

Legislative Council.

Tuesday, 5 February, 1935.

Member Resigned—Assent to Bills—First Readings
—Police Regulation (Amendment) Bill—Vacant
Seat (Writ for Election).

The PRESIDENT took the chair.

The opening Prayer was read.

MEMBER RESIGNED.

The PRESIDENT announced that the Hon. Harold Sprent Nicholas had forwarded to his Excellency the Governor his resignation of his seat as a member of the Legislative Council.

The PRESIDENT announced that he had notified his Excellency the Governor that the seat of the Hon. Harold Sprent Nicholas had become vacant, through resignation.

ASSENT TO BILLS.

Royal Assent to the following bills reported:—

Fertilisers Bill.
Government Railways (Free Passes) Amendment Bill.
Public Hospitals (Further Amendment) Bill.
Public Works (Port Kembla Electricity) Amendment Bill.
Flour Acquisition (Amendment) Bill.
Meat Industry (Amendment) Bill.
Business Names Bill.
Murrumbidgee Irrigation Areas Occupiers Relief Bill.
Loan Bill.
Income Tax (Management) Amendment Bill.
Workmen's Compensation (Broken Hill) Amendment Bill.
Rural Bank (Agency) Bill.
Government Guarantees Bill.
Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Bill.
Charitable Collections Bill.
Lewisham Hospital and Church Lands Bill.

FIRST READINGS.

The following bills were received from the Legislative Assembly and read a first time:—

Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Bill.

Metropolitan Water, Sewerage and Drainage (Amendment) Bill.

Financial Agreement (Returned Soldiers Settlement) Ratification Bill.

State Coal Mines (Amendment) Bill.

Industrial Arbitration (Theatrical Agencies and Employers Licensing) Bill.

Dubbo Gas and Electricity Franchise Bill.

POLICE REGULATION (AMENDMENT) BILL.

IN COMMITTEE: (RECOMMITTAL).

(Consideration resumed from 20th December, 1934, *vide* page 4977).

Recommitted clause 2. (1) The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

(a) by omitting section four and by inserting in lieu thereof the following sections:—

4. (1) The Governor may from time to time appoint, from the members of the police force, a Commissioner of Police who shall, subject to the direction of the Minister, be charged with the superintendence of the police force of New South Wales.

The Hon. H. E. MANNING (Attorney-General) [4.48]: I move:

That in proposed new section 4 (1) the words "from the members of the police force" be struck out.

As hon. members are aware, this matter first arose in connection with an amendment that was moved by the Hon. Mr. Concannon, to insert in the original bill the words "from the members of the police force." The object of the hon. member was to make it incumbent on the Government, when appointing anyone to the position of Commissioner of Police, to make its selection from the members of the police force. Possibly, the amendment was based on the assumption that the first appointee to that office in the future would be a person chosen from outside the police force. Hon. members may recall that I gave an unqualified denial to that assumption. I was able to say that not only was such a step not intended, but that the Government had never even considered appointing a person outside of the police force to the office. Consequently that objection which arose originally does not now exist. I repeat the assurance I gave the Committee on that occasion, that at present there is no such

intention in the mind of the Government. The matter went to division, and it will be remembered that in the first division the amendment was lost on the casting vote of the Chairman of Committees. Then, after a series of divisions, the matter came up again on recommitment at the report stage, and on that occasion the amendment was carried by a majority, I think, of two. The recommitment took place shortly after the original vote was given. I suggest to the Committee that now that sufficient time has elapsed to enable hon. members to turn the matter over in their minds they might be willing to reconsider a decision given in circumstances in which a certain amount of heat was probably engendered by the original idea that the appointment was to be made of someone outside the police force, and by the indignation caused from the contemplation of that possibility. That indignation increased during the debate, notwithstanding the assurance given by me, although I do not say that it was disregarded.

It was intended, of course, that the recommitment at the third-reading stage should take place and the matter be considered at the end of last December; but it was then pointed out to me by certain hon. members that as some of the supporters of the opposition to the bill as it stood were absent from their places, it would be unfair to proceed with it at that stage. Consequently, rather than rest under the imputation of any such intended unfairness, I immediately consented to the matter being postponed until such time as hon. members had full opportunity to consider it, and to be in their place to vote upon it. Therefore, the matter now comes before the Committee in the fairest possible way, and its only duty is to reconsider it, and to see whether there is any justification whatever for the retention of the words referred to which were inserted in the clause on the original assumption that it was the intention of the Government to make an appointment from outside the police force.

