

Legislative Assembly,

Tuesday, 9th October, 1906.

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THE SPEAKER took the Chair at 4:30 o'clock p.m.

PRAYERS.

QUESTION—SOUTH PERTH FERRY, NEW JETTY.

MR. H. BROWN, without notice, asked the Minister for Works: Has the Government refused the South Perth Ferry Company storage for wood and workshop accommodation at the new jetty at the foot of Barrack Street?

THE MINISTER FOR WORKS replied: For some time past the South Perth Ferry Company, as an act of grace, has been allowed to store wood on the foreshore near its jetty; but since the reclamation works and the construction of the new jetty at the foot of Barrack Street, it has been felt desirable that no wood piles or workshops should be permitted in a place which has been so much improved. Other facilities have been offered to the company, which it has refused. An attempt is being made to make what has been a privilege into a right.

QUESTION—KATANNING-KOJONUP RAILWAY.

MR. H. BROWN asked the Premier: 1, In view of the large loss which the country may possibly sustain by the construction of the Katanning-Kojonup Railway (as per report of the Engineering Surveyor dated 7th May 1906, and the Engineer-in-Chief dated 27th April 1906), is it the intention of the Government to complete this railway? 2, Is it being constructed within the limit approved by Parliament? 3, If not, why not?

THE PREMIER replied: 1, Yes. The Government are not of the opinion that there is likely to be any great loss to the country by the construction of the Katanning-Kojonup line, which is now being built. 2, No. 3, The greatest distance the line has been carried outside the limit of deviation is about 50 chains. This was necessary to obtain a gradient of 1 in 60.

QUESTION—STORAGE CONCESSIONS, FREMANTLE.

MR. BUTCHER asked the Premier: What special concessions, if any, have been granted to merchants and importers for the storage of imports by the Fremantle Harbour Trust?

THE PREMIER replied: In cases over which merchants and importers have no control, such as where goods have been held for Customs inspection or Government analysis, or when holidays supervene, an extension of the prescribed free period of 48 hours after landing has been granted.

BILL—PERMANENT RESERVES DEDICATION.

Introduced by the PREMIER, and read a first time.

MOTION—RAILWAY WORKSHOPS INQUIRY.

MR. BOLTON'S CHARGES.

COMMISSION'S FINDINGS—DEBATE.

THE PREMIER (Hon. N. J. Moore): In taking into consideration the report which was presented to this House on Wednesday last, and which has since been printed and is now in the hands of members present, I feel sure that the predominating feeling amongst members generally must be one of gratification that the inquiry into the charges made against certain public officers has resulted in those officers emerging triumphant from the tribunal without a shadow of a reflection on their personal character or conduct as public officials, and I will not exempt from that feeling the hon. member who was largely responsible for this inquiry being held. He, I feel sure, must to a certain extent feel relieved at

the result of the inquiry. Special interest has been aroused throughout the State in regard to this commission of inquiry, concerning as it did the character of officials controlling the largest department of the public service controlling some 6,700 officials and responsible for the carriage of a large number of persons annually over our railways, as well as the collection of some £1,634,000 of our revenue, and for the expenditure of £1,201,000. It was felt, and members must realise, that however incompetent any officer may be, however wanting in tact, that it is essential the officers controlling such an important department must be worthy the confidence not only of the Government and of Parliament but also of their subordinates and of the people of the State generally. I would not suggest for a moment that the hon. member who was responsible for this inquiry was actuated by any unworthy motive, but I do say that he neglected to take the precaution to satisfy himself that the charges which he made were based on fact; and it is much to be regretted that this was so. The remarks of the hon. member on that occasion are within the memory of those members of the House who are now present, and I am voicing the unanimous opinion of the House, I consider, when I say it was one of the most regrettable incidents that have occurred in this House. The hon. member made deliberate charges of theft and conspiracy against men occupying some of the most important positions in the public service of this State; and the hon. member in support of his statements said that if these papers were placed on the table of the House they would disclose some very startling facts. The Minister for Railways promised that these papers would be made available the following day; but despite the fact that these papers did not substantiate in any way the charges which were made, the hon. member neither retracted nor withdrew his statement. The Government therefore decided to appoint a Royal Commission to inquire into the charges which had been made against these officials.

MR. BOLTON: A most unfair way of putting it.

THE PREMIER: A Judge of the Supreme Court was appointed, one of

whose impartiality there was not the slightest doubt. At this tribunal the hon. member was given every opportunity of proving the facts which he had stated in the House. This he undoubtedly failed to do. The Commissioner in his report says:—

I have no hesitation in saying that there is not the slightest foundation for the charges made against Mr. George, Mr. Short, Mr. Julius, or any other high official in the Railway Department.

