rentals. The proposal is that they shall pay between them £840 a year and hon. members will realise that in doing this the House is asking them to pay all they possibly can under the circumstances.

The COLONIAL SECRETARY: I have much pleasure in accepting the amendment, and I desire to state also that I intend to accept the new clause which Sir Edward Wittenoom proposes to move at a later stage. In my speech

in reply on the second reading I threw out the suggestion that an effort might be made to come to some amicable arrangement and I was glad later to ascertain that Mr. Holmes had presented a scheme by which the Government will get back the whole of the money on the basis of 1s. per 100 acres. I stated in the course of my speech in reply that I was inclined to think that the Gascoyne pastoralists were anxious to repudiate this obligation. I wish to amend that statement now and to say that the action of Mr. Holmes and the other Parliamentary representatives of the North-West shows conclusively to the Government that there was no desire at all to repudiate responsibility, but that there was an anxiety to discharge a debt and that the arrangement which has now been made will be suitable to the Government.

Hon. J. J. HOLMES: I thank the Colonial Secretary for having withdrawn the statements he made in regard to the Gascoyne settlers. I was perfectly satisfied that the position only wanted to be explained to be appreciated. The imposition of the tax of 2s. proposed by the Government would have meant that these people would have had to pay £120,600 more than they really should have paid. The 1s. rate will enable these people to meet their obligations. The Government should not have asked for more and I do not think they would have done so if they had understood the position. The Government understand the position now and they have withdrawn their wicked statements against those North-West people. I am certain that the settlers will appreciate the action of the Government and will pay up the amounts which they have always understood they would have to pay.

Amendment passed, the clause as amended agreed to.

Clause 3—agreed to.

New clause:

Hon. Sir E. H. WITTENOOM: I move—

That the following be added to stand as Clause 4:—"Sections 47 and 49 of the principal Act are hereby amended

by striking out in the said sections the words 'two shillings' and by inserting in lieu thereof the words 'one shilling.'"

New clause passed.

Schedule:

The COLONIAL SECRETARY: I promised to obtain some information for Mr. Cullen. Seven boards are in existence—Shark Bay, Gascoyne, Upper Gascoyne, Black Range, Roebourne-Tableland, Williams, and Yalgoo. Only one board, Gascoyne, has built a fence and carried out the full intentions of the Act. Upper Gascoyne has struck a small rate and is paying bonuses for the destruction of dingoes, eagle-hawks, and similar pests. Roebourne-Tableland at one time struck a rate, but it is understood, is not now striking a rate. It must be understood that once a board is formed, it has to work out its own salvation; the department does not keep in close touch.

Schedule passed.

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

BILL—HEALTH ACT AMENDMENT.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Posponed proposed new Section 242i—Compulsory examination and treatment:

The COLONIAL SECRETARY: I desire to have this proposed new section struck out.

The CHAIRMAN: The proposed new section has already been amended and the hon. member will have to vote against it on recommitment. The other proposed amendments on the Notice Paper can be dealt with.

Hon. A. J. H. SAW: I move an amendment—

That after "venereal disease" in line 2 of the proposed new Subsection 2, the following words be inserted—"In an infectious stage and is, in the opin-

ion of the Commissioner, likely, unless detained, to infect other persons."

The Bill, as received from another place, gives the Commissioner power to detain any person suffering from venereal disease. Such person might quite innocently have contracted the disease. It might be the wife of a man who had inflicted it on her; it might be a man who had innocently contracted the disease, or someone who had contracted it in some other way than by sexual intercourse, but the Commissioner has power, once a person is suffering from venereal disease, to order his detention, and that detention might last for years. This would defeat one of the objects of the Bill which is to ensure that people affected shall seek medical attention. If such a person knew the Commissioner had a right to confine him to a hospital merely because he was suffering from the disease, he would be very shy of going to a hospital or a doctor for attention. The wide powers proposed to be conferred on the Commissioner are entirely unnecessary and should be restricted to people who have this disease in an infectious stage and are likely to convey it to others. My amendment will necessitate the Commissioner making up his mind whether a particular person is likely to convey the disease to anyone else. It might be said there is a possibility of a person conveying this disease in some of the extraordinary ways the public imagine it is sometimes conveyed. I think the Commissioner would not consider that aspect, because the disease is contracted only on very rare occasions in other than one way, and an Act of Parliament is not needed to deal with the danger of infection arising from any other than the usual way. I propose that the Commissioner shall have power to detain only people likely to infect others, and he must be guided by the information he receives as to whether the sufferer is likely to neglect all precautions and spread the disease wholesale among the community. He might be a reckless man, or one addicted to drink, or one reasonably suspected of actually conveying this disease to others; or, it might be a woman so circumstanced that it appears probable she would con-