This matter is important, in the first place because in respect of legislation of this kind one is altogether unfamiliar with any unnecessary restriction of the discretion of the Government, when it is invested with the power to make an appointment of such importance as this. Of course, in many cases it is necessary that there should be some restriction. For some positions special qualifications may be desired, arising from a special knowledge of an extremely intricate subject, and so forth. I do not deny that there may be occasions when such circumstances arise, but in this case the insertion of these words in the clause is suggested as being important for no other reason than to make it obligatory on the part of the Government in all circumstances, no matter what they may be, to confine the appointment to the members of the police force.

I have said before, and I repeat, that ordinarily the Government would look to the police force for the appointment of the Commissioner of Police, and on this occasion the Government intends to do so; but what are the objections to leaving that unfettered discretion in the hands of the Government?

The Hon. Dr. WALL: That is not the English custom!

The Hon. H. E. MANNING: As the hon. member has said, that is not the English custom. We wish to follow the English custom—the custom in accordance with which the administration of the police force of this State has, for the last half century, at any rate, been successfully carried out. When we come to examine the suggestion that the unfettered discretion should be made a fettered one, and the right of the Government to make the selection wherever it thought fit curtailed, we are confronted with this consideration: What is the necessity for limiting the choice in the first instance? On the assurance that has been given by the Government, it is apparent to the Committee that the Commissioner who will be appointed under the Act will not vacate his office—except, of course, by resolution of both

Houses of Parliament—until he reaches the age of 65 years. If we assume that the commissioner will be a man of 40, 45, or 50 years of age, he will occupy his position for the next twenty or twenty-five years. Is it suggested that some subsequent Government may do an injustice to the people of this State by making an appointment outside the ranks of the police force, to suit its own ends at the moment? For this to happen two events must co-exist. The first is that twenty or twenty-five years must have elapsed, and the second is that there must be then in existence a Government actuated by unworthy motives. Such a thing is, I suggest, entirely unreasonable to assume. It is unreasonable to expect the Committee to so far disregard the recognised practice as to impose a condition which is an inroad into a fundamental principle of responsible government.

The Hon. Dr. WALL: Such a condition has never been imposed up to the present!

The Hon. H. E. MANNING: That is so. There is no need to make provision for a purely hypothetical state of affairs, which, on a fair consideration of the probabilities of the future, is never likely to arise. The presence of the amendment in the clause is a direct challenge, not to this Government, but to the responsibility of the Government or the Parliament of the day. I, therefore, ask hon. members to assert that in no circumstances shall that responsibility, which has been one of the distinguishing features of this Parliament from its inception, be lost sight of and disregarded by the insertion of the words now under consideration.

What is the reason for having a wide discretion? In the first place, it is unlikely that the police ranks will be departed from in respect of making the choice of commissioner, but it is possible—and it is an unattractive possibility—that at some remote period in the future the members of the Police Department might be torn by some kind of internal dissension which would create two or perhaps more factions in the force,

and the Government of the day, in making a selection from one of those factions, might utterly destroy the efficacy of the whole of the Police Department of the State. That is one of the possible consequences.

An Hon. MEMBER: It has actually occurred; in Victoria!

The Hon. H. E. MANNING: Fortunately, it has not occurred in this State, and it is not likely to occur. As the hon. member says, when we are dealing with the insertion of words that involve a departure from one of the recognised principles of responsible government, surely it is desirable to be able to point to some consequences which may necessitate the insertion of words such as these. I do not believe myself for a moment that the insertion of these words is desired by members of the police force itself. Even if it were, it would surely be a matter to be utterly disregarded. Surely the Government of the day is to be held responsible for the management of the Police Department. In fairness to the police I do not believe they want such a thing as this. Is it to be suggested that the police desire, by the insertion of a few words like these in the section of an Act of Parliament, to secure for themselves the right to have a Commissioner of Police elected from their own ranks, irrespective of the intrinsic merits of the individual? If there is a man in the police force suited for the position, as we believe there always will be, why not allow him to succeed on the merits of his own intrinsic qualifications, rather than that his appointment should depend on the narrow limits which would be fixed by the insertion of these words? Those are some of the questions that I ask the Committee to consider. No substantial reason has yet been urged why these words have been put there. If the Committee agrees with the proposal I have made, that the responsibility of the Government should be a matter to be recognised and encouraged by the insertion in Acts of Parliament of words giving this wide discretion, it will be doing something that is in conformity with the principle of constitutional government

in this and other countries; it will be doing a credit to Parliament, and, in doing that, a fair thing in the administration of the police force.

