

1915.  
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WESTERN AUSTRALIA.

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# REPORT

OF THE

**Select Committee of the Legislative Council**

ON THE

Retirement of Mr. C. F. Gale from the Position  
of Chief Protector of Aborigines.

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LAI'D ON THE TABLE OF THE LEGISLATIVE COUNCIL BY THE HON. J. J. HOLMES ON TUESDAY,  
12TH OCTOBER, 1915.

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*Ordered to be Printed.*  
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[SECOND SESSION OF THE NINTH PARLIAMENT.]

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Legislative Council.

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TUESDAY, 24<sup>TH</sup> AUGUST, 1915.

7. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—The Order of the Day for the resumption of the debate on the following motion of the Hon. W. Kingsmill—That a Select Committee of this House be appointed to inquire into the circumstances attending the retirement of Mr. C. F. Gale from the position of Chief Protector of Aborigines, having been read,

Debate continued.

Question—put and passed.

The Hon. W. Kingsmill moved, That the following members be appointed to act on the Committee:—The Honourables J. Cornell, J. Duffell, and J. J. Holmes, with power to call for persons, papers, and records, and to report to the House on Wednesday, 8th September.

Question—put and passed.

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WEDNESDAY, 8<sup>TH</sup> SEPTEMBER, 1915.

3. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—Ordered—That the time for bringing up the Report of the Select Committee appointed to inquire into this subject be extended to Wednesday, 22nd September.

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WEDNESDAY, 22<sup>ND</sup> SEPTEMBER, 1915.

2. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—Ordered—That the time for bringing up the Report of the Select Committee appointed to inquire into this subject be extended to Thursday, 30th September.

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THURSDAY, 30<sup>TH</sup> SEPTEMBER, 1915.

3. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—Ordered—That the time for bringing up the Report of the Select Committee appointed to inquire into this subject be extended to Thursday, 7th October.

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THURSDAY, 7<sup>TH</sup> OCTOBER, 1915.

3. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—Ordered—That the time for bringing up the Report of the Select Committee appointed to inquire into this subject be extended to Tuesday, 12th October.

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TUESDAY, 12<sup>TH</sup> OCTOBER, 1915.

3. *Mr. C. F. Gale, Chief Protector of Aborigines—Retirement of.*—The Hon. J. J. Holmes, on behalf of the Select Committee appointed to inquire into this subject, brought up the Report of the Committee and moved, That it be received.

Report received, read, and ordered to be printed, and that the consideration of the Report be made an Order of the Day for Tuesday, 19th October.

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# REPORT

## of Select Committee appointed to inquire into the Circumstances attending the Retirement of Mr. C. F. Gale from the Position of Chief Protector of Aborigines.

1. Your Committee beg to report that they have held (9) nine sittings and examined eight witnesses.

2. Your Committee, however, regret that a message sent to the Legislative Assembly on 7th September requesting that the Honorary Minister, Mr. R. H. Underwood, at whose instigation the retirement of Mr. Gale appears to have taken place, should be given leave to give evidence before your Committee, has so far been ignored.

3. From evidence given by the various witnesses and from the files placed at the disposal of your Committee it appears that Mr. Gale, by an Executive Council Minute dated 24th March, 1915, was retired from the position of Chief Protector of Aborigines, Mr. Gale's age then being 54 years and six months.

Mr. Gale's services extended over a period of 21 years and 9 months, and all the witnesses agreed that such service was in all respects satisfactory.

The witnesses examined are also of the opinion that Mr. Gale was specially qualified for the position of Chief Protector of Aborigines by his intimate knowledge of the State and long experience of the habits, customs, and distribution of the Aborigines.

4. The Executive Council Minute in question sets forth explicitly that Mr. Gale is retired under Subsection 7 of Section 9 of the Public Service Act, which subsection deals with the retirement of excess officers.

The Crown Solicitor, Mr. Sayer (whose legal opinion was not sought by the Public Service Commissioner), giving evidence before your Committee stated that in his opinion Mr. Gale could not be considered an excess officer, and appeared to think that he could not be legally retired under the Public Service Act, he not having committed any offence, being under the statutory age for retirement, and his office not having been abolished.

Your Committee is therefore of opinion that Mr. Gale has been illegally retired.

5. The evidence in the files discloses that, acting on the suggestion of the Honorary Minister, Mr. R. H. Underwood, the Public Service Commissioner recommended the appointment of Mr. Neville to the Office of Chief Protector of Aborigines rendered vacant by the retirement of Mr. Gale. Apart from the fact that Mr. Neville had no knowledge whatever of the Aborigines or of the country they inhabit, this appointment appears to have been made in a most irregular manner.

The Permanent Head of the Department (in this case the Under Secretary) 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.

6. 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 effected 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 over-riden by the policy, or as it has been termed by the Secretary of the Civil Service Association (Mr. Stevens), the "wish" of the Government.

Your Committee agrees with the opinion expressed by the President 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.

7. In the absence, which your Committee regrets, of personal evidence from the Honorary Minister, Mr. R. H. Underwood, your Committee has been forced to endeavour to ascertain the reasons actuating that gentleman in the course of action instigated by him, from the evidence of other witnesses and from the files. These reasons appear to be, three :—

(i.) That Mr. Gale was an overpaid officer.

(ii.) That the Honorary Minister himself could attend to that portion of the work of the Chief Protector of Aborigines requiring expert knowledge.

(iii.) On account of the saving claimed to be effected.

With regard to reason No. (i.): As against the opinion of Mr. Underwood as expressed to Mr. Gale that Mr. Gale is an overpaid officer, we have the opinion expressed by the Public Service Commissioner, who classified Mr. Gale's position as £432 to £552, and by the Appeal Board which classified it at £508 to £636.

With regard to reason No. (ii.): Your Committee is not in possession of any evidence which would lead them to suppose that Mr. Underwood's suggestion is correct, and even if its correctness be assumed Mr. Underwood does not point out what would ensue in the case of the position now being held by him being occupied by a Minister not having the qualifications which he claims to possess.

With regard to reason No. (iii.), the saving effected: Setting aside for a moment the question as to whether the alleged saving is not vastly out-weighed by the loss to the State and to the Aborigines of the expert services of Mr. Gale, your Committee is of opinion that the 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.

8. Your Committee is of opinion that in dealing with the office of the Chief Protector of Aborigines due consideration should always be had to the fact that in this connection the State is entrusted with the carrying into effect of the well defined and continuous policy of the British Empire towards the subject races of that Empire.

This is shown by the position of the Chief Protector of Aborigines having been originally practically a constitutional one, while the amount of funds placed at his disposal for the protection of his charges was for many years a fixed proportion of the revenue of the State.

These circumstances are fully recognised throughout the Aborigines Act passed in 1905, with the administration of which the Chief Protector of Aborigines is entrusted.

Under these circumstances your Committee considers that, as the difficulties in connection with the treatment of the Aborigines show signs of increasing with the spread of settlement in the Northern areas of this State, it is most essential that an officer with full expert knowledge of the habits, customs, and distribution of the Aborigines should fill the important office of Chief Protector of Aborigines, and that no petty questions of an insignificant economy should dispossess this fast disappearing race of that care and protection which in the opinion of all humane persons are due to them.

9. Your Committee therefore considers that the action of retiring Mr. Gale, which they have been appointed to inquire into, is an ill-considered and 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.

10. Your Committee therefore is of opinion that Mr. Gale should be requested to resume his duties.

J. J. HOLMES,  
Chairman.

12th October, 1915.

I dissent to the conclusions arrived at by a majority of the Committee as set out in paragraphs 4, 5, 6, 7, 9, and 10 of the above Report.

JAS. CORNELL.

## REPORT OF EVIDENCE.

THURSDAY, 26TH AUGUST, 1915.

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*Present :*

Hon. J. J. Holmes (Chairman).  
Hon. J. Cornell. | Hon. J. Duffell.

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Mr. CHARLES FREDERICK GALE, late Chief Protector of Aborigines, examined :

1. By the CHAIRMAN : You are aware that the Hon. Mr. Cornell and the Hon. Mr. Duffell and myself have been appointed a Select Committee to inquire into the circumstances attending upon your retirement from the position of Chief Protector of Aborigines ?—Yes.

2. It has also been suggested that an injustice has been done to you and also to the public service and possibly to the aborigines of the State, and the Committee I think will be glad to hear from you on the subject ?—I do not exactly know whether you wish me to go into the history of the whole of the department or whether you are already aware that the aborigines are really part and parcel of the Constitution Act. When the Constitution was granted to Western Australia, one per cent. of the Consolidated Revenue—at that time £500,000—was given over to the aborigines. This legislation was eventually altered and the Aborigines Act of 1905 was enacted in lieu thereof, and this Act had to have the Royal assent proclaimed before it became law. That Act sets out that a sum of £10,000 in lieu of the other amount mentioned in the repealed Act was to be handed over out of Consolidated Revenue to the welfare of the aborigines.

3. Not less than £10,000 ?—And any other moneys that Parliament might grant. There are certain specified duties laid down in that Act which the department has to perform. This money is to be appropriated for the general welfare of aborigines, in providing for the education of the children including half-castes, providing them with food and clothing when they would be destitute, and generally looking after their welfare. Section 6 of the Act provides that the Chief Protector of Aborigines under the Minister shall be responsible for the administration of the department and the execution of the Act throughout the State. There are also other sections dealing with the whole of the question of the maintenance of the aborigines and duties and so forth. Since my appointment to the office in 1908 Ministers have only been concerned mostly with the policy of the department.

4. By Hon. J. DUFFELL : Since you were first appointed in 1908 ?—Yes, and I also think in my predecessor's time. Any large questions which cropped up of course were always submitted to the Minister, but the broad details of the department were worked out without the knowledge of the Minister, as soon as the policy was laid down. All this work entailed a tremendous lot of thought and consideration. In the first place I wish to point out that the Aborigines Department is purely a spending department. It has been so from its creation. When I was first appointed, because of my knowledge of the field, my knowledge of the aborigines and of the whole country from pretty well one end of the State to the other, I found that there was a lot of money being expended in a manner that was unwarranted. I found that the system which my predecessor had in vogue for the relief of these natives was a capitation one. Through being up on the field myself and seeing things for myself I knew that under this capitation system there was a tremendous amount of abuse. I set to work and reorganised the whole of the department and did away with all capitation grants where it was at all possible and went in for the contract system. Where I could not go in for the contract system I went in for sending up bulk supplies and giving the distributor a certain amount of remuneration for his labour. The result was that within the first year of my being appointed I saved in that direction alone nearly £1,000. These figures can be verified from the files that exist in the office if the committee care to call for them.

5. Was there any curtailment as regards the natives in consequence of this saving ?—There was no curtailment so far as the support of the natives was concerned or in regard to the number of natives fed. It was purely the system that was altered. To illustrate what I am saying, I would inform the committee that there was a certain place up in Tableland. There were in that place 40 or 50 natives being fed by the Government. These were no doubt old and deserving

cases. The man responsible for them was getting a capitation grant. I worked things out and found that he was pocketing some £200 a year clear profit. That was in the days when supplies were sent out from Roebourne. I knew myself that a regular scale of rations was never given to the natives, because he used to have a lot of boys there and send them out to the Tableland to kill kangaroos. He gave them a little flour and was making a nice little sum of money and putting it into his pocket.

6. By Hon. J. CORNELL: That was my experience during the two years I had in the North-West?—My experience of field work enabled me to guard against any such abuses. As soon as I got into the office I went into the question of the station owners and the feeding of natives. I was a station owner myself once and I never sent in a voucher to the Government for the feeding of indigent natives. I found, however, that there was plenty of station owners who were doing this, and knowing the conditions under which labour was employed I wrote a circular letter to these owners pointing out that if they did not fall into line with those who recognised their responsibility to the indigent natives I might take steps to alter the condition of labour to such conditions as would possibly not be as satisfactory to them as those under which they were then working. I have with me the report by Mr. Prinsep and all the reports since I took office. This letter is embodied in one of my reports and will be found in the 1910 report, page 4. I had a very liberal response to that circular letter, and a very great saving was effected there. I may say that I was a pioneer of the Carnarvon district. I was up there as early as 1879, and started squatting at the latter end of 1880. I have been amongst natives from the savage state right up to the state of civilisation, and undoubtedly that experience was of great benefit to me when I took over the department. Since then I have been all over the North-West, and I can put my finger all over the map of Western Australia and say that I know the ins and outs of the whole country. I have spoken about the department being a spending department. The Act makes the chief protector the responsible officer for the expenditure of all moneys, and no account can be passed for payment by the accountant unless it bears the chief protector's signature. There is in the department a system by which all these vouchers are properly registered. A register is kept of indigent natives and so forth. Further, there is a check kept on the vouchers by the accountant of the department. No such check is kept on those accounts by the accountant of the Colonial Secretary's Department, who is the paymaster. In my department, however, I had a system of checking. All those vouchers had to come to me.

7. By Hon. J. DUFFELL: What means did you avail yourself of for paying money? Did you use the police, or the magistrates?—No. We have ration orders. If anybody sends down word to me, say from Narrogin, that there is a native in distress, I ask the police for a report. If the police confirm the notification which has reached me, then these ration order books, which are in triplicate, are forwarded to the local police constable. The native then has to go to the constable, from whom he gets his order. He then presents the order to the storekeeper or contractor, and gets his rations. I brought in that system so that the storekeeper

could not continually send down vouchers without the department knowing whether the native had or had not received the rations. The orders being in triplicate, the contractor has to attach to his voucher an order signed by the policeman.

8. What I want to get at is, that the confirmation of the police was quite sufficient justification for you?—Yes. If the police said there was a certain native in want of relief, without means of support, I did not hesitate to issue these ration orders to the police. But I invariably used to get a report, so that the department could always keep a check on the expenditure incurred at these different centres. As I have stated, the vouchers have eventually to come before the Chief Protector of Aborigines, who must sign those vouchers before any money can be paid.

9. By the CHAIRMAN: The Act provides that?—No. The Act makes the chief protector responsible for the administration of the department and the enforcement of the Act. The Act does provide certain things. It gives moneys from Consolidated Revenue and grants votes by Parliament, and then sets out the duties of the department, to provide natives with food, clothing, education, and so forth, and generally to look after their welfare. The expenditure of the money is really in the hands of the Chief Protector of Aborigines. If the chief protector is a man who has never been out of Perth, it follows at once that he is not in a position, when seeing these vouchers, to know whether the expenditure put in front of him is warranted or is not warranted. By reason of my vast experience I have many times, when expenditure has come in front of me, questioned it, and hung it up until I could get reports. I have found out sometimes that the expenditure was absolutely unwarranted, and I have stopped it and therefore saved money.

10. By Hon. J. DUFFELL: Would the same method apply to any part of the State? That is to say, if you had received a report from the North-West that certain aborigines were in distress, would your first step be to get the police to report?—Not in places far distant, because time is the essence of the contract. If necessary, I would supply, and get a report later on.

11. That is what I want to get at. You would adopt that course only where you could get a reply quickly by mail?—Yes, or I would get a reply by wire.

12. But in all cases you would get a report?—Yes. So that there is no relief given in any part of the State without the authority of the department or without the chief protector being conversant with the expenditure. I may just give an illustration of how knowledge acquired can save money, and of how the want of knowledge may possibly increase expenditure.

13. By Hon. J. CORNELL: I should think it essential that a man to conduct that department should have knowledge of the aborigines?—It has been said that Mr. Prinsep, who did not know anything about aborigines, got on all right. I have already pointed out that under his administration there was expenditure of money which was absolutely unwarrantable, and that I put a stop to it as soon as I came into office. Just to show that a man with knowledge can save his department money, I will mention an incident which happened quite recently. You are all aware of the condition

of the eastern districts during the last very long drought. It was so bad that it absolutely drove natives from the interior into the outlying mining centres, in a state of destitution. I received reports from progress associations of which I had to take notice.

14. By Hon. J. DUFFELL: What progress associations were they?—Progress associations at Linden, away out of Laverton, Duketon, and all round those outlying places near to the spinifex country. They were natives who had never been in, who could not speak a word of English, who were absolutely in a state of nudity. The progress associations pointed out to me that it was not a fair proposition for the Government to expect the prospectors, who were hard up themselves, to feed these natives, and that the natives had become a burden on the shoulders of the prospectors. So then, without any expense in the way of appointing officers to do this, I arranged with the progress associations that they would appoint a man of their own for the distribution of supplies, and I sent out bulk supplies. These bulk supplies continued while the drought lasted, and in July of last year I left the State on long service leave. In January of this year I resumed office. The vouchers then at once came before me for signature. I saw that this expenditure was still continuing, that bulk supplies were still going out to all these different places. Knowing that a native can find his food in the bush as long as there is water, as long as there is a good season, whilst a white man would probably starve, I called for a report from the Observatory and from that found out that the drought had broken up in those places, 12 and 18 inches of rain having fallen. These bulk supplies were being continued simply because there was no one in the office with sufficient knowledge to stop them. A circular telegram went out to all those places to stop supplies, and the natives went back to their own country. They would have stopped there indefinitely while they were getting fed for nothing. The expense ceased, and that is over £1,000 a year I saved the Government. I saw it suggested by Mr. Drew's reply as published in the Press that the expenditure of the department was increasing. I admit that there is an increase since Mr. Prinsep's time. The expenditure in the last year of Mr. Prinsep's administration was £14,014 5s. 9d. When I came into office in 1908, I found that Parliament had voted a certain sum of money for the establishment of lock hospitals, on the recommendation of a conference of medical men. My Minister then was the Premier, and I asked him for instructions. He said, "Get a move on and get it done." The upkeep of those hospitals has necessarily increased the expenses of the department. The sending out of expeditions to collect natives is pretty expensive work, and transporting the natives in was expensive. My figures will show that from £14,000 in the year when I took over, the expenditure for the following year increased to £17,949. In 1910 we started some further expenditure in connection with native settlements at Kimberley. It has been suggested that I was not responsible for that. In my first report in 1908 I touched on the subject of these settlements, and in my report for 1909, I wrote—

I am pleased to say that the suggestion of forming native settlements is receiving that consideration from the Government which it

deserves, and any scheme aiming in the direction of keeping the natives from this continual cattle killing and thereby emptying our native gaols must commend itself to anyone giving the matter the deep thought necessary to grasp the present most unsatisfactory conditions existing between the Government, the native race, and those who are developing the cattle and other industries, and I trust that before writing my next annual report the first settlement scheme will be in active operation, and will prove the success that so many people anticipate.

15. The present Colonial Secretary stated that his predecessor, Mr. Connolly, took credit for all that work?—I am not going to say that the scheme was suggested by myself. It was suggested by others who thought that it was necessary to have such settlements, but I was the first to realise the importance of them, and to bring the matter to a successful issue.

16. You developed the scheme and you subsequently obtained Ministerial approval?—That is so, and that is the reason why the expenditure of the department has increased. It is quite correct, as Mr. Drew says, that the expenditure has increased by the establishment of these big settlements. I recommended, and it was approved, that we should have a forward policy in regard to the natives, and that such settlements as Moola Bulla should be established. They have proved valuable propositions.

17. Was it that which led up to the establishment of Moola Bulla?—I am speaking about Moola Bulla. We have 15,000 head of cattle there. When we took it over there was only surface water, and we have opened it up and constructed windmills and fences and sunk wells, and in time to come the State will reap the benefit of all these improvements.

18. By the CHAIRMAN: There have been sales of cattle effected there; does your department get credit for those sales?—Yes, the money is put into a trust fund.

19. As a set off against your expenditure?—We are credited with all receipts.

20. All these improvements to the stations, do they become a charge against the department?—Yes, everything expended on the stations is a charge against the Aborigines vote.

21. There has been an abnormal expenditure during the last few years?—Yes, in developing the station. There were no improvements at all on it when we took it over. There were three stations there and they were practically working themselves.

22. Have these been a charge against the administration of the department, and not against the station?—They have been a charge against the station and also a charge against the Aborigines vote. We keep a separate station account, from which a balance sheet is prepared every year.

23. What about the cattle killed at the station for the use of the natives?—That is credited to the station and debited to the Aborigines vote.

24. When you took over in 1908 nothing was done except to provide the natives with food and raiment?—Nothing, except to put them in gaol.

25. I am speaking of the natives in the State generally?—They were receiving food and raiment. The missions were subsidised before my time.

26. There was nothing in the way of providing hospitals?—Nothing in that direction. It has been

pointed out by Mr. Kingsmill that the saving to the Government, so far as gaols expenditure is concerned, is the result of the establishment of Moola Bulla station. That of course was the policy of the Government. They altered their policy in convicting a native on the admission of his own guilt. The Aborigines Act was amended by providing that no native should be convicted on the admission of his own guilt. It was obvious that many innocent natives were in gaol who were not guilty of having killed cattle.

27. Do I understand from you that as a result of that the expenditure of the Aborigines Department has increased?—Undoubtedly.

28. And your department has been caring for these natives, whereas previously they were kept and fed in gaol?—We saved the country an annual expenditure of £10,000. That included the cost of the police and in arresting the natives, bringing them to trial, and the supervision of them while in gaol. At the present time our native gaols are empty, and that has been brought about by the establishment of the native settlement. After Moola Bulla became a going concern we established another feeding depôt in another tribal district at Violet Valley, where we have 150 natives. That is situated close to Turkey Creek. We send down drafts of killing cattle to Violet Valley, and we keep the natives there out of mischief. While they are there the natives are not committing depredations amongst cattle, and in that way they are keeping out of gaol and saving considerable expense to the Government. Moola Bulla benefits by the establishment of the Violet Valley station, because it has a market at its own doors which other stations have not got. I reported to the Minister the desirableness of extending this scheme in other directions, and it was my intention to do so. In my report of 1911 I suggested that the system should be extended. A reference to that will be found on page 4. I pointed out to the Minister that the expenditure of the Aborigines Department must necessarily increase as the State was opened up and developed.

29. By Hon. J. CORNELL: And as the natives became old and decrepit?—Yes. There are thousands of natives now living in their own wild state and who are not receiving support from the Government. The burden of supporting them rests with the tribes to which they belong. As soon as settlement goes anywhere near them the natives who support them refuse to carry their obligation further, and send the old natives into the settlement.

30. By Hon. J. DUFFELL: Can you give any reason for that?—They know that food can be got from the settlement. But while they are living in their wild state the younger natives know that certain responsibilities rest with them, but those responsibilities cease with the approach of settlement. Then the old natives become a burden on the Government.

31. By the CHAIRMAN: Following the example set by the white race, which provides for an old age pension?—That is so.

32. By Hon. J. DUFFELL: Have you formed any idea as to whether the races in the outback districts are stationary in numbers or decreasing?—I think the natives will always hold their own where they are not contaminated by civilisation.

33. By the CHAIRMAN: In other words, our Australian natives will stand up against anything but civilisation?—That is so. As soon as they take the white man's food and put on clothes, all

sorts of diseases, chiefly pulmonary, break out amongst them. There is going to be a big advance in settlement in the Kimberleys, because the meat works at Wyndham will revolutionise the whole industry, just as happened at Queensland. Millions of acres of pastoral country now lying idle will be taken up, with disastrous effects to the natives.

34. By Hon. J. DUFFELL: But the meat works in Queensland do not extend beyond Rockhampton?—But they have a certain market for their cattle. The point I am making is that as settlement advances in the present unoccupied portions of the State the expenditure of the Aborigines Department must increase. Depredations will commence amongst the herds, there will be outcries for police protection, and the natives will become a burden on the Aborigines Department. In my report of June, 1914, I brought that question under the attention of the Government and recommended them to immediately set apart reserves similar to Moola Bulla so as to avoid the expense of resuming them later on. Now let me show the advantage of a man in the department knowing his subject. Some time ago there was a movement afoot to abolish native labour on the stations and segregate the whole of the natives on reserves. That was the subject of a deputation which waited on the Premier. Eventually the papers came to me and I reported on them. This was, I think, in 1911. There is a file dealing with the subject. I mentioned the matter in my departmental report of 1911, page 5, but I went more fully into it in my report to the Minister, where I pointed out the number of natives working out their own salvation without expense to the Government. In June, 1914, no fewer than 3,606 natives were engaged under permit or agreement. It must be remembered that all the indigent relatives of those natives are fed at the expense of the employer. I pointed out that if the proposed scheme were brought about the segregation of all those natives would mean the resumption of land, the establishment of a number of settlements, and altogether the expenditure of between £30,000 and £40,000 a year. If I had not known something of my subject, it is just possible that the scheme might have been put into effect without an adequate realisation of the expenditure involved: but, knowing my subject, I was able to put the exact position on paper, and in consequence the Government turned down the scheme.

35. In order to have such information it is necessary for you to go amongst the natives occasionally?—I have been amongst them, but in respect to this particular report, to which I refer, I did not have to go out of my office.

36. But in respect to the Violet Valley station; did that necessitate your going up North?—Yes, I have been up North twice, right up to the native station in Kimberley. I make a trip to the station every two years in order to see that the authorised vote is being properly expended, and so that on return I can advise my Minister as to further requirements.

37. I suppose you also pay visits to other settlements?—Oh yes. I have to go to all the missions: Drysdale River, Beagle Bay, and Sunday Island. I have been to each of them. Drysdale is away out in the Never Never.

38. By the CHAIRMAN: You turned down the proposed abolition of native labour on stations



as being impracticable?—Yes. The expense was so great that it was not a practicable scheme.

39. What has been your experience in regard to native labour on these stations?—I think the existing system is an excellent one.

40. Excellent economically, from the station manager's standpoint?—No, it is the most expensive labour you can have.

41. Are the natives availed of to the extent they were in the early days?—Where the labour can be absorbed, yes.

42. Are not white shearers taking the place of black?—Yes, gradually. At one time it was all done by black labour. Now one often finds a shed, white labour on one side and black on the other. Native labour is not cheap. All the relatives of the natives employed become a burden on the station. A man has to employ more than are necessary, and has to employ a white man to look after them. It is very convenient labour, because they are always available, but it is not cheap labour. In regard to those native settlements, the Government are carrying out my recommendations, now, recommendations made in regard to the South-West two years ago, when I proposed the creation of a large native reserve with the idea of making it self-supporting. My recommendation was that we take all our South-West natives and put them in a central reserve outside Katanning, providing a home for the natives and teaching the children, which is an obligation imposed by the Aborigines Act. When I recommended it the money was not available, but Mr. Underwood has found the money somewhere and they are now carrying out my recommendations.

43. That is in the South-West, where racial difficulties have disappeared?—Yes.

44. And what is possible in the South-West is as yet impossible in the North?—Quite.

45. By Hon. J. CORNELL: They have a similar scheme in operation at the Darlington Point settlement in New South Wales?—Yes, I know that. We are feeding natives here, there, and all over the place in the South and South-West, and after investigation I recommended this scheme, furnishing the approximate cost.

46. It has proved a good scheme in New South Wales?—Yes, it is an excellent scheme.

47. By the CHAIRMAN: It all tends to increased expenditure by the department?—In the initial stages, yes. My scheme would cost £1,000 for just putting up plain buildings and making a start; then the expenditure would gradually decrease. A lot of produce would be grown by native labour and the rising generation would be taught trades and the settlement would be made a sort of labour dépôt.

48. You recommended that and effect is being given to it now?—Yes. It may be due to the way in which I handled the native question that, before I took charge, it was a very burning question—seldom could you take up a weekly paper without finding complaints—but since then, with few exceptions, I do not think there has been much trouble.

49. By Hon. J. CORNELL: I cannot speak of your administration, but prior to that it was a burning question on the Ashburton River?—There has not been much trouble since. For years there have been no complaints. In comparing the relative importance of departments throughout the service,

the Aborigines Department stands alone. If there was any trouble with the head of the Fisheries Department or of the Agricultural Department, it would be a matter between himself and the Minister and one for local comment and there it would end, but if the Chief Protector of Aborigines was guilty of mal-administration of his office, it would rebound not only on himself but on the Minister and the whole of the community, because the welfare of the natives cannot be circumscribed as a local matter. It is an Imperial question and therefore any mal-administration on the part of the Chief Protector, who is the responsible officer under the Minister for the administration of the department, would be a very serious thing for the whole of the community. The complaints would become practically world wide. To show that the Imperial Government are alive to the welfare of the aborigines, I was much surprised in 1909 to receive a despatch sent out by Lord Crewe to the Governor stating that he had read with interest the remarks of the chief protector relative to the establishment of native settlements, which I had recommended, and wanted to know if anything had been done. This despatch was followed by other inquiries every year until Lord Crewe had been informed that the settlements had been established. That file is in existence.