tinue her career and inflict this disease on her unfortunate clients. This amendment is vital to the successful working of the measure. This and the subsequent amendments have been carefully considered by the medical section in Perth and have received the unanimous approval of about twenty members of the British Medical Association, as well as the approval of the editor of the *Australian Medical Journal*. The following is an extract from an editorial published by the *Australian Medical Journal* of the 9th October, 1915—

Dr. Saw has indicated some of the amendments which will be needed to make the Health Act Amendment Bill a really useful one. . . This Bill requires sand-papery. When the rough edges are smoothed, and the awkward angles are rounded off, a very useful piece of experimental legislation will emerge.

I do not know the editor of the paper, who is a recent arrival from England; and he does not know me. The extract I have quoted expresses the opinion of 95 per cent. of medical practitioners. We believe that the Bill is well intentioned, but we believe that it requires amendment in certain directions. The present amendment I believe to be vital for the proper working of the measure and for safeguarding the health of the community.

The COLONIAL SECRETARY: I would like Dr. Saw to explain whether there is any stage at which the disease becomes non-infectious.

Hon. A. J. H. SAW: Certainly there is such a stage. The prevalent opinion of medical men is that after a period of about five years the disease ceases to be infectious. The disease may last for any period up to 20 or even 40 years, but in its later stages it is not infectious.

Amendment put and passed.

Hon. A. J. H. SAW: I move an amendment—

That in Subclause 3 after the words "infectious condition," line 3, there be inserted "and that further detention is necessary in the interests of the public and so reports to the Governor."

This is really a continuation of the previous amendment. It gives the Commissioner power to detain a person for a longer period than two weeks, subject to the approval of the Governor.

Amendment passed.

Hon. A. J. H. SAW: I move a further amendment—

That in Subclause 4 the words "When any person is subject to detention under this section any judge or resident or police magistrate may by order under his hand direct any two medical practitioners" be struck out, and the following inserted in lieu:—"When any person is subject to detention under this section he may from time to time apply in writing to a judge of the Supreme Court or a resident or police magistrate in the district in which he is detained to be examined by two medical practitioners, and thereupon such judge or magistrate shall by order direct any two or more medical practitioners."

The object of this amendment is to make it clearly understood that the person detained has the right to appeal, and that he is not to be detained unless he is shown to be a menace to the community. In the absence of this amendment a person affected with the complaint, but not a menace to the community in as much as he will not wilfully inflict the disease on other people, still cannot be released by an order of a judge or magistrate, so long as he is suffering from the disease. If as the result of examination by two medical practitioners a person is shown to be cured, then of course the judge or the magistrate will order his release; but this amendment provides that the Commissioner must produce evidence to the satisfaction of the judge or magistrate that the person is likely to infect others. In my opinion, the Commissioner should not have the power to decide whether a person is likely to infect others unless the evidence on which he, the Commissioner, acts is sufficient to persuade a judge or magistrate that the person is a menace to the community.

Hon. J. Cornell: Who decides in the case of small-pox?

Hon. A. J. H. SAW: The Commissioner of Public Health; but there is no analogy between small-pox and the class of disease we are dealing with now. If it were not that venereal disease is conveyed in one particular way, the disease would be wiped out in a few years; the other sources of infection being rare and slight.