The Hon. J. M. CONCANNON [5.3]: I trust hon. members will adhere to the position previously agreed to in this Chamber by division. The Attorney-General has put forward a very logical case if hon. members do not consider the whole of the provisions of this bill—if one does not consider the proviso by which the responsibility of the Chief Secretary is to be taken from him, in the administration of the police force. If one does not consider that aspect of this legislation, then, superficially, the argument of the Attorney-General appears to be very logical. I ask hon. members to go very deeply into the whole matter. I have followed as closely as I could the arguments advanced. The Attorney-General said, "Apparently, hon. members arrived at the decision on the assumption that the first appointment to be made would be of a person outside the service altogether." I trust that I have the words used by the Attorney-General correctly. I took them down at the time his statement was made. The silence of the Attorney-General shows that the words as I have quoted them are correct. If hon. members will go back to *Hansard* they will find that the Attorney-General made a quite unequivocal declaration of the policy of the Government. The Attorney-General pointed out the possibility of some individual being appointed after a Commissioner had had a tenure of twenty-five years or more. This afternoon the Attorney-General said that at the present time it was not the intention of the Government to depart from the accepted practice of the administration to appoint a Commissioner from the ranks of the police force. The words used by the Attorney-General on 12th December were:

The Hon. H. Latimer: From within the service or outside the service? Would the Minister be prepared to accept an amendment that he be appointed within the service?

The Hon. H. E. Manning: No, but I say there is not the slightest chance of any one being appointed from outside. I would not

accept that amendment. I think that perhaps in the remote future it might be desirable that a person be appointed from outside.

The Hon. H. Latimer: What about the Victorian service?

The Hon. H. E. Manning: I do say this, that at the present time there is not the slightest intention of appointing any one outside the service, and there is every intention of appointing as successor to the present occupant of the office, whenever he ceases to hold office, a person within the service, and that is all I wish to say.

I make this reference to stress the point that the Attorney-General said it was not the intention of the Government to appoint somebody from outside the service to the possible vacancy, as it has been the custom, and the almost inviolable custom, in the past to appoint a Commissioner from within the service. Where can the harm be of accepting the suggestion of the Attorney-General to carry out that very efficient form of administration exercised in the past by retaining these words in the Bill? The Attorney-General made the statement, possibly without being aware that he made a misstatement, that there was a majority of only two when it was decided to recommit the bill. Hon. members will recollect that after the division had been twenty "ayes" and twenty "noes," and it had been decided on the negative vote of the Chairman to retain the existing provision, further consideration was given to the measure. It will be found that the division on the proposal to insert these words was taken on 12th December, and that twenty-three members voted in favour of the insertion and eighteen against.

The Hon. H. E. MANNING: The hon. member is quite correct. The majority of two was on the recomittal. The division on the amendment was twenty-three to eighteen!

The Hon. J. M. CONCANNON: I quite agree that the majority for recomittal was only two. The question of recomittal is most important, because it might mean taking the business of the Chamber out of the hands of the representative of the Government, and possibly some members would not be prepared to go as far as that. In the division

for the insertion of the words, on 12th December, the numbers were twenty-three for insertion, and eighteen against. That entirely alters the statement of the Hon. the Attorney-General, and I thank him for his courtesy in correcting it. Later he said that, possibly because of the paucity of numbers in this Committee on the occasion of the division, it did not represent a fair decision. I would point out that on that occasion forty-one members voted out of a total membership of sixty, or 67 per cent. of the full membership. In no other division during this session have forty-one members participated.

The Hon. D. GRANT: And on that occasion the President and Chairman of Committees did not vote!

The Hon. J. M. CONCANNON: That is so, which means that forty-three members out of sixty were in the Chamber when the matter was decided. On no other occasion since the reconstitution of the House have forty-one members participated in a division.

I turn now to the most important matter. If hon. members will look at the bill they will see that clause 2 commences in this way:

The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

(a) By omitting section 4 and by inserting in lieu thereof the following sections:—

Section 4 of the Police Regulation Act of 1899 provides as follows:

(1) The Governor may, from time to time, appoint an Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

The clause goes on to confer certain responsibilities upon the Governor to fill the position of the Inspector-General in the case of illness or absence. This bill entirely alters the position, because it provides that—

The Governor may from time to time appoint from the members of the police force a Commissioner of Police, who shall, subject to the direction of the Minister, be charged with the superintendence of the police force of New South Wales.