50. You have struck the vital point in saying that the Aborigines Department is not analogous to any other department, but stands alone. In consequence of that and the Imperial aspect of the matter, do not you think this is a Federal rather than a State question?—Undoubtedly; it should be a national question. This aspect has been reported upon by me. The Commonwealth approached the State Government and the present Premier expressed himself as being only too pleased to hand the whole matter over to the Commonwealth Government provided he was assured the natives would receive the same treatment as under the State regime. I do not think I have anything more to say in regard to my duties in the past.

51. By the CHAIRMAN: You have dealt with many aspects of the subject, with the duties you have discharged and with your capabilities. What was your length of service?—Twenty-one years and nine months.

52. In which departments?—First in the Stock Department under the Minister for Lands, Mr. Richardson, and subsequently inspectors were placed in charge of different districts. I was in charge of the district east of Geraldton and had the responsibility of eradicating disease among sheep. We accomplished that work, and afterwards I was appointed inspector of the pearl shell fisheries at Shark Bay. I was there for about two years and then some trouble arose in Perth in connection with the Fisheries Department—in fact there was really no such department at that time; an officer in the Lands Department was doing the work—and Mr. Throssell, then Minister for Lands, appointed me Chief Inspector of Fisheries. I had to organise the industry and recommend the necessary legislation and regulations to control it. I filled that office for some years until Mr. Prinssep's retirement. Then it was suggested that as I knew something about the aborigines the two departments should be amalgamated. Some time later I found that the work was increasing so much that I was over-burdened with the two departments, and they were again separated. I was given charge of the

Aborigines, the two departments working with one staff.

53. Under the Colonial Secretary?—Yes.

54. By Hon. J. DUFFELL: Was it at your own suggestion that you took charge of the Aborigines instead of the Fisheries Department?—No it was thought by the then Colonial Secretary, Mr. Connolly, that we wanted an expert man in charge of the Fisheries and I did not consider myself a scientific man.

55. By the CHAIRMAN: You consider yourself an expert in regard to the native question?—Yes.

56. Have your qualifications ever been disputed by any Minister?—No.

57. The position is defined as "Chief Protector of Aborigines"?—Yes.

58. Then there is a permanent head between you and the Minister?—Yes, Mr. North is the medium through whom my correspondence went to the Minister.

59. Does not the Public Service Act provide that the retirement of an official such as you shall be made on the recommendation of the permanent head?—It should be done on the recommendation of the Public Service Commissioner after report from the permanent head. I contend that the whole procedure connected with my retirement has been very irregular.

60. You question the legality of it?—It has been suggested to me that is has not been done properly.

61. Do you question the legality of your retirement?—I am not going to fight the Government; I cannot afford to do so. It has been suggested to me that the procedure in connection with my retirement has not been altogether regular.

62. Were you consulted as to your retirement?—The Public Service Commissioner told me it was suggested that the Charities Department should be amalgamated with the Aborigines Department. He asked me to prepare a statement for him to answer the minute he had received.

63. By Hon. J. DUFFELL: There is a letter dated 30th March from the Public Service Commissioner which reads—

I regret to inform you that consequent to the rearrangement of the work of certain Government Departments your services as Chief Protector of Aborigines are no longer required. The Government has in consequence called upon you to retire as from the 1st day of May next. You will, therefore, be good enough to hand over your official business to your successor (Mr. Auber Neville) on that date. I enclose a form on which you are at liberty to present for consideration any claim which you consider you possess to be granted an allowance under the Superannuation Act, 1871. Authority is being sought to pay to you an allowance in respect of the period you have served towards qualifying for further long service leave. Again regretting the severance of your long connection with the civil service. Is that the letter?—That was the first official intimation I received.

64. Was that the first letter you received?—Yes.

65. By the CHAIRMAN: You were explaining what led up to your retirement?—I prepared a statement as requested by the Public Service Commissioner and on that statement he evidently based his reply which is contained in the file. I gave him full particulars of my duties and the responsibilities

of the office and said it was absolutely impossible to administer the Aborigines Department from a chair in the office without having a knowledge of field work.

66. What saving, if any, is likely to be effected by this rearrangement of offices?—It all depends how the Government treat me.

67. But in the conduct of the department?—Mr. Neville is getting only £312 a year, and he is doing the work of the two departments.

68. By Hon. J. DUFFELL: The Honorary Minister is said to be doing a lot of the work of the Aborigines Department?—I do not know what he is doing but it is impossible, as I told Mr. Underwood, for him to do the detail work. He would not have time to bother about the expenditure and the vouchers. That is where the money is expended. You can only save by close supervision over your vouchers. That is the first intimation I had of my retirement, namely, this letter of the 30th March. I was not consulted by the hon. Mr. Underwood in any shape or form. I have read the speech of the hon. Mr. Kingsmill and I should like to correct a statement he made when he said that the hon. Mr. Underwood had refused to see me. He did not refuse to see me. The first time I ever had a conversation with him about the matter was on the day of Executive Council meeting which brought about my retirement.

69. By the CHAIRMAN: Was your department under Mr. Underwood?—I was under the Colonial Secretary first of all. Then Mr. Underwood was appointed Honorary Minister and took over the department.

70. By Hon. J. DUFFELL: Was that not because he took Mr. Dodd's place on one occasion?—It was not because of that; I was never under Mr. Dodd or Mr. Angwin. When Mr. Underwood was appointed Honorary Minister he took over the Aborigines and Charities Department.

71. By the CHAIRMAN: Has the question of what pension is to be paid to you been settled yet?—Not that I am aware of.

72. By Hon. J. DUFFELL: Have you presented your claim for consideration?—Yes.

73. By the CHAIRMAN: Assuming that it had been found that you were unfit for that position of Chief Protector of Aborigines after 21 years service, is there any other position in the public service which you might have been transferred to?—I do not know; I was never consulted over the matter.

74. By Hon. J. CORNELL: Were you offered any other position?—I was never given the choice of any other position.

75. By the CHAIRMAN: What number of aborigines had you under your control?—They were all under my protection. I should think the number would be between 25,000 and 30,000.

76. Covering an area of a million and a quarter square miles?—I had to cover an enormous territory.

77. By Hon. J. CORNELL: Practically the whole of the State?—Yes. Few people realise the vast extent of this State.

78. By the CHAIRMAN: You claim that it is necessary in that department to have a man who understands the temperament, habit, customs, character, and, in many instances, the language of the natives?—Yes.

79. You claim to have all these capabilities?—I cannot speak all the different dialects. I used to be able to talk some of them at one time.

80. You understand their habits and customs and some of their lingo?—Yes, and I have a knowledge of the State.

80A. Has the gentleman who has been appointed as your successor had an opportunity of acquiring that knowledge?—No.

81. By Hon. J. CORNELL: He has not been long in Australia, has he?—He is an Englishman; I do not know how long he has been in Perth.

82. By Hon. J. DUFFELL: He was not even senior. There were others in the department who were senior. Bolton was his senior?—He is senior in point of service but through a technicality Mr. Neville was Mr. Bolton's senior in point of salary.

83. The first intimation you had officially was this letter of the 30th March?—Yes.

84. To which you replied on the 28th April—

I desire to acknowledge the receipt of your letter of the 30th ult., etc.?  
Yes.

85. Since then what happened?—Mr. Neville came into the office and I handed to him my keys and told him my duties.

86. Has there been any bother since in any way? Have you been refused access to anything that you wanted to get?—No.

87. To all intents and purposes the department is going on just the same as when you were there?—I do not know what is going on; I do not go near the department; I have not been there since. I told Mr. Neville that if he was in any trouble he could ring me up and consult me, and I would be willing to help him in any way.

88. By the CHAIRMAN: Have you ever obtained an interview with the Ministers on the question of why you were retired at the age of 54. The Public Service Act provides that 60 is the minimum age of retirement?—I do not know the motives. I had been told by Mr. Underwood that the only motive was that I was an overpaid officer.

89. It was never claimed that you were medically or physically unfit?—No.

90. Your age is 54?—Yes.

91. Is there anyone you would like to call?—I should like to call Mr. F. D. North.

92. We will call him; is there any one else?—I should like to call Mr. H. H. Brodribb, who was my secretary when I had the two departments. He is now accountant in the Public Works Department. He was my secretary for some years. He knows exactly the importance of the work and can speak with some authority, and can bear me out as to the necessity for having a man with knowledge to administer the department. I do not know that there is anyone else. I am always available myself.

93. By Hon. J. DUFFELL: I suppose you have written other letters to the Minister besides this one. We have only one letter here from you?—I presume those other letters would be on my pension papers.

94. By Hon. J. CORNELL: These are the papers dealing with the pension?—I drew attention to the fact that my salary ceases at the end of the month.

95. By Hon. J. DUFFELL: Has Mr. Hitchens anything to do with the department?—No.

96. The only excuse you have received from the Minister is that you were an overpaid officer?—Yes, notwithstanding that my classification was fixed by the Public Service Commissioner and his colleagues (of whom there were two at that time), that I expressed dissatisfaction with my salary and I was moved to a higher grade.

97. By the CHAIRMAN: You had an interview with Mr. Underwood?—Yes, just before the matter went to Executive Council. It was the only chance I had.

*(The witness retired.)*

The committee adjourned

WEDNESDAY, 1ST SEPTEMBER, 1915.

*Present:*

Hon. J. J. Holmes (Chairman),  
Hon. J. Duffell.

Mr. FREDERIC DUDLEY NORTH, Under Secretary, Colonial Secretary's Department and Comptroller General of Prisons, examined:

98. By the CHAIRMAN: Mr. Gale was an officer in one of your departments?—Yes, he was Chief Protector of Aborigines and at one time Chief Inspector of Fisheries.

99. You are the permanent head of that department?—Yes.

100. Mr. Gale was controlling the sub-department of aborigines?—That is so.

101. You had some experience of Mr. Gale as an officer of the department?—Considerable experience, in fact ever since I have been in the position—1902—or soon after.

102. He was an officer under you?—Yes.

103. What was your experience of Mr. Gale as an officer controlling the Aborigines Department? In your opinion did he give satisfaction?—Yes, he was an officer who was well qualified for the position of Chief Protector of Aborigines by reason of his intimate knowledge of the race and of his acquaintance with the conditions of the North-West where, for many years in the earlier part of his life, he had resided. While he was Chief Protector of Aborigines he tackled one of the most difficult problems that had been puzzling the minds of legislators for years in regard to the treatment of aborigines and the best method to prevent their wholesale depredations upon cattle, which for some years had been growing from bad to worse. Different schemes had been propounded from time to time, but it remained for Mr. Gale to champion the proposal to establish a cattle station in the North-West at which the natives might be fed, and otherwise disciplined. That recommendation was espoused by the then Colonial Secretary, Mr. Connolly, and, in spite of a certain amount of dubiety on the part of various sceptics, it was adopted, and it remains to the present day and is, without doubt, the biggest scheme with which Mr. Gale, as Chief Protector, was connected, and without whose advocacy I, personally, have no doubt whatever, it would not have been accomplished. As permanent head, I felt my own inexperience too great to venture an opinion on this somewhat doubtful experiment. The various views expressed at different times were so conflicting, and the whole idea seemed so utopian and expensive that I certainly should have hesitated to express my opinion in favour of the scheme. Mr. Gale very stoutly advocated it, if he did not originate it, which I think he did—possibly that will be shown on the files—but it had been discussed for some time. The responsible Minister accepted his advice and Cabinet approved of it, and the scheme has been a great success. The station itself actually shows a profit. Further, on Mr. Gale's suggestion, it has been converted partially

into a remount station. The effect upon the aborigines was marked, and I was able to notice this especially in my capacity as Comptroller General of Prisons. In 1908, when I went to Wyndham, there were 160 native prisoners at that place and about 120 at Roebourne. Two years ago, I was able to close the gaol at Wyndham entirely because no prisoners were left there, and last year there were only 14 in the whole year. It might perhaps be of interest if I give a summary of the figures in that connection.

104. We shall be glad to hear anything bearing on the subject?—This is a return of commitments and cost of northern gaols during the years 1908 and 1909, and for the last three years. I have taken Wyndham, Derby, Broome and Roebourne. The total cost in connection with these gaols for the year 1908 was £8,776. For the following year it was £9,178. Moola-boola was established in 1910. In 1912, after this station had had time to get into working order, the cost of these four prisons was £2,455. In 1913 the cost was £2,361, and in 1914 it was £2,099. These figures represent a proportionate diminution in the number of aborigines. In 1908 there were 546 aborigines in the four prisons. In the following year there were 392, that is before the operation of the change, and in 1912 the numbers dropped to 150. In 1913 there were 117 aborigines in these four prisons, and in 1914 there were 97. The part of the country where the depredations amongst cattle were worst, and in the district in which the cattle station is situated, namely Wyndham, the figures are the most striking. In 1908 there were 203 prisoners in the Wyndham gaol.

105. That is near the Moola-boola station?—That is the nearest port. In 1909 there were 267 aborigines in the Wyndham Gaol, in 1913 there were eight, and in 1914 there were 14 prisoners in the gaol. I was, therefore, able to close the gaol. The difference in the cost of maintaining these gaols is the difference between £2,099 in 1914 and £9,178 in 1909. I do not claim that the result has been entirely brought about by the Moola-boola station. There may have been other causes which contributed to it. Possibly one of these has been the method of arresting the ringleaders of cattle raids instead of working under the old arrangement. There has, however, been an enormous saving to the Gaols Department. The Moola-boola station is moreover self-supporting and shows a profit. That fact alone shows that Mr. Gale was a man of initiative and courage. Speaking generally, I would say that he was a very good officer, above suspicion, a man of the greatest integrity, and zealous in the cause of his office. During the many years that I have been permanent head of my de-

partment I have never had occasion to find fault with him for any misdemeanour or dereliction of duty. Another important step was taken during Mr. Gale's term of office, that being in the method of rationing the indigent natives. When I went up to the North-West in 1908 it was the custom to appoint protectors here and there, and to pay them on a per capita basis for looking after the natives. They were accustomed to send in a list of the number of indigent natives and to charge their care up to the department at so much per head. I pointed out that the system was being abused. A system was then inaugurated by which the provisions were obtained at special contract prices from storekeepers wherever possible. In 1909, the year after this had been brought into effect, the chief protector reported to me as follows, over the date 2nd September, 1909—

As I have previously pointed out, a new system of rationing indigent natives has been inaugurated, and where it is possible to do so the distribution of relief has been taken out of the hands of the police, and others, who were previously paid a *per capita* sum, and rations are now bought at contract or special rates from storekeepers, and distributed under police supervision. In getting the necessary information for the Hon. the Premier's budget speech relative to economies effected, I had returns prepared which I wish the Hon. the Colonial Secretary to see, showing a saving in round figures of £1,100 per annum with a corresponding decrease in the number of natives receiving relief since the new system has been in force; and much yet remains to be done in this direction. It is interesting to note that the greatest saving has been effected in places where the police were previously distributing rations.

To this I replied—

I am glad to see that this reform has been effected. It wanted doing badly. This shows an annual saving of £1,100 in administration by that one executive act.

106. By the CHAIRMAN: Is Mr. Gale the officer responsible?—It was done on his recommendation and by his initiative.

107. By Hon. J. DUFFELL: There is a minute on this letter of the 27th April, 1915. I suppose that was written on your return from your holiday?—I had three months' sick leave at that time.

108. I notice that you refused to express an opinion, which might only be taken as criticism of the action of the Minister and Cabinet as they had already decided upon retiring Mr. Gale?—That is so.

109. I take it that the actions of the Government in connection with the retirement of Mr. Gale were not in the best interests of the natives. Am I correct?—Your inference is quite just.

110. By the CHAIRMAN: Your experience of Mr. Gale as an officer was satisfactory?—Quite so.

111. By Hon. J. DUFFELL: To have retired Mr. Gale with a view to effecting an economy would result in false economy. There is no doubt about that in your mind?—None whatever.

112. By the CHAIRMAN: The importance of the Aborigines Department is always kept prominently before your department. It has an imperial aspect as well as a local aspect?—The position of Chief Protector of Aborigines is provided for by Statute. There is also the obligation ever since we became an autonomous State to provide at least

£10,000 a year for the upkeep and protection of the aborigines. That amount is supplemented by another £10,000.

113. It has been stated that Mr. Gale was retired with the object of effecting an economy. Would you give the committee any information as to what economy has thus been effected. Has there been any economy?—The actual saving in Mr. Gale's salary will, I suppose, be felt. This means £312 per annum, assuming that he receives no pension. The figures are shown on the file.

114. He had 20,000 aborigines under his care?—That is something like the number.

115. And the saving effected would amount to about 3d. per head of the aborigines, assuming that the saving in salary by the retirement of Mr. Gale represented between £250 and £300?—The figures would work out at about 3d. per head.

116. Is it necessary, in order to protect the aborigines to have a man who understands the habits, customs, character, etc., of the natives?—It is essential.

117. Has any one been appointed in Mr. Gale's place?—Mr. Neville, the Secretary of the Immigration Department has been appointed Chief Protector.

118. At what salary?—Without any pay. He draws the same pay as he drew before he was appointed. His salary is the same as when he was secretary of the Immigration Department only.

119. Mr. Neville has been appointed to the position?—Without extra remuneration.

120. The salary of Chief Protector has been fixed, has it not, by the Public Service Commissioner?—By the Commissioner, and then reviewed by the Classification Board.

121. Then his salary has been fixed?—That is so.

122. At what figures was it fixed?—I am not sure of the minimum and maximum. I think the maximum is £560. It ranges between £500 and £600.

123. That is a salary which the Public Service Commissioner and the Appeal Board considered to be fair remuneration to pay to the Chief Protector of Aborigines?—That is so.

124. You say that Mr. Neville has been appointed without any remuneration whatever except the £312 a year he receives as secretary of the Immigration Department?—That is the position.

125. Were you consulted with regard to Mr. Gale's retirement?—No.

126. Were you consulted as to Mr. Neville's appointment?—No.

127. You have read Section 44 of the Public Service Act?—I know the section. It refers to the promotion of officers and reporting to a permanent head.

128. You are the permanent head of the department?—Yes.

Section 44 reads as follows:—

Before any officer is promoted from any office to a higher office in the Administrative, or Professional or Clerical Divisions, there shall be submitted to the Governor the name of the officer recommended for promotion to such higher office by the Commissioner, after report from the Permanent Head; and any officer so recommended may be promoted by the Governor accordingly: Provided, etc.

You, as Permanent Head, were not consulted as to the appointment of Mr. Neville?—No.

129. Has there been any protest on your part in connection with the matter?—No. The matter was referred to me after it had been done, and approved by the Governor-in-Council. Only then was I asked for an opinion. I thought it was improper that I should offer an opinion after this had been done. It would only have savoured of something in the nature of criticism of the Government, and I declined to give an opinion.

130. It would be quite proper and in accordance with the spirit as well as the letter of the Public Service Act, if you had been consulted?—It was highly irregular that I was not consulted.

131. I notice that the Honorary Minister signs for the Colonial Secretary. Do you know how that comes about?—Under the present administration the Colonial Secretary has always had two honorary ministers to assist him. In respect to those departments which are placed under their administration, the practice has been for them to sign for the Colonial Secretary.

132. I have had some experience as an Honorary Minister, and in my time Honorary Ministers were only looked upon as a sort of advisory board. The actual Minister consulted with the Honorary Minister and got his advice and assistance, but when it came to signing any documents, or taking any action, it was the Minister with the portfolio, and not the Minister without the portfolio, who signed or acted?—That has not been the system at all under the last two administrations.

133. What is Mr. Neville's service?—Secretary of the Immigration Office.

134. Does he possess the necessary qualifications to discharge the duties of Chief Protector of Aborigines? In your opinion, does he know anything about the habits, customs, and characters of the natives?—Nothing whatever.

135. Was the position of Chief Protector of Aborigines advertised as vacant, or were applications invited from persons in the service?—No.

136. Is it not laid down by the Act and the regulations that that should be done?—The procedure for making appointments to vacancies that arise in the service is clearly established. This vacancy occurred in a curious way. The usual procedure, as laid down, has not been followed.

137. Will you tell us what the usual procedure is, and what was the procedure adopted in this case?—The usual procedure, when there is a vacancy in the permanent staff of the service, is for the Public Service Commissioner to advertise that vacancy in the *Government Gazette*. A month's notice is usually given. The applicants send in their applications in writing through the heads of their departments, and the applications are forwarded on to the Public Service Commissioner. When the date for receiving applications has closed, the applications are, as a rule, referred to the permanent head of the department in which the vacancy exists; and the Public Service Commissioner, in the terms of the section, calls upon the permanent head for a report and recommendation as to which of the applicants should be appointed. The permanent head then makes a recommendation, and sends it under cover to the Public Service Commissioner; and, as a rule, the permanent head's recommendation is accepted and the appointment is made. There are occasions when the Public Service Commissioner differs from the recommendation of the

permanent head, and he will then send the file back to the permanent head for further consideration, until they arrive at a decision.

138. And the procedure was not adopted in this instance?—No.

139. The procedure that you refer to as the customary procedure is in your opinion desirable?—Eminently so.

140. It has been stated that Mr. Noville is a trained civil servant, and it has been suggested that Mr. Gale is not. Can you give us any definition of what a trained civil servant is? What particular training is necessary? One of the excuses offered for the retirement of Mr. Gale is that Mr. Noville is a trained civil servant and that Mr. Gale is not. That is one of the points we want to clear up?—Mr. Neville has had an office experience ever since he has been connected with the service, whereas Mr. Gale's experience has been more outside.

141. Field experience?—Yes.

142. And that field experience is more important in your opinion, than office experience, in dealing with natives?—Undoubtedly a man with nothing but office experience would be unsuited to deal with questions of natives. In Mr. Gale's case, it would be erroneous to describe him as not having had civil service training. The man who has had 21 years' training in field and office work is a better trained man than one who has been trained only in office work.

143. In my opinion, a man versed in the habits, customs, and characters of the natives is more suitable than an office man. This is my opinion, but I wanted your opinion?—That is the opinion which I was endeavouring to express. Part of Mr. Gale's duty during the last five or six years has been to make visits right up through the country where the aborigines abound in the greatest numbers, and he has been away for periods of six months at a time travelling through the country.

144. If Mr. Gale, after 22 years' experience, is not a trained civil servant, is somewhat a reflection upon you as permanent head of the department, is it not?—I have no evidence in front of me that he is not a trained civil servant. On the contrary, I submit that he is.

145. Do not the powers of the Public Service Commissioner under the Public Service Act render him capable of preventing a man from being retired from a position like this? I suppose you know the Public Service Act, and the powers of the Commissioner?—I do not know under what powers Mr. Gale was retired. So far as I understand the Act—my understanding of it is more from experience and practice than from a close reading of the sections—there are only three ways in which an officer under the Public Service Act can be retired. One way is under the penal sections of the Act (commencing with Section 47), culminating in his dismissal. The other way is under Section 56, which provides that, after report and inquiry as to the competency of an officer, he may be called upon by the Governor to retire. The third is the provision under the superannuation section, when a man reaches the age of 60 or upwards. Those are the only three methods of leaving the public service under the Public Service Act, but it is usually recognised that there is also a provision for the retirement of excess officers under Section 9. However, it would be idle to assert that that procedure had been strictly followed in, or was in any way applicable

to, the retirement of Mr. Gale. If it were endeavoured to contend that Mr. Gale had been retired as an excess officer, it would be hard to answer the question, what factors brought about the position that he was an excess officer? I notice in the Public Service Commissioner's report, published in this morning's paper, that he states that owing to the falling off of immigration, the work of the immigration office was very much diminished; but it seems hardly a *sequitur* that therefore the Chief Protector of Aborigines should become an excess officer.

146. No; I should say not. If that is the report put forward by the Public Service Commissioner, it would seem that it was the immigration officer who was the excess officer?—That seems the natural sequence.

147. You mentioned three sections of the Public Service Act under which an officer could be retired. Did any of those three sections apply to Mr. Gale's case?—None of the three.

148. In your opinion, has Mr. Gale been legally retired?—If he has been legally retired, then a body blow has been struck at the whole civil service. The Public Service Act was passed primarily with the object of removing political patronage, and, I take it, with the corollary of protecting the service from political prejudice. It was also, above all other things, to provide for security of tenure of office. If Mr. Gale has been legally retired, then there is no security of tenure of office for any one in the service.

149. The Imperial authorities made provision for the protection of the aborigines of this State by appointing a Chief Protector of Aborigines?—Yes.

150. I think it might be put this way, that the State authorities made provision to protect the civil service, and in doing so, provided for a Public Service Commissioner to act, as it were, as protector of civil servants. In your opinion, has the Public Service Commissioner, under that Act, sufficient power to protect the public service, or is in your opinion any amendment of the Act necessary?—I think there is one regard in which an amendment of the Act is required, and that is in its relation to the Pensions Act. As you are aware, on the introduction of the Public Service Act, the Pensions Act was repealed; but its provisions, nevertheless, apply to a large number of civil servants who had joined prior to the passage of the Public Service Act. The Pensions Act enacts that a man's office may be abolished for the greater efficiency of the working of the service, in which case, 10 years is added to his length of service in the computation of his pension. Another section of the Act provides that no man shall receive a pension who has not reached the age of 60 years, except he has been retired on a medical certificate. In my opinion, there is no section of the Public Service Act which correlates either of those two provisions; that is to say, that if a man's office is abolished it would be very hard to say under what section of the Public Service Act you would deal with him, although obviously, such a contingency should be provided for. Furthermore, in connection with this very case of Mr. Gale, if it is proposed to give him a pension, I submit that it is illegal under the Pensions Act, because you cannot give a man a pension until he has reached the age of 60 years unless he has been retired on a medical certificate or his office has been abolished. Mr. Gale has not been retired under a medical certificate; his office cannot be

abolished without repealing the Aborigines Act; his position is a statutory position created by Parliament. Therefore, he is not eligible for a pension, and, inferentially, he is not eligible for retirement.

151. Do you think that the Commissioner has sufficient power under this Act to protect public servants on all questions except pensions or retirement?—Yes. The Act provides that on the dismissal of a public servant an appeal lies to a board and the principle of appeal courts is very largely in force at the present time in the regulations of the different departments, for instance, the Gaols, the Hospital for the Insane, and the Police. In endeavouring to get the Public Service Commissioner on one or two occasions to take action under Section 56, which is the second means under which an officer can be retired, he has raised the objection that no appeal lies to that officer under that particular section, and it might be an injustice to call upon the Governor to retire a man on a report, after inquiry, that he was incompetent, and not give him the right of appeal. I mention that because Mr. Gale has been retired under no provision of this Act, and with no right of appeal, and I say that he has no right to any pension under the Pensions Act.

152. Would the question of pension be referred to you in the ordinary course of events?—Pensions are dealt with by a board consisting of the Public Service Commissioner, the Solicitor General, and the Under Treasurer, and are administered by the Treasury Department.

153. I think Section 7 deals with excess officers?—Yes, and it has to be read in conjunction with the preceding sections.

154. Provision is made to give an excess officer the offer of some other appointment in the service if there should be any likely to suit him?—That is the practice.

155. Was it done in Mr. Gale's case?—Not as far as I am aware. I might add, with reference to the contention appearing in the report of the Public Service Commissioner, which was published this morning, that an excess occurred in the Immigration Department through there being no work in that office, and that therefore, it was a question whether Mr. Gale or Mr. Neville should go; that the file which is in your possession shows that it was originally suggested that the Office of the Chief Protector of Aborigines should be handed over to the Charities Department. That rather dissipates the present contention.

156. It has been suggested that an injustice has been done to the public service, the Aborigines, and to Mr. Gale by the retirement of Mr. Gale at the age of 54. Is it your opinion that an injustice has been done to the service, and possibly to the Aborigines, by putting in control of the Aborigines Department a man without experience of natives?—As I have stated, if the action can be defended and justified legally, it aims a body blow at the whole of the civil service, from which it will be difficult to recover.

157. And an injustice has been done to Mr. Gale because, in your opinion, there is no authority by which he can be paid a pension?—Security of tenure is one of the few privileges which makes the civil service attractive for young men to enter, and stay in all their lives.

158. And it is not conducive to the good management of the aborigines to have in charge of the department a man who is not accustomed to their habits or character?—The Chief Protector should

have an intimate knowledge and first-hand acquaintance with the native subject.