The COLONIAL SECRETARY: The intention of this amendment is good, but I am very much afraid that if it gets into the Bill the measure will break down by the very weight of this amendment. Take the case of the persons in the Fremantle prison—they petition for release to the utmost extent that the regulations allow. In the same way, numbers of inmates of the Claremont Hospital for the Insane petition me twice a week for release. There are even cases where residents of the Old Men's Home petition to get out. Almost every person detained in an institution wants to leave it. Under this amendment the unfortunate people affected would apply for release regularly every six months, and then the judge or magistrate has no alternative but to direct two or more medical practitioners to make an examination. The resultant cost to the State would be very heavy.

Hon. A. J. H. SAW: I do not think there is much in the argument of the Colonial Secretary. If a man is to be detained for a further period of six months, it is not too much to ask that the country should bear the small expense of an examination by two medical practitioners. As a matter of fact, only two are necessary. This question as to whether he is a menace to the community would already have been decided on the first application. Another point to be considered: We hope that, with modern methods of treatment, the majority of those people may be allowed to go out, certainly after the expiration of six months, and that even without the administration of modern methods, even under ordinary efficient treatment a

period of a year or at any rate two years will render a patient perfectly safe to be allowed to go amongst the community.

Hon. J. CORNELL: The Committee are giving more attention to releasing a man than to getting him into confinement. I am afraid the amendment will overload the proposed new section. The Commissioner has power to say that a smallpox convalescent shall be released, but here it is provided that before the Commissioner can detain a patient any longer, there must be a further examination. The Commissioner can let go any individual, but he cannot keep him without special examinations. I agree with Sir Edward Wittenoom that we will have to trust a good deal to the Commissioner, and I hope Dr. Saw will not press his amendment, for I am afraid that by overloading the section he will kill it. I think the instances of persons being wrongly detained will be very few indeed.

Hon. A. J. H. SAW: I regard my amendment as absolutely light. I not only cannot agree to withdraw it, but I will divide the Committee on it.

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

Ayes	17
Noes	4

Majority for 13

AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. H. Carson	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. F. Connor	Hon. A. Sanderson
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. Sir J. W. Hackett	Hon. G. M. Fewell
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. C. F. Baxter
Hon. A. G. Jenkins	(Teller.)

NOES.

Hon. J. Cornell	Hon. H. Millington
Hon. J. M. Drew	Hon. R. G. Baxdagh
	(Teller.)

Amendment thus passed.

The COLONIAL SECRETARY: I move an amendment—

That after "order" in line 4 the words "(one of whom shall be nomin-

ated by the patient or some person on his behalf)" be inserted.

Amendment passed.

Hon. A. J. H. SAW: I move an amendment—

That all words after "examination" in line 8 be struck out and the following inserted in lieu:—"If it appears from such report that all the medical practitioners are unanimously of opinion that the person is cured or is free from venereal disease, or if such report discloses that the person is suffering from venereal disease in an infectious stage, but the Commissioner fails to satisfy the judge or magistrate that the person would be likely to infect others unless detained, then the judge or magistrate shall order the release of such person, who shall be liberated from detention accordingly; provided that no application shall be made by a person so detained within six calendar months of a prior application having been made by such person."

I think I have already sufficiently elucidated my object in moving this amendment.

Amendment passed.

Hon. A. J. H. SAW: I move an amendment—

That the following be inserted to stand as Subsection 5—"When any person is subject to examination under subsection (1) or to detention under subsection (2) or subsection (3) he shall be entitled as of right to inspect any written statement made to the Commissioner under subsection (1) and to have a verified copy of every such statement."

My object is to protect a person informed against from any malicious or wrongful information. It is in order to give the person the right of action that I move in this direction. It is necessary that this should be inserted if Mr. Connor's amendment is to be inserted. The accused person should be able to get the information if he is to take action.

Hon. J. J. HOLMES: Where a person is found to be infected with this disease he has no right to demand where the information came from, but if he is found

not to be infected then he has a right to have all the information.

Hon. A. J. H. SAW: I do not believe in these subterfuges enabling people to go about giving information for which they are not prepared to make themselves responsible.

