

## Legislative Assembly,

Tuesday, 21st December, 1909.

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The SPEAKER took the Chair at 10.30 a.m., and read prayers.

### QUESTION—WATER SUPPLY. CLAREMONT.

Mr. FOULKES asked the Minister for Works: 1, Is he aware that the water as supplied by the Claremont Water Department is deficient in quantity and quality? 2, Will he instruct the Claremont Water Department to prepare a report showing the cause of such deficiency, and giving an estimate of cost necessary to provide a satisfactory supply of water to the residents of the Claremont and Cottesloe districts?

The MINISTER FOR WORKS replied: 1, Yes. 2, A report had been submitted recommending larger mains to improve the supply and this was approved by the Metropolitan Board of Water Supply and Sewerage yesterday afternoon, subject to the confirmation of the Minister.

### QUESTION—PUBLICAN'S LICENSE, GUILDFORD.

Mr. JOHNSON asked the Attorney General: 1, Is it true that at the last ordinary meeting of the licensing court at Guildford, the bench, at the request of the police, refused the renewal of the license for the Stirling Arms hotel? 2, Was this refusal recorded on the minutes as a decision? 3, Did the licensee's solicitor plead for an adjournment to permit of transfer being arranged? 4, Was the application for the adjournment of this case refused, and if so, why? 5, Did the court eventually adjourn, and if so,

why? 6, At the subsequent meeting of the court was the decision *re* the Stirling Arms reviewed? 7, If so, was it reviewed by a full bench? 8, During period of adjournment did the chairman of the bench receive any instructions from the Government or their officers? 9, Why was the first decision reviewed?

The ATTORNEY GENERAL replied:

1, No; but the bench refused to renew to the applicant as he had been convicted of being drunken and disorderly, and was also reported as leaving the management of the hotel in the hands of a young lad. 2, Refusal to renew license was not recorded, but refusal to renew to the applicant was recorded. 3, The licensee's solicitor applied for an adjournment in order that he might make a fresh application on behalf of the applicant. 4, Application for adjournment for the purpose of a fresh application on behalf of the applicant was refused, but the bench expressed its willingness to adjourn with a view to the transfer being arranged. 5, Yes; with a view to the transfer being arranged in this case because of other cases then remaining. 6, The adjourned hearing was duly held on the lines set out above. There was no review. 7, The adjourned hearing here was not held before a full bench under Part II. of 57 Vic. 25, one magistrate being absent ill, necessitating the case being taken under Section 31 of 44 Vic., No. 9. 8, No. 9, The first decision was not reviewed. The transfer was effected and the license was granted to the original applicant for the sole purpose of enabling him to complete that transfer which was effected immediately.

### QUESTION—JAM FACTORY. DANNYBROOK.

Mr. GOURLEY asked the Minister for Lands: 1, What object have the Government in view in advancing money to the Donnybrook jam factory? 2, If the object be to assist the jam manufacturing industry, also the fruit-growing industry, would not that object be realised by assisting those already engaged in the jam industry instead of practically forming a new company? 3, Has the Minister

had applications for loans from any firm or firms already engaged in the jam manufacturing industry? 4, If so, were the applicants prepared to offer good security for any money advanced? 5, Why were these applications not granted? 6, Does the Minister consider it fair and proper to grant one firm a loan and give a refusal to others?

The MINISTER FOR LANDS replied: 1, To assist the fruit growers to get a return for a surplus quantity of fruit for which they are frequently unable to get a market. 2, The proposed company is merely one of fruit growers acting co-operatively and these it is considered desirable to encourage. 3, Yes. 4, Yes. 5, They are still under consideration. 6, Yes; if the loan is made to assist a co-operative company of producers.

#### IMMIGRATION SELECT COMMITTEE.

##### *Report presented.*

Mr. Daglish brought up the report of the select committee appointed to inquire into the question of immigration.

Report received and read.

Mr. DAGLISH moved—

*That the report be printed.*

Mr. JOHNSON: I question the necessity of going to the expense of printing the report. The utility of the report will be secured as it is, for it will be published in the Press and will be filed among our records. If it is printed it will be put in a pigeon hole and there it will remain. I do not think it is necessary to waste the funds of the State in printing this report.

Mr. ANGWIN: I hope hon. members will print the report so that we can each have a copy of it. I have heard it read but I cannot grasp all that is in it. I certainly think the report ought to be printed.

Mr. TAYLOR: I hope the member for Subiaco will not press his motion to have the report printed. We have no chance of dealing with it this session, and the report will be here in the records of the House, and it will be an easy matter to

have a sufficient number struck off by a typist to enable members to deal with the subject if it crops up again next session. While I am a great advocate of permanent records, I do not think it is necessary to undertake the expense of printing this report. I have no desire to oppose the printing of it, but I hope the hon. member will not press it.

The PREMIER: Hon. members must realise that it would be cheaper to print the report than to get a number of copies struck off by a typist. The evidence is printed and is presented to the House as a Parliamentary paper, and this report should be regarded as worthy of being printed.

Mr. Taylor: I did not know the evidence was printed.

Mr. BATH: I am not particular about the actual report but I am anxious to see the evidence printed and made available to members. It is pointed out that the evidence is already printed, consequently the additional cost of printing the report will not be very much.

Question put and passed.

#### BILL—EMPLOYMENT BROKERS.

##### *In Committee.*

Mr. Daglish in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 to 14—agreed to.

Clause 15—List of charges to be posted.

Mr. JOHNSON: Although there was an amendment standing in his name on the Notice Paper he did not propose to move that amendment. Still, he wanted to express regret that the Government had not seen its way clear to make the clause a little more definite. He realised, however, that if he were to move the amendment he would possibly lose the Bill, which contained some very desirable amendments to the existing legislation. He trusted that we would have a further opportunity of amending the Bill at some future date.

Clause put and passed.

Clauses 16 to 26—agreed to.

Clause 28—agreed to.

The HONORARY MINISTER moved—

*That the following be added to stand as Clause 27:—*

*The following fees shall be payable for things done under this Act, namely:*

	£	s.	d.
<i>Upon giving notice of an application for a license, to the Clerk of the Licensing Magistrates</i>	1	0	0

<i>Upon the issuing or annual renewal of a license, to the Collector of Internal Revenue or other officer appointed as aforesaid</i>	5	0	0
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<i>Upon the transfer of any license</i>	1	0	0
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*Provided that if the certificate for such license is granted after the thirty-first day of March the licensee shall pay only three-fourths of such fee, and if granted after the thirtieth day of June one-half of such fee, and if after the thirtieth day of September one-fourth of such fee.*

Question passed; new clause agreed to. Schedule, Title—agreed to.

Bill reported with an amendment, the report adopted.

### *Third Reading.*

Read a third time and returned to Legislative Council.

## COHNEY COMPENSATION INQUIRY.

### *Consideration of Select Committee's Report.*

Mr. SWAN: It was understood that the report would not meet with any serious opposition from the Government. For his part he recognised that the request made in the report was a very modest one. The committee should have recommended a much larger amount. Although he believed a majority of the members did not hold with him, he felt that the moral responsibility for the position of these people rested with the Government. He moved—

*That the report be adopted.*

The MINISTER FOR WORKS: While it was not intended to oppose the adoption of the report—he was quite satis-

fied to pay some compassionate allowance to these people—he did not quite like the wording of the report, "Your committee are therefore of opinion that a compassionate allowance might reasonably be granted to Mr. and Mrs. Coney to the extent of the difference between the amount awarded by the jury and the amount paid into court by the contractors." The report of the committee seemed to be a revision of the jury's findings. It would be objectionable for the House to sit as a revision court and practically say that the jury were wrong and had not awarded sufficient damages. If it was to be an allowance, then it should be a compassionate allowance, as mentioned in the report, and we should then adopt the report subject to the excision of the words "to the extent of the difference between the amount awarded by the jury and the amount paid into court by the contractors," and by substituting "one hundred and fifty pounds" for those words. The recommendation would then read: "Your committee are however of opinion that a compassionate allowance might reasonably be granted to Mr. and Mrs. Coney to the extent of £150."