159. He should be a field officer first, and an office man next?—He should have had dealings with the natives.

160. This retirement of Mr. Gale hinges, I think, upon an Executive Council minute signed by the Public Service Commissioner. Has Mr. Jull power, under the Act to refuse to sign an Executive Council minute put before him for signature?—Mr. Jull would initiate the minute.

161. Mr. Jull did not initiate this; it was put before him for signature?—The procedure in connection with appointments in the service, or other matters cognate, where it is necessary for the Commissioner to recommend, is for the Commissioner to sign an Executive Council minute; then it is submitted to the department concerned for the information of the Minister controlling that department, who initials it, and it then goes before Cabinet and the Governor in Council.

162. The recommendation in the first place should come from the Public Service Commissioner?—Yes. Without his recommendation no movement can take place.

163. The first minute on the file makes a recommendation in connection with the Chief Protector of Aborigines, and Cabinet calls for a report from the Public Service Commissioner. The Commissioner puts in a report which, in my opinion, makes it quite clear that Mr. Gale is the right man in the right place. It is certainly not a recommendation to retire Mr. Gale?—I think there is a minute there about a pilot.

164. It would appear that the Commissioner did approve of Mr. Gale being the right man in the right place. Then there is a reference to Mr. Underwood conferring with the Commissioner, and Mr. Underwood reports to Cabinet that he has conferred with Mr. Jull on the matter and has suggested—this has been struck out and written in red ink—"it has been agreed that the Immigration Department shall be disbanded, and that Mr. Neville shall retire from the position of secretary and take over the position of either the Chief Protector of Aborigines, or Secretary of that department, with Mr. Bolton, as his assistant, Mr. Gale to be retired, the whole of the work to be done by the present Aborigines and Fisheries staff as at present constituted, with the exception mentioned." This is signed "R H U" and Cabinet approved. Should there not be a recommendation from Mr. Jull, and not from Mr. Underwood to Cabinet? The Public Service Commissioner sets out to prove that Mr. Gale is the right man in the right place; he is interviewed by Mr. Underwood?—Was there not a proposal to give the control of the Aborigines Department to Mr. Longmore?

165-6. That was previously; Mr. Jull knocked that out, because Mr. Longmore proved that he had already too much to do. Should not the Public Service Commissioner, as protector of the public servants—we will put it that way—should he not have made a recommendation? There is no record of the meeting of the Premier and Mr. Jull and Mr. Underwood. Then Mr. Gale is informed that, consequent upon a rearrangement of officers, his services are no longer required. Then it is referred to you later?—Yes.

167. Does not the Act provide that in the appointment of Mr. Gale's successor the permanent head should have been consulted?—There is no actual obligation on the Public Service Commissioner to call on the permanent head for a report. Of course it is commonsense, as well as courtesy, that he should consult the permanent head, but he may, if he likes, select the applicant himself.

(The witness retired).

Mr. HAROLD HEBDEN BRODRIBB, Accountant, Department Public Works and Industries, examined:

168. By the CHAIRMAN: You are aware that Mr. Gale has been retired from the Public Service?—Yes.

169. You were his secretary for some years?—Yes, when he was in charge of the Aborigines and Fisheries I was relieving chief clerk, and at one time I relieved Mr. Gale himself.

170. During that period Mr. Gale was occasionally away amongst the aborigines?—Yes, for six months at a time.

171. And you served as deputy Chief Protector?—Yes.

172. You had opportunities of judging Mr. Gale's capabilities to discharge the duties of his office?—Yes, daily.

173. What conclusion did you come to?—That he was a thoroughly efficient man. On two or three occasions when he was away, and I was acting in his stead, but unable to get into touch with him by telegraph, I thought I was getting along all right until he came back and went over my work, when he showed me that I had been wrong.

174. By Hon. J. DUFFELL: On important points?—Yes, sometimes. I had not the knowledge of the natives or of the country.

175. By the CHAIRMAN: You think it necessary that the Chief Protector should have a fair knowledge of the customs and characteristics of the natives?—It is most essential, and he must know the country thoroughly. At times he has to consider very important questions. There is the social question which he is always up against. The half-caste question is becoming acute. If we do not look after the half-caste children and educate them properly, we may be breeding up a lot of criminals. These are big questions. The native question as a whole, is an Imperial one. It is difficult to deal in Perth with questions located 1,000 miles away, if you do not know the local conditions.

176. Then you found you lacked the necessary knowledge to deal properly with the department?—Undoubtedly.

177. If you had been there when Mr. Gale was retired you would not have felt justified in applying for the position?—I would not say that, but if I had been successful, I would have got about the country as rapidly as I could. Mr. Gale knew his country long before he entered the service.

178. Is there any other point?—I am of opinion that Mr. Gale has saved the country thousands of pounds in connection with his administration, as, for instance, in regard to dependants of station natives being fed by the station owners. He was



of opinion that where natives had served a station for a number of years the station should look after the dependants. He took strong action, and that alone saved the country many thousands a year. The stations all fell into line. Then there is the establishment of the Moolaboola station. Several persons claim to have been each the originator of that scheme. In any event, Mr. Gale was closely associated with it. To administer that station a man requires station knowledge. Mr. Gale had it, having previously been a station owner. The station is a long way away, and if anybody in Perth tried to control it without the necessary knowledge there would be a hopeless mix up in no time.

179. You say that Mr. Gale had more to do with the establishment of the Moolaboola station than had anybody else?—I think so.

180. You suggest there are a good many claimants for the distinction?—Yes, Mr. Connolly claims an interest there.

181. In your opinion Mr. Gale's practical knowledge of station work has had an important bearing on the successful control of that station?—Undoubtedly. When dealing with telegraphic supplies Mr. Gale knew exactly what to allow and what to cut out. I would be very sorry to handle the proposition unless I possessed knowledge equal to his.

182. There is not only the management of the station but the even more important question that these natives are wards of the State?—Yes, and we may get into trouble with the Imperial authorities if anything serious happens.

183. I was surprised to note how closely the Imperial authorities watch this matter?—They watch it very closely indeed though I do not know what they have done since the war broke out.

184. I think the present war will go a long way towards justifying the Imperial Government in taking extra precautions at this juncture because they claim to be the protectors of the smaller races and nations, and will therefore be more alert than ever?—Yes, the Australian aborigines are human beings though of a low caste, but most of their degradation has resulted from coming into contact with white men and Asiatics. The establishment of lock hospitals was most essential, and Mr. Gale had a big hand in this work. The establishment of these hospitals was attended with great difficulties. The natives have to be collected all over the State and the work has to be done kindly but firmly. The work in connection with the transport may take months to accomplish. Many of us would not know where to start in handling this question. Each patient costs practically £10 before he can be got to the Island, and a large sum of money can easily be lost in this direction.

185. The establishment of these hospitals was due to whom?—In my opinion, to Mr. Gale.

186. He did all the work?—He and I did most of the work together with Dr. Montgomery, who was in consultation with us.

187. Mr. Gale's knowledge of the aborigines had an important bearing on the successful establishment of these hospitals?—Undoubtedly. Then Mr. Gale was very well liked at the various missions in the North-West and those in charge of them worked very well with him. He did things sympathetically and kindly.

188. By Hon. J. DUFFELL: Your relationships with Mr. Gale were always of a cordial nature?—Yes, we got on very well indeed. Mr. Gale personally watched the expenditure very closely. He saw every account.

189. By the CHAIRMAN: If you were asked your opinion of Mr. Gale as Chief Protector of Aborigines what would you say?—That he was thoroughly efficient in every way.

190. By Hon. J. DUFFELL: He did not show any signs of weakness mentally or bodily?—No.

191. His wits were always keen?—Yes. I consider he was a thoroughly efficient officer.

*(The witness retired).*

Mr. JOSEPH ROBERT CAMPBELL, Accountant, Colonial Secretary's Department, examined:

192. By the CHAIRMAN: You were acting Under Secretary during Mr. North's absence?—Yes.

193. The matter of the retirement of Mr. Gale seems to have been brought under your notice on the 8th April, 1915, when the Public Service Commissioner wrote thus—

On looking through this file I find there is no record of it having been before you. I therefore send it for your opinion.

You replied on the 15th April to the Under Secretary with your comments?—Yes.

194. During the period you were acting Under Secretary and accountant in the Colonial Secretary's Department, you had opportunities to judge Mr. Gale's capabilities as Chief Protector of Aborigines?—Yes, very close.

195. What opinion have you formed?—I have a very high opinion of his ability and energy.

196. By Hon. J. DUFFELL: What took place in regard to the retirement of Mr. Gale?—The first I heard of the matter officially was when the minute was sent to me, acting as permanent head of the department, by the Public Service Commissioner though I had heard from private sources that the scheme was under review.

197. By the CHAIRMAN: In your opinion Mr. Gale was a capable and efficient officer?—Undoubtedly.

198. Do you consider the office requires the services of a man with special qualifications to satisfactorily discharge the duties?—Certainly.

199. What knowledge should he possess?—He must have experience of native affairs and a very intimate knowledge of the customs of the aborigines, combined with a very close geographical knowledge of the State. His administration is called into operation in the most remote corners of the State. I do not suppose there is another department where the operations of the Government extend to such remote localities.

200. It has an Imperial aspect as well?—Yes, and that is a very weighty one indeed. We had experience of that years ago when Dr. Roth, of Queensland, was called over to report on the treatment of natives. When it was alleged that the State was not doing all that was expected of it towards the natives, the trouble was voiced in the old country.

201. In the ordinary course of events you, as acting Under Secretary, should have been consulted as to the retirement of Mr. Gale?—Yes, in regard to any change of officers in the department.

202. By the CHAIRMAN: I gather from your remarks in the letter of the 15th that this was not done?—No, it was not.

203. You say that the appointment of Mr. Neville has caused some concern to other officers of the department, whose seniority and knowledge of the requirements of the Aborigines Department entitled them to have the opportunity afforded them of making application for the position in the orthodox manner?—Yes.

204. That opportunity has not been afforded to any other members of the service?—I know positively it has not. The position would have been advertised in the ordinary way. That is the usual procedure, and gives senior and other officers an opportunity of applying for the position.

205. By Hon. J. DUFFELL: Were there other officers senior to Mr. Neville?—Several. I myself, am senior to Mr. Neville, but I did not get an opportunity of applying for the position.

206. You are getting a higher salary?—I am, but I would be quite prepared to take that position which Mr. Neville now has, at the maximum of his classification, although this would still be less than the salary I am receiving. Mr. Neville's classification is £312 to £408. He can, therefore, go to £408 without any re-classification. Assuming that I had been appointed to the position, I would have been appointed at the maximum. I would have been prepared to take that position at £408, knowing that it is only a matter of re-classification when the position will carry its proper salary.

207. By the CHAIRMAN: The Public Service Commissioner and the Appeal Board have fixed the salary at something over £500 a year?—The maximum is £636.

208. The Public Service Commissioner and the Appeal Board have fixed what they consider to be adequate remuneration for the Chief Protector of Aborigines at—?—A maximum of £636 and a minimum of £504.

209. By Hon. J. DUFFELL: I suppose Mr. Neville would be quite within his rights if he applied to be reclassified in that way?—Undoubtedly.

210. By the CHAIRMAN: In your opinion, was Mr. Gale fully equal, mentally and physically, to carry out the duties of his position if he had continued in it?—Undoubtedly he was a most energetic and zealous man.

211. You stated in your minute to the Under Secretary that this retirement had caused considerable concern to other officers of the department?—Yes.

212. In what way?—The officers in the service have always been under the impression that as long as they were able to carry out their duties satisfactorily, they could at least assume they would remain in the service until they were 60 or 65 years of age. When they found that they could be retired at any time before this age, as Mr. Gale was, naturally it caused them a great deal of concern. In regard to the appointment of the other officer, that caused equal concern, inasmuch as opportunities are apparently not to be given to officers to qualify for promotion.

213. That is the effect on the service?—Yes.

214. By Hon. J. DUFFELL: You consider that the mode of procedure in regard to Mr. Gale's retirement is altogether irregular?—I do.

215. You have no doubt about that?—I do not say that the Government are not within their legal rights.

216. I am not asking the question in that sense. Is it irregular?—It is undoubtedly; I know of no other case where a man has been retired under similar conditions.

217. Apart from the question of economy, would this retirement of Mr. Gale have any effect on the civil service, generally speaking?—Undoubtedly.

218. It would shake the confidence of the civil service?—Yes, it has done so.

219. By the CHAIRMAN: That is only natural?—Of course it is.

220. In your opinion, is the service likely to suffer from this loss of confidence?—They have lost confidence in regard to this retirement.

221. It is generally understood, as long as a man does his duty satisfactorily, that apart from the abolition of his office, he is entitled to consider that he is permanently employed until he reaches the age of 60, when he is retired on a pension?—Undoubtedly. Under the new Act it is not everybody who is entitled to a pension.

222. What is your opinion as to the necessity for having a man of experience of aborigines to take charge of that department?—If the man in charge has not the necessary experience, it must work to the detriment of the aborigines. The Chief Protector is charged with the welfare of the natives, and if the administration is in the hands of an inexperienced official naturally both the department and the aborigines must suffer.

223. Has Mr. Neville had any experience that would qualify him for the position of Chief Protector?—Not that I am aware of. I have been in the Colonial Secretary's Department for 14 years and I know of no opportunity having been afforded to Mr. Neville to qualify for the position. I have always been at the head office.

224. Can you define the position or qualifications of a trained civil servant? We are told that Mr. Neville was a trained civil servant and that Mr. Gale was not. What is necessary in the way of training in order that civil servants may qualify? Mr. Gale has been 22 years training in the Colonial Secretary's office. If he has not been trained in 22 years, it is, I think, a reflection upon some of his superior officers?—I do not quite follow.

225. I do not quite follow. We are told that Mr. Neville is a trained civil servant, and that Mr. Gale is not. Mr. Gale has been associated with the Colonial Secretary's Department for 22 years. Someone should be responsible for lack of tuition if Mr. Gale is not now a trained civil servant?—If a man has been for a lengthy period in any particular office, he naturally becomes trained in his particular duties, if he is reasonably efficient. I should say that Mr. Gale's service of 22 years in the Aborigines Department would qualify him for the chief position in that department. Mr. Neville has been in the Immigration Department for a long period, and he should be well qualified to administer that particular department.

226. By Hon. J. DUFFELL: Do you think any saving has been effected by retiring Mr. Gale and putting Mr. Neville in his place?—I do not.

227. By the CHAIRMAN : A saving in salary ?—There is little saving in that ; it is a negligible quantity, and only amounts to about £30.

228. By Hon. J. DUFFELL : I am speaking in a broad sense. Do you think there is any saving through retiring Mr. Gale and appointing Mr. Neville. Do you think that the native question has now got beyond that period when it requires the close attention it needed in the past ?—No. Indeed I think, as the years progress, a knowledge of the administration of the Aborigines Department becomes more necessary. Take our settlement scheme. We have only one large settlement scheme at present, namely the Moola-boola station. It is not beyond the realms of practicability that this will be extended, and in such case the supervision will require to be greater.

229. By the CHAIRMAN : The supervision of the station, as well as that of the natives, becomes an important question ?—Of course it does ; it becomes greater. The supervision of the Aborigines Department requires very close application, by reason of the fact that its operations extend to such remote localities.

230. Have you considered the Public Service Act from time to time ?—I have.

231. Section 9, Subsection 7, deals with the question of excess officers. Has it ever been suggested that Mr. Gale was an excess officer ? He could not have been considered an excess officer because there has merely been a change in the holder of the office.

232. There has been an amalgamation of offices ?—Yes.

233. Who would be the excess officer ?—In the ordinary course of events the officer attached to the department which had been abolished, that being the Immigration Department. They have suspended operations, I notice by to-day's paper, and therefore the officers of that department would, in the ordinary course of events, be excess officers until such time as they had been absorbed or retired.

234. By Hon. J. DUFFELL : Would I be justified in saying that the work in connection with the Aborigines Department was very small ?—I do not think so.

235. You contend that there is a large amount of work to be done in the Aborigines Department ?—Yes. That can be seen from the staff employed.

236. By the CHAIRMAN : So much so that the Public Service Appeal Board fixed the Chief Protector's salary at £600 a year ?—The maximum fixed was £636. It will give you a good idea of the importance of the department as evidenced by the actions of the Public Service Commissioner, if I mention that the Secretary of the Aborigines Department was classified at a maximum salary of £408 whereas the Secretary of the Lunacy Department, which you know is a very large one, was classified at a maximum of £252. So the relative importance of the Lunacy Department and the Aborigines Department, according to the Public Service Commissioner, is that the Secretary of the former is double the value of the Secretary to the latter.

237. What is the salary of the Secretary of the Aborigines Department ?—Four hundred and eight pounds.

238. At the present time ?—Yes. That is his maximum.

239. What is he drawing ?—I think £312, the same as Mr. Neville.

240. The Public Service Appeal Board fixed the salary of the Chief Protector of Aborigines at ?—At £504. The maximum is £636.

241. And they fixed the salary of the Secretary to the Immigration Office at from £312 to £408 ?—Yes.

242. And now Mr. Neville is filling both these offices ?—Yes ; but the Immigration Office is suspended. You may have seen from Mr. Jull's report in this morning's paper that the operations of the Immigration Office are suspended both in London and here. I take it there is practically no immigration at present.

243. Mr. Neville is now discharging the duties of Chief Protector of Aborigines and the duties of Secretary to the Immigration Office for the salary of £312 ?—Yes.

244. Is there any further light you can throw on the subject ?—Not unless you are not already fully seized of the operations of the Aborigines Department.

245. By Hon. J. DUFFELL : Perhaps you could give us some information there ?—Yes. I have some data available here. I think it was stated that the expenditure of the Aborigines Department had increased during the past three years. The Aborigines Department is a special department whose operations are governed by an Act of Parliament ; and the revenue of the department is dealt with in a slightly different manner from the ordinary manner of dealing with revenue by Government departments. Taking the expenditure and the revenue of the department to arrive at the net result to the Government of the operations of the department, the expenditure of the Aborigines Department during the past three years has been decreasing. In 1912-13, it was approximately £25,000 ; the following year, £23,000 ; and last year, approximately £22,000. This indicates that the department has been alive to the necessity for economy, because its operations have not vitally changed during those three years. Of course, the expenditure has largely increased as compared with four or five years back, because the department have extended their operations. For instance they have installed the Moola-boola settlement. That entailed and entails an average expenditure of approximately £4,000 a year. Again, the department established lock hospitals, and the expenditure there approximates £3,000 a year. Then, in the past few years the department has spent a considerable sum of money in the collection of diseased natives for the purpose of taking them to the lock hospitals. Naturally, all these operations have entailed increased expenditure.

246. By the CHAIRMAN : Yet the total expenditure ?—Is decreasing. In short, the welfare of the aborigines is as well protected to-day at a cost of £22,000 as it was three years ago for say £25,000. That is generally speaking. To my mind, it indicates a close supervision of the operations of the department.

247. By Hon. J. DUFFELL : And do you think Mr. Gale can be credited with any of that saving ?—Undoubtedly. In fact, he could be credited with it *in toto*. Mr. Gale has always applied himself very closely to detail, and the department is one of detail. I know Mr. Gale has been instrumental in saving large sums of money—as I have no doubt Mr. North has told you—in regard to this settlement in the North-West, which has had the effect of clearing the

gaols of the North-West, with the result of a permanent saving of approximately £8,000 a year. Mr. Gale was also instrumental in abolishing the *per capita* system of payment for the maintenance of aborigines. In years gone by, policemen were allowed so much for the maintenance of prisoners and witnesses. I know that I, as accountant, had to call attention to the fact that certain policemen in the North-West were being paid relatively enormous sums monthly for the maintenance of aborigines. Mr. Gale altered that. Wherever practicable, he has instituted a system of contract, whereby the aborigines are supplied by storekeepers on a system of contract.

248. By the CHAIRMAN: In which case the police would see that the natives got what they were entitled to?—The police were charged with that duty, but they did not handle the goods in any way.

249. That is an important point?—It was difficult to ascertain whether the natives actually received the goods from the storekeeper. However, the contractor is compelled, in connection with each account that he sends in, to make a statutory declaration. It is the best means we have of ascertaining definitely whether the aboriginal actually receives the goods. The statutory declaration, combined with the fact that the storekeeper has to attach the aboriginal's order to the account, is sufficient evidence that the native actually has got the goods which the Government provide for him.

250. What guarantee was there under the old order of things that the natives got what the policeman charged the department with?—There was no guarantee.

251. No statutory declaration?—No. No guarantee other than the word of the constable who received the goods. In 1808 there were no less than 546 aborigines in North-West gaols. Before they went to gaol they practically passed through the hands of the policeman bringing them in for trial or to give evidence, and so forth. You can see from those figures that the amounts paid to police constables for the maintenance of aborigines was very large. The department distributes relief through about 90 relieving stations in most remote localities. The Chief Protector of Aborigines personally supervises and scrutinises the expenditure

emanating from those different centres. Out of those approximate 90 centres there are, I should say, at least 60 which are supplied on the contract system. The Moolaboola station entails a good deal of supervision work at head office. There are about 300 natives on the station itself, and then there are outstations where large numbers of aborigines are maintained. The station has been managed in such a way that for the five years I think, that it has been in existence, it has shown the Government a direct profit on the undertaking, apart from the money saved to the Government through diminished expenditure on gaols and on the Police Department. That is apart also from the moral aspect, which is well worthy of commendation. Further, we learn that the settlers in the North-West are now fairly satisfied as regards the native question, so far as depredations on cattle are concerned. Then again, there is the supervision entailed in connection with subsidised missions. That throws a further responsibility on the Chief Protector. The grants made to missions are continually subject to review, and it is only a man possessing an intimate knowledge of aboriginal methods who is competent to advise the Government in that regard.

252. By Hon J. DUFFELL: If it were said that Mr. Neville's lack of knowledge of the habits and customs of the aborigines would materially affect his ability to discharge the duties of the position, would that be justified? In other words, if anyone said that it was not necessary for Mr. Neville to have a knowledge of the habits and customs of the natives in order to fit him for the position, would that be correct?—Certainly not.

253. Would it be wrong if I, or anyone else, said that such knowledge was not necessary?—Undoubtedly it is necessary.

254. By the CHAIRMAN: Do I gather that you consider an injustice has been done to Mr. Gale, to the service, and, inferentially, to the aborigines?—I do.

255. By Hon. J. DUFFELL: You do not think that any saving will be effected by putting a man into the position at £312 a year?—I do not, unless he is qualified.

(The witness retired.)

The Committee adjourned.

WEDNESDAY, 8TH SEPTEMBER, 1915.

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*Present:*

Hon. J. J. Holmes (Chairman).

Hon. J. Cornell, | Hon. J. Duffell.

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Mr. MARTIN EDWARD JULL, Public Service Commissioner, examined:

256. By the CHAIRMAN: Will you please explain the procedure usually adopted in connection with the retirement of public officers?—It is a little bit difficult to explain how these things come about always. They come about in three different ways, either from the result of my own original observations, or from suggestions which emanate from the Minister controlling a department, or from suggestions made by the permanent head of the department.

257. Is that procedure in accordance with the provisions of the Public Service Act?—Yes, in accordance with Section 46. Things come to me sometimes under that section.

258. By whom is the action which is referred to in that section? By you?—I suppose so; yes. At any rate, whatever the procedure may be it can be originated by a permanent head or by a Minister officially under Section 46. It is my duty from my own observation to make proposals, when I know of anything that seems to require attention or rearrangement or alteration. This of course is the whole tenor of the Act.

259. Your general powers and duties are defined in Section 9 of the Act?—Yes.

260. By Subsection (1) of that section authority is given to you as Commissioner, in order to insure the establishment and continuation of a proper standard of efficiency and economy in the public service, to personally inspect each department and investigate the character of the work of every officer therein?—As regards economy, owing to subsequent events that has rather passed out of the control of the Public Service Commissioner. It is now vested more or less in an Appeal Board, on which the Public Service Commissioner of course has no seat. The original intention of the Act doubtless was to give the Commissioner a greater pull on things than he has now, owing to the legislation which has subsequently been enacted.

261. But the Appeal Board are subordinate to you?—No, they are not. They over-rule me.

262. By Hon. J. CORNELL: Only on classifications?—That is so.

263. By the CHAIRMAN: Under Section 9 you have certain powers, and it would appear that provision is made for you to protect civil servants should the necessity arise?—Yes, to see that they get the benefit of the Act.

264. Did you, as Public Service Commissioner, recognise your powers and take the necessary steps

to protect the Chief Protector of Aborigines when it was proposed to retire him from office?—I think I did. The papers show that.

265. Section 2 provides that the Commissioner may propose to the Governor-in-Council any particular disposition of officers and offices. Section 3 provides that if the Governor does not approve of any proposal, it shall be the duty of the Commissioner to reconsider it and submit another proposal, which is to be considered and dealt with by the Governor. Is that the procedure adopted in all cases in connection with the retirement of public servants?—I think it is. The matter is discussed up hill and down dale. Of course sometimes there is no alternative proposal available, but in this case of Mr. Gale it altered, because it became a question as to whether Mr. Gale, as an expert, should be retained in the service of the Government or not, and the Government decided that they would not have an expert in that particular line. Then it became a question of economical arrangement of the department. If the Executive thought that they did not want an expert in connection with the Aborigines Department permanently employed, there is no doubt in my mind, so far as economy is concerned, it was a good scheme to amalgamate the Immigration Department with the Aborigines Department and the Fisheries Department, and make one department do the three branches of work.

266. The Fisheries and the Aborigines Departments until quite recently were under one head?—Yes.

267. Then they were separated?—Going far back, the Aborigines Department was a separate entity presided over by Mr. Prinsep. Mr. Prinsep retired, and I think it was then that the Fisheries and Aborigines came under Mr. Gale. As time went on, and it became the policy of the Government to develop fisheries, in order to do that a man of bigger experience in connection with fisheries than Mr. Gale was sought. He was found in the person of Mr. Aldrich, the present inspector. Thereupon on Mr. Aldrich becoming Inspector of Fisheries, Mr. Gale confined his attention to the aborigines. There was only one department; we did not want to make two of it, and we managed things by appointing a joint secretary.

268. And the duties of the Inspector of Fisheries and the Chief Protector of Aborigines were con-

sidered at that time too much for one man?—I do not think that was quite so. I think, if Mr. Gale had had the same knowledge as Mr. Aldrich, the two things would have been worked under one head.

269. Were these departments separated on your recommendation?—They must have been.

270. You had all to do with the separation of the office?—Yes.

271. By Hon. J. CORNELL: Do you think if Mr. Aldrich had possessed the necessary knowledge to control the department he would have been given charge of the aborigines?—I do not think so, because Mr. Gale was already there, but if Mr. Gale had possessed the necessary knowledge to control the extended fisheries undertaking, Mr. Aldrich would not have been appointed.

272. These two departments are more or less amalgamated now?—Yes.

273. In considering the retirement of Mr. Gale, after the appointment of Mr. Aldrich, do you think that if Mr. Aldrich had possessed the necessary qualification, the two departments would have remained together and the work would have been done satisfactorily?—Not as things developed, because I understand Mr. Aldrich has a great deal to do, and there is a great desire to develop the fisheries, and it is questionable, with that desire in view, whether we would at the present time have given Mr. Aldrich the aborigines to control. On the other hand, if the Government were not particular about the fisheries, and it was not their policy to develop the fisheries, that again would have made a difference.

274. That really means that the Fisheries and Aborigines Departments are too much for one permanent head?—Yes, too much for one man to attend to. It must be always a matter of policy which only the Government can decide as to whether any particular Act shall be energetically administered, or whether any particular industry shall be energetically developed. According to that policy the Public Service Commissioner has to provide a staff. By way of an instance at the present moment, to give something concrete, I may say that the Government decided to tackle the fruit fly. They came to me through the Agricultural Department and said that they were going to do this, and that they wanted extra inspectors. I gave them extra inspectors. It will be seen, therefore, that the origin of my action lies in the policy of the Government to tackle the fruit fly. If they had said "We are going to give the fruit fly best, and we do not want as many inspectors as we have," that policy would have resulted in the Commissioner reducing the number of inspectors instead of increasing them.