Although this is a complete vindication as to the charges against these officials, it must not be forgotten that those relatives near and dear to them have suffered a certain humiliation as a result of the charges made by the hon. member in this House, charges which had no basis in fact. The first duty of that hon. member, I take it, was to be absolutely certain that the information which he had was based on facts. It is unfortunate that he did not satisfy himself in this respect. The whole facts of the case, as regards the inquiry, are well known to members, and I do not think it is necessary for me to reiterate them. I certainly think, however, that something is due to those officers who have been so humiliated. I therefore propose to move in the direction of asking the House to place on record its approval of the finding of the Commission, and its regret that the hon. member did not make full inquiry before making the charges which he did in this House. When the hon. member moved—

That all papers and reports dealing with the departmental inquiry, dismissal, and prosecution of certain officers of the Railway Department Workshops, in January last, for alleged making use of Government material and doing private work in Government time, be laid upon the table of the House—

he stated that he moved this motion principally from his belief that there had been a policy of hush carried on by the Commissioner, and possibly by the Minister, although he said he had no proof of that. He referred to certain articles which appeared in an evening newspaper, and said the peculiarity of the thing was that while it came to the ears of the public like a bombshell it died just as suddenly; that evidently if the Government dropped the affair as they did, they considered it was dangerous to

farther inquire into the statement. He farther went on to say:—

I will convince them that higher officials were implicated, not suggested to be implicated but actually implicated, with this surreptitious work.

He stated—

It brings me to this statement . . . that I believe the Commissioner knew this to be a fact; and if the Minister for Railways did not know, it was his duty to find out.

He farther stated—

I am certainly of opinion that the Commissioner knows that certain individuals were implicated. If he does not, I say that evidence can be produced that furniture is now in the houses and windmills are in the gardens of high officials, and that they were made in Government time out of Government material and by Government servants. If the Commissioner did not know it before, he knows it now and should take some action.

The hon. member stated in conclusion—

There is only needed an impartial inquiry, or an inquiry in which we can have at least some faith, to prove that at the present moment there are furniture and windmills and motor or steam launches fitted with Government materials, made in Government time by Government workmen, in the private houses of officials of the Railway Department.

The Minister for Railways, in reply to the hon. member, stated:—

I heard that the hon. member intended to move this motion; and I asked him, because I heard that he intended to make rather damaging statements, to go to the Railway Department to examine the papers and to see whether there was anything serious in those papers before he made any such statements here. Apparently the hon. member did not want to be satisfied that the charges were groundless; and I believe that nearly every word of the allegation will be proved to be absolutely groundless.

In his reply, the hon. member said:—

I did not bring the case before the House to blacken any man's character. It may seem a bit hard to some officers, but I claim that when this matter has been finally settled these officers should think well of me, and will probably take my hand and say "The charges which have hung over me for some time I am now clear of," and instead of getting somewhat fiery, as the Minister did, they will be able to thank me; if the result has been to clear them of a stigma which has rested on them for so long.

In regard to the report of the Royal Commission, it is briefly summed up. Mr Bolton admitted that the *Hansard*

report was correct, that the high official referred to were Messrs George, Short and Julius, and that he knew nothing of his own knowledge about the charges. The charge against Mr. George was that of suppressing knowledge that he had of the misconduct of Mr. Short, of Mr. Julius, and of Foreman Baker. The charges against Mr. Short were that he had had certain repairs done to his launch, and a battery fitted by men who were employed and paid by the Government, and that he had had a dinner wagon made at the Government Workshops. The charges against Mr. Julius were that he had had some ornamental turning done and furniture painted and polished by Government servants in Government time. These charges were proved to be unfounded. There was consequently no misconduct on the part of Mr. Short or Mr. Julius, the knowledge of which could be suppressed by Mr. George. As to the Baker case, the Royal Commissioner said:—

I am satisfied, after hearing the evidence of the Solicitor General, that he was responsible for the procedure adopted.

Again the Royal Commissioner said:—

I am unable to find anything to support the suggestion that these acts were connived at or done by the high officials, or that any men have been dismissed because they have given information. After carefully considering the verbal evidence, and reading a mass of documentary evidence, much of which seemed to be quite irrelevant, but which I thought might possibly give me the clue to some material information, I have no hesitation in saying that there is not the slightest foundation for the charges made against Mr. George, Mr. Short, Mr. Julius, or any other high official in the Railway Department.

So there was a complete exoneration. The hon. member no doubt was influenced to some extent possibly by some of the sensational statements made in the Press in connection with the railway workshops; no doubt they were to a large extent a factor in inducing him to take action in denouncing what he, in my opinion, honestly thought was a scandal; but admitting the excellence of the hon. member's intention, it did not absolve him from undertaking the fullest inquiries before making them into charges which were cruel and shocking and which inflicted on men who were precluded by virtue of their position

from taking the ordinary steps to defend themselves against aspersions of such a character.

MR. BOLTON: Another unfair statement.