Mr. Jacoby: That could not be passed without a Message. If the sum were omitted and the Minister told the House £150 would be paid, it would be the better course to adopt.

The MINISTER FOR WORKS moved an amendment—

*That the following be added to the motion:—"Subject to the omission of the words "to the extent of the difference between the amount awarded by the jury and the amount paid into court by the contractors."*

It would be then understood that the Government would pay a fair amount, namely £150.

Mr. SWAN: On the assurance of the Minister that £150 would be paid, he agreed to the amendment.

Mr. JOHNSON: We were establishing a dangerous precedent in matters of this description. He would rather have seen the Government adopt the course of granting a compassionate allowance, not in consideration for any loss sustained

through the contract, but on account of the extreme poverty of the people. It would be better to not adopt the report and to have an understanding that some amount should be paid out of the Charities vote to these people. He would be the last to stop assistance being given to anyone, but we would be placing ourselves in the position that we would always have people with sufficient energy to make themselves objectionable to members of Parliament coming to us to get the same consideration. Mrs. Tracey had no legal claim on the people's purse, but she was so persistent as to make herself objectionable to members of Parliament, and in order to get rid of her something had to be done. There was a more glaring illustration in the Pombart case. Mr. Pombart got £700 because he pulled the strings to make himself felt at election time, and got Mr. Rason to promise him some consideration after the House had refused to give any consideration. There was also the Faiz Mahomet case, and there were others. It was about time we stopped this. We should refuse to adopt the report, and out of charity a compassionate allowance should be given to these people. That would not place on our shoulders the responsibility of paying them in connection with their claim against the contractor.

Mr. ANGWIN: Members should have taken all this into consideration before agreeing to the appointment of a select committee. The committee had spent a good deal of time going through the evidence and inspecting the premises, and in examining witnesses; and, while the majority of the members of the select committee had the same feeling as hon. members, they believed this was a hard case and that the buildings were destroyed through carrying out works for the public good, and that, while Mrs. Cohny was no doubt responsible to a large extent for not getting sufficient compensation from the contractors, she was acting on advice that debarred her to a large extent in accepting a fair amount. The £150 would not put her property in good order and condition, but if the Government were prepared to pay that

sum the committee would be perfectly satisfied. The report of the committee was a fair one, and was put in as few words as were possible to place the matter fairly before members.

Mr. PRICE: There was no reasonable objection to the suggestion of the member for Guildford. Most members agreed this was a deserving case from a purely charitable standpoint, though there was great diversity of opinion as to whether it was a case warranting the interference of the House to the extent of placing on record our opinion as to the amount of damages in contrast with the verdict brought in by a jury. This was a most deserving case. The woman was practically starving; and the fault, though not directly, was indirectly, brought about by the Government because of works carried out on behalf of the Government by the parties responsible, the contractors.

Mr. George: The Supreme Court say the Government are.

Mr. W. PRICE: At any rate the woman was practically starving, and on the eve of the Christmas season, when we were supposed to exhibit good will and charity to all men, we might readily grant a charitable allowance, and that would relieve us of any claim the lady might have on the Government.

Mr. OSBORN: We are not called upon to make charitable grants to one or two individuals any more than to others who were in want and who would like to have a sumptuous Christmas dinner. There were no grounds for the appointment of the select committee according to the evidence brought before the House previously. It surprised him the committee was appointed; and having voted against the committee, he must now vote against the recommendation, and against doling out the funds of the State in charitable grants to one or two individuals who were able to make themselves sufficiently heard among members of Parliament to get consideration at the hands of Parliament. Members should not allow themselves to become charitable bestowers. We were sent to Parliament to protect the State as a whole, and not to

make ourselves "good fellows" by doling out certain charitable donations to one or two who could make themselves sufficiently heard. There were many other persons equally as deserving as Mrs. Cohney, but they had not the persistency and had not the ear of certain members of Parliament. Where was this to end? It was only £150; but there were many things in the House involving less expenditure where someone was not receiving sufficient to remunerate him for the services rendered to the State, and there was not the same consideration shown. He was as sympathetic as any member; and while he was prepared to give any reasonable donation privately to anyone requiring charity, he was not in Parliament to give donations from the public purse for the sake of being regarded as a "jolly good fellow," while it cost him nothing. He hoped the House would not accept the motion or the amendment. He would vote against both. These people had no doubt been brought to distress primarily through the construction of the works, but their subsequent distress was owing to their persistency in the course they took to endeavour to get more than sufficient remuneration for the damage sustained and to squeeze out of the public purse something more than they were actually deserving of. That they did not get what they should have got was no fault of Parliament. This sum of £150 should not be given by members. The case should be left to the charitable institutions to deal with; as other cases on similar lines had to be dealt with.

The HONORARY MINISTER: After the exhaustive statement of this case, which had been made by the Minister for Works, it was surprising that members should have been willing to agree to the appointment of a committee of inquiry to revise the finding of the jury.

Mr. Collier: You cannot criticise that aspect now.

The HONORARY MINISTER: It was not his intention to do so. The report of the select committee was not entirely accurate. There was one sentence which he desired to take grave exception to.

We were told that in support of this committee they would urge that, without fault of their own Mr. and Mrs. Cohney had sustained serious loss through the construction of works undertaken by the Government for the benefit of the community. Hon. members who heard the statement of the Minister for Works must agree that it was entirely Mrs. Cohney's own fault that she and her husband were not adequately compensated for this damage. He (the Honorary Minister) had been intimately associated with this case, and had been blackguarded throughout the length and breadth of Perth by certain individuals in connection with his attitude on the matter. The reason he refused Mrs. Cohney compensation was because she declined to accept adequate compensation at the outset. The recommendation of the committee was based on absolutely wrong premises. In this case the greatest latitude should be left to the Minister to do what he thought was the proper thing.

Mr. SCADDAN: The report appeared to him to be somewhat contradictory. It stated that the contractors had done everything possible to arrange with Mrs. Cohney for the repair of damage, or payment of compensation, and in another part of the report it was stated that without fault of their own Mr. and Mrs. Cohney had sustained serious loss. If Mrs. Cohney refused the offer for settlement and she went to law and obtained a verdict from a jury, a select committee should not ask the House to override the verdict of that jury. Was there any evidence now that the jury did not give Mrs. Cohney justice? Would anyone make that statement?

Mr. Angwin: Yes, I do.

Mr. SCADDAN: The hon. member should be called upon to substantiate it.

Mr. Angwin: I read the evidence.

Mr. SCADDAN: The hon. member could not read it and understand it; the evidence would be too technical for him to understand, and he would not be in the position that the jury were in in bringing in a verdict. He objected strongly to the growing practice of people getting the ear of a member of Par-

liament and securing the appointment of a select committee in the hope of obtaining compensation from the Crown when the Crown was not responsible.

The Honorary Minister: Why did you vote for the select committee?

Mr. SCADDAN: Simply because he did not object to an inquiry being held. That, however, would not bind him to accept the finding of the committee. He did not hear the long stone-walling speech which the Minister for Works made in connection with this case.

Mr. Holman: Is the hon. member in order in referring to the speech made by the Minister for Works as a stone-walling one?

The Minister for Works: I think the hon. member ought to withdraw that remark.

Mr. SCADDAN: Oh, certainly, I will withdraw and apologise.

Mr. Bath: You can say that the Minister made a good imitation of it.