275. By the CHAIRMAN: Do I understand then, that in your opinion the combined duties of Chief Protector of Aborigines, and Inspector of Fisheries, were too much for one man, and that now the combined duties of Inspector of Fisheries, Chief Protector of Aborigines, and head of the Immigration Department are not?—There are two professional heads in the one department, as it were. The positions of Chief Protector of Aborigines and Secretary of Immigration are centred in the one man now.

276. In your opinion it is necessary to have a properly qualified man at the head of the Fisheries Department and another at the head of the Aborigines Department?—I thought so, but the Govern-

ment did not think it was necessary to have an expert at the head of the aborigines.

277. By Hon. J. DUFFELL: Do you still think so?—My opinion is just the same as expressed in the file of papers. I was under the impression that it would be prudent to retain the services of a man who was specially qualified by experience in aborigines work. But the Government hold a different view on that point.

278. By the CHAIRMAN: I think Parliament, when it provided that you should personally inspect each department and investigate the work of every officer, intended that you should be the best judge?—They have not placed me in a position to be very effective, if they did. I do not think they expected me to control the policy of the Government. Is it for me to decide to what extent it is advisable to tackle the question of the fruit fly or of the aborigines? The extent to which the Government administer an Act must, I think, rest with the Executive. I think I am intended to see that whoever is appointed is a proper and suitable person, and that favouritism and nepotism do not creep in in making appointments.

279. By Hon. J. CORNELL: Do you not think the amalgamation of the Immigration and Aborigines Departments is a question purely of policy?—If it is granted that there is no necessity to have an expert at the head of the Aborigines Department, then there is no reason at all why one man should not control both immigration as it at present exists, and the administration of the aborigines.

280. But do you think the motives that led to this retirement constituted a question of policy?—The only motive at the back of Mr. Gale's retirement, so far as I know, is one of economy.

281. Suppose I was a Minister and, determining to inaugurate a new policy, I recommended that a certain man be retired and another put in his place, and in accordance with the Act I asked for your opinion as to the proposed retirement; would you be guided by the policy of the Minister or by the Act itself?—I would be guided by the Act itself. I always try to work within the four corners of the Act. If the Government said to me, "It is our policy not to have a Government Geologist, and therefore we want to retire the present man," I would lay my views before the Government showing the necessity of continuing the services of the Government Geologist. But if, after reading all I had written and listening to all I had to say, they turned round and said, "We still think it is unnecessary to have a Government Geologist," I would then put forward the papers for the Government Geologist's retirement. But if they said to me, "We want to get rid of the present Government Geologist and appoint another in his stead," then I would say, "I cannot do that, unless you lay charges against him." Because a public servant has a perfect right to his billet until it is abolished owing to his services being no longer required, or until he is charged with and found guilty of some offence under the Act, and has had proper and reasonable and official opportunity of replying.

282. By the CHAIRMAN: Were charges laid against Mr. Gale?—No charge at all.

283. Has the office been abolished?—No, it has been amalgamated.

284. What is your opinion, after inquiries through the service, as to the qualifications necessary in the

Chief Protector of Aborigines?—From my point of view, the Chief Protector of Aborigines should be a man who, through study and practical experience, would be a guide in all things pertaining to the aborigines of the State, whose opinion on the subject of aborigines would carry weight in a witness box.

285. In your opinion would it be necessary for him to have had experience as to the habits, customs, and characteristics of the natives?—Yes.

286. The Act provides, I think, that you are to protect the members of the service?—Can you point out where that is? The Act gives me no general instructions; it gives certain specific instructions and certain specific rights of public servants, but it does not set the Commissioner up between the Executive and the service in a way that would prevent the Government exercising their own opinions as to the number and so forth of civil servants that should be employed.

287. Appointments and retirements have to be made on your recommendation?—Yes.

288. If, in your opinion, the proposed appointment or retirement is not in order, are you bound to make a recommendation?—But in this case it was in order.

289. But speaking generally. You are appointed permanently. Ministers come and Ministers go. You are supposed to know the character of the work and the capacity of every officer. If, therefore, it were proposed to put a square peg in a round hole, what would you do?—An unsuitable man I would not recommend.

290. Then in making a recommendation for the office of Chief Protector of Aborigines, you would consider it essential that you should recommend a man who had full knowledge of the customs, habits, and characteristics of the natives?—If the Government were willing to find the money to pay him I would certainly do so, but if they said they did not want an expert, that would be their responsibility, and I would not appoint an expert. I cannot do anything without money.

291. Parliament evidently intended that you should acquire this knowledge of each officer and of the duties he performed with some ulterior object, namely, you would be there at all times to put the right man in the right place?—Yes.

292. You claim that the policy of Governments, who come and go, override the Public Service Act?—I do not think the Public Service Act ever contemplated that the Commissioner should dictate to the Government of the day what their policy should be. If the present Government went out of office tomorrow and a new Government came in with a mandate to contract the public service, I doubt whether I should stand up and render it difficult for the Government to carry out their mandate. What I should have to do would be to see that the public servants who were retired were treated properly, and also that we did not retire the good men and keep the indifferent men in for ulterior motives. But I think I should be compelled to assist the Government to carry out the mandate of the electors.

293. Was the procedure, as laid down in Section 9 of the Act, adopted in the case of the retirement of Mr. Gale?—Not the exact prescribed procedure, because the circumstances surrounding the retirement of Mr. Gale did not necessitate it. For this reason: the original proposal to retire Mr. Gale was objected

to, as the papers show, by the Public Service Commissioner, who wrote pointing out his views on the subject to the Government. But the circumstances then entirely changed, because, in the discussion of the matter, it transpired that there was a possibility and a desirability, owing to the need for economical working, that the Immigration Department should be restricted and should disappear; and it appeared possible, with advantage, to abolish the Immigration Department as a separate entity altogether, and to add it to some other department. When the Government expressed to me their policy to do without an expert as Chief Protector of Aborigines, it opened up the possibility of an amalgamation on the ground of economy, and on the ground of dispensing with Mr. Gale. There was a change altogether.

294. There was a real live Aborigines Department?—Yes.

295. And practically a defunct Immigration Department?—Yes.

296. Was it not a question of the abolition of the office in the case of the Immigration Department but not in the case of the Aborigines Department?—It was so; it was a question whether we should keep Mr. Gale or Mr. Neville. As far as I am concerned, my opinion distinctly was that, if the Government were willing to do without an expert in the Aborigines Department, then the best thing for the State was to retain the services of Mr. Neville and dispense with Mr. Gale.

297. Would it have been possible for Mr. Gale to have carried out the minor duties of the Immigration Department as well as the duties of Chief Protector of Aborigines?—I do not know about them being minor duties. I do not think he would have carried out the duties of the Immigration Department so well as Mr. Neville. I was looking to the future. Mr. Neville is a very valuable officer, and I felt that we ought to keep him.

298. By Hon. J. DUFFELL: Could not you have put him in another department without getting rid of him?—If Mr. Gale's services had been retained, I intended to do with Mr. Neville what the New Zealand people did with Mr. O'Connor, the engineer, on one occasion. They retrenched all his men and officers, and put him alone in an office with an office boy, and kept him in reserve until things became better. I did not intend to get rid of Mr. Neville. We cannot afford to get rid of the men who know, and I would not have got rid of Mr. Gale if the Government had been willing to retain the services of a specialist in that line. They did not want a specialist in that line.

299. That is, as Chief Protector of Aborigines?—Yes.

300. Why not?—That you must ask of other people. They did not want him; they did not consider he was necessary. I pointed out in my letter that I thought a specialist was necessary?

301. By the CHAIRMAN: Then you do not think it a wise policy to get rid of good, competent officers?—Certainly not.

302. Under what section of the Public Service Act was the Chief Protector of Aborigines retired?—As an excess officer under Section 9, Subsection 7.

303. An excess officer?—Yes.

304. In what way did he become an excess officer?—Because the two departments were amalgamated and there was need for only one head.

305. The Constitution Act, I think, provides that there shall be a Chief Protector of Aborigines?—It does.

306. And Mr. Gale was appointed to that position?—Yes.

307. Has the office been abolished?—I cannot reply to that question. What I say is—

308. I asked a simple question. Has the office of the Chief Protector of Aborigines been abolished?—No.

309. Then how did Mr. Gale become an excess officer?—By reason of two departments being turned into one and there being need for only one head man.

310. You say he was retired as an excess officer?—Yes.

311. Will you point out where you obtain your power to retire any officer at the age of 54 without any recommendation or report as to his unfitness for the position?—Section 9, Subsection 7, provides for excess officers and Section 56 provides that the services of incapable officers may be dispensed with.

312. It is important that we should know under what section Mr. Gale was retired?—I am anxious to help you in every way, but I do not want you to get hold of wrong information. It would be, I think, Section 9, Subsection 7.

313. You think it would be?—Yes, that is the only one, as far as I know.

314. Subsection 7 of Section 9 reads—

If the services of any officers in excess in any department are not likely to be required in any other department, the Governor, on the recommendation of the Commissioner, may call upon such officers to retire from the public service, and every such officer so called upon to retire shall retire accordingly. A record shall be kept of all officers who retire under this subsection, and in the event of the reappointment of any such officer to the public service the provisions of Section 34 shall not apply.

You claim that Mr. Gale was an excess officer?—Yes.

315. In spite of the fact that the Constitution Act provides that we shall have a Protector of Aborigines?—I am not dealing with the Constitution Act, but only with the Public Service Act.

316. By Hon. J. DUFFELL: That being so, and there being no necessity for an expert officer to fill the position of Chief Protector of Aborigines, how did you come to classify this officer at £504 to £636? Surely it must have been an important office when you classified it at that rate?—So long as the State was willing to employ a man with expert knowledge in the position of protector of aborigines, I think that was a fair remuneration. If the State is unwilling to employ an expert as protector of aborigines, I think the value of the office is very much less.

317. Do you consider that Mr. Neville has expert knowledge for the position?—No, he has no expert knowledge.

318. He has no knowledge whatever of the aborigines?—None.

319. You think that the retirement of Mr. Gale was purely on the ground of economy?—Yes.

320. Do you think that Mr. Neville would be able to effect the same savings in the department as a man with the mature experience that Mr. Gale possessed could effect? Do you think that Mr. Neville would be as effective in that respect?—

I think Mr. Neville would be as effective in the administration of the department, that is the money administration.

321. I am not referring to that. That is not the point. Take, for instance, the Moola Bulla Station. Do you think that Mr. Neville, with his limited knowledge of the customs and habits of the aborigines, would have been able to initiate or even suggest a scheme of that description?—The Minister said he would himself do that.

322. You have been guided by what the Minister said in coming to your decision and making the recommendation?—I have been guided by the fact that the Government said they did not want an expert.

323. The Minister said that?—I wrote to the Government in regard to this matter. The Government said they did not want an expert, but you know that as well as I do because the Minister publicly announced it, when he said he had the necessary expert knowledge.

324. By Hon. J. CORNELL: That he would be the pilot?—Yes, and did not feel it necessary, or the Government did not feel it necessary to employ an expert.

325. By the CHAIRMAN: I was under the impression that the Public Service Act made it quite clear that an officer under the age of 60 could not be retired unless he committed an offence, the office was abolished, or on a medical certificate?—I think you are entirely wrong. If that prevailed, then the Government of the day whether Liberal or Labour, would be impotent to observe economy or take the initiative in many matters in connection with administration.

326. Do you claim you have the power to recommend at any time the retirement of any public servant?—If I have good ground for doing so, I certainly think I have.

327. At any age?—Provided his services are unnecessary.

328. You claim that under the Public Service Act you have power to retire any officer at any age?—Yes, provided that his services are unnecessary, or under Section 56 if he is incapable, or under Section 47 if he has committed an offence which merits retirement.

329. Did any of those sections apply to Mr. Gale?—Yes, Section 9, Subsection 7.

330. That deals with excess officers?—Yes.

331. Am I correct in assuming that Mr. Gale's age is 54?—Yes, 54 years and 9 months.

332. By Hon. J. DUFFELL: That was his age at the time of his retirement?—No, his age at present.

333. What was his age at the time of his retirement?—Fifty-four and a half years.

334. By the CHAIRMAN: Do you consider that Mr. Gale has been legally retired under this section? Yes, quite legally.

335. If in your opinion in the amalgamation of these two offices Mr. Gale's services could be done without in the new department, would it not be your duty to provide some office of equal value for Mr. Gale under Sec. 35?—Not of equal value.

336. Of some value?—Of some value. If you eliminate the professional attainments or knowledge which Mr. Gale possesses and merely require the Chief Protector of Aborigines to do what his predecessor, Mr. Prinsep, did, namely, to administer an act from a laymen's point of view, seeking expert



advice when questions crop up on which he required advice, then I think the present classification, although it is a bit low, is fairly right—namely, £312 to £408. The other day I had occasion to think about that, because Mr. Bolton had acted as *locum tenens* for Mr. Gale while Mr. Gale was away on leave, and he put forward a request for extra remuneration because he had taken Mr. Gale's place. I would not give him the full remuneration under the regulations because I deemed that Mr. Bolton, not having an expert knowledge such as that possessed by Mr. Gale, could not of course render the same services. So after thinking over the matter I allowed him two-thirds of what he would have received on account of his lack of expert knowledge. If that is a reasonable way of looking at it it shows that the present salary attached to the office occupied by Mr. Neville is not absolutely below what it might be. Mr. Gale's classification was £508 to £636 and he gets £528.

337. My question was whether it was not your duty to provide an office of equal value or of some value to Mr. Gale?—I had to assess according to the duties which Mr. Neville has been called upon to perform.

338. Was Mr. Gale ever called upon to perform minor duties at a less salary? Suppose the present Minister thinks we should not have a man with expert knowledge?—He would appoint another Public Service Commissioner and give him a lower salary.

339. My question applied to Mr. Gale and not to you. You say that the Government intimated to you that they did not want a highly qualified man to deal with aborigines?—That is so.

340. Should you not have provided some office for Mr. Gale?—I did not know of one to provide for him.

341. Did you say to Mr. Gale "We dispense with your expert knowledge for the time being; we make you an office man at a less salary"?—That would not get over the trouble.

342. Was the offer made?—Certainly not. Do you want to know why?

343. We want all the information we can get?—It would not have got over the difficulty for we should have still got two men when we only wanted one.

344. Was there another office to offer to Mr. Gale?—No. If there had been I would have been quite prepared to have made the offer.

345. Was Mr. Gale ever consulted as to his retirement?—Yes, I got him up and had one or two conversations with him about it.

346. Is there anything on record?—There may be on the file. There is a note that he had an interview with me which supports what I have said.

347. You as Public Service Commissioner and the Appeal Board fixed the remuneration for the Chief Protector of Aborigines at something in the vicinity of £600 a year?—The Appeal Board, I think, raised it.

348. Did you fix the salary?—I do not have much to do with it now. First of all we had a reclassification board, in which I had a say. I was one of three. I have no say at all on the Appeal Board which form their own opinions.

348A. The Appeal Board in coming to their conclusion would I suppose be guided by the imperial aspect in dealing with the natives?—I am not able to say how the Appeal Board arrived at their decision.

349. Was your decision appealed against?—Yes; the decision of the reclassification board, not the decision of the Public Service Commissioner.

350. Did you not at some stage as Public Service Commissioner fix some amount as the sum that should be paid to the Chief Protector of Aborigines?—I made the first classification before we had the amending legislation which brought into existence an independent appeal board. I classified the position at £432 to £552.

351. In arriving at that would you be guided by the fact that the Constitution provides that we must have a Chief Protector of Aborigines and spend not less than £10,000 a year on the aborigines?—I would be guided by the fact that there existed a special Act which in my judgment warranted the retention of the services of a specially trained man.

352. That is your opinion to-day apart from the question of policy?—I have not found any reason at all to alter the opinion I expressed in my report to the Government as regards the necessity for retaining the services of an expert, but if the services of an expert are not to be retained I think the arrangements which have been made to amalgamate the department are excellent from a economical point of view.

353. The Act provides in effect that you are Protector of the civil servants?—I do not know where that is.

354. Section 35 provides that if a man is retired you should make some provision for him?—Yes.

355. One office has become vacant. Is it not your duty under that section, or in any case, to see if there is some other place in the service to which he cannot be transferred?—I should have very great pleasure.

356. Does not the Act provide that?—No. Section 35 states that—

Any person, having at any time either before or after the commencement of the Act retired from a salaried office not being of a temporary or casual character in the public service of the State shall, if not more than 60 years of age and his retirement was not due to misconduct or incompetence, be eligible for appointment to the public service without examination or probation and if the Governor thinks fit without compliance with the provisions of Section 69 to 75 inclusive of this Act; and such appointment shall be made at a rate of salary not exceeding that received by such person at the time of his retirement, and shall not be made to a position superior in division or class or grade to that in which he was an officer at such time.

357. What the committee are anxious to know is whether any attempt was made to find something else for Mr. Gale to do?—If I had been able to transfer Mr. Gale to some other suitable position he would have been transferred and not retired.

358. Were no inquiries made from other departments?—No. I knew. There was no need for me to make any inquiry.

359. You know what every office is doing?—I would know full well when there is a possible vacancy of placing a man of Mr. Gale's position. He was an exceptional man.

360. By Hon. J. CORNELL: In that line?—Yes, he was one of the senior officers and there was no vacancy to which he could have been appointed. If there had been he would have been

appointed, or if any vacancy occurs in the future to which we could bring him back.

361. By the CHAIRMAN: Was it not your duty to officially inform Mr. Gale as to what proposals were under consideration in order that he might take steps to see that justice was done to him?—I do not think I was under any obligation officially to give him notice of what is intended to be done. As a matter of fact he knew, because directly I knew myself I got him up into the office and discussed the question with him before anything officially was done, in order that I might be able to thoroughly appreciate the situation from his point of view. I had to understand as far as I could all points of view.

362. The file does not show what did actually happen?—That may be.

363. We will come to the file presently. Have you arrived at any opinion as to what saving has been effected by the amalgamation of these two departments?—I have never reduced it to absolute figures, but it is quite easy to realise that the amalgamation had very considerable financial importance, if you look at the departments as set out in the public service list for 1914, and realise that the immigration office, as set out on page 54, will entirely disappear.

364. That is because the Immigration Office has disappeared?—Yes.

365. Not the Aborigines Department?—The Immigration Office will disappear.

366. The Immigration Office would have disappeared even if Mr. Gale's services had been retained. Is that so?—It might, or it might not. It is difficult to say.

367. What the committee are anxious to arrive at is, assuming it had disappeared, what is the saving that has been effected by the retirement of Mr. Gale?—I cannot put it down in pounds, shillings, and pence because I never calculated it out; but, it was very transparent on the face of it.

368. By Hon J. DUFFELL: You show here £316?—That is only the one salary.

369. By Hon. J. CORNELL: That is the only thing affected?—No.

370. By the CHAIRMAN: What were we paying Mr. Gale?—Five hundred and twenty-eight pounds. But you cannot arrive at it like that, because there is the rest of the staff and possibly temporary hands.

371. You were paying Mr. Gale £528. What are you paying Mr. Neville?—Three hundred and twelve pounds.

372. And what pension do you propose to pay Mr. Gale?—That is for the Governor-in-Council to decide.

373. Somewhere in the vicinity of £200 per annum, we will say?—I must not speculate on that.

374. The file leads me to believe that, at all events. So there has been no saving effected in actual salary. If you add Mr. Neville's salary to Mr. Gale's pension, there would be no saving in that way?—No; not on that one salary.

375. Do you claim, then, that Mr. Neville, whom you think an inexperienced officer, can conduct the Aborigines Department more economically than Mr. Gale could, who was an expert officer?—I say that the abolition of the Immigration Office, or the absorption of it into the Aborigines and Fisheries Department, is an exceedingly practical proposition for economy.

376. That is the Immigration Office, but that would have gone out under any circumstances?—Not necessarily. There existed two sets of machinery for conducting business, one under the heading of

Aborigines and Fisheries Department, and one under the heading of Immigration Office. One of those two machines has been abolished, and the other machine is doing the work of the two; and that means a good deal, because separate returns and separate audits and separate Treasury returns all have to be made out when there are two departments. Separate sets of books have to be kept. Even the rent of the office itself is a consideration. The economy is a real one. There is no doubt about that.

377. That is so, but the committee have to bear in mind that it was the Immigration Office which was temporarily abandoned—put it that way if you like. The Aborigines Department is still in existence, and what we are trying to arrive at is what economy has been effected in the Aborigines Department by the retirement of what you term an expert officer and the appointment of an inexperienced officer?—I see what you mean. The economy could, perhaps, be explained in this way, that more work is being got out of the officers in the Aborigines Department than was being got out of them before.

378. Do you mean that a system of sweating has been introduced?—I would not put it like that. Business is business, and you understand business. It is an economical arrangement.

379. Do you suggest, then, that in the post Mr. Gale was not getting the best out of the officers?—I do not know that I want to suggest that.

380. You say that there is more work being got out of the officers now than there was under the previous administration?—I think that is transparent, considering that the Immigration Office has been amalgamated and that there is only one extra clerk employed; and she is only employed temporarily.

381. We understand the Immigration Office is defunct?—No, it is not.

382. Temporarily defunct?—No. It is alive and kicking, and it has its name up.

383. Is that the only evidence of its existence, that it has its name up?—It is in existence. All the books and everything, all the paraphernalia, went over from one office to the other.

384. Any saving that would be effected would be in the office work, in the actual clerical work of the office?—We would save salaries and we would save—

385. Not in the Aborigines Department?—I cannot separate the two. You see, I look at the thing *in globo*.

386. I was not dealing with that aspect of the thing at all. What I was dealing with was the new protector getting more work out of the officers than the previous one did?—I do not say that any particular officer did it, but I say that it is transparent that the officers are producing a bigger output of work now than they were before, because they are doing the immigration work as well as the aborigines work, and have only one extra lady typist, and that extra lady typist is only temporary, to get over the initial difficulties of the transfer.

387. Has it not been your experience that these offices, when amalgamated, continue to grow in number of officers?—No. It is my experience that directly you allow an extra office to spring up, you immediately sow the seeds of a growing department; because every one likes to make his department as big as possible, and surround himself with all the paraphernalia of record clerks, correspondence clerks, and so on. Therefore amalgamation is, from the point of economy, to me a very good scheme.

388. By Hon. J. DUFFELL: Was it not suggested in the first place that the Charities Department should be amalgamated with the Aborigines Department?—Yes. That was a suggestion made by the Minister.

389. According to that letter of yours, I feel that you yourself were seized of the importance of the office of Chief Protector of Aborigines. I am judging from the style in which you wrote in reply to the Honorary Minister. You are quite satisfied that, from the point of view of the Imperial Government, the position of Chief Protector of Aborigines is a most important one?—Yes.

390. Do you wish the committee to believe that on the score of economy the action of the Western Australian Government, in retiring Mr. Gale and appointing Mr. Neville in his place, would be justified in the eyes of the Imperial Government?—I would not wish to criticise our Government on that point.

391. But we want to know your opinion on it?—I have given you my opinion in that report.

392. But we go on further to say that you have altered that opinion?—No, I have not altered that opinion; but if it is the policy of the Government not to have an expert in that position, then an amalgamation became possible which was, from motives of economy alone, very desirable.

393. Were you forced against your wishes, or against your own better judgment, to waive your opinion, as here expressed, by pressure on the part of the Minister?—I was not forced to waive my opinion. Neither have I ever changed my opinion.

394. You are still of the same opinion that Mr. Gale was the man for the position?—So long as the Government required the services of an expert.

395. You were influenced, I take it from your remarks, by the Minister himself, who told you that he was going to perform certain of the duties of the Aborigines Department, and that induced you to change your opinion?—I never altered my opinion. The Minister subsequently told me that there was no need for an expert and that he would take the responsibility of doing without one. He mentioned that he knew a great deal about the natives, and that in any case the head of a department could obtain expert advice whenever it was required, in the same way that the head of a department obtained expert legal and other advice.

396. By the CHAIRMAN: But Ministers come and go, and the head of a department, provided he conducts himself properly, continues in office. Did you suggest what might happen in the event of having to fall back on the head of the department?—Yes, that point was fully discussed, and Mr. Underwood—either he pointed it out or I did—agreed that he would not always be there, and that when he went out of office the next Minister might not know anything at all about the natives. There was always, however, the possibility of the head of the department if he were not an expert himself, getting expert advice in connection with any special matter that might crop up.

397. Is not the aborigines question a special matter requiring special knowledge?—Not all of it. There is a great deal of administrative work, in fact the bulk of it requires no special knowledge at all.

398. The greater number of our natives are in the far North, and as settlement is pushed out there the native question will become more complex?—I do not know.

399. Unfortunately for the native race, they do not appear to be able to stand against civilisation. With your knowledge of that fact, the duties of the Protector of Aborigines are not likely to become any lighter?—I do not think my opinion on that point is worth anything. I know at the present moment roughly how things are, but whether they will improve or become worse as time goes on, I cannot say.

400. In matters of this kind, it is customary to refer to the head of the department?—It all depends on circumstances.

401. The Act provides that the Governor may, on the recommendation of the Commissioner, after obtaining a report from the permanent head create a new office, abolish any office, raise or lower the grade of any officer, transfer or promote any officer?—In this case I do not think I did refer it to the Under Secretary. He was away. There is probably a technical omission there, but I do not think it has any practical significance.

402. Do you claim then, because the permanent head is on leave, you could set aside the conditions of the Public Service Act?—I do not claim anything; I say there was a technical omission.

403. There was a proposal to abolish an office, and you did not carry out the conditions imposed by the Act?—The section quoted is more particularly applicable to every-day appointments. A general rearrangement is rather an exceptional thing.

404. The Act contemplates that proposals of this kind shall emanate from you, and that you shall refer to the head of the department concerned. Are the committee to understand that the provisions of the Act were not adhered to in this case?—I would say that the Act contemplates in the ordinary course of business recommendations being sought from the heads of departments before an appointment is made. In this particular case the circumstances were exceptional; the Under Secretary was absent and there was a *locum tenens* in his place, and although I think technically it should have been referred to him, it was not referred to him at as early a date as might have been done.

405. It appears to have been referred after the retirement was decided upon and the new appointment made?—The reference to the head of the department, when it was made, was quite capable of being an effective reference, because the new man was not advised of his appointment until that reference had been made. If he had been able to throw any fresh light on the subject there was a possibility of getting back on our tracks before they were closed against us.

406. That is about the appointment to the new office, but not in regard to retirement?—It was possible to recede from that provided the other man had not received his appointment, and the other man was not appointed until after the reference had been made to the permanent head, so that if the permanent head really had anything to say about the matter which could have thrown light on it he had the opportunity of doing so.

407. The procedure hitherto has been to consult the permanent head before and not after?—The reference that was made was not an ineffectual one.

(The witness retired.)

The committee adjourned.

MONDAY, 20TH SEPTEMBER, 1915.

*Present :*

Hon. J. J. Holmes (Chairman).  
Hon. J. Duffell.

Mr. MARTIN EDWARD JULL, further examined :

408. By the CHAIRMAN: When we adjourned the other day we were trying to arrive at the economy effected by the retirement of Mr. Gale, and we gathered from your evidence that it was a question of economy?—Yes.

409. You did not appear to be in a position then to tell us what economy had been effected. Have you the information now?—I cannot give it you at the present moment. I got some figures from Mr. Bolton, and it is necessary to get some figures from Mr. Neville. He had gone down the South-West and only returned to-day. I could send a statement to you.

410. You told us you retired Mr. Gale to effect economy?—Yes.

411. Should you not know what economy has been effected, or is likely to be effected?—I think I told you in my evidence that it was so transparent that I had not put it into pounds, shillings and pence.

412. What, the retirement?—No. The economy that would result in the amalgamation of the departments.

413. That is the amalgamation of the two departments. But the economy to be effected by the retirement of Mr. Gale?—That is economy.

414. The two offices could be amalgamated and Mr. Gale still kept in his position?—We only wanted two heads, not three heads. There were three heads, so to speak, Mr. Aldrich, Mr. Gale, and Mr. Neville, concerned in the whole of the work. These three heads presided, and we thought we could do with two heads instead of three.

415. And you thought it was not necessary to have a man in charge of the Aborigines who knew everything about them?—As I have said several times, that was not my opinion, but the Government decided to do without an expert in charge of the Aborigines.

416. You cannot tell us what economy has been effected by the retirement of Mr. Gale; it is important we should have that?—In pounds, shillings, and pence, do you mean?