I admit the presence of those words, and I have already admitted that they take away a good deal from the force of my argument. Nevertheless, this bill, the other clauses of which have been agreed to, provides that the Commissioner may be suspended from office when both Houses of Parliament agree to his suspension, and that he cannot be dismissed unless both Houses agree. It again becomes my painful duty to point out to hon. members—and they will understand that I am not speaking in any way personally—that while this House may be a very good change from the point of view of the intelligence of individual members, the fact is that this House has been elected by indirect election, and its members are responsible to no one but themselves, or to the few hundred persons who elected it. In the future, before an Inspector-General or Commissioner of Police can be dismissed from office, both Houses must agree to the dismissal. It is possible that a Labour Government may be in office at the time, and the experience that I gained in this House as a member of the Lang Administration for two years leads me to believe that such a resolution would not be adopted by this House, so that the Commissioner of Police would be, in fact and in substance, a dictator. That is the unfortunate possibility. If hon. members will consider the whole force of this legislation, and the whole effect that is intended to be introduced by the legislation, they will see it becomes a very important matter.

The Hon. the Attorney-General asks where is the necessity for limiting the choice of the Governor. If the choice in the past has been wise, even although it has not been made mandatory by legislation, and if the principle has been adopted of appointing the Commissioner from within the police force, where can be the danger of carrying on the same policy in the future, by legislation? This bill does not interfere at all with the administrative responsibility of this or any other Government; it merely says to the Governor that the Commissioner must be appointed from within the police force. The Hon. the Attorney-General

also made the statement that he did not believe the police force required this provision. I am not in a position to say what is the official determination of the Police Association, because I have not been approached on the matter, nor do I think any of my colleagues has been approached. I do not know whether the Police Association has carried any resolution, either affirming or negating the principle, but having been for twenty years in the service of the State myself I know that when we work in the service of the State we look forward to some plums at the top. If we are going to deny to the police this right of the greatest plum in the service—and I suppose every police officer is led to believe by the executive officers that he carries the marshal's baton in his knapsack—how can we hope to get efficiency in the force?

I understand that Commissioner Childs, like previous Commissioners of Police, came into the force as an ordinary constable, and, possibly by his efficiency and attention to duty he has attained the highest position in the service. What will be the effect upon those who have reached high positions if they find that they will be restricted in their inalienable right to attain to the highest position in the service, like any other servant in the employment of the Crown? I ask hon. members to adhere to their previous decision, which, I think, was a very wise one. I cannot understand the anxiety of the Government in forcing this matter on. As the Hon. the Attorney-General has said, the system has been entirely satisfactory in the past. If, as a matter of fact, we have always appointed our Commissioner of Police from the rank and file of the police, where is the danger in continuing that policy? Where is there any attempt to aim any blow at the administration of any Government? Legislation instructs Ministers and servants of the Crown as to the procedure to be adopted. All we are doing in this is to instruct that certain things have to be done by a certain method. I admit there may be a slight restriction, but if that is so it is in

favour of efficiency, and in favour of getting the best man we can for the position.

Only an officer who has climbed from the bottom to the top of the force can understand the whole ramifications of the police force, and become a successful commissioner. In Victoria they appointed Major-General Blamey as Commissioner of Police, and in England they appointed Field Marshal Lord Trenchard to that position, and we hear of the possibility of a distinguished gentleman who recently left this State being appointed as the next Commissioner. The unfortunate fact is that a man who goes into a service looking forward to the possibility of gaining the highest plum in the service is to be denied the right. Such a position is not fair to the police force nor to the State, nor is it conducive to the efficiency of the service. Some time ago we had a very effective example of this, when a former Government decided to go outside the railway service to appoint a Chief Commissioner. That gentleman was not the unqualified success as a Railway Commissioner that he had been as a business man, because he had never been in the railway service, and did not understand it. It is even more important that the head of the police force should be one who has graduated from the bottom to the top of the service, and who understands the morale and the traditions of the force. If in the future the possibility is to occur that some retired gentleman who has had military experience may be appointed to take charge of the police, with the powers conferred under this bill, I tremble for the safety of the citizens of this State who are unarmed. We should not forget that the New South Wales police force is the only force in the State that is armed. I hope hon. members will adhere to their previous decision, and keep the words in the clause.

The Hon. H. E. MANNING [5.19]: There are one or two remarks I ought to make in reply to the observations of the Hon. Mr. Concannon. Two, in particular, need some word of comment before I conclude. The first remarkable

assertion of the hon. member was that, simply because an unqualified undertaking had been given that the appointment will be made from the ranks of the police force—and there is little possibility of a departure from that practice,—no harm could result from the insertion in the subsection of these otherwise useless and unnecessary words. It is the hobby of some persons to have as many words in an Act of Parliament as it is possible to put there. The Hon. Mr. Concannon has lauded the past administration of the police force, and admitted that the Government has done everything in this respect that ought to have been done. Then he wants to introduce a cast-iron system—familiar to the hon. member, no doubt, in connection with the management of certain other organisations—for the purposes of curtailing the management by the Government of some important functions of Government. In order to do that he advocates the insertion of words in this subsection that are, on his own argument, utterly unnecessary.