Mr. SCADDAN: It seemed any person who happened to be a resident of the metropolis and who pestered a member of Parliament, could secure the appointment of a select committee to inquire into some alleged grievance or other. The Government should shelve this report and allow Mrs. Cohney to again approach the Supreme Court in order to ascertain the damages that should be paid to her. If it was a matter for charity, then it should be referred to the Charities Department, and a recommendation made that Mrs. Cohney be paid a lump sum or so much per week. There was no reason why the House should pay a certain amount from the taxpayers' money as compensation to Mrs. Cohney for the bad treatment she received at the hands of the legal profession.

The MINISTER FOR WORKS: With the permission of the House he would alter his amendment to read—

*That the following words be added to the motion:—"Subject to the erasure of all words after 'Cohney,' in the sixth line of the third paragraph,"*

The paragraph would then read, "Your committee are, however, of opinion that a compassionate allowance might reason-

ably be granted to Mr. and Mrs. Cohney." If that were carried out he would consider that the House thought an allowance of £150 sufficient.

Mr. Taylor: Would it come out of the charity vote?

The MINISTER FOR WORKS: It would be debited against the contract. Ministers would vote as they liked. One Minister was deadily opposed to the motion, but Ministers would vote according to their conscience just the same as other members of the House.

Mr. George: May I ask that the question be now put?

Mr. SPEAKER: That is not the wording of the motion.

Mr. GEORGE: Am I in order in moving that the question be now put? Our time is limited and we are talking all round "the shop."

Mr. SPEAKER: The words of the Standing Order were, "that the House do now divide." The hon. member is in possession of the Chair.

Mr. Holman: The hon. member has spoken.

Mr. SPEAKER: I did not know the hon. member had spoken.

Mr. George: I have not spoken.

Mr. SPEAKER: If the hon. member has not spoken he is entitled to move the motion.

Mr. George: May I move, that the House vote on the question? I am not up in the correct wording of the Standing Orders, but we have more valuable work to do, and I move, that the question be put, or the House divide, or that we do something.

Mr. Walker: It is clear that no kind of comment, argument or debate can be used if a member moves that the House do now divide.

Mr. SPEAKER: The hon. member is quite correct in that; but the member for Murray had asked me to guide him in the wording of the motion.

Mr. George: I asked that you supply the words that my limited vocabulary will not allow me to supply.

Mr. SPEAKER: If the hon. member presses his motion I shall put it, but I was about to put the amendment.

Mr. George: I do not know where I am.

Mr. BROWN: Members should understand who was getting the money, whether it would be Mrs. Cohnney or the mortgagee. The difficulty was that the premises were mortgaged. Would the money go to put the building in order to enable Mrs. Cohnney to get the rental to maintain her if we voted the money? Was it not really putting money into the pocket not of Mrs. Cohnney, but practically into the pockets of the mortgagee? Who is going to receive this money? Unless the premises were put in order there would be no benefit to Mrs. Cohnney, and if they were put in order it would be of benefit to the mortgagee.

Mr. WALKER: It was no concern to the House where the money would go; it was a principle we were affirming. That Mrs. Cohnney had had her property injured no one would deny. She did not recover enough to put the premises in order, that no one would deny. These premises were ruined by the action of the Crown in constructing drainage works, and that would not be denied. The Crown, therefore, was in duty bound to help Mrs. Cohnney. By no kind of subterfuge ought the Crown to escape its moral liabilities.

Mr. Johnson: Neither moral nor legal liabilities.

The Honorary Minister: Did she not refuse a fair offer?

Mr. WALKER: Mrs. Cohnney was not to be taken as an ordinary normal woman, and that should be allowed. The woman had had her whole system thrown out of gear by a series of misfortunes, and, therefore, we should not take advantage of her, but protect her. In a matter of charity the Crown should protect her, and she should receive the benefit of any charity.

The Honorary Minister: Would you give an allowance to any unsuccessful litigant?

Mr. WALKER: It was not a question of an unsuccessful litigant, but the Crown had injured this woman's property by carrying out certain drainage works. If the Crown did wrong the Crown ought to

be more gracious and just than an ordinary individual. The Crown stood on a higher level. In this case it had been clearly shown that this unfortunate woman had suffered a wrong; the state of the woman's nerves was in part due to the death of her daughter in the hospital under circumstances that were not altogether creditable to the management of the institution, and it was something shocking for the Crown to take advantage of the forms of law, or any other formalities to escape moral obligations to those who had suffered from their wrong doing.

Mr. TAYLOR: This was the first time he had spoken on this question. If the statements, read from the files by the Minister for Works, were on those files, then Mrs. Cohnney had no case against the Crown. It was apparent from the outset that those people were bent on getting money from the Crown in the first instance, and it was that belief which led him to refrain from exercising his vote on the appointment of the select committee. If the statements of the Minister were correct, the Crown offered to put the buildings in better repair than they were in before the drainage work was started—

The Minister for Works: In as good repair.

Mr. TAYLOR: The case was taken to court and these people failed at law. However, it was necessary for the Government to be generous, and he was prepared to support the granting of a compassionate allowance of £150. The question was where that allowance was likely to go, whether to the Cohnneys or to the mortgagee? If one were granted, care should be taken that the Cohnneys got it. The allowance would be a matter of grace not a matter of right. The Government should be careful to do nothing to increase the poverty and hardships of these people, to a certain extent brought about by the construction of the sewerage works. The report might be withdrawn on the understanding that a compassionate allowance would be given by the Government out of the charities vote. It was now an established fact throughout the Commonwealth that the aged and poor

should be kept by the State. Here was a case in which the Government could live up to that principle. A compassionate allowance did not brand those who received it as paupers, but merely placed them on the same basis as those who received old age pensions. Although he had no desire to establish a precedent by the case he hoped the Government would be generous in the matter.

Mr. HARDWICK: The sentiments expressed by the previous speaker as to the advisableness of the Government making some compensation to these people met with his approval.

Amendment put and passed.

Question as amended agreed to.

#### BILL—PERMANENT RESERVES DEDICATION No. 2.

##### *Council's Insistence.*

The Council having insisted upon two amendments, the same were now considered.

##### *In Committee.*

Amendments insisted upon—Clause 3: Strike out the clause. Third Schedule: Strike out the schedule.

The PREMIER: Hon. members would remember that the amendments related to reserve known as the National Park. It had originally been made by the Council, sent down to this Chamber, and transmitted back with a request that the amendment be not insisted upon. However, it seemed that unless this amendment were accepted the other reserves which formed the subject of the Bill would also be lost. The argument used in another place was that it would be unwise to reduce the area of the National Park Reserve. Under the circumstances, he moved—

*That the Council's amendment be agreed to.*

Mr. BATH: It was not often that the members of the Labour party voted solidly in support of the attitude taken up by the Legislative Council. However, on this question they certainly did agree. The right thing had been done in insisting upon reserving the National Park intact. He was glad the Premier had decided not to insist upon the disagreement.

Mr. TAYLOR: The Council had stuck to their guns, and deserved praise for having done so. As a rule, he was not over-ready to accept suggestions from the Council, but in this case the Council were undoubtedly right. It would serve to show the country that the Government were anxious to retreat from the position they had taken up when the Council was determined. This was by no means a vital measure, and yet the Government were prepared to accept the ruling of the Council, a ruling which had once been opposed. This Chamber had sent legislation of far greater merit to another House and, after one speech, in a few moments that House had rejected the measure, notwithstanding that it affected the policy of the Government. In respect to that greater measure there had not been a murmur from the Government, even though a part of their policy had been badly shattered by the action of the Council. But because the proposal was to take some of the land from the National Park, and so curtail the breathing spaces of future population, the Government were anxious to let anything be done rather than that the Bill should be lost.

The Premier: The Council do not wish to curtail the National Park; it is the Assembly that wants to curtail it.