417. Yes?—I can, but I cannot give it at present. But if you wish it to be reduced to a question of pounds, shillings, and pence, I can send you in a statement.

418. You said the only reason for bringing about the retirement of Mr. Gale was one of economy, and now you do not appear to know what economy has been effected?—I said the economy was transparent.

419. That is the amalgamation of the two departments?—I cannot separate the one from the other.

420. Are we to understand that you do not know what economy has been effected?—I do not lead you to understand anything of the sort. I told you the economy was so transparent that I have never considered it necessary to reduce it to pounds, shillings, and pence, but if you wish it reduced to pounds, shillings, and pence, I will send you in a statement, which statement you would have had now had it not been for the fact that Mr. Neville has been out of town.

421. That is the economy caused by the amalgamation of the two departments. That is not my question. What economy was effected by the retirement of Mr. Gale?—I have said it is mixed up with the amalgamation. Will you bear with me for a moment? I think I referred you to two pages in the Public Service List, and showed you that, instead of there being provision for two sets of staff, under the new arrangement there will be only provision for one staff, and that the remaining staff only had one extra lady typist, and that typist was only there whilst they were in the process of amalgamation.

422. You told us in effect that there was nothing doing in the Immigration Department. The office was practically defunct?—That is not the correct way of putting it.

423. Well, you put it in the correct way?—Because they are getting more work out of the staff now than they were before.

424. The staff in the office?—Yes.

425. You do not know what has happened about the Aborigines outside?—I was in doubt.

426. You were in doubt as to what would happen?—Yes.

427. In your file dealing with the retirement of Mr. Gale, you set out that the only economy which would be effected would be the difference between Mr. Neville's pay and Mr. Gale's pay?—That was on the assumption that the two departments would continue.

428. One department was discontinued at a subsequent date, was it not?—The Immigration Department was amalgamated, but was not discontinued.

429. There were three points which I tried to clear up from Question 363 onward. What I tried to arrive at was the economy effected by the retirement of Mr. Gale, the procedure adopted to bring about his retirement, and the procedure usually adopted. To none of these questions could I get an answer?—I did answer them. You want me to answer them in a certain way.

430. I do not?—I answered the questions in accordance with facts, with the idea of conveying

a correct impression and not a wrong impression. You are at liberty to believe or disbelieve my evidence. I can only give it in the way that seems to me to be right.

431. You cannot tell us what economy has been effected by the retirement of Mr. Gale?—It is transparent, but if you wish it reduced to pounds, shillings, and pence, I am prepared to do it.

432. That is an amalgamation of the two offices. You said in a minute to Cabinet that the amount to be saved by the retirement of Mr. Gale was £316?—That is so, if the two departments were continued as separate identities. They were then separate identities, but subsequently it was found possible to economise by amalgamating the two departments.

433. If the two departments had continued as they were, the saving effected by the retirement of Mr. Gale would have been £316 per year?—I think you can put it that way.

434. Is the procedure adopted in bringing about the retirement of Mr. Gale the procedure usually adopted?—Yes.

435. If there has been a saving of £316 by the retirement of Mr. Gale?—There has been a much bigger saving than that because of the amalgamation of the two offices.

436. We are dealing with the retirement of Mr. Gale. The amalgamation of the offices was a subsequent event. Assuming that there was a saving of £316, does that compensate the Aborigines Department for the loss of Mr. Gale's skilled services?—I have already stated in my report that in my opinion it was better to retain his services.

437. The pension due to Mr. Gale appears to be somewhere about £250?—I think it is about £200.

438. Who fixes the amount of pension?—The Governor-in-Council, under the Superannuation Act, 1871.

439. You have nothing to do with the fixing of pensions?—The Act provides for the Governor-in-Council as the only authority who can fix pensions.

440. Someone has to advise the Governor-in-Council?—No, he is not advised. He only has certain information placed before him.

441. By Hon. J. DUFFELL: The information would be as to length of service, etc?—Yes, all particulars.

442. By the CHAIRMAN: I am under the impression that Mr. North, the permanent head of the department, told us there was a body of three, yourself and two others?—Mr. North makes a reasonable mistake. I do not know that he is a student of the Superannuation Act. There is a committee of three whose duty it is to investigate claims, and supply the Governor-in-Council with information, very often dating back 50 years. The committee does not fix the pension. It is there for the purposes I have mentioned, namely, of preparing the papers for the consideration of the Governor-in-Council, and collecting the information in order that it may be placed before the Governor-in-Council so that he may under the Public Service Act, 1871, decide the matter.

443. You made a recommendation somewhere that Mr. Gale should be paid a pension of £212?—I made no definite recommendation. I merely submitted the matter, as will be seen from the papers. The last paragraph of Clause 1 of the Superannuation Act of 1871, reads—

Provided that if any question should arise in any department of the Public Service as to the claim

of any person for Superannuation under this clause it shall be referred to the Governor-in-Council, whose decision shall be final.

444. You told us that the procedure adopted in the retirement of Mr. Gale was the usual procedure. If the permanent head of the department gave evidence to the effect that that was not correct, would you still adhere to it?—I think, judging from the extract from his evidence you have read to me, Mr. North makes a mistake. He says there are three factors in the question. As a matter of fact, there are four factors, if we look at it in the way he does. He does not take much notice of Section 9, Subsection 7.

445. That has to be read in conjunction with Subsection 6?—He has to be retired by the Governor-in-Council.

446. You tell us that Mr. Gale was retired as an excess officer under Subsection 7 of Section 9?—Personally, I think that Subsection 6 of Section 9 stands on its own bottom, and gives power to the Governor-in-Council on the recommendation of the Public Service Commissioner to retire excess officers.

447. My question is whether in your opinion Subsection 6 of Section 9 should be read in conjunction with Subsection 7 of Section 9?—In conjunction? I do not quite know what "in conjunction" means there, because it seems to me that as long as the Public Service Commissioner is honestly of opinion that a man owing to re-arrangement of work becomes an excess officer he can be retired under Subsection 7 of Section 9.

448. But that is not my question. To arrive at what an excess officer is, should not Subsections 6 and 7 be read together?—I see no objection to making the one the context of the other.

449. You are administering the Act, and what I want to know is—?—I would not retire Mr. Gale from the service if under Subsection 7 I were able to provide for him in any other branch of the service.

450. Does not Subsection 6 define how an excess officer comes into existence?—Yes.

451. Subsection 7 deals with excess officers. Subsection 6 defines how excess officers come into existence?—I don't know, I am sure.

452. Subsection 6 read in conjunction with Subsection 7 makes it difficult to understand how Mr. Gale became an excess officer?—I will explain how Mr. Gale became an excess officer, if you wish.

453. By the amalgamation of the two offices; you have told us that?—Yes.

454. Is Mr. Neville of the same class or grade as Mr. Gale?—No. I really do not think that the right of the State to retire excess officers under Subsection 7 is interfered with in any way by Subsection 6. Subsection 6 prohibits the Commissioner from taking anyone into the service for, or promoting any officer already in the service to, a superior office so long as there are available other men who are not occupying their proper pigeon-hole.

455. But this deals with retirement as well as appointment?—I cannot see the difficulty.

456. One of the points that we have to decide is whether Mr. Gale has been legally retired. Under what section of the Act was he retired?—I say that he was retired under Section 9, Subsection 7; and I rely on that subsection, and always have relied on it, without reference to any other section.

457. In arriving at that decision you eliminate Subsection 6 altogether?—Not in a way, because

if it had been possible to place Mr. Gale anywhere in the Government service under Subsection 6 I should have done so.

458. But Mr. Gale was in the Government service, at the head of the Aborigines Department?—Well, the plain fact of the case is that someone had to go in the interests of the State, and that Mr. Gale was that man.

459–60. Mr. North gave the following evidence (Questions and answers 146, 147, and 148, read). That is what Mr. North, the permanent head of the department, says?—I think Mr. North is entirely on the wrong track. He assumes, on what ground I do not know, that Mr. Gale's retirement was brought about for political purposes.

461. He does not assume anything of the kind. He simply says what the Act was passed for. I will read it again to you (Answer read)?—Would Mr. Gale expect a man to be kept on in the Government service if he became unnecessary? I would ask him that question if I were here, and I would say if a man is to be kept on in the Government service, whose services are unnecessary, why has Parliament in its Act provided for the retirement of excess officers.

462. There is no excess officer in the Aborigines Department. It was a real live institution?—He became an excess officer by reason of the fact that the Government no longer desired to employ an expert.

463. Let me give you an illustration. We hear a good deal about the Observatory and the wisdom of carrying it on, and it has been suggested, it is not my suggestion, that it should be closed down. Suppose it was decided to amalgamate the Observatory with the Explosives Department under Mr. Mann, who would become the excess officer? Would it be Mr. Curlewis, who knows nothing about explosives, or Mr. Mann who knows nothing about astronomy? I want to know who would become the excess officer?—If the Government had to exercise economy and had to amalgamate the Observatory with the Explosives, they would have to make up their minds as a matter of policy whether they would keep an astronomer or a chemist, and I would act on that decision.

464. That renders the Public Service Act a dead letter?—I do not know that it does. When I make my statement to you I will show you it is not a dead letter. These supposititious cases are rather awkward things. I am going to give you some facts.

465. What I am trying to arrive at is the excess officer question?—In this case the Government decided that they did not want an expert in connection with the aborigines and therefore we did not keep him.

466. The procedure adopted, and which you consider correct, shows that a public servant can be retired at any time?—If it is an honest amalgamation of offices, as this case was, it is all right. If it is simply a manoeuvre to get rid of a particular officer and appoint another one of equal attainments the Commissioner would not consent.

467. By Hon. J. DUFFELL: That being so, you have altered your mind. You told us when you were last before the committee that you had not altered your mind?—In what way.

468. On the retirement of the expert in your evidence you said that if it was necessary to do

something in the way of economy, why not make the ship a small ship; something to that effect, you were very explicit on it?—What did I say?

469. You said, would it not be better to cut down some part of the vote to make the ship a smaller ship, if necessary, so that there is no need for a pilot. There is no doubt in your mind you considered Mr. Gale absolutely necessary to fill the position?—As long as they wanted an expert.

470. In your own evidence you told us what constituted an expert, long service, and close attention to duties?—Knowledge.

471. Brought about by long service?—Sometimes. Sometimes long service seems to bring about a smaller degree of knowledge.

472. This makes an expert of him and you say, owing to the Government not deciding to have an expert, you were compelled to accept the instructions and retire Mr. Gale?—I say that as long as the Government do not wish to employ an expert, the Public Service Commissioner has no right or power to make them do so.

473. By the CHAIRMAN: Is that not getting behind the letter and spirit of the Public Service Act?—I do not think so. I look upon the amalgamation which has taken place as an absolutely straightforward and honest arrangement.

474. But the amalgamation of any two departments in the public service can be made so as to push out of it an officer who thought his position was permanent?—Any excess officer.

475. Therefore, there is no security of office?—The State has certain rights. If they do not want a man's service there is nothing in the Public Service Act to compel the State to keep him.

476. In this case they wanted a man?—I have said before, there were three men and they only wanted two, and Mr. Gale, unfortunately, was the man who went.

477. Then the permanent head, Mr. North, was not very far out when he said that if Mr. Gale was legally retired, then there was no security of office for any public servant?—If Mr. North imagined that the Crown had no right at all to retire a public servant, when they no longer needed his assistance, then he is right in what he says, but I cannot imagine Mr. North to be serious when he thinks the Crown is compelled to continue the services of a man they have no longer need for.

478. Is not provision made in the Public Service Act for any public servant who has to be retired to have the right of an appeal?—No appeal.

479. You say that in retiring public servants in effect that you do not consider any other Act of Parliament outside the Public Service Act?—The Public Service Act is the only Act I administer, the only Act which governs the appointment and retirement of officers.

480. You take no notice of other existing Acts in existence?—They do not apply.

481. Notwithstanding that the Constitution Act provides that we should have a Chief Protector of Aborigines?—It is within my knowledge that we must have a Chief Protector.

482. Then again, I notice in the correspondence between yourself and the Minister you referred to the Superannuation Act, which points to the fact that you have to consider the appointment and retirement in connection with other Acts of Parlia.

ment?—My connection with the Superannuation Act is purely voluntary, it has nothing to do with me as Public Service Commissioner.

483. By the CHAIRMAN: You have told us there was an altered policy on the part of the Government as to the manner in which the aborigines were to be dealt with, that they were to be dealt with by a layman and not by an expert. Is there any record of such instructions?—I do not know. There may be something in writing. It became a question of amalgamating the department on the score of economy. Whether there is anything on the file or not I do not know.

484. The point is the departure from the policy which has been in existence for years, of having an expert with a knowledge of aborigines in charge of the department. We have it on evidence from you that the policy has been departed from. That is important from your point of view. Where is there a record of this?—Here is a minute, dated the 26th January, 1915, which I wrote to the Premier. In a minute by the Hon. Mr. Underwood dated 22nd February, 1915, there appear the words "I have conferred with Mr. Jull." Then there appears in red ink in my handwriting, dated the 3rd March, 1915, the words, "I should like to discuss this matter with the Premier and Mr. Underwood before taking further steps to put it into effect."

485. My question is as to the altered policy in dealing with aborigines?—The question of amalgamating the department involved an alteration in policy namely, as to the necessity of having an expert.

486. Where are the instructions as to the altered policy?—The retirement of Mr. Gale is part and parcel of the same thing. They are inseparable one from the other.

487. There had been an important departure in dealing with the aborigines in this State, namely, the displacement of an expert and the appointment of a layman in his stead. Should there not be something on record?—I do not think the committee can expect more on record than appears on the file.

488. If at a later date this point was raised and the Minister responsible said there was never any altered policy in connection with dealing with the aborigines how would you stand?—I should think he was rather devoid of intuition and understanding. It seems to me quite clear.

489. Do you mean in the absence of anything on record to that effect?—The whole thing is a record of it. The whole thing discusses it. I have been so liberal in placing my own views down that I am now being rather hoisted up. I have been perfectly open in expressing my views here, and so anxious was I that the Government should not act without clearly understanding the matter from my point of view that even after the thing had been through Cabinet I sought an interview with the Premier and Mr. Underwood so as to make it quite clear that there would be no misunderstanding.

490. There is no record of any altered policy?—Pardon me. The whole question of amalgamation is there. We discussed the matter.

491. There is a missing link. There is the discussion and the interview. This important change has been made dealing with the aborigines who were the people in possession of this State before we came

here. I cannot find any instructions from the Minister as to the alteration of the policy?—I can say no more.

492. By Hon. J. DUFFELL: After the statement by Mr. Underwood which concludes with the words "so far as the present skipper is concerned he holds a pilot's exemption ticket for this port," you went still further to drive home your opinion on the question and asked for another interview. Was that interview ever granted?—I had an interview with the Premier and with Mr. Underwood, but not with both of them together.

493. As the result of that interview you made out a recommendation to the Governor-in-Council?—I went over the ground again although they considered they did not want an expert as a protector of aborigines. On their determination I proceeded to put the economy into effect.

494. Was there any undue pressure brought to bear upon you to cause you to alter the opinion which you so very well expressed in your letter of recommendation?—There was nothing unfair at all. It simply resolves itself into a difference of opinion.

495. You are of the same opinion as when you wrote that letter?—Yes, I have never had any occasion to think that there was anything unfair about it. I thought it would be better to retain the services of an expert, but the Government thought they did not want an expert.

496. By the CHAIRMAN: Is there any other officer in the Public Service with the knowledge on the question of aborigines such as that possessed by Mr. Gale, who could take on this position?—In the course of our conversations on the matter it seemed clear that Mr. Underwood had the matter well in hand. He seems to have thought the whole situation out. Any objection I brought forward he had an answer ready for. I think we might perhaps place some weight on his opinion, for he had a perfect right to his opinion. He pointed out that we had many heads of departments who were not experts, and that it was only occasionally perhaps that expert advice was wanted. When that expert advice is wanted it could in his opinion be obtained from elsewhere. Perhaps I may be able to prove my point by referring to a statement by Mr. North, which shows that in his opinion the position of Chief Protector of Aborigines had more to do with administration than with expert knowledge. It is by mere chance that I bring this forward because I had it laid before me in connection with another matter. On the 27th July, 1915, Mr. North wrote a minute to me when he was moving in the direction of obtaining a bonus for Mr. Bolton, who had been acting for Mr. Gale while Mr. Gale was absent on leave. He wrote—

I hardly think you are correct in your assumption that the technical duties were in suspense during Mr. Gale's absence. In any case such duties which it would be hard to define do not involve the whole or major part of the Chief Protector of Aborigines' activities. The position is essentially administrative, and Mr. Bolton carried the responsibilities as well as fulfilling the duties.

Now, Mr. Bolton knows nothing about natives. He is an administrative man.

497. Then you disagree with Mr. North on the point?—I suppose I do.

498. You think that an expert is necessary ?—I thought so. My report was made in all good faith. I still think so. I must say that Mr. Underwood has very good arguments to use against the necessity of a permanently appointed expert.

499. Because he claims to understand the aborigines question ?—He claims, too, and that if we want expert's advice we can get it. In that view he is rather supported by Mr. North who says that the position is chiefly administrative and that Mr. Bolton, a layman, did all the duties.

500. You should know whether expert advice could be had from any source in the Public Service. You should be the best qualified to know. The Act makes it clear that your duties are to investigate the department ?—There is no doubt that there are lots of heads of departments who have to administer Acts which involve technical knowledge, and whose duties are particularly administrative, and yet who do have to go to experts on occasions. Take, for instance, the case of the Crown Law Department whom the heads of departments have to go for technical advice. We do not all have to be lawyers because now and again we want legal advice.

501. You would not go to Mr. Gale for legal advice or to the Crown Law Department for advice on aborigines ?—If we had not Mr. Gale to go to for advice on aborigines we would have to find someone else.

502. You think the Minister had a grasp of the situation ?—He seems to have had.

503. Suppose some other Minister was appointed to control the department and desired to handle the question on the lines that you think best and that the Imperial Government think desirable, what procedure would you take in that case ?—Recreate the position and offer it to Mr. Gale, probably.

504. You cannot recreate the position ; it has not ceased to exist ?—We should have to find some way of doing it, I suppose, if it were wanted ; if it became necessary to reappoint an expert.

505. What mode of procedure would you adopt ?—If it became necessary to reappoint an expert as Chief Protector of Aborigines, and if someone who was not an expert already held the position, I take it that it would be necessary to retire, or transfer, the occupant of the position, in order to render it vacant. Then, on its having been rendered vacant, we could proceed to fill it with an expert.

506. But is it not the usual procedure to advertise these positions ?—We would advertise.

507. The procedure is to advertise in the *Government Gazette* ?—Yes.

508. And to circularise the various departments ?—No. We advertise vacancies in the *Government Gazette*.

509. When this position of Chief Protector of Aborigines became vacant owing to the retirement of Mr. Gale, was the position advertised ?—No, because it was an amalgamation of offices, and it would have been fooling everybody if we had just advertised it with the full intention of putting Mr. Neville into it.

510. Then the intention was to amalgamate the two departments and put Mr. Neville in ?—Exactly.

511. Then the other officers in the service have not been given the opportunity, as is usual, to apply on the advertisement ?—It was impossible to give them that opportunity, because we wished to retain

the services of Mr. Neville, He had special knowledge of immigration matters, which was deemed of value to the State.

512. The usual procedure, then, is to advertise these positions as vacant and receive applications from the men in the service ?—A position that is vacant is advertised.

513. I think you told us that the permanent head was not consulted as to the retirement of Mr. Gale ?—I said that he was not consulted as early as he ought to have been consulted, but that he was consulted before it became too late to give effect to his views, if he wished to express any, had they been acceptable.

514. He was consulted after Mr. Gale was retired and before Mr. Neville was appointed ?—Yes.

515. Was the permanent head consulted as to the appointment of Mr. Neville ?—No. The whole thing was together, you see.

516. My question is very simple. Was the permanent head consulted as to the appointment of Mr. Neville ? In this instance the permanent head was Mr. North ?—He was at the same time that we referred to him regarding Mr. Gale, because Mr. Gale's retirement and Mr. Neville's appointment were part of the whole scheme, which was within the knowledge of Mr. North.

517. Your recommendation to the Government is dated the 16th March, 1915. Mr. North's minute is dated the 24th July, 1915. When was the matter referred to Mr. North, the permanent head of the department ?—It was referred to Mr. North before we appointed Mr. Neville, and at a stage when, if Mr. North had had any views on the subject, he could have pressed them with some prospect of their being given effect to.

518. At what date ?—He wrote his minute on the 27th April.

519. That was about three weeks after your recommendation to the Government ?—Five weeks after.

520. Your recommendation to the Governor-in-Council carries the retirement of Mr. Gale and the appointment of Mr. Neville, does it not ?—Yes.

521. It was five weeks later that that was reported to Mr. North ?—But before the whole thing had been put into effect.

522. But the final act is your minute to the Governor-in-Council ?—But we can get minutes to the Governor-in-Council amended and altered if we have not tied ourselves into a knot with any other contracting party, and we had not tied ourselves with any other contracting party.

523. Dealing with the appointment of Mr. Neville, would it not have been proper and in accordance with the spirit as well as the letter of the Public Service Act if the head of the department had been consulted ?—I think I have already explained that Mr. North was away and that his position was occupied by a *locum tenens*, and that the reference was not made at so early a date as it should have been.

524. My question is this, is it not in accordance with the spirit as well as the letter of the Public Service Act that the head of the department should be consulted in order that when the change was being effected the right man should be put in the right place ?—I think that is quite proper.

525. And it was not done in this instance ?—It was done, but at rather a late stage.



526. Do you not think it is desirable that the heads of the departments should be consulted?—Yes, certainly.

527. The reason why the head of the department was not consulted in this particular instance was that this was an amalgamation of two departments, that you had two men whilst you wanted only one?—We had three men, and we only wanted two.

528. Is not the procedure as to the appointment of officers to these positions laid down by the Act and also by regulations?—Yes.

529. And that procedure was departed from in this instance?—Not very grievously, because reference was made, although it was made at a later date than it should have been. I can show you something of Mr. North's which is dated the 27th April, 1915, in which I notice that Mr. North draws my attention to the fact that Mr. Neville does not appear to have been officially notified of the arrangements; so that if Mr. North at that stage held any views that were different from mine, we had a good opportunity of doubling back on our tracks. He himself called my attention to the fact that the knot had not yet been tied, so that the thing could be undone.

530. He does not draw your attention to that fact, but to the fact that Mr. Neville has not been notified?—That shows that at that stage we could go back on our track if there was any reason to do it. It shows there was nothing very wrong at that time, as otherwise Mr. North would have taken steps.

531. Does not the adoption of your minute by the Governor-in-Council place Mr. Neville at the head of the Aborigines Department?—Not until he is notified, and not until it is gazetted. We know very well that there have been occasions when an error has been made and an Executive Council approval has been cancelled. If at that stage any mistake had been made in the eyes of Mr. North, he could easily have made representations; and if those representations were accepted we could have gone back on our tracks. He made no protest at all. In fact, he had no protest to make at the time. There is nothing there.

532. We are here as a committee of investigation, and this is all information that we are glad to have, Mr. Gale was a witness, and he considers that he has been illegally retired. Mr. North, the head of the department, considers that Mr. Gale has been illegally retired; and Mr. North goes further and says that the retirement is a bomb in the camp of the civil service, and that there is no security of office if such a thing can happen. Do you not think, if your interpretation of the Act is correct, that in justice to the public servants the position should be made clear to them, in order that they may seek permanent positions elsewhere, seeing that their so-called permanent positions can be abolished by this means any time?—If public servants think that the Crown cannot dispense with their services, should the time arrive when their services are no longer required, the sooner public servants know that the Crown can, the better. But I can hardly think that they do not know it.

533. Do you not think that the position should be made clear?—It would not be a bad plan to make it clear.

534. It is not fair to the service if they are labouring under this misapprehension?—Personally I do not think they are.

535. The Act contemplates that as long as a man does his duty faithfully he remains in the service until he is 60 years of age?—I think you have missed one important point, and that is that his services must be required. If his services are not required then it is not anticipated that he will remain in the service.

536. Does the Act contemplate that you must get down to the individual and not to the office?—If the Government say that they cannot afford to have an expert in a certain position, or that they wish to amalgamate a position with some other, I do not think there is anything in the Act which compels the Government to retain in either of the positions a man they do not want.

537. If a new Ministry came into power to-morrow and said "We will amalgamate all the departments and put them under one head and treat all the officers as excess officers and push them out" then you would be compelled to retire all?—I think if they did it deliberately they would have the right to do it.

538. Then if a week later they came along and said "We will create all these departments again" what would happen?—If they did that in a week's time I would probably suggest that they should consult Dr. Montgomery at the lunatic asylum.

539. But it might be done?—Oh, no.

540. In this instance you were told to put a man at the head of the Aborigines Department who knew nothing about it?—But that does not look to me so strange as it looks to you, because the Liberal Government at one time appointed Mr. Prinsep to the position and he knew nothing about aborigines.

541. We are not discussing Liberal Governments. I am trying to find out what a civil servant's position is and whether by the amalgamation of offices to-day all the civil servants can be got rid of, in which case the Public Service Act becomes like Kaiser Bill's scrap of paper?—You must act on the assumption that things will be done in a reasonable and logical way.

542. Parliament in its wisdom did not contemplate such a procedure and it provided a Public Service Act to prevent it. Have you considered what the effect is likely to be on the service?—When you hear my statement I think you will say that the service have very good protection under the Act.

543. Have you considered what the effect is likely to be on the service when they know that they are here to-day and likely to be gone to-morrow?—I do not think that is likely to be the case.

544. It can be done according to your definition?—If a man's services are no longer required he can be paid off.

545. The services of the Protector of Aborigines were required and the office still exists?—We have a protector.

546. It was the individual who was occupying that office who was attacked and not the office. Was that so or not?—I do not think so. The position is this. There was Mr. Gale and there was Mr. Neville and we only wanted to retain the services of one and we retained the services of Mr. Neville.

547. By Hon. J. DUFFELL: You would have had nothing else for Mr. Neville to do if you had not put him there?—We thought it better to keep him and his knowledge of immigration there rather than Mr. Gale with his technical knowledge of

aborigines. Mr. North has demonstrated in writing that the aborigines is principally an administrative position.

548. If you had wanted to keep Mr. Gale there could you have done so under the present Act?—I could not. I am under an obligation to make another proposal if the Governor does not agree with the first proposal I made. I think Subsection 3 of Section 9 was devised in order to avoid a deadlock between the Commissioner and the Government, so that if the Commissioner makes a recommendation which the Government will not accept, they can compel him to make another. There is no possibility of a deadlock. Of course the Commissioner might make several recommendations and they all might be turned down.

549. The Act contemplates and sets out that suggestions in regard to retirement and promotion shall emanate from the Public Service Commissioner?—I do not know about that. Under Section 46 there is clear indication that when it appears to the Minister or permanent head of the department necessary or expedient . . . that any particular disposition of officers and rearrangement of work shall be effected the matter shall be referred to the Commissioner for consideration and action.

550. By Hon. J. CORNELL: You say you are not in a position to supply the committee with a detailed statement of the financial saving brought about by the amalgamation of these departments?—I have only part of the figures ready. I will at a later date furnish the committee with all the information.

551. Will you take into consideration the amount due to Mr. Gale?—Yes.

552. From your long experience of the administration of the Public Service Act, are you of the opinion that those sections of the Act relating to the retirement of public servants require some amendment?—I must confess that after 11 years' experience of the Act the need for an alteration in connection with the retirement of officers has not presented itself to my mind.

553. By Hon. J. DUFFELL: You claim the right to retire any servant at any time if he is considered an excess officer?—Yes.

554. Does not that seem to you to undermine the stability of the service?—Not its reasonable stability. If the Government require to have charge of the finances of the State it goes without saying that they must have the right to put off officers as well as take them on.

555. In that case a young man may start in the service and may work himself up until he becomes classified as a permanent head. It may take him the best part of his life to reach that position and he acquires it at a period when he is too old to obtain employment elsewhere. Suppose for argument sake that the man is on the wrong side of 50 and the Minister says "We will have to retire this man on the grounds of economy," there is nothing further to offer to him, and the man is put off. That man has not much opportunity of getting other employment. Do you not think that kind of thing would have a bad effect on the service when it is realised from your remarks that there is no stability at all?—I do not think they will learn anything they do not already know. I do not think they are under the impression that the Crown cannot get rid of them if their services are no longer required.