After asserting that the direction of the police establishment of New South Wales had been taken out of the hands of the Colonial Secretary, the hon. member—no doubt, inadvertently—referred to the provision, expressed in this section, that the police administration is subject to the direction of the Minister. The hon. member then said that it was possible to remove a man occupying this high position by a resolution of both Houses of the Legislature, and that, as this House was only indirectly representative of the people, all kinds of precautions should be taken against what it might do, if it failed to rise to its responsibilities and discharge its public functions in the way that they should be discharged. No other deductions can follow from the observations of the hon. member. So that hon. members find him in the suicidal position of denouncing the Chamber to which he belongs as one that should not, in the future, be entrusted with the responsibility of discharging its public duty. It is merely necessary to advert to those two contentions by the hon. member to

make it plain to the Committee that his position is utterly untenable, and that, if those are the only arguments that can be advanced against the amendment, the only course open is to leave the subsection as it originally stood and avoid here, as in all other cases, the insertion of useless and unnecessary verbiage.

The Hon. P. M. McGIRR [5.23]: I regret that the Government seeks to strike out the amendment which was carried in this Chamber last December. It would appear that the Government is afraid to trust the members of the police force of New South Wales. Hon. members should not rest content with assurances, but should demand that the professed intention of the Government shall be expressed in black and white in its legislation, so that persons may know where they stand.

I have every admiration for the ability and the character of the Attorney-General, but he is prone to entreat hon. members to trust this one, that one, and everyone else. Surely there could be no more equitable or satisfactory method of selecting a Commissioner of Police than from the ranks of the police force? It is rumoured that it is the intention of the Government to appoint a New Guard man, or an ex-military man, to the position. If that happened there would be slaughter. It is regrettable that the Government should seek to evade giving justice to those who have laboured in the police force unremittingly and faithfully, and who, naturally, look forward to promotion. After listening to the eloquent and logical argument of the Hon. Mr. Concannon I am confident that the Government is ill-advised in proposing to strike out these words.

The Hon. G. NESBITT [5.25]: I was not present when the division took place on this matter last December, and I attended the Committee this afternoon somewhat inclined to support the retention of the words inserted by the Hon. Mr. Concannon. After listening to the speech by the Attorney-General I must confess that I have changed my views. The Attorney-General assured the

Committee that it was not the intention of this Government to go outside the police force to select a person for appointment as Commissioner of Police. I accept that assurance, and am certain that the Government will not depart from its undertaking. In attempting to deprive this Government from exercising its own discretion in this matter the Hon. Mr. Concannon and the Hon. Mr. McGirr have overlooked the fact that they are also endeavouring to curb the action of their own Government, should their fond hopes materialise in the dim future, when I am among the angels, and such a Government is returned. A Government should have the right to determine who shall be appointed to a position such as this, also whether the selection shall be made from inside or outside the service. The Attorney-General made out a strong case when he referred to the possibility of an insurrection occurring in the police force, resulting in its being divided into factions. Being a member of the force, the Commissioner would take sides, and the result would be chaos. I remind hon. members of what was practically a revolution in the police force of Victoria. Fortunately, the police force of New South Wales has never refused its duty, from the time of Mr. Edmund Fosbery, to the present day. The Government should not be limited in its selection. It was stated this afternoon that some years ago, when the metropolitan police force of London refused duty, a military gentlemen was appointed commissioner, and it might be that at some future time, if similar circumstances arose in this State, the Government of the day would find it necessary to make a similar appointment.

The Hon. J. CULBERT: Why hamper the Government by making it necessary for both Houses of Parliament to pass a resolution before a Commissioner can be dismissed?

The Hon. G. NESBITT: I do not understand that question. At the end of last year it was reported in the lobbies that the Government intended to appoint as Commissioner of Police someone outside of the police force, but I

have the assurance of the Hon. the Attorney-General that that is not the intention. For the reasons that I have given I shall support the elimination of the words which have been inserted in the clause. The Hon. the Attorney-General, in discussing this matter at this stage, is scarcely following the usual procedure. The bill, as amended, should have been forwarded to another Chamber and if thought fit, amended there. That would have given an opportunity for further debate in this Chamber, and I have no doubt that the arguments adduced by the Government in another Chamber would have convinced hon. members in this Chamber that the principle of inserting this amendment in the bill was wrong.