Mr. TAYLOR: It was not the Assembly but the Government who wished to curtail it. The Council for once had protected the people in the matter, and rather than lose the Bill the Government had backed out, whereas they had lost a much more important measure without a murmur.

Question put and passed; the amendment no longer disagreed with.

Resolution reported; the report adopted, and a Message accordingly returned to the Legislative Council.

#### MOTION — PUBLIC SERVANTS' PETITION, TO CONSIDER

Mr. DRAPER (West Perth): I beg to move—

*That in the opinion of this House this petition should be taken into earnest consideration by the Government.*

The petition itself is ample evidence that



considerable dissatisfaction exists in the ranks of the public service. That, I need hardly point out to the House, is a matter of the greatest importance to all who are concerned with the welfare of the State. Whether that dissatisfaction exists by reason of a misunderstanding of the rights which the public servants enjoy under the Public Service Act, or whether from any other cause which should be redressed—in either case it only emphasises the urgency of removing that dissatisfaction by all reasonable measures, and of taking this petition into earnest consideration. Perhaps it would not be inappropriate if I were to briefly outline what the position of the public servants has been in the past. Before the first Public Service Act was enacted appointments were made to the public service by patronage, and increases in the salaries of the public servants were given—I will not say upon the caprice of Ministers, but were made upon the recommendations of Ministers. Rightly or wrongly many public servants thought they were entitled to increases, and the fact that they did not get them they attributed to the system which allowed the Minister to act on the advice of Executive Council in fixing these increases. The Government, I think, at that time agreed that these grievances existed, and found that whenever the Estimates came up for consideration they were urged by all sides to grant the increases. And agreeing also that the time had been reached when public servants should be appointed to the public service on adequate proof of their fitness to serve the Crown, they passed the first Public Service Act. Now, if the House will consider the motives which actuated both parties on this consideration, namely, the Government of the day and the public service, I think they will see there was room for considerable misunderstanding on both sides. It was natural for the public servants to think that the Government were bringing in a Public Service Act to remove the disadvantages under which they laboured: it was natural for the public servants to think that in the future all questions of patronage with regard to appointments to the service, and all questions of in-

creases, would be dealt with by the Commissioner and not by the Minister. One of their complaints was, not that they were entitled to an annual increase, but that by reason of merit, they were after a reasonable time, entitled to such increase in their salaries as any other employee outside the Government service who served an employer well and faithfully might reasonably look to. This petition, however, goes perhaps a little further than what I have outlined, and asks that the annual increments, which are indicated by the provisions of the Public Service Act, should be granted. An examination of the Public Service Act, and of the regulations made thereunder, does not, I think, show that at any rate legally, public servants can claim annual increments. But I can well understand that public servants, not being lawyers but regarding the grievances which they thought they were going to have redressed, and reading the somewhat confused regulations and the sections of the Act, might reasonably think that, apparently, they were entitled to an annual increase. If they had reasonable ground for thinking so then, I think they had reason also for bringing a petition to this House in order that discussion might take place as to what their rights were, and as to the best method of remedying any grievance of which they complained. The Public Service Act divides the civil service into four divisions—administrative, professional, clerical, and general. The administrative division we have nothing to do with; their salaries are practically fixed by Act of Parliament. The general division is really a drag net, and includes everything not comprised in the other three divisions. Under the Public Service Act—I think it is Section 84—the Commissioner has power to make regulations, but he has rendered confusion worse confounded by making regulations dealing with the clerical division, whereas he has no power under the Act to make any regulations dealing with the clerical division except in regard to regulating the transfer of one public officer, say, from the clerical division to some other. He has no power by regulation to fix any annual increments at

all as regards the clerical division, because all the provisions in that regard are contained in the Act itself. The various grades of the clerical division are contained in the schedule to the Act, and it is provided that any officer when first appointed to the service as a junior commencing in the clerical division shall be paid a certain salary. After the first six months he obtains an increase, and after another six months another increase; and it is a reasonable interpretation of the Act to say that, presuming their conduct is good, officers in the lowest grade will receive increments of £10 per annum for the next three or four years until they rise to the highest division in their particular grade, that is the lowest grade. Beyond that grade there are others, but there is no provision to lead the civil servants to believe that they will obtain annual increments. The professional division is classified by the Commissioner, and the salaries to which they may rise are dealt with by the Commissioner under the regulations. But there, again, everything is so hedged around with provisos and discretions, that although a man may well expect to receive an increment within a reasonable time, yet there is nothing in these regulations which would strictly entitle him to it. The general division can be dismissed with the same remarks. In the circumstances I can well understand that civil servants should be dissatisfied, especially when they know that there are many men in the service who have served there for years, and from all accounts have served well and faithfully, and yet during that period have received no rise in their salaries. I am not blaming the Government, but I am blaming the system, and also the confusion with which it is surrounded. Besides that there is another important provision under the Public Service Act which causes a great deal of dissatisfaction—I refer to the constitution of the appeal board. It does not appeal to commonsense, I think, that a man who classifies the civil servants, and who decides what salaries they should receive and the grade in which they are to be employed, should on any appeal sit on the appeal board and no

doubt dominate the other members of the board by his previously conceived views. It is utterly unreasonable and is contrary to the principles of justice. This is a matter the Government might take into earnest consideration, because there is no doubt that the Public Service Act should be amended, and this is one of the most important respects in which the amendment should be made. There are other disabilities under which the civil servants lie, and I will refer very briefly to them as I know other members desire to speak. One which appears to me to be of considerable importance is the question of pensions under the Superannuation Act. This Act provides beyond doubt that when a man has served for 10 years well and faithfully he is entitled at the end of that period to a pension, and that it does not lie in the power of any Government, this Government or its predecessors in whose steps it has followed and whose acts it has adopted, to say that no pensions shall be payable until an officer has served 15 years. If time permitted I could give the House several instances of undoubted hardship where individuals have been unfairly dealt with, but I do not propose to do this. I wish to lay before members as briefly as possible what appears to me to be the important grievances under which the public service labour and to ask the Government to take these grievances into earnest consideration, and to remember that in so doing if they provide a remedy for these grievances they will also provide for the future welfare of the government of the State.

Mr. FOULKES (Claremont): We are obliged to be brief in our remarks owing to the late hour of the session. I am glad the member for West Perth referred to the constitution of the appeal board. No one can deny that the civil servants are justified in complaining bitterly in regard to the grievances they suffer in connection with the constitution of the appeal board. Two years ago I introduced a short Bill to provide that the Commissioner should be removed from the appeal board. The Bill was introduced with the full approval of the Pub-

lie Service Commissioner, because he did not attach any importance to the fact that he should be appointed on the board; in fact, he recognised that it placed not only himself but the civil servants very often in a false position. The present Premier in addressing his constituents at Bunbury undertook to remedy this difficulty. One of his arguments was that it was not fair that the man who acted as judge, as the Commissioner did, in one court should be allowed to sit on a court of appeal to decide whether the decision given by him in the court below was a fair one or not. The Government have had two years to consider that particular question in regard to the removal of the Public Service Commissioner from the court of appeal, and the fact that the Premier announced this intention two years ago—whatever may be the views of some of his colleagues in regard to this question—shows that the Premier himself has admitted that justice should be done to the civil servants by removing the Commissioner from the court of appeal. The member for West Perth has referred briefly to the history of the public service and to the injustice and various grievances which the civil servants have suffered during the last 10 years, but even so far back as 13 years ago there were continual complaints. The only chance certain men had of getting an increase to their salaries at that time, or even of getting an appointment to the public service, was by using political influence. That was practically the reason why we got this Act, because it was realised it was necessary to do away with political influence. Before the Act was passed the civil servants were continually told and exhorted by the various Governments of the day that they must be patient and wait for their various increases until this Act became law. For several years the civil servants waited, and in a great many cases to my own knowledge scores of civil servants had only one increase of salary in 15 years; but although the Public Service Commissioner has classified many of these civil servants, fixing the salaries on a minimum scale and also on a maximum scale, and although we have had the Act

in force for many years, the salaries of many of these civil servants remain the same as they were ten years ago. I know of some extremely hard cases. One man came to the country 20 years ago and was appointed to the professional division, and during the whole of the 20 years he has only had one increase of salary of something like £100 granted to him 15 years ago. The heads of his department and the chief officers have repeatedly drawn the attention of the various Governments to this case, but each Government has said, "Wait until the Act comes into force and you will get full justice." But what has been the position? I quote this example. Others are treated in the same way. This particular civil servant was classified, and although he has been in the service 20 years he is still on the minimum scale and he is due for retiring.