556. The service has been pointed to as the blue ribbon of employment simply because there are opportunities for young men to rise, and having risen and attained the goal they sought, they may then be told at the whim of someone in power that their services are no longer required. The first intimation you received in regard to the retirement of Mr. Gale was the minute from the Honorary Minister pointing out that the work done by that department was very little indeed. Suppose any other Minister came along and made the same statement about any other appointment?—If there had been sufficient work to keep Mr. Gale, Mr. Neville, and Mr. Aldrich none of them would have gone, but there was a lessening of work and it became possible to amalgamate the three departments, and unfortunately only two heads were required instead of three.

557. You told us in your evidence that there was to be an amalgamation, and that you did not offer Mr. Gale anything else because there was nothing suitable for him. The position of Chief Protector of Aborigines was not done away with but you do away with the Chief Protector himself, and you appoint a man, his junior, to that position, a man for whom it would not have been such a difficult matter to find another position, if his services had no longer been required in the Immigration Department?—As a matter of fact I could not find a position.

558. But you said it there was an office with a table in it you could find an officer a position?—I would have kept him on if we had retained the services of Mr. Gale; if the Government had given me the money. They have the right of the purse, and it is quite right that they should have, but if we had had bad times here, you would be sorry, I am sure, if I told you that no man could be paid off.

559. But there is such a thing as justice. From your own evidence, Mr. Gale has fully justified his position as Chief Protector of Aborigines. There has been no complaint against him?—I know of no complaint.

560. That position is to be filled, and you are doing away with the position for the sake of a saving of £216?—Pardon me, more than that; wait till you get my figures.

561. The fact remains that Mr. Gale, who was Chief Protector of Aborigines, an important position, when you cannot find him anything else to do, is to be put off without any notice; because the minute was written on the 19th January, and Mr. Gale was put off on the 1st May?—You must not assume that I was acting in any way harshly with Mr. Gale. As a matter of fact, immediately I got Mr. Underwood's letter Mr. Gale came and saw me and the matter was discussed.

562. By the CHAIRMAN: We have it from Mr. Gale that interviews took place which do not appear on the file and that you put up a good case for Mr. Gale?—I do not think I acted unfairly towards Mr. Gale.

563. You seemed to be fully seized with the importance of Mr. Gale's position?—Yes, just as much as I am of the position of the Engineer-in-Chief, who receives £1,300 per annum, but if very bad times come along, and the Government say they cannot afford to have an Engineer-in-Chief, there are no new works going on, a supervisor can carry on, we will put off Mr. Thompson, that would have to be done.

564. Would you put a supervisor in the office of the Engineer-in-Chief?—Perhaps so, there is no telling. The Engineer-in-Chief in Tasmania a few years ago, according to their Public Service List, was paid only £375 a year. The letter to Mr. Gale announcing to him officially that he was being retired from the service is dated the 30th March, and on the 1st May he had to hand the keys over to Mr. Neville.

565. A month's notice, after 30 years of service?—He had some leave of absence; it is the usual thing, a month.

566. The Act contemplates the retirement and appointment of officers shall originate with you?—I say you are mistaken when you say that. Under Section 46 the permanent head or Minister can move.

567. If I am mistaken, you, in a measure, have been responsible for my mistake. If you refer to question 269 you will see that when it was a matter of separating the Aborigines and Fisheries Departments you stated "These departments must have been separated on my recommendation"?—That is right.

568. Clearly misleading me?—I did not mislead you. You do not quite understand. That is the final act when it goes to the Governor-in-Council, but under Section 46 the Minister, or permanent head, can set the ball rolling, but before an act is actually done, I must have knowledge of it. It can only be done by the Governor-in-Council and the Governor-in-Council is only approachable in most cases through me.

569. Can a public servant be retired or put out without the approval of the Public Service Commissioner?—No, he cannot be. A public servant cannot be retired without the approval of the Governor on the recommendation of the Public Service Commissioner.

570. In question 270 you say you have all to do with the separation of these offices. That was when the two offices were separated. What has confused me is that when it became a question of separating the two offices, you had all to do with it, and when it becomes a question of amalgamating two offices, the proposal emanated from another source?—When I say I had all to do with it, I meant I had to handle it. It was the policy of the Government of the day to extend the Fisheries, and they, not I, decided to extend the Fisheries.

571. In question 271 you say that this office would not have been separated if Mr. Gale had known anything about Fisheries?—I do not think I said if he had known anything about Fisheries, because Mr. Gale did know something about it.

572. That is not very important. Is the answer in 271 correct?—I did not say that Mr. Gale knew nothing about Fisheries. I said if Mr. Gale had known, or had the necessary knowledge to control the extended fisheries undertaking, Mr. Aldrich would not have been appointed.

573. Then you say that if the offices had not been separated, Mr. Aldrich would not have been given control of aborigines because he knew nothing about aborigines?—At that time no, because the Government at that time wanted an expert.

574. In question 281 you say that if the Government wanted to get rid of the Government Geologist, and appoint someone else in his stead, then you would say "You can not do that unless you lay charges against him because a public servant has a right to his billet until it is abolished." That is what you said; no charge was laid against Mr.

Gale and his office was not abolished. Does this not conflict?—It really does not because there are some words left out. After Government Geologist there should be "with the same qualifications." In this case the two men did not have the same qualifications. One had qualifications for the position and the other had not, making it all the more difficult to retire one officer?—If it had been merely said "We will get rid of Mr. Gale," and they had then proceeded to appoint someone else in his place, I should have had to insist on having a charge laid against him first. But it was a re-arrangement of the work and an amalgamation of the offices.

575. You say, in reply to question 281, that a public servant had a perfect right to his billet until it was abolished. That rather conflicts with that what you have told us to-day?—It does not seem to me to conflict.

576. You tell us that you could push this man out at any time you thought fit, and yet you told us when you were last here that a public servant had a perfect right to a position until it was abolished?—There is no conflict. He has a right to it until it is abolished.

577. In this particular case the office has not been abolished?—But it has been materially altered.

578. The office of Protector of Aborigines has not been altered. The Constitution provides that there shall be a Chief Protector of Aborigines, and you say that a public servant has a perfect right to his billet until it is abolished?—I still hold to the views I have expressed in my answer to question 281, as amended.

579. In the answer to question 286 you stated that you had no power to protect civil servants?—I do not think I have.

580. But if the policy of superseding civil servants was altered?—I say that the Act gives no general instructions. It gives certain specific instructions and certain specific rights to the public servant, but it does not set the Commissioner up between the Executive and the public service in the way that would prevent the Government from exercising their opinion as to the number and so forth of civil servants who should be employed.

581. To-day you tell us that no public servant can be retired except on your recommendation?—That is so.

582. In answer to question 293 you make it clear that it was the Immigration Department which was to be abolished and not the Aborigines Department?—They were not abolished. They were amalgamated.

583. In answer to question 294 you say it was a real live Aborigines Department, and in the following answer, that it was practically a defunct Immigration Department?—Yes.

584. I would draw your attention to questions 314, 315 and 351 and the answers thereto. In arriving at your decision would you be guided by the fact that the Constitution provides that we shall have a Chief Protector of Aborigines and spend not less than a certain sum. You replied that there existed a special Act which, in your judgment, warranted the retention of a specially trained man?—I do not think there is any discrepancy between the answers. In one case we are dealing with the status of the holder of the office under the Public Service Act, and in the other case with the duties which might fall upon the shoulders of the officer under the Aborigines Act, the latter of course affecting the classification of the office.

585. I would refer you to question 389 and the answer thereto. According to the file we have before us you subsequently recommended a man to the position of Chief Protector of Aborigines whom you admit knows nothing about aborigines?—I got the best man I could for the money which was available. It seems to me that my opinion as to what is necessary under the Constitution Act as regards the aborigines may be wrong. I remember in the previous administration, when Mr. Prinsep was appointed, I thought it was rather strange to select him for the position. It had nothing to do with me, but I recollect my feelings in the matter.

586. By Hon. J. DUFFELL: Two wrongs do not make one right?—Perhaps I am wrong.

587. By the CHAIRMAN: You admit that you recommended the appointment to the position of a man who knew nothing about aborigines?—I do not make any bald admission like that. No one will get a full understanding in the matter unless he reads my report as a whole and realises the situation as a whole. If I were to make a bald admission like that, as you wish me to do, I should be putting my head into a noose.

588. You have no right to suggest that I would wish you to do anything?—I do not mean to be offensive. Let me take out the words "as you wish me to do," My reply would then be: I could not make a bald admission like that.

589. You contradicted yourself in two or three places and I was giving you an opportunity of correcting your statements if you so desired?—I do not think I have contradicted myself. I think I have a very fair knowledge of the circumstances surrounding the case.

590. I will draw your attention to questions and answers 317, 318, and 319 (Questions and answers read)?—May I make a statement?

591. Yes?—The rights and privileges of a civil servant conferred under the Public Service Act do not compel the Government of the day to retain his services should they be no longer required. The Government of the day look at the matter in two ways: (1) That on the score of economy the services of an officer can no longer be retained, although apart from economy they would be continued. (2) That the Government of the day no longer require to receive the assistance the officer has hitherto rendered. No. 1 is a course based on financial considerations, No. 2 on policy. The Public Service Commissioner under the Public Service Act is not authorised or empowered to block or hamper the Government of the day in the exercise of their opinion as to what is necessary economy, or what policy they shall adopt in administering the various Acts of Parliament. In order to show that the action of the Public Service Commissioner in connection with Mr. Gale's matter is based on long established custom, I wish to submit a copy of a circular issued to the departments on the 18th June, 1909, more than six years ago. It reads—

*Reprint from the Public Service Act of certain sections, but placed in a different sequence to that contained in the Act.*

Issued by the Public Service Commissioner for general information, in order to counteract the impression which still appears to find currency with some Permanent Heads and Sub-Heads of Departments that the Act constitutes an

impediment to reforms; whereas, properly understood, it is the reverse, and has so operated when utilised. Perth, 18th June, 1909.

46. When it appears to the Minister or Permanent Head of any department necessary or expedient for the more economic, efficient, or convenient working of such department or any branch thereof that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Commissioner for consideration and action.

Provided that nothing in this Act contained shall be construed as restricting the ordinary and necessary departmental authority of such Minister or Permanent Head of any department with respect to the direction and control of officers and work (Section 46).

[This shows that the Act does not contemplate that the Commissioner should be left to find out things by himself.]

9. (7.) If the services of any officers in excess in any department are not likely to be required in any other department, the Governor, on the recommendation of the Commissioner, may call upon such officers to retire from the Public Service; and every such officer so called upon to retire shall retire accordingly. A record shall be kept of all officers who retire under this subsection, and in the event of the re-appointment of any such officer to the Public Service the provisions of section thirty-four shall not apply (Section 9, sub-section 7).

[If the Commissioner is advised of the existence of an excess officer by reason of shrinkage of work, or change of policy of the Government, such excess officer will be retired. There is no appeal.]

56. If an officer appears to the Commissioner, after a report from the Permanent Head, to be unfit to discharge or incapable of discharging the duties of his office efficiently, the Commissioner shall inquire and determine whether it is proved that such officer is unfit to discharge or incapable of discharging the duties of his office, and the Governor, on the recommendation of the Commissioner, may deal with such officer either by calling upon such officer to retire from the Public Service or by transferring him to some other position; and every such officer, if called upon to retire, shall retire accordingly (Section 56).

[So long as the Commissioner is reasonably satisfied that an officer is not as good as he should be at his work, the Commissioner will recommend his retirement. There is no appeal.]

47. (1.) If any officer is guilty of a breach of the provisions of this Act or any regulations thereunder, or is guilty—

of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order; or

of being negligent or careless in the discharge of his duties; or

of being inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control; or

of using intoxicating beverages to excess; or

of any disgraceful or improper conduct;

then such officer shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of this section (Section 47).

[The offences mentioned reflect on the honour and good character of an officer. Therefore he has a right of appeal.]

In the foregoing I wish to direct attention to the words "or change of policy of the Government" in the note placed under Subsection 9, referring to excess officers. I wish also to submit an extract from my last annual report, headed "Four factors—Parliament, Government, Service, Commissioner"—

It should be clear, I think, that, in matters of policy, the Public Service Commissioner has no right to obstruct the Government of the day. If it is the policy of a Government to abolish or amalgamate or to reduce the strength of departments from motives of economy or because they are considered unnecessary, the Public Service Commissioner, should he disagree, has, after he has adequately expressed his own views on the subject by written reports and interviews, no right to place unreasonable impediments in the way. The Public Service Commissioner is serving the State in a very difficult position. He is expected at times to wield powers which the Public Service Act does not confer on him. He is expected to obstruct and defy the Government of the day in the interest of individual officers. This is expected of him even though by so doing he would have to entrench on the rights of responsible Government. The Public Service

Commissioner can advise the Government but he does not control it—Parliament exists for that purpose. I believe that public servants receive all the protection from the Public Service Commissioner contemplated by Parliament when it passed the Public Service Act. If Parliament wishes the Public Service Commissioner to exercise still greater individual power, and to enforce his personal opinion on the country, he will do so if Parliament will make its wishes clearer by an amendment of the Act. He could, for instance, be placed in a position to control the regular payment of the increments provided for in the classification. If the Public Service Commissioner assumed an attitude of defiance towards the responsible Executive by blocking public business, when the Executive is acting within its constitutional rights, he would, I fancy, receive little support, even from those who in individual cases demand his intervention as Commissioner.

In connection with this extract, I wish to draw special attention to the words "in matters of policy" at the beginning. It will be seen that the Commissioner is merely following in Mr. Gale's case a long established practice. It has been inferred that the Commissioner was illogical in transferring Mr. Neville to take up the administrative functions hitherto performed by Mr. Gale at his (Mr. Neville's) classification. In this connection I wish to submit extracts from a file, which I think speak for themselves. They are as follows:—

Extracts from C.S.O. 1517/14.

The Chief Protector of Aborigines.—I beg to apply for extra remuneration under Public Service Regulation 78 whilst acting for you during your absence on long service leave from 14th July, 1914, to 3rd January, 1915. (Sgd.) Keane Bolton, Secretary. 18th January, 1915.

The Under Secretary, C.S.O.—Mr. Bolton has carried out his duties as Deputy Chief Protector of Aborigines in a satisfactory manner, and I beg to recommend his application for favourable consideration. (Sgd.) C. F. Gale, Chief Protector of Aborigines. 18th January, 1915.

P.S.C.—Submitted for favourable consideration. (Sgd.) F. D. North, Under Secretary. 19th January, 1915.

Under Secretary, C.S.O.—I understand that, excepting the *pro forma* duties, the technical services of Mr. Gale owing to his knowledge of the aborigines were in suspense during his absence on long leave and that Mr. Bolton continued to do his own duties. I shall be glad to know if this is so? If Mr. Bolton will set out clearly what work he did in addition to his ordinary duties owing to the absence of Mr. Gale, the matter will be gone into. (Sgd.) M. E. Jull, Public Service Commissioner. 16th June, 1915.

C.P. Aborigines.—Please enable me to reply. F.D.N., Under Secretary. 21st June, 1915.

Under Secretary, C.S.D.—I would like to state, for the information of the Public Service Commissioner, that in July last Mr. Gale left with the intention of taking nine months' leave of absence, and that I was appointed Deputy Chief Protector of Aborigines (see page 123). In this position it was my duty to see that the provisions of the Aborigines Act were properly carried out, and, so far as I know, this was done. When anything of a technical nature occurred, I had to deal with the matter to the best of my ability. During the time I was acting I certainly had to pass on to the other members of the staff some of my minor duties as Secretary, but, at the same time, I should like to point out that in order to cope with the extra work it was necessary for me to work at night, and put in time on Sundays and holidays. (Sgd.) Keane Bolton, Secretary. 15th July, 1915.

P.S.C.—For your information. I hardly think you are correct in your assumption that "the technical duties were in suspense" during Mr. Gale's absence. In any case such duties, which it would be hard to define, do not involve

the whole or major part of the Chief Protector of Aborigines' activities. The position is essentially administrative, and Mr. Bolton carried the responsibility as well as fulfilled the duties. (Sgd.) F.D.N., Under Secretary. 27th July, 1915.

Memo.—I do not think Mr. Bolton could possibly carry the technical responsibility. He has not the technical knowledge, neither was he supposed to have it. If this is so, consideration should be based on the additional administrative responsibility which fell on his shoulders. I have no objection to recommend the Governor-in-Council to grant an allowance under Regulation 78 less one-third. (Sgd.) M.E.J., 2nd September, 1915.

Note.—Mr. Neville's classification is £312-£408. Mr. Gale's salary was £528. Two-thirds of £528 is £352. £352 is within the range of Mr. Neville's present classification. When, therefore, Mr. Neville was transferred to Mr. Gale's position, which had been shorn of its technical side, nothing illogical occurred as regards the rate of remuneration paid to Mr. Neville. (Sgd.) M.E.J.

This last note was written by me to-day. It will be noticed that the Under Secretary of the department says that Mr. Gale's duties were chiefly of an administrative character and also that the Commissioner in fixing a bonus to be paid to Mr. Bolton whilst acting as locum for Mr. Gale assessed these administrative duties at two-thirds of Mr. Gale's salary and that Mr. Neville's classification covers that amount. It has also been inferred that I have not shown sufficient appreciation of the duties of public servants by way of protecting their interests. To show that this is not the case, I now bring with me three files of papers which have passed through my hands since I was last under examination here. (1.) P.S.C. 313/15 a case where this Department stands in the way of promotion of a good officer and the Public Service Commissioner protects the civil servant from loss in consequence. (2.) The P.S.C. 570/15, a case where a civil servant is wrongfully discharged, and the Public Service Commissioner orders his re-instatement. (3.) A case where an excess officer liable to be paid off is being transferred under Section 9 Subsection 7, to another Department, his interests being looked after by the Public Service Commissioner. I wish to add that now and again a matter is brought before Parliament in connection with some officer, and in these cases it is generally inferred by one side or the other that the Public Service Commissioner is not supporting the civil servant. These cases, however, represent an infinitesimal part of the transactions which pass through the hands of the Public Service Commissioner, and if the whole of them were reviewed there would be clear, distinct and emphatic evidence that the Public Service Commissioner is looking after the interests of the civil servants and that the Civil Service Act is of real benefit to them, conserving their rights to a far greater extent than they can realise. Only this morning I have had to protect the seniority of a most excellent public servant, who stood a chance of losing it owing to a set of circumstances which gave a junior a better chance with those in authority, the junior being well known to the head of the Department and the other man was not.

(The witness retired).

The Committee adjourned.

WEDNESDAY, 22ND SEPTEMBER, 1915.

*Present :*

Hon. J. J. Holmes (Chairman).  
 Hon. J. Cornell | Hon. J. Duffell.

Mr. FREDERICK WASHINGTON LAWSON, President of the Civil Service Association, examined :

592. By the CHAIRMAN : This committee has been appointed to inquire into the retirement of Mr. Gale, who has been a public service officer for some years. We are given to understand that the civil servants through their association desire to be heard ?—Yes, the Civil Service Association desire to be heard through myself and the secretary.

593. You have studied the Public Service Act ?—Yes.

594. Are you and the Association under the impression that provided you discharge your duties faithfully and your office is not abolished there is a permanency attached to the position ?—We consider there is security of tenure on good behaviour and a proper carrying out of the duties of the office, but the retirement of Mr. Gale has had a disconcerting and disquieting effect on the service. We consider the whole matter cuts the ground of security of tenure from under the feet of any public servant, and therefore as far as we are concerned we must look on the Public Service Act in the terms expressed by Mr. Justice Burnside as being nothing less than a whited sepulchre. If the Act does not give the Commissioner power to protect the public servant against the abolition of office or the straining or warping of the provisions of the Act then the Act has no meaning at all to the public servant. If I may explain, the views of the public servants as a whole are generally set out in the leading articles in the Civil Service journal of 15th May, which gives a summary of the proceedings in connection with the retirement of Mr. Gale, and generally sets out the views of the association in connection therewith.

595. Is it the Act that is at fault or the interpretation of the Act ?—To my mind it is partly the interpretation of the Act and also the powers of suspending the Public Service Commissioner under the West Australian Public Service Act are altogether different from those of the Act from which the West Australian Act was framed, the Commonwealth Public Service Act. If you refer to the two sections on which any disagreement with the Minister or Government is concerned, you will see.

596. The appointment of the Commissioner himself ?—Yes, you will find in the West Australian Act the section has been considerably altered from that of the Commonwealth Public Service Act, inasmuch as under the West Australian Act the onus of proving illegal suspension is practically thrown on the Commissioner, whereas under the Commonwealth Act it throws on the Government the onus of proving rightfully the suspension, inasmuch as the suspension of the Public Service Commissioner of the Commonwealth must within seven days of the suspen-

sion be laid before Parliament and the Commissioner is automatically restored to office. The section reads as follows—

The Commissioner or any inspector so suspended shall be restored to office by the Governor General unless each House of the Parliament within forty-two days after the day when such statement is laid before it severally declares by resolution that the said Commissioner or Inspector ought to be removed from office ; and if each House within the said time so declares the said Commissioner or Inspector shall be removed by the Governor-General accordingly.

You see that makes the position of the Commissioner immeasurably stronger than under our Act, where the Government reports and nothing is done. It simply says in Section 7 of the 1904 Act—

The Commissioner may be suspended from his office by the Governor, but shall not be removed from office, except as hereinafter provided. There shall be laid before both houses of Parliament a full statement of the grounds of suspension within seven days after such suspension, if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting. The Commissioner so suspended shall not be restored to office unless each House of Parliament, within forty-two days after the day when such statement is laid before it, severally declares by resolution that the said Commissioner ought to be restored to office.

597. By Hon. J. DUFFELL : It is the Public Service Commissioner that is referred to ?—Yes. The contention is that under the local Act the Commissioner certainly has not the power to put up such a strong fight against the Government as he would have under the Commonwealth Public Service Act.

598. By the CHAIRMAN : But he has the power ?—Yes, but his position is not nearly so strong.

599. He has the power to defend the public servants, but not the power to defend himself ?—Yes, that is the position. Section 9 provides how the Commissioner shall defend the Public Servants, but Subsection 7 does not give him the power to defend himself. Our Act is undoubtedly weak in that direction.

600. If the Act protects the public servant—?—It does not protect the Commissioner.

601. Do you know the position taken up by the Public Service Commissioner as to his power to appoint and retire civil servants ?—I do not know the position the Public Service Commissioner takes up, because it is very hard to follow. We have so many different decisions from the Public Service Commissioner's office.

602. He claims that by the amalgamation of any two offices either one of the two officers becomes an excess officer?—Under Subsection 7 he claims that.

603. And he claims also that if the Government will not provide a salary for an expert at the head, then the expert may be superseded by a junior at a lesser salary?—If the Commissioner takes up that attitude, he might just as well wipe out the Public Service Act entirely from the public servant's point of view, because the terms of Subsection 7 of Section 9 show exactly what the intention of Parliament was, to my mind, that if an officer becomes an excess officer every effort should be made to find him a suitable position.

604. Have you read Subsection 6 in connection with Subsection 7?—Yes. That exactly bears out the contention I have raised. Section 37, in regard to internal administration, sets out what the Governor may do, not entirely on the initiative of the Governor, but on the initiative of the permanent head, with regard to officers within the permanent head's own division. But that does not deal at all with the retirement of the officers. That deals with internal administration, an entirely different thing.

605. In this particular instance the Immigration Office had become practically a defunct institution, while the Aborigines Department was a real live institution, and the two offices were amalgamated. Then it was optional for Mr. Jull, according to his reading of the Public Service Act, to decide which of the two officers became the excess officer. Mr. Jull decided that Mr. Gale was to be the excess officer, and retired him under Subsection 7 of Section 9?—Yes; but if the Commissioner has that power, then the Commissioner would be quite justified, on his own reasoning, in amalgamating the positions of Commissioner of Public Health and of Chief Clerk of the Colonial Treasurer's Department, and allowing an officer without technical knowledge to carry out the functions of the Commissioner of Public Health. For instance, it would be quite good to say that the Public Service Commissioner might find that he could amalgamate the position of Crown Solicitor with that of Commissioner of Police and allow the professional legal work to be done by the Commissioner of Police.

606. To allow the functions of both offices to be discharged by either one officer or the other?—Yes. That would be just as logical.

607. By Hon. J. DUFFELL: Either position would be shorn of its technical knowledge?—Yes. It would be quite possible for the Commissioner, under that arrangement, to dispense with the services of a highly trained officer and allow the work to be done by a clerk.

608. One of the propositions I put up to the Public Service Commissioner on this subject was that he might bring the whole of the Government departments under one head and dispense with the whole of the sub-heads employed to-day, because it was the policy of the Government to do so, and that then, a week later, the Government might decide to revert to the old system and bring in a fresh lot of men altogether?—Yes. That is exactly what I maintain.

609. Does that opinion prevail throughout the service?—The opinion prevails that if such retirements as Mr. Gale's are to be made, there is no security of tenure for anyone in the Government service.

610. If Mr. Jull's definition of the letter of the Act is correct, what effect is it likely to have upon the service?—In the first place, allow me to say I do not think that Mr. Jull's definition of the powers and duties of the Commissioner is correct.

611. But assuming that it is?—Assuming that it is correct, it simply means that the public service will be far better off without a Public Service Act and without a Public Service Commissioner at all. We had far better go back directly to the old stage of political influence, because then we would know how we stand. Under present conditions, if Mr. Jull takes that attitude, it simply means that while we are led to believe the public service is entirely free from political influence, we are living in a fool's paradise.

612. If any amendment of the Public Service Act is necessary, you think it is in the direction of securing more permanency for the Commissioner himself?—Yes, to put the Commissioner into such a position that he cannot possibly be squeezed by outside influence.

613. As President of the Civil Service Association, you are of the opinion that the Act itself provides sufficient protection?—Provided it is administered in the way that undoubtedly Parliament intended it to be administered in; because when Public Service Acts were debated, not only in this State but in all the other States, the great point made was that the measure would remove the public service entirely from political control, and would leave open free avenues of promotion for merit and ability.

614. It was never understood that upon the amalgamation of two offices either one of the officers could be declared an excess officer, no matter what his service or age might be?—No. It was never understood that there should be drastic alteration in the staff unless the work of a department required adjustment, and unless the whole of the staff were reclassified and the positions gazetted and advertised. If it was desired to make a change such as in this case of Mr. Gale and Mr. Neville, to combine two offices, then in my opinion—and I think the whole of the service will agree with me—the right thing to do would have been to advertise the combined offices and allow applications to be made for the position.

615. But that would not deal with the legality of Mr. Gale's retirement?—That would not have dealt with it, because probably the man most fitted for the office would have got it, and the other officer would then have become an excess officer. According to the Act, an effort should have been made to place the excess officer in some other branch of the public service.

616. According to the Public Service Commissioner, if there is an expert at the head of a department and the Government of the day say that they are not prepared to pay an expert, then the Commissioner must dispense with the expert and appoint someone at a lesser salary?—The Public Service Act does not bear that interpretation out. That is all I can say. Exactly the same thing comes up then, that it would be quite open for the Government, or the head of a department, to recommend the abolition of the position of Commissioner of Public Health, and to appoint a clerk to do the work.

617. That is a matter of policy, the Public Service Commissioner says. He says he is bound by the policy of the Government in his decisions?—I think

the Public Service Commissioner is bound by the four corners of the Act, and not by policy. If he finds that the policy of the Government is likely to inflict hardship and injustice on the public service, then it is his position to protect the public servant, just as much as he should protect the public interest. The functions of the Commissioner are undoubtedly, while protecting the interests of the State, also to protect the interests of the public servant. If Mr. Jull holds the views you have stated, he certainly does not look upon his position in the way the public service look upon it; that is, that he should protect the interests of the public servants equally with the interests of the State; because, after all, the interests of the State can be best served only by a contented and loyal public service.

618. I am raising these points in order to ascertain whether the public servants are clear in regard to their position as defined by the Public Service Commissioner?—No, we are not clear. If Mr. Jull takes that view, we are certainly very far from clear.

619. According to your association, Mr. Gale has been illegally retired?—Mr. Gale brought the matter up before the association, but he never gave the association a chance to proceed further with it. Undoubtedly the opinion of the association, and also the opinion of every member of the service to whom I have spoken on the subject, is that the retirement of Mr. Gale is not in accordance with the provisions of the Act.