The Hon. R. A. KING [5.33]: As the Hon. the Attorney-General has given hon. members the assurance that it does not matter whether the amendment is retained or not, and that it is the intention of the Government to appoint a Police Commissioner from among the ranks of the police force, why all this argument in favour of the deletion of the amendment? The Hon. the Attorney-General, as a member of the Law Institute, would not suggest that a judge should be appointed from other than persons with high qualifications as lawyers, or barristers. If an employer required the services of a highly-skilled tradesman he would not employ a navvy. I look at this matter from a broad point of view. We find that throughout the length and breadth of Europe, owing to the desire of the people to introduce new forms of Government, ranging from democracy to fascism, the first thing done has been to change the personnel in respect of the control of the police force. The Hon. Mr. Nesbit has stated that in the event of factions arising through dissension in the police force the Commissioner would be compelled to take one side or the other. I have yet to learn of any disturbance that has taken place in the police force of New South Wales, and of any case in which the Commissioner has taken the side of the men. If a member of the British Medical Association were desirous of having

an operation he would avail himself of the services of a member of the medical profession who had specialised in the complaint from which he was suffering.

Therefore, the Government, in selecting a Commissioner of Police should select from among the police force a man who has the capacity and ability to fill the position, and who has undergone the elementary training of the force. If the Government intends to appoint a man from among the members of the police force the Minister should not object to the amendment. I am not prepared to accept the word of the Government on this occasion. At one time it promised that the basic wage should not be interfered with, but, despite that assurance, the basic wage has been reduced considerably. I intend to vote for the retention of the amendment.

The Hon. H. M. WRAGGE [5.39]: I wish to state briefly that the words under discussion should be eliminated from the clause. It seems to me that the Committee in adding those words departed from the present principle of the selection of the Commissioner of Police, which is that the Government may select as Commissioner any member of the community. One would imagine that previously the Government was restricted in its choice to members of the police force. That was not so, although Governments actually chose their commissioners from the police force. It is most likely that in future the selection of a man as Commissioner of Police will actually go to a member of the police force. The principle of narrowing the choice simply to members of the police force is, I think, wrong. First of all, the Commissioner of Police does not simply represent the policemen—he is the chief administrative officer of the Government and will become even more so because of the security of tenure which will be given him by this measure. The Commissioner of Police represents the moral forces in the community. One member mentioned that if an appointment was to be made to the army an army man would be chosen for the position. Many members of the

regular army has asked if, in the last war, that principle had been followed to its logical conclusion, what would have been the position of Sir John Monash, a civil engineer, who became one of the greatest soldiers of the Empire? According to the Memoirs of Lloyd George, except for a certain amount of jealousy on the part of some regular soldiers Sir John would have become chief of the allied armies.

The Hon. D. GRANT: One swallow does not make a summer!

The Hon. H. M. WRAGGE: I submit that it would be a far greater honour to be selected as chief of the police force where the Government has an unlimited choice of selection than where the Government is restricted to members of the police force itself. As the Attorney-General has pointed out, the probabilities are that in future the selection will be made from the police force itself. It is well-known that history has shown time after time that the Government of a country has not simply to guard against probabilities, but has also to guard against possibilities, and when that office has been made doubly secure by legislation it is even more important that the principle of selection should not be disturbed. Some of the illustrations given by the Attorney-General are most convincing. For instance, the Minister has stated that the police force might be torn by dissension, and it might be in the interests of the police force, and not only the community outside, that its chief officer should be appointed from outside the service; someone quite outside its membership. For the reasons I have given it is my intention to vote with the Government on this occasion, and I trust that the Committee will not limit the selection, as is proposed by the Hon. Mr. Concannon.

The Hon. C. TANNOCK [5.45]: I intend to support the Hon. Mr. Concannon. In my opinion, the Attorney-General departed from the standard which is usually set in this Chamber by referring to the Hon. Mr. Concannon as not being a representative of the people, but a representative of members of both Houses of Parliament who appointed him

to this House. The Attorney-General also stated that it was on the assumption that someone would be appointed from outside the service that the decision was arrived at by this Committee to retain the words in the bill. If it was the assumption on the part of the members of this Committee at the time, why the persistency of the Government in endeavouring to have that position altered? Is it to be assumed that party caucus domination has reached this Chamber? Has the party Whip been cracked? If so, the Committee will witness some acrobatic turns when those who cast their votes in a particular direction on the last occasion do something different to-day. It will be very amusing and interesting to watch how party or caucus domination, which has always been regarded as of the Labour party, works when it is availed of by the United Australia party. I say definitely there was no assumption on the part of members of this Committee, and it is an insult to the intelligence of members of this Committee to say that there was. The Hon. Mr. Concannon has pointed out that there was a majority of five in favour of the inclusion of the words in the bill. I take it that matter was very fully discussed before that decision was arrived at. The Hon. Mr. Wragge pointed out that the present Commissioner does not represent the police force. With all deference, the recent appointment of Mr. Justice Nicholas does not represent the law.