The Attorney General: Not at the minimum.

Mr. FOULKES: Very little above it. At any rate, although he has been in the service more than 20 years he has not reached the maximum scale, and it would be interesting to know when these officers can get to the maximum.

The Premier: Some of them have been 20 years in the service, and as the result of the classification have gone back instead of forward—Mr. Angove, for instance.

Mr. FOULKES: I understand he is one of the best we have in the service. Many years ago he did very onerous work. He is a type of the civil servant, and has a justifiable claim that his career in the service cannot be said to have been amply rewarded. There are scores of these officers who entered the service in all good faith and who have had many promises made to them. At last they have been classified, but they did not receive their increments until a short time ago, and then they only received the minimum. I would remind the Premier of the fact that these civil servants are a class of people who refrain from agitating. They have not the good fortune to be able to send secretaries of their union to Parliament to represent them.

Mr. Troy: They have sent the member for Claremont all the same.

Mr. FOULKES : The member for Claremont, unfortunately, is only one.

Mr. Gill: What is the difference between a union and an association?

Mr. FOULKES: The civil servants are not political agitators. The other day when they found that the leader of the Opposition had tabled a motion on their behalf they were so anxious that political capital should not be made out of their position that they requested him not to press his motion. The civil servants are appealing practically to both sides of the House now. The State has gone through a great deal of depression during the last two or three years, but we should recognise the fact that whatever form of retrenchment may be imposed it is not right to punish the civil service. I sincerely hope the Premier will give sympathetic consideration to the motion.

*(Sitting suspended from 12.35 to 2 p.m.)*

Mr. BATH (Brown Hill): The motion by the member for West Perth is, in my opinion, a somewhat futile one for the reason that the petition was submitted to Parliament as an alternative, the petitioners having made representations to the Government through the Premier. The motion asks Parliament to submit the matter back to the Government for their consideration, a matter which has already received consideration. As far as this petition is concerned, there is a fairly lengthy statement as to the grievances under which the civil servants are labouring, but there are some claims in it with which I cannot agree, because I do not think, that where the State might be suffering from an economic crisis, that those who are employed by the State should be regarded as entirely free from the unfortunate result which might accrue from that crisis. Because things are not in a flourishing condition there is always a tendency to deal generously with those employed by the State, and although they claim they are different from private employees in that respect, they complain that they do not receive adequate consideration when things are flourishing in the State. Yet we know from practice that great consideration is always given to them.

Mr. Johnson: My experience is that heads of branches get increases.

Mr. BATH: Apart altogether from the statement of the case, which, as I said before, is submitted at some length, we come to the question of the actual prayer of the petition and that is under two heads, (a) Affirming by resolution the principle of the granting of annual increments, as prescribed by the classification subject to good conduct and efficiency, and (b) affirming by resolution that the constitution of the appeal board should be amended by the appointment of a judge of the Supreme Court as chairman in lieu of the Public Service Commissioner. As far as these heads are concerned, I do not see how any member can cavil at them. I fail to see how the country can question the reasonable character of the prayer of the petition because, after all, we have recognised by our Public Service Act that these civil servants of the State are entitled to annual increments as provided by the classification which was drawn up under the Public Service Act. The member for Murray shakes his head.

Mr. George: They are not entitled to them.

Mr. BATH: But there is a moral obligation.

Mr. George: I grant that.

Mr. BATH: The new Public Service Act was passed with but slight opposition by members as a measure which was for all time, subject, of course, to amendments, setting down the relationship between the State, representing the people, and the public service, and until we take up the attitude that there is something wrong about that Act or that the powers which are granted to the Commissioner under the Act, are wrong or are extreme, then we have an obligation, a legal obligation, in my opinion, to fulfil the conditions of the contract into which we have entered. There have been financial considerations which may have made it appear difficult to carry out these obligations that the civil servant should be placed in precisely the same position as any other citizen of the State, and only be called upon to bear that share of the responsibility which the ordinary citizen is called upon to carry. We should not penalise the civil

servants or ask them to take a greater share of the responsibility of the financial stringency than we would ask the ordinary citizen of the State to do.

The Premier: He does not take as large a share as a rule.

Mr. Heitmann: In what way?

The Premier: In case of financial stringency the civil servant's salary goes on. In the case of a private firm the officers often have to submit to a reduction.

Mr. BATH: On the other hand if, for instance, the civil servant is entitled by stipulations referred to here—good conduct and efficiency—to an increase, we will say of £10, and he is to forego that, it probably means that he is penalised to a much greater extent than the ordinary taxpayer, because, after all, you compel him to carry out work and surely it is not an equitable proposition that we should ask a man to do the work he is called upon to perform whether the times be good or bad and yet to forego part of his remuneration. If you could point to the fact that his work was reduced, or that he was not carrying out the same duties, then there might be a reasonable claim. But, as a matter of fact, that claim cannot be held with regard to these men; therefore, they are not in a better position than the ordinary citizen of the State. If they are called upon to forego certain payments due to them, they are in a worse position than the ordinary taxpayer. I cannot see what exception can be taken to this prayer which is contained in the petition, and, therefore, I propose to amend the motion of the member for West Perth. I move an amendment—

*That all the words after "petition" be struck out and "as reasonable and should be given effect to at the earliest possible date" be inserted in lieu.*

Mr. GEORGE: I cannot quite see my way to support the amendment proposed, and as the time is short I will endeavour briefly to lay my views before the House. This petition asks us to affirm by resolution the principle of granting annual increments as prescribed by the classification. If these annual increments were absolutely supported by the Act I should feel that I was bound to fall in with their views.

But when we come to look into the Act what do we find? It is not what the public servants or the members of the House may have thought or what members may have intended. It was what the Act says. If hon members will turn to the Act they will find that there is no section under which increments have absolutely to be given, notwithstanding the regulations to be found on folio 27, Clause 143. These show that the Public Service Commissioner has it in his mind that the increments are not imperative. I put it plainly and briefly so that hon. members may understand the situation. Again, another weak point in the Act is Section 21, which says that the salary paid to the officer in the stated grade in any class shall be that appointed to such grade in such schedule. Hon. members were under the impression that when once a man is fixed in his class he must proceed by easy steps to reach the maximum. Now, there is actually no provision made except by rising from one grade to another. So long as a person is performing the same duties as he was performing at the time when he was put into the grade, he cannot get an increase although, as the years go by his work grows in importance. It is absolutely impossible for the Commissioner or the Government to raise that man. I am sure as far as the Public Service Commissioner is concerned he had it in view that once placed in a class or grade it would be possible to raise a man to the maximum. However, in this respect the public servants have been living in a fool's paradise. As far as the second part of the petition is concerned, I am absolutely in accord with it. I think myself there should be a chairman who should not be the Public Service Commissioner, for it seems to me very much like the old proverb of piling pig upon bacon when you ask a man to sit as appeal judge upon his own decisions. It was my intention to speak at some length in connection with this, but time does not permit. I feel it will have to be clearly understood by the gentlemen who prepared the petition that the time at our service does not allow of more than a few remarks. I am sure that the plea for

annual increments cannot be sustained. I feel that seeing that these public servants have enjoyed the understanding for years past that the annual increments were a thing belonging to them, the House might reasonably, next session, consider some amendments to the Public Service Act. At this stage it is impossible for much more to be said. The member for West Perth has put the case fairly, and I prefer his amendment to that of the leader of the Opposition. I hope the Government will let the House, and through the House the country, know exactly the reasons that actuated them in the action they have taken in regard to the public servants. I am not willing to believe that the Government are acting from mere mischievousness, but that they believe that they are acting in a proper manner. However, as there has been a misunderstanding, I think it is up to the Government to let us have a clear and complete statement of their views and the reasons for the action taken.