620. The head of the department, Mr. North, told us that there were three methods by which a public servant could be retired. One was, if the public servant misconducted himself. Then, I think, a charge had to be laid and the public servant had a right to reply. The second method was by abolition of the office. The third method was by the public servant's producing a medical certificate that he was no longer fit for service, when he could be retired at a lesser age than 60. In the absence of the production of a medical certificate, he could look upon his position as permanent until he arrived at the age of 60?—That has always been the opinion of the public service. If you asked 99 out of 100 public servants you would find they hold that view. The whole foundation of the Act in regard to the retirement of officers, as it appeals to the public service generally, is that the retirement of any officer is brought about firstly by report from the permanent head of the department that certain changes are necessary. This report is forwarded to the Public Service Commissioner who fully investigates the matter and reports to the Governor-in-Council.

621-2. By the CHAIRMAN: That is the procedure which meets with the approval of the public service, namely, that the Public Service Commissioner should act in conjunction with the permanent head of the department?—Yes, and take the report of the permanent head of the department and closely investigate it.

623. Is that the procedure as laid down by the Act from the public service point of view?—Yes, that is as we understand the Public Service Act. We look to the permanent head not to report an officer as being an excess officer until every effort has been made to place him in the department. Then, when the permanent head has done his best, we look to him to refer the matter to the Public Service Commissioner, who in turn would make

full investigation throughout the service before retiring an officer. Even then Subsection 3 of Section 9 provides that the Governor may refer a recommendation for retirement back to the Commissioner for further investigation.

624. Assuming that although the position has been classified by the Public Service Commissioner, confirmed by the Appeal Board, approved by Executive Council and gazetted, if the Commissioner's decision is correct that he is bound by a question of Government policy, that the Government were not prepared to pay for an expert but were prepared to pay only a lesser sum, in your opinion as president of the Civil Service Association, should or should not the officer have the option of retaining the position at the lesser salary?—I think the officer should be retained until a position of equivalent value is found for him; otherwise the whole of the classification would be swept away in one act.

625. Assuming the Commissioner is correct in the opinion that he is bound by the policy of the Government and not by the Act, would not it be a fair thing that the officer concerned should receive the first offer of the position at a lower salary?—I think that is the very least which should be offered. I say he should have a position of equivalent value found for him.

626. And what failing that, as in the case of Mr. Gale?—Every effort should have been made to place Mr. Gale somewhere else in the service in the nearest position equivalent in salary to the one he held.

627. We are told that the Government as a matter of policy were not prepared to pay for the expert services of Mr. Gale. Assuming there was no other position of equal value available to which they could have transferred him, do you as President of the Association think that Mr. Gale should have been allowed to remain in his office at a lesser salary?—In other words, whether he should have been given the option of taking the position at a reduced rate? I think the senior officer should have been given the first offer.

628. By Hon. J. DUFFELL: If it was a policy of economy on the part of the Government, would that in the eyes of the civil servants generally justify the Public Service Commissioner in eventually waiving any opinion he might have held in regard to Mr. Gale as an expert in that department?—No.

629. Economy would be no excuse?—No. The question of economy is for the Public Service Commissioner to consider and make an all-round reduction rather than make a sacrifice of any individual. The public service would much prefer that.

630. By the CHAIRMAN: In a matter of economy the public service would prefer an all-round reduction rather than that expert officers should be picked out here and there and their services dispensed with?—The public servants have already suffered the loss of all increments for a considerable time and have done their fair share towards bearing the financial stress which has existed, but if, on the plea of economy, the highest positions in the service can be abolished one after another, all avenues of promotion in the service will be closed.

631. By Hon. J. DUFFELL: The public service further consented to a reduction of 7.89 per cent. during the present trying times?—Yes.



632. By the CHAIRMAN: The public servants would then have nothing to live for?—No, there would be no hope of promotion.

633. And no security of office?—There would be no security of tenure and no possibility of promotion. It would be quite possible under the plea of economy to wipe out all the senior positions one after another.

634. And alter the policy a week later and reinstate another set of officers?—Yes, without altering the policy.

635. The Commissioner says he is bound by the policy of the Government?—It would be quite possible to do as you suggest.

636. This reprint from the Public Service Act of certain sections issued by the Public Service Commissioner but placed in a different sequence from that of the Act dated Perth, 18th June, 1909, has been handed to us by the Public Service Commissioner. Have you seen it?—I have never seen it.

637. And you have been sub-head of a department for some time?—For about eight months.

638. By Hon. J. DUFFELL: You have never seen a copy of that?—No.

639. By the CHAIRMAN: Either before or since your appointment, the reprint has never been brought under your notice?—No.

640. I have a printed extract taken from page 14 of the report of the Public Service Commissioner for 1915, headed—"Four factors—Parliament, Government, Service, Commissioner." Have you seen that?—Yes, the opinion of the public service is that this was a special pleading by the Commissioner to cover Mr. Gale's retirement. I would like to add that retirements of this nature have a very disquieting and disconcerting effect on the whole of the public service. Speaking from the point of view of the Civil Service Association, if we find that the Public Service Act can, as Mr. Jull states, be swept aside as a matter of policy there will be a big agitation in the public service to have the Act placed on such a footing as will give security of tenure to the officers, provided they carry out their duties satisfactorily and in a faithful and honest manner. Without security of tenure it would be impossible to have a loyal and contented public service.

*(The witness retired).*

Mr. GEORGE PHILLIP STEVENS, Secretary of the Civil Service Association, examined:

641. By the CHAIRMAN: You know that the committee has been appointed to inquire into the retirement of Mr. Gale from the position of the Chief Protector of Aborigines?—Yes.

642. I understand you desire to give evidence?—I have no desire but I am prepared to do so.

643. It was conveyed to us that the civil service desired to be heard through your president and secretary?—Probably that was by Mr. Lawson. I made no request to give evidence.

644. By Hon. J. DUFFELL: I suppose you felt it your duty to give evidence in a case like this?—That is so.

645. By the CHAIRMAN: In your capacity as secretary, I suppose you know as much about this case as most people?—I know a good bit about it. I have no personal knowledge of the actual departmental recommendations that were made.

646. You know that Mr. Gale occupied the position of Chief Protector of Aborigines?—Yes.

647. You know that the office is still in existence, that Mr. Gale has been retired, and that he was retired at the age of 54?—Yes.

648. I presume that, as secretary, it would be your duty to have a knowledge of the Public Service Act?—Yes.

649. What is your opinion as to the legality, or otherwise, of Mr. Gale's retirement?—From the Act, I regard it as an irregular proceeding. We do not, of course, know what was at the bottom of the movement, but we can find nothing whatever in the Act to justify the course taken. My understanding of the position was that the office of secretary of immigration practically became unnecessary, and we understand that from that fact arose the action which ultimately resulted in Mr. Gale's retirement. The view the service takes in a matter of that kind is that Section 9 of the Act provides that if there is an excess officer the Commissioner shall report upon it and make provision for transferring the officer in excess, or ultimately, he has the power under that section to recommend his retirement. Such action always emanates from the Commissioner. In this case we can see no justification whatever for abolishing Mr. Gale's office.

650. The office has not been abolished?—Or saying that the office is unnecessary.

651. It has not been said that the office was unnecessary. It has been said that there was a change of policy on the part of the Government. They were not prepared to pay an expert officer to discharge the duties of Chief Protector of Aborigines. They preferred to have a cheaper man without any knowledge of aborigines?—Notwithstanding that that office is classified by the Public Service Commissioner, assisted by two Commissioners, and that the classification has been approved by the existing Government.

652. The Public Service Commissioner takes the view that a policy of the Government overrides the powers given to him under the Public Service Act. He claims that the Government can decide at any time that they will not pay for expert knowledge on the part of a head of a department, and the Government, having decided that, he must dispense with the expert and put a cheaper man in his position, who does not know anything about it?—We utterly failed to find where that justification came in. I think in that case, they are confusing policy with Ministerial wish with regard to the individual. One can hardly look upon it as a policy on the part of the Government, that one particular man should be put out and another put into his place. If some definite policy had been laid down we could understand that some sort of conference might be held with the Public Service Commissioner. The attitude the service takes up is that the whole service is practically under the control of the Public Service Commissioner. Any changes that may take place—I think this is fully justified by the Act—or may be desirable, must be made upon his recommendation. He is there for that purpose. We understand that the chief object of the Act is to remove the possibility of any action such as this

where the Ministry might express a wish to have a certain officer put out and another appointed in his place. The Act, as we understand it, was to prevent that sort of thing being done, and to give officers a certain fixity of tenure under certain conditions. There is full provision in the Act for removing an officer if he is incompetent.

653. Is that in the State Act?—It is under Section 47 of the Public Service Act. If he is incompetent or careless, it is only necessary to make a charge and have an inquiry, and he can be removed at once if the charge is proved. Under Section 56, which deals specifically with incompetency, he can also be removed if he is found to be incompetent.

654. The Public Service Commissioner has told us that a retirement cannot be effected without a recommendation sent by him, but that he is bound by the policy of the Government. If the Government say, "We are not prepared to pay for expert experience" then the man must be retired and a cheaper man put in his place, even though that man may have no knowledge of the department to which he is appointed?—And our reply is "Show us where there is anything in any Act that makes you so subservient to the wish of the Government." We cannot find it.

655. He says, by the amalgamation of any two offices either one of the heads, at his discretion, can be declared an excess officer. The effect of that is that you can amalgamate half a dozen offices and dispense with five permanent heads on one day, and can create half a dozen offices in a week's time and appoint five other permanent heads?—That is the effect against which we are protesting.

656. Is that, in your opinion, in accordance with either the spirit or the letter of the Act?—It is not.

657. If that definition is correct, what effect is it likely to have upon the public service?—It simply adds something more to the feeling of unrest which exists. There is a general impression throughout the service that whenever it suits the policy of the Government, or I should say the wish of the Government, to ignore the provisions of the Act it is done.

658. The Public Service Commissioner refers to it as the policy of the Government?—I do not like the word "policy" in that respect. I should say the "wish" of the Government, rather than the policy of the Government. Policy seems to me to involve something more than an action affecting the individual. That is what it does in this case.

659. Do you think that the present Act, if administered according to the letter of it, is sufficient protection for the civil service?—The Act is good if administered in accordance with the intention conveyed in the Act. It certainly is ambiguous in some respects. We found that in connection with our appeals, and other things. If the Act is administered sympathetically it is a good Act.

660. Your president had something to say as to an amendment being necessary to protect the Commissioner and not the public service. He pointed out that the protection of the State Public Service Commissioner was different from that of the Commonwealth Public Service Commissioner?—That is so. There are many sections of the Act which are practically copied from the Commonwealth Act with slight alterations, and especially was that so where it was in favour of the service.

661. Which Act was passed first?—The Commonwealth Act was passed first. You will find in

the State Act that many of the sections are taken from the Commonwealth Public Service Act. I do not myself think there is much greater security required for the Commissioner.

662. The inference I drew from your president's evidence was that if the Commissioner's position was more permanent he could put up a better fight for the public service?—That has been mentioned by the public service, and it has been suggested that the term of seven years should be done away with and that the Commissioner should practically be a permanent officer. It does not seem to me to be a drawback in any other place. The Commonwealth Public Service Commissioner is appointed on the same seven years term. The only difference between the Public Service Act and the Commonwealth Act is in the case of suspension.

663. The suspension of the Public Service Commissioner?—Yes. Under the Commonwealth Act if, after report to Parliament, Parliament fails to affirm the suspension, the Commissioner returns to office. The State Act puts it that if Parliament, after 42 days, I think it is, fails to lay down an order that he shall be reinstated he remains suspended. A negative attitude of Parliament restores the Commonwealth Commissioner to office, while in our case it would confirm his suspension.

664. Your association claims that Mr. Gale has been illegally retired?—Irregularly. We take it that the Commissioner, if he sees that by retiring Mr. Gale or any officer he may improve the efficiency of the service or that from an economical point of view it is necessary, should make a recommendation, in accordance with the Act. We have not evidence but we believe that this recommendation did not emanate from the Commissioner. He was practically asked to make the recommendation, and he made it.

665. You think that all appointments and retirements should emanate from the Commissioner?—Yes, under the particular circumstances of the case Mr. Neville, is the officer who was not fully occupied, it was the duty of the Commissioner to recommend some special way of filling that officer's time, and not turn another officer out of his office and give this man the position. In saying that we have no feeling against Mr. Neville, whom we recognise as a first class officer.

666. Section 47 only deals with misconduct?—Misconduct or inability. Sections 9 and 56 are the only sections that practically touch this case. Section 9 deals with excess officers.

667. Section 9, Subsection 6?—The assumption is that the Commissioner must make this discovery and make the recommendation. It says—

If the services of any officers in excess in any department are not likely to be required in any other department, the Governor, on the recommendation of the Commissioner, may call upon such officers to retire from the public service.

668. In this particular case the Commissioner tells us we had an expert and good officer in charge of the Aborigines Department. One who understood the customs and habits of the natives, but owing to the change of policy on the part of the Government the Government intimated to him on the score of economy that they were not prepared to pay for the services of an expert officer. This brought about the amalgamation of the Immigration Department which was practically defunct, and which was under Mr. Neville, and the Aborigines

Department, which was under Mr. Gale, and the Fisheries Department, and the Commissioner declared that under that amalgamation, notwithstanding that it was the Immigration Department that was practically defunct and the Aborigines Department a real live institution presided over by an expert the policy of the Government was that they would not have an expert and that the Commissioner was bound by the policy; is that the position as understood by the public servants?—That is what we have been informed. We have been informed in addition that the expert knowledge of the Minister for the time being is made the excuse for not requiring the expert in that position.

669. Is that the position as understood by the civil servants. I do not mean this particular case but is that the position that any public servant finds himself in in regard to the altered policy of the Government. Do the public servants understand that is the position, because if they do not the sooner they know it the better?—I do not know that they definitely understand that, but they have heard that that is the position.

670. That policy supersedes the Act?—Yes, we are informed that the policy of the Government may supersede the Act but we dispute it.

671. By Hon. J. DUFFELL: Here is the *Civil Service Journal* for May, 1915, and it contains a leading article entitled "The Whited Sepulchre"?—I did not write it, but I know about it.

672. Your position as secretary of the Civil Service Association, I suppose, brings you pretty closely in touch with the council of the association?—Yes.

673. And the council of the association are fully cognisant of that article?—The Executive of the council, before publication, not the council. These articles are not all submitted to the full council.

674. If any article appearing in the *Journal* was taken exception to it would be brought up at the first council meeting?—Yes.

675. Has anything been brought up in regard to that article or contrary to the spirit of it?—Absolutely nothing.

676. Then I take it that the spirit of the council is antagonistic to the methods that have been adopted in the matter of the retirement of Mr. Gale?—Yes.

677. How did they regard it? Why are they antagonistic?—Because they are under the impression that this has been done at the wish of the Government without any specific case being laid down for economy or the improvement of the service.

678. Have they any feeling with regard to it?—They have the feeling of protest which they have against all irregular acts.

679. That has not affected the stability of the service from their point of view?—It does this, it gives them the opinion that the Act is not what it is intended to be. It does not give them security. They regard the Act as a whited sepulchre inasmuch as it is not observed.

680. By the CHAIRMAN: The Act or its administration?—The Act as administered.

681. By Hon. J. DUFFELL: On the result of the administration of the Act they have lost all confidence in the stability of their position as civil servants?—They have.

682. From the point of economy, supposing the Government were forced to economise owing to

unforeseen circumstances would the Civil Service Council be prepared to an officer in a high position being sacrificed in preference to a small reduction of salaries all round to make up the amount paid to that officer?—They would prefer the latter course. They have shown that in the recent ready acceptance of the 8 per cent. reduction. It was put to the Civil Service Association and the service generally whether they would accept this or retrenchment. The view was held then that they would readily agree to an all round reduction rather than bring about the retrenchment of officers and thereby cause individual hardship.

683. If a member of the civil service occupying a high position said that the whole civil service regarded the retirement of Mr. Gale as a body blow at the service generally would he be right, is that the spirit of the civil servants?—It would certainly be indicating the spirit of the service.

684. From your close association with the service is it generally looked on in that light by the civil servants that they have received a body blow?—It is, but I would not like to say that the service are very deeply concerned because they do not think acts of this kind will occur every day. Matters of this kind are steadily protested against at all times and we think ultimately that we shall get justice. So far as the Act as it stands now is concerned, what has been done may not be undone, but it may have a deterring effect if this committee takes the view which the service have done that it is an irregular act. Generally we say the Act provides the necessary machinery for altering, improving, or economising in the service, and it can be done in a regular way without carrying out the thing in the particular method which has been followed in this case and which is absolutely contrary to the spirit of the Act.

685. By the CHAIRMAN: The Public Service Commissioner told us that the sections relating to the retirement of public servants, according to his 11 years experience of the Act, did not stand in need of amendment. What do you say to that?—I quite concur in that view.

686. As to the Act itself?—I quite concur in that view.

687. And as to the interpretation of the Act by the Public Service Commissioner?—I say that the Act itself, by Section 66, gives all that is necessary in the matter of retirement of officers. Section 9 provides for dealing with excess officers.

688. Are you satisfied with the interpretation placed on the Act by the Public Service Commissioner?—What interpretation?

689. As to amalgamating any two offices and declaring either of the two officers affected to be an excess officer?—I certainly do not agree with that.

690. As to the Commissioner's interpretation that if it is the policy of the Government to-morrow to have inexperienced men in positions requiring experience, then he must retire the experienced men and put inexperienced men into those positions at lesser salaries?—I say that it is absolutely unfounded. The Commissioner has no grounds whatever for taking up such an attitude.

691. Section 66 deals with retirement of officers?—At the age of 60 or upwards.

692. But Mr. Gale is 54 years of age. He would not come under that section?—No.

693. That section applies provided a public servant is allowed to run his course until reaching the age of 60?—Yes.

694. But in this particular case, Mr. Gale was cut off at the age of 54?—In that case he could only be dealt with under Section 9.

695. How?—As an excess officer, if he was an excess officer.

696. How could he become an excess officer?—By his duties falling off, or something like that.

697. His office has not been abolished. This particular office, I understand, cannot be abolished

without an amendment of the Constitution Act, because the Imperial Government have provided that we shall have a Chief Protector of Aborigines, and that a sum of not less than £10,000 a year shall be spent on the aborigines. The office has not been abolished, and cannot be abolished without an amendment of the Constitution?—That only emphasises the injustice of what has been done.

*(The witness retired.)*

The Committee adjourned.

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THURSDAY, 23RD SEPTEMBER, 1915.

*Present :*

Hon. J. J. Holmes (Chairman).			
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Mr. WILLIAM FREDERIC SAYER, Solicitor General, examined :

699. By the CHAIRMAN: This committee has been appointed to inquire into the retirement of Mr. Gale, and we are somewhat confused as to the public servants' legal position under the Public Service Act and we would like to examine you on that point. In the first place, were you consulted as to the retirement of Mr. Gale?—Not as to his retirement; I am inclined to think the pension claim came before my notice.

700. Have you seen the Executive Council minute approving of the retirement?—No.

701. Here is the minute?—I now read the Order-in-Council, 24th March, 1915.

702. Mr. Gale is retired under Subsection 7, Section 9, according to that Order-in-Council?—It calls on Mr. Gale to retire under Subsection 7 of Section 9.

703. After reading that Subsection what meaning is attached to the term "excess officer"?—If there are more officers than necessary in a department, more than the business requires. I should take that to be the meaning of excess officer.

704. In this case it is not a question of more officers in a department but one officer going out and another coming in?—It was not an abolition of office because the office of Chief Protector is a statutory one and must of necessity continue. Apart from the Public Service Act the Superannuation Act provides—

It shall be lawful for the Governor in Executive Council to grant to any person retiring or removed from the public service under the Colonial Government in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which greater efficiency and economy can be effected.

to grant a special allowance.

705. The section deals with pensions only?—Under the Superannuation Act that is provided for.

706. That is an abolition of office?—It says, "Any person retiring or removed for the purpose of facilitating the improvement of a department." Therefore, apart from the Public Service Act it would, I take it, be competent for the Governor to amalgamate two offices and retire an officer. It would be clearly within the power of the Governor-in-Council to amalgamate offices and dispense with one of two officers but in that case a claim would arise under Section 6 of the Superannuation Act because it would be retirement or removal of an officer to facilitate improvement in a department.

707. But this retirement was under the Public Service Act?—It purports to be.

708. Then, if it purports to be, it is?—I am here to answer questions, but I thought I might say that apart from the Public Service Act it would be within the power of the Governor to amalgamate offices if it was a matter of economy.

709. That is the amalgamation of the offices?—But this purports to be under the Public Service Act.

710. Then Subsection 6 of Section 9 read in conjunction with Subsection 7?—It purports to be under the Public Service Act and therefore I may assume that office to be an office within the Public Service Act. I should not think the retirement of Mr. Gale was within Subsection 7. I should not think it is applicable, I should not regard him as an excess officer within the meaning of that section.

711. Then Mr. Gale would appear to have been illegally retired?—Under Subsection 2 of Section 9 it says the Commissioner may propose to the Governor any particular disposition of offices. I do not know whether it might come within that. The proposal was apparently that the Immigration De-

partment should be amalgamated with the Aborigines and Fisheries Department, and that one officer should perform the duties of Chief Protector of Aborigines, and the secretary of the Immigration Department should also fill the office of Chief Protector of Aborigines.

712. We are not dealing with the amalgamation of the departments but the retirement of Mr. Gale?—Truly, but looking at the Executive Council minute, what the Executive had in mind was the amalgamation of the departments and the appointment of the secretary of the Immigration Department to be Chief Protector, and in order to enable that to be brought about to retire Mr. Gale.

713. The position was this: We are told by the Public Service Commissioner that he had a practically defunct Immigration Department and a real live Aborigines Department and the two were amalgamated. What we are anxious to get at is whether the excess officer was the head of the defunct department or the head of the real live department?—That is a matter for the Executive to consider, assuming it is within their power to remove one or the other.

714. My question a little while ago, which you have not yet answered, was whether in your opinion Mr. Gale had been illegally retired?—I have to give you a reason for my opinion. I could not say in my opinion he had been unlawfully or legally retired, all I can say is this: that while Mr. Gale is within the Public Service Act, and so long as the office that he fills continues, he cannot be removed from that office without cause personal to himself, that is incompetence or misconduct, unless there is a reason in the Public Service Act to justify it. Then, is there anything in the Public Service Act to justify it? From all I can find I do not think he would be an excess officer within the meaning of Subsection 7; I do not think that applies.

715. That is the section under which he is retired?—They purported to retire him. If I had to find in the Public Service Act a provision which would enable Mr. Gale or Mr. Neville to be retired on the amalgamation of these departments I should look after it, I think, under Subsection 2 of Section 9 which says—

and rearrangement or improved method of carrying out any work which appears to the Commissioner necessary or expedient for the more economic, efficient, or convenient working of any department, and such proposal shall be considered and dealt with by the Governor.

I should rather think that is where the power would be found.

716. You say the Commissioner may propose?—Yes.

717. In this case, the proposal emanated from the Minister?—The idea might arise in the mind of a Minister and be submitted to the Commissioner for consideration. If the desirability of amalgamating these departments occurred to the Minister in charge, the Minister would be within his rights in suggesting that the Commissioner should give consideration to the idea, but the proposal would come from the Commissioner.

718. The original proposal?—No, the original idea might emanate from the Minister. The Ministers are running the country and the departments, and if it should occur to them that there might be an economical rearrangement by the amalgamation of these departments, I think effect could not be given

to it until the Public Service Commissioner had given it consideration and made a recommendation. I do not see any objection to the idea being communicated to the Commissioner with a view to his making a recommendation.

719. An idea seems to prevail among the public service and some of the officers who have made a study of the Act that unless an office is abolished or unless a man misconducts himself, or a medical certificate of unfitness is produced, his position is permanent?—There is no doubt about that. So long as an office exists within the Public Service Act, the individual for the time being filling that office has a right to retain it until he reaches the retiring age, unless, for some cause personal to himself, such as incompetence or misconduct, he is removed. But it is still within the power of the Government to abolish an office and if an office is, in fact, abolished, the officer leaves the service. There is nothing in the Act to render it necessary for an office to be continued in perpetuity and, therefore, an office, being no longer needed, can be abolished.

719A. But in this particular case the office has not and cannot be abolished?—No, it is a statutory office. So long as the Aborigines Act continues on the statute-book, there must be a Chief Protector. Therefore this office could not be abolished without statutory authority.

720. In this particular case, the officer has been described by the Commissioner as an exceptional one, an expert in the habits of the aborigines, who has not misconducted himself, whose office has not been abolished, and whose office, I understand, cannot be abolished. He has not reached the age of 60, and I want you, as adviser of the Crown and to this committee, to tell us whether in your opinion Mr. Gale was legally retired?—I cannot give you a categorical yes or no. I must put it conditionally. The office has not been abolished. There are no grounds personal to Mr. Gale himself that have given rise to his removal. He has been retired from the service because the Government have thought fit to amalgamate two departments, and he was the head of one of those departments. In my opinion, if Subsection 2 of Section 9 applies, he was lawfully retired, and if it does not apply I think he was not lawfully retired. That subsection reads—

The Commissioner may propose to the Governor any particular disposition of officers and offices and the division, class, or grade of every officer, and re-arrangement or improved method of carrying out any work which appears to the Commissioner necessary or expedient for the more economic, efficient, or convenient working of any department, and such proposal shall be considered and dealt with by the Governor.

I think it might perhaps be said that that would enable the Commissioner to recommend the amalgamation of the departments in question, and to recommend that either the Chief Protector of Aborigines should also perform the duties of secretary to the Immigration Department, or that the secretary to the Immigration Department should also perform the duties of Chief Protector of Aborigines, in which case one of the officers would be retired, and his case would then fall within Section 6 of the Superannuation Act.

721. That deals with pensions?—Yes. I want to show the result, and it is in consequence of that happening that Mr. Gale's claim under the Super-

annuation Act was dealt with. I cannot find in the Public Service Act anything which will enable that course to be taken unless it falls within Subsection 2, and I think it might perhaps be said that that would not be an unreasonable interpretation to place upon Subsection 2.

722. It is clear he is not an excess officer?—I do not think he is, because "excess" means "supernumerary" officer.

723. You have to read Subsection 6 in conjunction with Subsection 7?—What I have said is quite consistent with that. Excess officers means that more men are employed by a department than there is work for them to do.

724. In this case they have not more men about the Department of Aborigines than are needed?—You could not regard the Chief Protector of Aborigines as an excess officer within the meaning of this subsection.

725. You could not?—No; he was an essential officer.

726. What is meant by the expression in Subsection 6 "officers in any class or grade"?—Those terms are synonymous because class applies to the clerical as well as the professional division. The Subsection begins—

If the Commissioner finds that more officers are employed in any class or grade in a department than may be determined to be necessary for the efficient working of such department, such officers as are in excess may be transferred by the Governor on the recommendation of the Commissioner to some other department.

You could not transfer the Chief Protector of Aborigines to some other department. This provision does not apply to him. The Subsection continues—

And no appointment or promotion of an officer shall be made to such class or grade in such first-mentioned department until by transfer, retirement, dismissal, or death, the number of officers in the same class or grade is reduced below the number in such class or grade determined to be necessary for the efficient working of such department.

That is clear. You would not appoint any more officers to a department that is full or more than full. That is to say, where there is an excess officer in one department we will adjust it by drafting him to another department where there is not an excess or where there is a vacancy. That is the first method of dealing with excess officers.

727. There was one office of Chief Protector of Aborigines and one officer filling the position?—Yes. I do not think that would be applicable to the Chief Protector of Aborigines. Here we find that where there are more officers in the department than the work requires, the first thing to endeavour to do is to find a place for the excess officer in some other department. Subsection 7 states—

If the services of any officers in excess in any department are not likely to be required in any other department, the Governor, on the recommendation of the Commissioner, may call upon such officers to retire from the public service.

That is, where there is an excess officer you try to find a place for him in some other department where his services can be utilised; failing that he may be retired.

728. This was a case of one office and one officer filling it?—I do not think Mr. Gale was an excess officer in that sense, but I think it might be said

that a recommendation could be made under Subsection 2. I cannot say that with any great assurance.