Hon. A. G. JENKINS: If a man is found to be not suffering he should be entitled as a matter of right to a copy of the statement in the possession of the Commissioner, but if he is found to be suffering then he is entitled to all the information the Commissioner has. The idea is to prevent blackmail.

Hon. A. J. H. SAW: The Bill does not give a medical man attending a patient the right to notify the name of the patient, but he notifies in the first instance that a case has arisen, and the name is kept secret. The object of giving these powers to the Commissioner is to enable him to get hold of the person who is inflicting this disease on others. The mere fact that a man has this complaint should not be, and is not, a reason for the Commissioner to take action. If a person is inflicting the disease on other people the Commissioner takes action. Why should any anonymous informer be allowed to give a person's name to the Commissioner and shield himself on the ground that the person is suffering from the disease. Unless a person is a menace to the community and knowing he has the disease conveys it to other people there is no reason for the Commissioner to take action.

Hon. J. J. HOLMES: How is the Commissioner to discriminate between the person who is likely to spread the disease and the person who is not? When a person is infected he is not entitled to know where the information comes from.

The COLONIAL SECRETARY: If any amendment is to be made it should be on the lines indicated by Mr. Holmes. I cannot possibly see what object can be served by allowing access to the papers.

Hon. H. P. COLEBATCH: I am in accord with the amendment moved by Dr. Saw. It is essential to prevent a grave abuse that may otherwise arise.

Hon. A. G. JENKINS: In lieu of the words proposed to be inserted by Dr. Saw I suggest the following subclause:—

When any persons subject to examination or defention under this section are found not to be suffering from venereal disease in an infective condition they shall be entitled, as of right, to inspect any written statement made to the Commissioner and to have a verified copy of every such statement.

The CHAIRMAN: I think the hon. member had better put that amendment on the Notice Paper as an alternative to Dr. Saw's amendment.

Hon. A. G. JENKINS: Very well, I will do that.

[The President resumed the Chair.]

Progress reported.

House adjourned at 6.1 p.m.

Legislative Assembly.

Thursday, 21st October, 1915.

	PAGE.
Papers presented	1865
Questions: Yandanooka Estate, Parliamentary visit	1865
Agricultural Bank operations	1865
Joint Select Committee, Money bills procedure	1865
Leave of Absence	1866
Bills: General Loan and Inscribed Stock Act Amendment, 2R., Com., 3R.	1866
Land Act Amendment, Com.	1867
Industries Assistance Act Amendment, Council's amendments	1869
Annual Estimates, Votes and Items discussed	1869

The SPEAKER took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Minister for Lands: 1. Papers relating to Lands Reclassification Board

(ordered on motion by Mr. E. B. Johnston). 2, Return of Agricultural Bank operations (ordered on motion by Mr. Harrison). 3, Lands Department, report for year ended 30th June, 1915.

By the Premier: Commissioner of Taxation, Seventh Annual Report.

By the Minister for Works: Municipal Corporations Act, 1906, by-laws to regulate motor and other traffic.

QUESTION — YANDANOOKA ESTATE, PARLIAMENTARY VISIT.

Mr. MALE asked the Minister for Agriculture: 1, What was the cost of taking the Parliamentary party to Yandanooka last week? 2, Was a special train provided? If so, was it supplied by the Government railways, or did the Midland Railway Co. supply it, and, if so, at what cost?

The MINISTER FOR AGRICULTURE replied: 1, The total cost of the Parliamentary visit to the Yandanooka farm, including the special train, was £74 10s. 2, A special train was provided, for which we contributed £25 to the Midland Railway Company.

QUESTION—AGRICULTURAL BANK OPERATIONS.

Mr. CUNNINGHAM (for Mr. Harrison) asked the Minister for Agriculture: When will the return relating to Agricultural Bank operations, for which a motion was passed by the House on the 15th September, be laid upon the Table of the House?

The MINISTER FOR AGRICULTURE, in reply, presented the return in question.

JOINT SELECT COMMITTEE. MONEY BILLS PROCEDURE.

On motion by Mr. McDOWALL the time for bringing up the report of the joint select committee on money bills procedure was extended for a week.