The PREMIER (Hon. N. J. Moore): This petition presented to the House sets out that the House should approve of the granting of annual increments, and secondly, that the constitutional appeal board should be amended by the appointment of a judge of the Supreme Court as chairman. Dealing with the second stage first, I might say that, as the hon. member for Claremont remarked, this is a matter with which I am in accord; because I have already intimated to the public servants that I am desirous that an amendment of the Public Service Act should be effected without unnecessary delay and that the anomaly which, to some extent, exists at the present time, should be removed, so that it should no longer be a case of appealing from Caesar to Caesar. But I might point out that notwithstanding the present constitution of the board there have been cases in which the Public Service Commissioner, as chairman of the appeal board, has revised his own decisions and not against the interests of the individual, but rather in the interests of the official appealing against the classification. One such case occurs to me at the present time, namely, that of Mr. Moss, the Official Receiver. When his position was

classified his salary was set down at £450. That gentleman then appealed and as a result of the appeal he was awarded a salary of £750. There is an instance in which, apparently, the constitution of the appeal board suited the applicant admirably.

Mr. Troy: He has no complaint to make.

The PREMIER: Yet he is one of the gentlemen who objects to the appeal board as at present constituted.

Mr. Jacoby: An appeal board would probably upset his apple cart.

The PREMIER: I do not know that. It seems to me that it is not at all certain whether it should be a Judge of the Supreme Court or whether the appeal board should not be the Cabinet of the day, for the simple reason that they are in a position to know whether they can pay the salary. Take the case of that particular officer. Is it reasonable that because his appeal is successful his salary should be increased from £450 to £750, whether the State can stand it or not. Surely the Government of the day should have some say. Any outsider might fix the salary. In this case it was fixed largely as a result of evidence given by business men and others who were not in a position to compare the salary paid to that officer with the salaries paid to officers holding similar, or even more responsible positions. So it is a point in considering any amendment to the appeal board whether, after all, that appeal board should not be two or three members of the Cabinet. Now in regard to the public servants generally, no one regrets more than the Government that financial stress should have prevented the carrying out of the recommendations for increases. The whole thing is governed by capacity to pay. If we have the money we can pay it. Public servants like others in the community have to suffer when the finances are in a bad way. It seems to me it must be recognised that, on the other hand, the reductions recommended by the Commissioner have been spread over a period of five years, while the Commissioner's recommendations for reductions under £180 have never been carried out at all. In regard to this five

years' sliding scale the reason that was adopted was because it was anticipated that during that period an opportunity would present itself of giving promotion to the officer decreased. I may say that so far as the Government are concerned we are desirous to pay the increases wherever possible. I think that must be recognised from the action taken by the Government some three or four years ago in making provision for payment of retrospective increases which were promised by the Leake Government some year or two before the present Government. That is an evidence that we do not wish to press unduly on any class of the public service. I may say I was approached by the public servants in regard to this matter, and a statement of their case was presented to me. The case was prepared with great care by the various officers concerned, and I know that the work entrusted to those officers, who sat continually from 5.15 o'clock to 10 o'clock at night with a view of carefully preparing the case to be presented to me—was well carried out. But in the worry of a strenuous Parliamentary session I was not able to answer such a document as promptly as otherwise I might have done, and as a result I received a letter from the Public Service Association to the effect that a resolution had been passed that a meeting of the committee be held on a given date, and that if no reply were received from the Premier before that date the committee would interpret the silence of the Government as a refusal of its requests and take action accordingly. Now, that was an absolute threat, and as a result I took no action but instead of forwarding a carefully prepared reply, I replied very briefly as follows:—

(1.) "Taking the classification of officers as fixed by the Public Service Commissioner or appeal board and approved by the Governor, as the basis for arriving at the amount of salary to be paid to each individual officer, provision has been made on this year's Estimates to enable each such officer to be paid not less than the minimum salary allotted to the class in which he has been placed. (2) As regards in-

creases beyond the fourth grade of each class, the financial circumstances of the State at the present juncture do not, in the opinion of the Government justify the adoption of any general scheme of progressive increments. (3) As regards the constitution of the appeal board, this is a matter settled by the Public Service Act, and, therefore, if a change is to be made, it can only be by amending the Act. An amending measure is in course of preparation, making provision for an alteration of the constitution; but owing to the number of important Bills now before Parliament and the comparatively limited time available for their consideration, the Government are not sanguine that it will be found practicable to proceed with the amending Bill during the current session."

During the past month or two matters relating to the public service have been given a considerable degree of prominence both in and out of Parliament. I need hardly say that the Government have recognised throughout that the welfare of the civil service is a matter of importance to the Government, to the service itself, and to the general public; and this fact has never been lost sight of from the time the first classification proposals of the Commissioner were submitted to the Government of the day. There are, of course, wide differences of opinion as to the full intention and scope of the Public Service Act, in so far as the relationship of salaries to classification is concerned. That that difference exists is beyond all dispute, for on the one hand we find officers striving to extract from the State the maximum rate of pay for services rendered, while on the other hand we find the Government, acting on behalf of the people of the State, seeking to hold the balance fairly between the contending interests. In the case presented to me, the public servants were of opinion that the classification of the Commissioner should be carried out in its entirety; that is to say, that on the one hand the officers' salaries should be increased from what they were receiving to their minimum, while on the other hand, where decreases were to be made,

the decreases were to be made from the salaries officers were then receiving to the maximum of their class. No doubt, if we adopt the practice of bringing up anyone under to his minimum, it is only right that we should in the same way bring down anyone over. But I pointed out to these officers that surely it was not so hard for a man who was to receive an increase to wait as it was for a man whose salary was being decreased to be reduced in one instalment, instead of the reduction being spread over five years as the Government decided. The position is this: In the case of those gentlemen whose salaries have been decreased, they are brought down by five equal instalments, while the other salaries went up by two equal instalments, or as they are now by three or three and a half instalments.

Mr. Heitmann: Some of the professional staff are still waiting.

The PREMIER: The whole thing applied right through. In some cases the professional staff were reduced by the classification, but the Government did not accept the Commissioner's classifications. As a matter of fact, we have an instance in the salary of the Official Receiver being brought up, as the result of an appeal, from £450 to £750, while the Engineer-in-Chief, who is responsible to the Government and the people of the State for the expenditure of many millions of money, is reduced from £1,200 to £1,000 per annum. Then the point comes—should not the Government of the day, as representatives of the people, have a last say in a matter like that?

Mr. Horan: That knocks out the Public Service Act.

The PREMIER: I say only in cases of appeal, I do not say in regard to classification. The Government are then liable to criticism in Parliament and in the Press, and they are in a position to defend their actions. We are very often put into a peculiar position here by having to defend the Public Service Commissioner's classification when we do not agree with it. I do not say I am wedded to it. My idea was originally that an outsider should be appointed chairman of the appeal board, but we have just

had an instance of where the appeal board wants an officer to get a larger increase than the Government have given for a similar position; and it is questionable whether it would not be in the best interests of the State that the final appeal board should be Cabinet.