729. In order to clear this up, can an officer in receipt of £520 per annum be said to be in the same class or grade as an officer in receipt of £312 per annum?—At the time when that section was passed we had a schedule of classification of the clerical staff. The classes are A to G, and the grades are first to fourth. To be in Class A an officer must receive a salary ranging from £405 to £450; to be in Class B, from £335 to £380; and so on. That regulates the class in which the officer may be.

730. And the grade?—The grade is fixed. There is no range in the grade.

731. An officer in receipt of £520 cannot be said to be in the same class or grade as an officer in receipt of £312?—Not in the same class or grade, no.

732. In this case of Mr. Gale the Public Service Appeal Board thought Mr. Gale's work entitled him to be placed in the grade which he occupied. What we want to know is whether the following view, which is held by the Public Service Commissioner, is correct. The Public Service Commissioner contends that if the Government advise him that there is to be an alteration in their policy, by reason of which experienced and highly qualified men at the head of departments are, on the score of economy, to be replaced by juniors at lower salaries, he is bound to retire the experienced, competent, and highly paid officers and put in their places other officers of less value. In this case of Mr. Gale, the Public Service Commissioner says the Government were not prepared to pay the salary attaching to the office; the Government said they could do without Mr. Gale's knowledge. The Public Service Commissioner contends that, this being the policy of the Government, he was bound to act in accordance with it and find a cheaper man in the place of Mr. Gale. It has to be remembered that the Public Service Commissioner subsequently said that nothing could be done without the actual minute being signed by him. But he added that if such was the policy of the Government, he would not be justified in withholding his signature. For argument's sake, if it were the policy of the Government, the Public Service Commissioner, according to his contention, could to-morrow amalgamate the departments controlled by the Commissioner of Police with the department controlled by yourself, and then declare either the Commissioner of Police or yourself an excess officer, and one would have to go out. That, briefly, is the position the Public Service Commissioner takes up under that Act?—I should not regard that as a question of excess officers, but as the abolition of one office as an independent office. It is creating a combined office. You abolish the offices as distinct from each other, and create a combined, an amalgamated office in the place of two.

733. In this particular case of Mr. Gale, the office was not abolished. There was an amalgamation of the office of Chief Protector of Aborigines with—?—It was not an abolition of office, of course not; but it was an amalgamation of two offices. There would be no objection to that course, apart from the Public Service Act. That could be readily brought about apart from that Act, or if the office of Chief Protector of Aborigines was not within the Public Service Act. If the office were exempt from the operation of the Public Service Act, Section

5, there could be nothing in the way of amalgamation of the Chief Protector's office with some other office and the retirement of the Chief Protector. I understand, however, that at the time of Mr. Gale's retirement the office of Chief Protector was within the Public Service Act. The question I understand you wish me to answer is, whether the value of an office having been fixed on appeal to the Public Service Appeal Board, it would be competent for the Government to appoint someone to that office at a lower salary. My answer is that any person appointed to the office would be, by virtue of the appointment, entitled to receive the fixed salary, but that I do not know of anything in the Act to prevent him from contracting himself out of those rights if he likes. I say nothing as to the propriety of the business, but I do not know of anything to prevent an officer, if he should think fit, from contracting himself out of his right to draw the salary. That is to say, if you can find an officer who is prepared to say, "I will take the office at something less than the legal salary," there is nothing in the Public Service Act to say he shall not.

734. There is nothing in the Public Service Act to prevent the man occupying the position from offering to accept a lesser salary?—There is nothing in the Public Service Act that I am aware of to prevent an officer from contracting himself out of his right to draw the salary attached to the office.

735. Is there anything in the Act that can compel the Government to make the officer appointed to that position accept a lower rate?—No.

736. With regard to the appointment of Mr. Gale. It was made without a report from the permanent head, the permanent head in this case being, in accordance with the provision of the Public Service Act, Mr. North. If the appointment was made without a report from the permanent head, would the appointment be legal?—I do not think it would affect the legality of the appointment.

737. The Act contemplates that the retirement shall be a matter of arrangement between the Public Service Commissioner and the head of the department, on the initiative of the Public Service Commissioner?—I do not think that the absence of the recommendation of the permanent head would affect the legality of the appointment.

738. The reason we raise this question of amalgamation is that by a system of amalgamation of offices the Public Service Act could be made not worth the paper it is printed on?—You say it might be abused.

738A. For the purpose of illustrating my meaning: According to the Public Service Commissioner, if he is instructed by the Government to retire qualified men, and appoint in their stead men not qualified, he is bound to do so. I do not say that I am about to describe what would happen, but it could happen. The Government might decide this week to amalgamate all the departments, and bring the whole of them under one head, dispensing with all the present heads of the departments except one. In that way they would get rid of all the highly paid qualified and competent men at the head of the public service. Having accomplished that, they could, a week later, alter their policy and decide that they would have the business of the country run by numerous heads of departments, and they could appoint another set of officers at a lower rate of pay; officers competent or incompetent; that would not

matter, so long as they were cheaper. If such a thing as that did happen—and it can happen if the Public Service Commissioner's construction of the Act is correct—would that render the Act not worth the paper it is printed on, and would it not place the public servants of this State on the horns of a dilemma, so that they would not know where they were?—No doubt, if it could be carried to that length.

739. If it can be done with one officer, what is there to prevent its being done with all the heads of departments?

740. My point is this. If that should be done, and according to the Public Service Commissioner it can be done, is the Public Service Act any use to the public servants?—Not if you can conceive such a proposal being carried to such length.

741. If it is possible to do that with one it is possible to do it with all the departments?—If it is possible in one it might be possible in all. I would like to say, as an illustration; take some office that cannot be abolished without an amendment of the law, and the work of which is reduced to very small proportions. Take the office of the Commissioner of Titles who must, necessarily, be a highly paid official, because it requires a long experience of a professional man and a legally trained man of experience to fill the position. Although the work may not be great by reason of so little land remaining outside the transfer of Land Act and the operations may be comparatively few, nevertheless as each application comes along it must be considered by the Commissioner of Titles who has legal attainments and can protect the Government against a very heavy risk of claim on the insurance fund if a person is registered as the owner of land to which he is not entitled. It may be that the work to be performed is out of proportion altogether to the salary received, yet the work must be performed by a man of proper attainments. It might occur to the Executive that that office should be amalgamated with another office because it would be unreasonable to keep a man employed at a large salary when his duties may not occupy more than an hour or two a day. That is an instance where an amalgamation would properly come about.

742. In that case the office is abolished?—You cannot abolish it, it is a statutory office. If you had a professional registrar you might amalgamate the offices of Commissioner and Registrar and keep the two officers until there is an amendment of the Act, and by an amendment of the Act abolish the office of the Commissioner. I am trying to give an illustration in which an amalgamation of offices might be a very reasonable and proper thing to do.

743. After the abolition of office?—The office of the Commissioner of Titles is statutory like the Protector of Aborigines, and while the law remains as it is requiring every application to bring land under the Transfer of Land Act to receive the recommendation of the Commissioner, it is essential there shall be a Commissioner, and yet there may not be more than two or three applications in the course of a month, but while the Act remains as at present we must have a Commissioner to deal with these two or three applications. It might occur to the Executive that we should utilise the Commissioner in some other direction and amalgamate his office with some other office, and it might be amalgamated with any other office requiring legal attainments. The Parliamentary Draughtsman could fulfil the

duties of Commissioner of Titles ; that you find in other States. Something like that is similar to the case under review.

744. No ?—I should have thought so.

745. Here is a statutory office occupied by Mr. Gale ?—There has been a recommendation made, rightly or wrongly, that the office of Protector of Aborigines might economically be amalgamated, with that of the Immigration Department.

746. What we are concerned about is, can a recommendation by the Commissioner over-ride the Public Service Act ?—No.

747. Then why all this supposition ?—A recommendation cannot over-ride the Public Service Act, but if I had to look for some reason in the Public Service Act I should take subsection 2 of section 9.

748. Does an alteration in the policy of the Government over-ride any section of the Public Service Act ?—I do not think it is a question of policy.

749. All hangs on the question of policy. We want to know whether if the Government intimates to the Public Service Commissioner that there is to be an altered policy, does that over-ride one, any, or all of the sections ?—You cannot, on the grounds of policy repeal an Act of Parliament without going to the Legislative Assembly and Legislative Council. If it is the policy of the Executive to amend the law it might be done by Parlia-

ment. What has happened here is this : the Public Service Commissioner has wisely, or otherwise, recommended the amalgamation of these offices. He has recommended that the duties of the amalgamated offices shall be performed by one or other of the permanent heads of these separated offices as now existing, and he has to choose between the Chief Protector of Aborigines and the secretary of immigration and he has recommended that the amalgamated offices shall be in the hands of the secretary of the Immigration Department.

750. That Mr. Gale is the excess officer ?—I do not regard him as the excess officer.

751. By Hon. J. DUFFELL : This file distinctly shows that it is the intention of the Minister to dispense with the services of Mr. Gale and even reveals that he is not particular whether it is the Aborigines Department, the Immigration Department, or what it is, and the file distinctly shows that it is the intention of the Minister to dispense with the services of C. F. Gale, here is the Minister's letter, will you read it ?—Yes, I have now read it.

752. Hon. J. DUFFELL : The Minister's idea is to show that the work is small.

*(The witness retired).*

The Committee adjourned.

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TUESDAY, 28th SEPTEMBER, 1915.

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*Present :*

Hon. J. J. Holmes (Chairman).	
Hon. J. Cornell.	Hon. J. Duffell.

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Mr. WILLIAM FREDERIC SAYER, further examined :

753. By Hon. J. DUFFELL : At our last meeting I commenced to question you in regard to the file that I placed before you, and from the information we gathered up, to then, it appears to the committee that the questions and answers were put to you from a normal point of view as to what might occur at any time, but coming to the file, I want to look at it from a different standpoint ?—The questions were put from an abstract point of view on the first occasion.

754. Yes. We want to find out what led up to the question being put to the Commissioner on the retirement of Mr. Gale. To assist us in that we have the first intimation coming from the Honorary Minister, Mr. Underwood, dated 18th January, 1915, in which Mr. Underwood states :—

I desire to call attention to the position of Chief Protector of Aborigines, the amount of work to be done by this department is very small indeed, the vote this year being about £28,000.

With that in view the Commissioner is asked to report by Cabinet and in that report the Commissioner points out to the Honorary Minister the importance of the position filled by Mr. Gale, and he goes on to say—

The fact that the Constitution Act specially reserves the sum of £10,000 for the aborigines, and the fact that our State Act instituted a "department" to look after them demonstrates our intention to seriously and deliberately protect their interests and implies, I think, administration at the hands of some officer with a knowledge of the aborigines questions.

That being so, and bearing in mind the importance that the Imperial authorities attach to the Aborigines Department as borne out by the fact that a few years ago information reached them that the aborigines of Western Australia were not being properly attended to, that there was something amiss, showing the importance and interest they took in that question



they instructed Mr. Roth of Queensland to visit Western Australia and report. That, to my mind, shows the importance of the situation. The Public Service Commissioner still, with the object of retaining Mr. Gale in this position, makes a suggestion in Clause 13 of his report to this effect—

Would it not be better to cut down some part of the vote, have a smaller ship, so to speak, rather than to drop the pilot.

To that Mr. Underwood replies—

The smaller ship suggests to my mind a smaller fee for the pilot, which is not suggested by the Public Service Commissioner. As to dropping the pilot, for the purpose of carrying on the Commissioner's figure of speech, we could assume that the Minister is captain of the ship and, so far as the present skipper is concerned, he holds a pilot exemption ticket for this port.

Bearing these facts in mind, what we want to know from you is whether the Honorary Minister is justified in taking upon himself these responsibilities, which are not provided for in the Act and retiring Mr. Gale?—There is a responsible Minister of the Crown charged with the administration of the Act. Therefore a Minister will administer the Act, but there must be a Chief Protector, and the duties of the Minister and Chief Protector are, no doubt, distinct. Section 7 provided—"The Governor shall appoint a Chief Protector, and the Minister may from time appoint or dismiss protectors." Then, "The Chief Protector shall under the Minister be responsible for the administration of the department and the execution of this Act, and the Chief Protector is the legal guardian of every aboriginal and half-caste child." There is no reason why the Minister should not take a very active part in the administration of the Act, but it is essential that under the Minister there should be a Chief Protector.

755. You still think that the Minister can assume the duties himself?—The legal guardian of all aborigines is the Chief Protector and he has to carry out the details of management for their protection under the control of the Minister like all other departmental officers who are acting under a Minister. Take my own profession. In the same way as I, as Commissioner of Titles, am working under an Act which is administered by the Attorney General, but the Attorney General would not expect to be concerned in the details of my office any more than the Minister would be concerned in the details of the aborigines department.

756. But as previously pointed out if this was based on the ground of economy—which it evidently is, according to the Minister's letter of the 18th January—and the man, although a junior, filling the position as Mr. Neville is in this case, there would be no economy if Mr. Neville claimed the amount set aside for the position by the Classification board. You have already told us that he is entitled to that. Therefore there can be no economy?—I should imagine that if the two offices are filled by one officer he is not drawing the two salaries.

757. But he is entitled to what the other man was drawing?—I should assume that if one officer is to fill the two offices he will draw only one salary. Without expressing any opinion as to what is a proper and adequate salary for the Chief Protector of Aborigines, in view of the importance of his office, there are officers who fill a number of statutory offices, none of which would be sufficient to occupy the full time of one officer. I am not saying that

the office of Chief Protector is not one to which the officer should devote the whole of his time. I express no opinion as to that. I do not know the details. But take the registrar of the Supreme Court. He is a statutory officer charged with registration duties under probably half-a-dozen different Acts.

758. By the CHAIRMAN: But what we are concerned about is, in an amalgamation of offices where there has been a statutory appointment as in this case, what happens to the occupant? Can he be dispensed with without abolishing his office?—That, as I said on the last occasion, really depends upon the interpretation so far as the office is under the Public Service Act.

759. Subsection 2 of Section 9 of the Public Service Act, which you are not prepared to give any definite opinion on?—I think it is quite arguable that it would apply.

760. But you cannot express any definite opinion?—I do not wish to express any positive opinion. I think the case might come within that subsection.

761. By Hon. J. DUFFELL: After that reply about the smaller ship and the Minister being captain and the present skipper holding a pilot's exemption certificate for that port, what can we take from it further than what has been already expressed? Up to the present time we are not satisfied that this man was legally retired. We cannot find anything in the Act to satisfy us. We have listened to your interpretation of the various sections, and still there is a doubt. We would like to have that doubt cleared up if possible?—A public servant holding an office to which the Public Service Act applies cannot be removed from that office while it exists except for some reason personal to himself. There would be nothing, however, to prevent the Governor-in-Council from abolishing the office unless there is something on the statute-book to the contrary; and on the abolition of the office the public servant would necessarily have to go, whether it was within or not within the Public Service Act. The office of Chief Protector of Aborigines, however, is a statutory office which cannot be abolished except by Act of Parliament. Mr. Gale, therefore, is entitled to retain that office while it continues except for reasons personal to himself, by virtue of the provisions of the Public Service Act, unless you can find something within the Act to qualify that answer. All that I am aware of in the Act is Subsection 2 of Section 9, which provides that the Commissioner may propose to the Governor any particular disposition of offices, and the rearrangement or improvement of the method of carrying out any work which appears to the Commissioner necessary or expedient for the more economic, efficient, or convenient working of any department, which would include departments, and such proposal shall be considered and dealt with by the Governor. All I can say is that that is the only provision in the Public Service Act that I am aware of which would apply, and in my opinion it is arguable that under that provision the Commissioner could recommend that two offices, one of which is a statutory one and cannot be abolished, should be filled by one man; and if that proposal was adopted by the Governor and as a consequence one of the officers had to retire, assuming that there is no other avenue open to him in the service, then it seems to me that it is for the Commissioner to recommend which of the officers is to

be retired. Under that section the action taken in this particular case can perhaps be justified. But I cannot express any more positive opinion than that.

762. Except that it is arguable?—I would not say positively that is the construction to be put on that section, but I think that it may be fairly contended that is the proper construction to put on the section.

763. If Section 9 applies he was lawfully retired, but if it does not apply he was not lawfully retired?—Yes.

764. By the CHAIRMAN: You claim that it is arguable, but we want a definite opinion?—I am not prepared to say that in my opinion the case falls within that subsection. I think the case may fairly be said to fall within Section 2, but there may be differences of opinion.

765. By Hon. J. CORNELL: You say the only section of the Public Service Act under which Mr. Gale could have been retired is Subsection 2 of Section 9?—Yes.

766. You say it is arguable, and that being the case, evidently there is a doubt in your mind?—It is not so clear as I should wish it to be.

767. Although you hold it is arguable, the fact remains Mr. Gale has been retired?—Yes.

768. I would like to know is there any provision of any Act which gives Mr. Gale the right to have an interpretation of this arguable section, if not he may be a victim?—If Mr. Gale considers or is advised that it was not within the power of the Executive to retire him, he can claim to be still filling the office. That is his position; claim his salary.

769. By the CHAIRMAN: This file shows that Mr. Gale was retired as an excess officer?—I have already told you I do not think it comes within Subsection 7 of Section 9.

770. What is Mr. Gale's legal position. If he has been retired on the recommendation of the Public Service Commissioner under a section of the Act that does not apply?—I do not think it is at all material as to what subsection the Commissioner chose to quote. If he stated 7 in mistake for 2 there is nothing in that.

771. You said in your evidence that there is a responsible Minister charged with the administration of the Act. Who is the responsible Minister in this instance?—I was under the impression the Colonial Secretary was charged with the administration of the Aborigines Act.

772. But the Colonial Secretary does not appear in it at all?—I was under that impression.

773. The documents are signed by Mr. Underwood, Honorary Minister for the Colonial Secretary?—Then the Colonial Secretary is the Minister charged with the administration of the Act.

774. Can the Minister depute this work to another?—It is a common thing for one Minister deputing his duties to another.

775. You said the Minister could take an active part in the administration of the department. Presumably if a Minister finds an officer charged with the administration of the Aborigines Act or any other Act is not doing his duty, he has power to lay a charge of incompetence or negligence?—Any officer charged with carelessness in the discharge of his duties can be charged under Section 47.

776. There has been no suggestion by the Minister of carelessness or negligence?—No one has said a word against Mr. Gale's efficiency.

777. The point running through the Public Service Commissioner's evidence is one of policy. I would like to know where a question of policy ends and the Public Service Act commences?—I am afraid that is quite past me.

778. Can the question of policy override the Public Service Act?—I do not quite understand what that means.

779. Taking it in its literal sense. Can a question of policy override the Public Service Act? The Commissioner has told us that an alteration of policy on the part of the Government he can recommend that an incompetent and junior officer can replace a competent officer?—I think you have misunderstood him.

780. He certainly said that Mr. Gale was a competent officer and that Mr. Neville knew nothing about the aborigines. He contended and still contends, that the Aborigines Department should have an expert at the head of it. In the face of that he says he is ruled by the policy of the Government. If the Government say that they will not have an expert?—I am under re-examination to explain any matters which may not have appeared clear. I would rather not be examined on behalf of the Public Service Commissioner. What I mean is, if you want an explanation of answers given by the Public Service Commissioner, you had better re-examine him.

781. If the Public Service Commissioner in our opinion puts a wrong construction on the Act, we as commonsense men have a right to ask you for an explanation of the Act?—The Public Service Act must be administered as we find it.

782. By Hon. J. DUFFELL: I am not clear on the hurried process brought to bear on this retirement. This important officer had been on long service leave, and during the time he was away this business cropped up in the mind of the Minister, that he can do without a Chief Protector of Aborigines, that he can do the work himself, that he can put him off and replace him with an officer at a salary of £312 a year. I am not clear in my mind whether that can be done legally or not, notwithstanding all the lucid explanations which you have given us. If Subsection 2 applies, then he has been lawfully retired?—I do not know any other provisions of the Act under which a recommendation could be made.

783. By the CHAIRMAN: Coming back to Subsection 2 of Section 9, which says that the Commissioner may propose and so forth. In this particular instance the Commissioner did not propose; the Minister proposed, and the Commissioner started to fight the Minister on the subject?—That is a matter for the select committee's observation.

784. If the Public Service Commissioner can retire a man from a statutory position and such like, can you as a public servant tell us what effect it is likely to have upon the public service?—I cannot express any opinion on that.

785. Has the Public Service Commissioner, under the Public Service Act, power which renders him capable of preventing such retirements as this one, if he so desired? If not, in what direction would you suggest the Act should be amended?—I do not see that the Act requires amendment. So far as

the recommendation of the Public Service Commissioner is required, before any action is taken under the Act, the provisions are quite satisfactory. There are many provisions under the Act that this and that can be done on the recommendation of the Commissioner.

786. And if the Commissioner recommends the abolition of an office, or the amalgamation of offices?—There would be no appeal from that recommendation.

787. But can the Commissioner recommend the abolition of a statutory office?—Of course he might recommend the abolition of a statutory office, but you can only abolish it by Statute.

788. In this particular case Mr. Gale was discharging the duties of the office satisfactorily; it was a statutory office; the office has not been abolished; no charge of incompetency has been

laid against Mr. Gale; no charge of any description has been laid against him; and he has not reached the retiring age. Those are the points upon which we wanted your legal assistance in order to enable us to arrive at whether Mr. Gale is legally and properly retired. So far I am not clear on the point?—You bring me right back again, and I say that I am disposed to think that the recommendation might come under Subsection 2 of Section 9.

789. If permanent officers can be got rid of in this way by amalgamating departments, does not the Public Service Act become a dead letter?—Not necessarily. There is a good deal left.

*(The witness retired.)*

The Committee adjourned.

WEDNESDAY, 29TH SEPTEMBER, 1915.

*Present:*

Hon. J. J. Holmes (Chairman).

Hon. J. Duffell.

Mr. CHARLES FREDERICK GALE, further examined:

790. By the CHAIRMAN: When the Public Service Commissioner was giving evidence, he was asked what saving would be effected by your retirement, and since then he has put in a statement showing the estimated saving consequent on the amalgamation of the Immigration Department with the Fisheries and Aborigines Department. This is a copy of the statement, and we would like you, as you were head of the Aborigines Department for so long, to look at it and state whether you have any remarks to make in connection with it?—This statement purports to show the estimated saving consequent on the amalgamation of the Immigration Department with the Fisheries and Aborigines Department. As a matter of fact, it is a statement showing the estimated saving consequent on the practical abolition of the Immigration Department. To prove this, so much of the saving shown might have been brought about irrespective of whether there was amalgamation or otherwise, and the only two items in the statement which have a direct bearing on the amalgamation of the departments are those relating to my salary and to my pension. The financial position resulting from the change is as follows:—While I was receiving a salary of £528, I am retired on a pension, using Mr. Jull's own figures, of £200. The State ostensibly saves £328; but my position is filled by an officer drawing a salary of £312, who, in addition to carrying out the functions of the Chief Protector of Aborigines, is called upon to deal with the small amount of the remaining work connected with immi-

gration. The fact that the classification of the Chief Protector of Aborigines is on a much higher grade than that which Mr. Neville at present occupies is not to be lost sight of, inasmuch as Mr. Neville could at any time make an application for a reclassification. A further proof that this statement of Mr. Jull appears to be a red herring drawn across the path of the inquiry, is the fact that, should immigration work be resumed at any time, and even assuming that the existing amalgamation still continues, then the amount shown on this statement as estimated saving would have to be reinstated as expenditure; because it is obvious that immigration is not going to be dead for all time, and it is doubtful whether the Immigration Department, when it is a live department, could be amalgamated with such a department as the Aborigines Department, where the white and the black come in contact. I also take exception to the details of the statement as showing lessened expenditure. I will take the details as they appear. Mr. Long apparently is still engaged, "relieving Stephens on leave of absence." As regards Miss Stiffold's salary, there is a note here by Mr. Jull, "Allowed temporarily to remain with Mr. Neville while amalgamation is settling down." I was retired on the 30th April—six months now—and she is still there, and as far as I can understand she is likely to remain there. With regard to Miss Stone's salary, I have been told on very reliable authority that Miss Stone has never been attached to the Immigration Depart-

ment at all; that although her salary has been charged up to the Immigration Department, she has been practically private secretary to Honorary Ministers. Then there is Mr. Cumming's salary. When this amalgamation took place, he was transferred to the Gaols Department; and he has since volunteered for the front. The rental value of offices vacated is shown as £300. Those offices were Government offices, and they are now occupied by another branch of the service which was previously working in Government offices. Therefore, there is no saving effected by this supposed rent of £300. The offices are not let to anybody outside. The Government are not receiving any £300 rent for them. Then there is the item "Telephones £20." Telephone calls in connection with the Immigration Department will still

have to be paid for. The only saving effected here is telephone rent. "Cleaning wages and cleaning material" simply go on now with the other people occupying the same building. I contend that this is absolutely a misleading statement as far as the saving is concerned. This estimated saving could have been effected, and would have been effected, and has been effected, simply by the inactivity of the Immigration Department, and not by the amalgamation of the Immigration Department with the Aborigines Department. That is all I wish to say.

(The witness retired.)

The Committee adjourned.

#### ADDENDUM.

Statement showing estimated saving consequent on the amalgamation of the Immigration Department with the Fisheries and Aborigines Department.

Additional Expense.			Lessened Expense.		
PERTH OFFICE.					
	£	s. d.		£	s. d.
Gale's pension, say, .. .. .	200	0 0	Gale's salary .. .. .	528	0 0
			Long's salary * .. .. .	228	0 0
			Stitfold's salary † .. .. .	108	0 0
			Stone's salary (half) .. .. .	66	0 0
			Cumming's salary .. .. .	120	0 0
			Rental value of offices vacated .. .. .	300	0 0
			Telephones .. .. .	20	0 0
			Stationery and typing machines .. .. .	20	0 0
			Lighting and heating .. .. .	15	0 0
			Cleaning wages .. .. .	52	0 0
			Cleaning material .. .. .	1	0 0
			Lessened expense in Audit, Treasury, etc., owing to their being one Department less .. .. .		?
Balance saving .. .. .	1,258	0 0	Lessened travelling expense for Chief Inspector .. .. .		?
	£1,458	0 0		£1,458	0 0

\* Long is still temporarily with Department, relieving Stephens on leave.

† Allowed temporarily to remain with Mr. Neville while amalgamation is settling down. Will soon be transferred.

Additional Expense.			Lessened Expense.		
LONDON OFFICE.					
	£	s. d.		£	s. d.
Additional expense .. .. .	Nil		Salaries .. .. .	1,500	0 0
			Travelling .. .. .	269	0 0
			Matron's fees .. .. .	140	0 0
Saving .. .. .	3,067	0 0	Other expenses .. .. .	1,158	0 0
	£3,067	0 0		£3,067	0 0

NOTE.—This lessened expenditure could have occurred though no amalgamation of Departments in Perth had taken place.

21st September, 1915.—Sir, It is easy for a misconception to arise in connection with appointments and retrenchments made under the Public Service Act to positions which are created by reason of other Acts and mentioned therein. For instance, Mr. Gale held a position under the Public Service Act, and was retrenched under it as an excess officer. He, however, derived his power and authority to carry out his work whilst occupying his position from another Act. A very large number of officers, some of them occupying comparatively unimportant positions, such, for instance, as an Assistant Inspector of Fertilisers, come under the same category. I will mention some others by way of illustration—Magistrates, Clerks of Courts, Inspectors of Lands and Improvements, Inspectors of Fertilisers, Forest Rangers, Inspectors of Insect Pests, Inspectors of Mines, Inspec-

tors of Health, Inspectors of State Children, Inspectors of Fisheries, Inspectors of Stock, etc., etc. If, therefore, owing to the circumstances named, it were a fact that Mr. Gale has some special security of tenure, a large number of other officers will be similarly placed, and the power of the Government to adjust staff matters to meet the requirements of the day would be seriously hampered. I beg to ask the Committee to be good enough to include this letter as part of my evidence, as I do not think my examination made this point clear—I probably having at the time failed to grasp the trend of some of the questions put to me.—I have the honour to be, Sir, your obedient servant, (Sgd.) M. E. JULL, Public Service Commissioner. The Chairman of the Select Committee on Mr. Gale's case, Parliament House, Perth.

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**Report of the Select Committee of the Legislative Council on the Retirement of Mr. C. F. Gale from the position of Chief Protector of Aborigines - Tabled 12th October 1915**

Corporate Author: Western Australia. Chief Protector of Aborigines

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