The Hon. H. M. WRAGGE: I said "not merely the police force"!

The Hon. C. TANNOCK: Then neither does Mr. Justice Nicholas represent the law. Would the Government, in appointing a gentleman to the Supreme Court bench, go outside the legal profession? It has been stated that Sir John Monash was a civil engineer, and that he attained high rank in the army. I wish to point out that Sir John attained his high position not while he was a civil engineer, but while he was inside the army service. The argument advanced by the Hon. Mr. Wragge is really in favour of the Commissioner being appointed from within the police

force. The present Railway Commissioner, who grew up in the service, must be highly commended upon the success he is making of controlling that great national undertaking, our railway transport. But he is making a success of it because he was practically born and bred in the service, and has a great knowledge of the work he has to perform. The present Commissioner of Police was appointed to his commission from within the police force. I do not know what profession he followed prior to being appointed a police constable; but while he was a member of the police force he was appointed to the position he now occupies, I take it, because he exhibited high qualifications and ability and the necessary knowledge to hold the job. Members of the police force have to conform to high physical standards; they have to pass examinations and display exceptional merit, and on many occasions they have to display courage. These qualifications, surely, are worthy of consideration when the position of Commissioner becomes vacant. I take it that every constable hopes to rise to the highest position in the service. To take from him that ambition would be to do the members of the service a great injustice. I appeal to hon. members not to reverse the vote they gave on the last occasion.

The Hon. H. M. WRAGGE: The Government is not restricted to railway men when appointing a Commissioner for Railways!

The Hon. C. TANNOCK: No; but when the Government made an attempt to appoint someone from outside the service, that attempt was not very successful, as most hon. members will agree. On the other hand, most people will admit that the man who now occupies the position of Commissioner for Railways is making a great effort, and is to be highly commended.

The Hon. H. M. WRAGGE: We agree with that!

The Hon. C. TANNOCK: I appeal to hon. members to retain the words in the bill. A general election is close at hand. At such times arguments and

propaganda are always used to the effect that certain people are party hacks, and that when the whip is cracked they have to obey. Hon. members determined this particular question after close debate. Has anything been said to-day to show why they should reverse their decision? I take it the Attorney-General put forward his best arguments when he spoke on the last occasion. He gave no additional information to hon. members to-day; therefore, if it is only for the purpose of maintaining the non-party basis upon which this Chamber is supposed to rest I would call upon hon. members to adhere to their previous decision, and not to allow themselves to be party hacks, dominated by party caucus decisions, to carry out the views of those who wield the party whip. I know the Hon. Mr. Horne is anxious to ascertain whether there are sufficient numbers to carry the views put forward by the Attorney-General.

The Hon. H. M. WRAGGE: I ask the hon. member to take my assurance that the Hon. Mr. Horne did not approach me!

The Hon. C. TANNOCK: The only logical argument put forward by the Attorney-General is that the Government desires to maintain the widest sphere for making the appointment of Commissioner of Police, and that is why it should not be confined to the police force. Against that I use the argument that we have a large police force, numbering many thousands of men, who conform to high physical standards; who have passed examinations; who have merit and qualifications, and who have ambitions and hopes. On the vote of hon. members depends whether their hopes are to be retained. The police force is sufficiently numerous, without going outside the service, to provide a man to occupy the position of Commissioner. It is no use assuming that the appointment will not be made from outside the service. With all due respect to the word of the Attorney-General, he cannot say definitely that the Government will continue to maintain the policy of making the appointment from

within the service, and that the Commissioner will be appointed from within the police force. Therefore, I ask hon. members to maintain the vote they honestly gave on the last occasion after carefully discussing the matter, and to retain the words in the bill to provide that the appointment of the Commissioner of Police shall be confined to the members of the police force.

Question—That the words proposed to be struck out stand—put. The Committee divided:

Ayes, 12; noes, 24; majority, 12.

AYES.

Archer, G. S.	McGirr, P. M.
Concannon, J. M.	Mullins, G.
Grant, D.	Tyrrell, T. J.
Graves, J. J.	
King, R. A.	<i>Tellers,</i>
Mahony, R.	Culbert, J.
Martin, J. B.	Tannock, C.

NOES.