Mr. Johnson: Would you let an individual appeal to Cabinet?

The PREMIER: If he has been classified, yes. I have given careful consideration to this subject, but I would like to point out that in dealing with the interests of the public service not only are the Government custodians of the personal interests of the thousand officers who come under the purview of the Public Service Act, but only in so far as they do not clash with the interests of the 270,000 people who constitute the State. To give some idea of the proportion of those under the Public Service Act to the total expenditure, I may say that in the Public Service Commissioner's report for 1906-7, he says that the salaries of those under the Public Service Act amount to £282,000, while the salaries and wages for officials not under the Public Service Act amount to £1,275,000. So we must recollect that in dealing with the whole of the officers under the Public Service Act we are only dealing with a portion which represents 18 per cent. of the total expenditure incurred in connection with the actual public service of the State. In giving consideration to this subject I may say that my view of the position created by the Public Service Act, so far as it relates to the bearing of the classification upon salaries, is that the classification has to be regarded by the Government as a direction—not so much that certain salaries shall be increased or decreased straightaway, or annually, or both, as is evidently desired by a section of the civil service, as that any increment paid to officers or decrement exacted from them shall be paid or exacted as a step towards the attainment of a goal, namely, the giving of financial effect to the classification. I do not know that at this stage I am justified in going to any length in dealing with this very important matter, but I would like to say that, in connection



with the public service, there are many reforms that are necessary to be effected and which are, in my opinion, quite as necessary as the adjustment of those matters which the public servants, as represented by the gentlemen who signed this petition, are anxious to have effected. The Government long ago recognised, for instance, that the methods of accountancy prevailing in the various departments, and the procedure generally in connection with some departmental matters, were cumbersome and circuitous; and with a view to making certain improvements in that direction, we arranged for the Public Service Commissioner to be assisted in his investigations by Mr. S. J. McGibbon, a chartered accountant. I have no doubt that as a result of this investigation which is being made certain economies will be effected which will be of value to the State generally. In the Assembly recently the member for Murray, in dealing with this question relating to the civil service, stated that in his opinion it would be more equitable to give increases and effect economy by certain percentage reductions all round.

Mr. George: That is the Queensland system.

The PREMIER: That, I understand, is the system adopted in Queensland, and is advocated by some people. In fact, I think the suggestion was made by the teachers. They suggested that all increases should be given and that a percentage reduction should be made.

Mr. Johnson: That is the fairest way. Under your method the junior suffers.

The PREMIER: What about the poor unfortunate who is going down 20 per cent. to his minimum each year, and again gets a 10 per cent. reduction?

Mr. Gill: Are there many who get that reduction?

The PREMIER: A large number; I cannot say offhand the total number. If it is illegal to withhold increments, I fail to see that the other is illegal. Had there been time I intended to have read to the House the reply which I proposed to make to the civil servants in reply to the letter which they placed before me. I

may say that in concluding this letter I said—

"It cannot be denied that to-day the condition of affairs in the public service is not entirely satisfactory. Methods, the creation of civil servants, exist which are cumbersome and circumlocutory. Many public officers set an example of faithful and diligent service to the State which is beyond all praise, but unfortunately in other quarters the idea still prevails that regular attendance, coupled with civility and a perfunctory performance of duty, is all that is required to maintain a position in the public service. All this has to be changed; we require new methods and juster ideas. With greater keenness and alertness throughout the service considerable reductions could be made in staff. Such a state of affairs would mean better remuneration for the worthy; whence it is to the personal interest of every pushing and energetic officer to assist in reaching this standard of efficiency. While discretionary power rests with the Government, increments must, to an extent, depend upon the service as a whole being in a satisfactory condition."

I will not detain the House at this stage any longer except to say that the whole matter has been given consideration; and as I have previously said, the Government are not less generous than most members of the House desire us to be in treating the civil servants fairly and equitable. In view of the financial stringency of the State we did not deem it wise to make any increases, but this year the civil servants have been very fortunate. A good many of them anticipated that a percentage reduction would be made; but, instead of that, the whole of these officers have been brought up to the minimum salaries, while those who were receiving larger salaries than they were classified at have not been reduced to their maximum.

Mr. Johnson: The justice of that is open to argument. The man who has been receiving more than he deserves for years deserves a reduction more than the man who has been kept out of his increases,

The PREMIER: The man who is doing faithful service?

Mr. Johnson: It is questionable whether he has been doing it.

The PREMIER: The Public Service Commissioner comes along and says, "I do not consider the position is worth more than a certain amount;" and when the officer has been receiving £100 more, as in the case of the officer I have referred to earlier in the day, who was receiving £370 and was brought down to £240, though he was giving satisfaction, and in the opinion of the heads of his department was worth the salary he was receiving—

Mr. Johnson: You cannot take the opinion of the head of the department.

The PREMIER: We must, to some extent.

Mr. Johnson: My experience of them is that they stick to the most incompetent men.

The PREMIER: As a rule you must be guided to a large extent by the responsible heads of the departments. The idea of the Commissioner might be totally different from that of the head of the department with regard to the value of the position. I understand the proposal of the member for West Perth is to the effect that the Government should give the matter consideration, and the amendment is that the petition is reasonable and should be given effect to at the earliest possible date. I intend to support the motion by the member for West Perth. If the matter is left in the hands of the Government it will receive careful consideration, and more than that it will receive fair consideration. I do not see that in a case of this kind these gentlemen exhausted all their powers before bringing the matter under the notice of Parliament. It is a matter in which you must rely to a large extent on the judgment of the Government. It is not like the cases which were settled quite recently. It must be evident to members, who have had anything to do with the recent conference which took place, that the Government are only desirous of acting in the best interests of the State, and are always prepared to give fair consideration

to such matters when they are brought under their notice.

The MINISTER FOR WORKS (Hon. F. Wilson): This trouble probably dates back to the classification by the Public Service Commissioner as far as the clerical division is concerned, a classification which was made some three years ago. The matter then came under the consideration of the Government, and received very careful consideration at that time, and the Government, under the advice of the Crown Law authorities, decided that they were not bound by the Act to give increments if the State finances did not warrant the Government in doing so. The whole classification, according to our advice rested upon the condition of the finances. Notwithstanding that the classification had been accepted by the Government as a goal to be aimed at, and to be ultimately achieved, it was beyond all doubt that it depended absolutely upon the state of the finances, and the ability of the Government to find the money. It seems to me that if it were otherwise we would have this peculiar position, that the classification of the Public Service Commissioner would not only dominate the Government, but it would also dominate Parliament, inasmuch as beforehand it would fix that a certain payment had to be made, a certain liability had to be accepted for the salaries, notwithstanding the fact, that, perhaps, for the time being the Government did not have money with which to pay those salaries. That seems to me to be an intolerable position, a position which no member of this Assembly would countenance for one moment.

Mr. Johnson: What is the alternative; the repeal of the Public Service Act?

The MINISTER FOR WORKS: If the hon. member wishes to repeal the Act he can move in that direction.

Mr. Johnson: Why not repeal it instead of humbugging the civil service?

The MINISTER FOR WORKS: I do not think it requires repealing or amending to improve the position. If that is the position, and the civil servants in their petition are right that the classification must dominate Parliament, I say the sooner the Act is abolished or repealed the better.

Mr. Johnson: They do not say that.

The MINISTER FOR WORKS: They do. They say that once the classification is made then that classification shall stand, whether the State finances warrant it or otherwise. In other words, the exigencies of the State finances must not interfere with the increments of the civil servants. I appeal to any hon. member who has had experience in handling employees. I want to know when hard times come what action a private employer would take? Do not the increments to his staff depend upon his financial position?

Mr. Johnson: He does not attack his juniors.

The MINISTER FOR WORKS: No one is attacking juniors.

Mr. Johnson: That is what you have done right through.

The MINISTER FOR WORKS: The juniors have maintained their positions; even those receiving £150 were paid their increments. The position is, if hard times come upon a private individual, as a rule he will call his staff around him, and he will put the position before them. That is what I did in the case of the teachers in the Education Department when they came to me with respect to this very question. I called the staff together and I explained the position to them, and that there was no possibility of giving increments until time improved.

Mr. Johnson: And the juniors carried the burden.

The MINISTER FOR WORKS: The juniors have remained as they are, just as the juniors of a private employer would be treated.

Mr. Gill: Hurry up, or there will be no time to take the vote.

Mr. Johnson: You might have allowed the Premier to have had another 10 minutes.

The MINISTER FOR WORKS: I am in no hurry, I can talk for an hour, if necessary, on this subject.

Mr. Johnson: Well, do not talk against time.

Mr. Gill: Is that the reason why the Premier curtailed his remarks?

The MINISTER FOR WORKS: I was remarking that the object of a pri-

vate employer of labour would be, if possible, to retain his employees at the position they occupied during hard times.

Mr. Gill: Would you mind defining what you mean by hard times? That will give you another five minutes.

The MINISTER FOR WORKS: Hard times are when a man is not making a profit; and that is exactly the position the State was in some three years ago.

Mr. O'Loughlen: We know what hard times are.

The MINISTER FOR WORKS: I have been through hard times much oftener than my hon. friend.

Mr. Johnson: You are looking at affluence now.

The MINISTER FOR WORKS: I do not think I am, unfortunately. I was pointing out that the position between the employees and the employer under such conditions is exactly the same as the State happened to find itself in some three years ago. When the classification was accepted, the Government then went into ways and means to see the best thing they could do to bring that classification about, or to bring those under the classification as near to the minimum as possible. The result was, that after consultation with the then Attorney General and the Public Service Commissioner, it was decided that a certain sum of money should be provided, and that that should be utilised to bring those who were furthest away from the minimum nearer that desirable goal. It was decided that the increments should be spread over five years and that correspondingly those who had to suffer decreases would be graduated over a term of at least five years. That seemed to me to be a reasonable proposition, and for the first 12 months it was accepted willingly by the service.

Mr. Johnson: If you want to conclude your arguments you will have to speak a little quicker.

The MINISTER FOR WORKS: I will endeavour to press all my arguments into the three minutes which are at my disposal. I was saying that the civil servants accepted that position three years ago. Worse times came upon us afterwards, and as I happened to be Treasurer,

my recommendation to Cabinet was that rather than make an all-round retrenchment, we would be inflicting the smallest hardship upon the service if we simply stopped the increments altogether from that year, and allowed the civil servants to remain in exactly the same position as they then found themselves in.

Mr. Johnson: That is right, you penalised the little fellow.

The MINISTER FOR WORKS: Not at all.

Mr. Johnson: That is what you did.

The MINISTER FOR WORKS: The hon. member does not know what he is talking about. He is interjecting with the object of ruffling my feelings. We are about to part on the friendliest of terms, and I absolutely refuse to quarrel with the hon. member this afternoon.

Mr. Bolton: If you continue your remarks, you will be bound to quarrel.

The MINISTER FOR WORKS: I refuse to quarrel with anyone this afternoon. I feel that good fellowship and goodwill towards all members, and I refuse to be thrown off the track. I was saying that was the reply I gave to the deputation which waited upon me on that occasion—

Mr. Collier: The Premier said he received that deputation.

The MINISTER FOR WORKS: No; I received that deputation. I do not intend to worry hon. members by reading my reply to the deputation.

Mr. Johnson: I thought the Premier received the deputation.

The MINISTER FOR WORKS: I received the deputation from the teachers.

Mr. Johnson: Then, you were on a worse wicket. It was absolutely scandalous the way you treated the teachers.

The MINISTER FOR WORKS: If hon. members wish to divide on the question I do not wish to go any further. Eventually hon. members did not wish to listen to me.

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

Ayes	..	..	..	18
Noes	..	..	..	23
				—
Majority against	..			5

# AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. W. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Heltmann	Mr. A. A. Wilson
Mr. Holman	Mr. Troy
Mr. Johnson	(Teller).
Mr. McDowall	

# NOES.

Mr. Brown	Mr. Layman
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. N. J. Moore
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. George	Mr. Plesse
Mr. Gregory	Mr. J. Price
Mr. Hardwick	Mr. F. Wilson
Mr. Hayward	Mr. Gordon
Mr. Jacoby	(Teller).

Amendment thus negatived.

Question put and passed.

## COMPLIMENTARY REMARKS.

### *Close of Session.*

*Black Rod* appeared at the Bar at five minutes past 3 o'clock and summoned members of the Legislative Assembly to attend His Excellency the Governor in the Legislative Council Chamber.

The PREMIER (Hon. N. J. Moore): Before we separate I would like to take the opportunity, on behalf of members of the House, to extend to you, Mr. Speaker, our best wishes for a happy Christmas and a prosperous New Year. Although this session has not been as lengthy as some that have preceded it, yet members must be given great credit for the strenuous way they have attended to their duties; and although there have been occasions when party warfare has been pretty high, yet I think it must be agreed on all hands that there is no Parliament in Australia where more harmonious feelings exist at the conclusion of a session than in the Legislative Assembly of Western Australia. I desire also on my own behalf to express my appreciation at the courtesy extended to me generally, not only by members supporting the Government, but also by the leader of the Op-

position and Opposition members generally. At the same time I would like to express appreciation of the manner in which the Chairman of Committees has carried out his duties, and my appreciation of the work carried out by the Deputy Chairmen, more especially the member for Mount Margaret, who has done such a large share of Committee work. I also wish to refer to the work done by Mr. Steere, the Clerk, and the Clerk Assistant, and the officials of the House generally.

Mr. BATH: I have to join with the Premier in extending to you, Mr. Speaker, and the officers of the House, best wishes for a happy Christmas. I also desire to extend the same hearty good wishes to the Premier and his colleagues, and those members who are supporting the Government. The Premier has referred to the strenuous character of the session. I thought a fortnight ago this would be the last occasion on which I would address the House as leader of the Labour party, but owing to the very kindly wishes expressed by the members of that party, and their desire that I should still continue to lead the Opposition, I have decided to fall in with their wishes, at least for the time being. I certainly think, however, that during recess the Premier and his colleagues should give some consideration to the question as to whether members of the House generally are given an adequate allowance for the work they perform as members of the Assembly. I think we do work equal to that of members in the Eastern States, who are in more favourable conditions and are better circumstanced than we are. In my opinion

it would be better to do this or else to wipe out payment of members altogether—one of the two things. I can only conclude by saying that I hope that all hon. members will come back from the recess vigorous and refreshed, and that if the Premier decides to leave us, in whatever new sphere of life he is, he will evince that same cordiality and good feeling which has won him, I think, the general respect of members on both sides of the House. I join in the good wishes that have been expressed, and I thank the Premier for the reference he has made to members on this side of the House, who have been guided by this view, that where a thing was worth support there was no tying down to party.

Mr. SPEAKER: The Premier, the leader of the Opposition, and hon. members, I reciprocate your kind expressions. I would have liked to reply at some length, because I wish to refer to the services of the Hon. F. H. Piessé to the House; but owing to His Excellency's command, which I must obey, I must postpone those remarks, and I will ask hon. members to assemble in the dining room afterwards to join me in a glass of wine, and we shall be able to pay our respects to our late colleague, and also to the officers of the House.

Mr. Speaker and hon. members then proceeded to the Council Chamber where His Excellency was pleased to give assent to Bills of the Session. His Excellency also delivered an address, proroguing Parliament to Thursday, the 30th June, 1910. (*Vide* Council proceedings *ante*.)

*The Session then closed.*