Bassett, G. D.	Robson, W. E. V.
Binks, A. N.	Ryan, J.
Colvin, Dr.	Sommerlad, E. C.
Dunlop, M. P.	Taylor, Sir Allen
Hawkins, H. M.	Tout, F. H.
Hemsley, A. M.	Trethowan, A. K.
Horne, H. E.	Walder, Sir Samuel
Kater, Sir Norman	Wragge, H. M.
Kneeshaw, F. P.	Whiddon, H. W.
Manning, H. E.	
Mitchell, E. M.	<i>Tellers,</i>
Moulder, H. C.	Cambridge, W. C.
Nesbitt, G.	Collins, E. E.

Question so resolved in the negative.

Amendment agreed to.

Question—That the clause as amended stand—put. The Committee divided:

Ayes, 24; noes, 12; majority, 12.

AYES.

Bassett, G. D.	Nesbitt, G.
Binks, A. N.	Robson, W. E. V.
Cambridge, W. C.	Ryan, J.
Colvin, Dr.	Sommerlad, E. C.
Collins, E. E.	Taylor, Sir, Allen
Dunlop, M. P.	Tout, F. H.
Hawkins, H. M.	Trethowan, A. K.
Horne, H. E.	Walder, Sir Samuel
Hemsley, A. M.	Whiddon, H. W.
Kater, Sir Norman	
Manning, H. E.	<i>Tellers,</i>
Mitchell, E. M.	Kneeshaw, F. P.
Moulder, H. C.	Wragge, H. M.

NOES.

Archer, G. S.	Grant, D.
Concannon, J. M.	King, R. A.
Culbert, J.	Mahony, R.

Martin, J. B.
Mullins, G.
Tannoek, C.
Tyrell, T. J.

Tellers,
Graves, J. J.
McGirr, P. M.

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Question so resolved in the affirmative.

Clause, as amended, agreed to.

Bill reported with a further amendment; report adopted.

BUSINESS AGENTS BILL.

Bill received from the Legislative Assembly and (on motion by the Hon. H. M. Hawkins) read a first time.

VACANT SEAT.

WRIT FOR ELECTION.

The Hon. H. E. MANNING (Attorney-General [6.11]: I have received an intimation that a message for the issue of a writ for the purpose of an election to fill the vacancy caused by the resignation of the Hon. Mr. Nicholas will arrive within the next fifteen minutes. As it is rather important that that should be dealt with today I suggest that you, Mr. President, leave the chair for a few minutes.

The Hon. J. CULBERT: Will that be the only business taken?

The Hon. H. E. MANNING: Yes.

[The President left the chair at 6.12. The House resumed at 6.27.]

The PRESIDENT reported the receipt of a message from his Excellency the Lieutenant-Governor intimating that with the advice of the Executive Council he had issued a writ for the election of a member of the Legislative Council to fill the vacancy caused by the resignation of the Hon. Harold Sprent Nicholas.

Writ read by the Clerk.

The PRESIDENT directed that the taking of votes of members in the Legislative Council for the election of a member to the Council be set down as an order of the day for the day of the ballot appointed in the Writ mentioned in his Excellency's message, namely, Tuesday, 26th February, 1935, and intimated that on such day the taking of the votes would take precedence of all other business.

House adjourned at 6.36 p.m.

Questions without Notice—Motor Traffic Regulations: Parking (Motion of Urgency)—Business Agents Bill (third reading)—Liquor (Anzac Day) Amendment Bill—Local Government (Amendment) Bill (second reading)—Legislative Council: Vacancy (Writ for Election)—Factories and Shops (Amendment) Bill—Legal Practitioners (Amendment) Bill (second reading).

Mr. SPEAKER took the chair.

The opening Prayer was read.

QUESTIONS WITHOUT NOTICE.

RELIEF WORKERS: NEW SCHEME.

Dr. WEBB: Has the Minister for Labour and Industry been informed that the new scheme of relief work brought into operation as from last Friday, 1st February, has brought to light quite a number of anomalies and injustices? Has he been informed that in many cases it will mean a loss of from 6s. to 7s. a month to certain men, and that injustice will be done on account of the starting time, namely, that men starting in February will have eleven periods and those starting in March will have only ten periods? If he has been informed of these matters, will he state what steps he is taking to correct them? If not, will he take them into consideration with a view to correcting them?

Mr. SHANNON: Is the Minister aware that in answer to a question I asked on Tuesday, 22nd January last, the Premier replied that it was the intention of the Government to introduce new schemes to make it possible for relief workers to receive more pay than they are now receiving, and that an announcement to this effect would be made at an early date? Is the Minister further aware that new schemes are being introduced on relief work that will not increase but will reduce the earnings of men on such work? Is he also aware that carpenters on a canal job at Omaha-street, Canterbury, have been