THE PREMIER: I am satisfied that the House shares with me in any regret that these statements should have been made so strongly and without better foundation. As public men we recognise that our actions are often misconstrued, and I think we should rejoice on this occasion that we are able to express our belief in the integrity and honesty of those persons whose characters and conduct have been inquired into. Let us always remember that old quotation:—

Who steals my purse steals trash
But he who filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

Only last week it was very pleasing indeed to me to see the unanimity with which members on all sides of the House sprang to their feet to defend what they considered was to some extent an aspersion upon the character of a high official in connection with the public service of the State; and that is as it should be. We should remember that as far as possible we should endeavour to temper our expressions with moderation. Let us not forget that he who circulates a false statement is equally guilty with those who originate it.

MR. TAYLOR: Provided he knows it is false.

THE PREMIER: I say, provided he knows it is false. What I endeavoured to impress on members is the necessity to make sure of their foundation before damaging statements are made in this House. Statements are sometimes made in the heat of the moment which inflict pain on persons absolutely free from guilt in respect of the charge made against them. I have nothing farther to add, except that it has been suggested that drastic steps should be taken in connection with the result of this inquiry we are now discussing.

MR. BOLTON: Suggested by whom?

THE PREMIER: I do not say it has been suggested by responsible individuals, but it has been suggested that certain extreme steps should be taken. However, I think that the honour of this House and of Parliament and of the

public service will be upheld if the House supports the motion which I now feel it my duty to submit:—

That this House, having considered the report of the Royal Commission appointed to inquire into the serious charges made against certain officials in the Railway Department, welcomes the complete vindication of the character of the Commissioner of Railways and his officers as conveyed in the finding of the Commissioner, and expresses its deep regret that the member for North Fremantle should, under the protection of the privileges of Parliament, have made accusations of such a serious nature without having the slightest foundation for them.

MR. T. WALKER (Kanowna): I feel great diffidence in approaching this question. Two things especially are dangerous: first, saying too much and being misunderstood; and next, saying too little and not placing the matter clearly before the public and this House. There is one thing I must congratulate the Premier upon, and that is the mildness and the general tendency towards charitable consideration, if charity be needed, towards the hon. member for North Fremantle. I am pleased he has not accepted those drastic suggestions that have been tendered, I trust by no member of this House; and I must congratulate him also on the evident carefulness with which he has endeavoured to place the case before the House; but at the same time, perhaps owing to lack of memory or a loosening of his grip on the facts, he has not been fair to the member for North Fremantle in stating the sequence of the case. For instance the Premier has made out that the member for North Fremantle brought deliberate charges, as charges from himself, against certain high officials. Now I heard the speech of the member for North Fremantle, others heard it, and I am sure they would have taken from it the impression I took from it, namely that what the member for North Fremantle said in effect was this: that certain charges had been made; that these charges were current; that they had already been expressed in a public print of the State, and they were were also spoken at the very street corners—I do not know whether he made use of that expression, but his meaning was that everybody was listening to these charges; that such charges should not

be allowed to hang over such public servants; and that it was the duty of the Government to investigate the charges, in order, if possible, to vindicate those very officers. And the quotation the Premier made in his speech just now bears me out. The hon. member for North Fremantle, according to the statement of the Premier—the quotation is from *Hansard* I believe—stated that “the officials would have cause perhaps, after the inquiry was made, to take him by the hand and thank him for having made the speech he did.” If that be the correct position, if that be true—and it is on record—then why the necessity in this motion for this apparent censure? If to clear these officers of these charges was the object of the hon. member for North Fremantle, as expressed and quoted by the Premier in these words—

It may seem a bit hard to some officers, but I claim that when this matter has been finally settled those officers should think well of me, and will probably take me by the hand and say “The charges which have hung over me for some time I am now clear of,” and instead of getting somewhat fiery, as the Minister did, they will be able to thank me if the result has been to clear them of the stigma which has rested on them for so long—

what wrong is there in a motive of that kind? How can any mortal man with sense clamour for drastic measures against one who moves for an inquiry that these characters may be cleared if necessary? That is the position of the member for North Fremantle. Farthermore, the Premier scarcely stated the facts correctly when he stated that the Royal Commission was appointed because the hon. member refused to retract or declined to retract. [MR. BOLTON: Hear, hear.] I fancy I heard everything in connection with this matter, and that is not correct. [MR. JOHNSON: Hear, hear.] The facts are these. The hon. member moved for the papers. There was some hesitation at first, some debate as to their necessity or otherwise.

THE MINISTER FOR RAILWAYS: Where from?

MR. WALKER: I suppose from the hon. the Minister in the first instance.

THE MINISTER: No.

MR. WALKER: I beg the hon. member's pardon. The first time this matter was broached the Minister for Railways

took the stand that these were mere rumours, and not worthy of notice.

THE MINISTER FOR RAILWAYS: You said there was some objection to the production of the papers.

MR. WALKER: I thank the hon. member for the correction. It was in connection with a farther statement. It is with that I am dealing. It is not with the production of the papers, but with the subsequent step. It was after Mr. George had himself spoken and expressed some opinions on the matter that the Minister for Railways took upon himself, and rightly I think, the full responsibility of appointing a commission; not because the hon. member had refused to back down or anything else, but because these charges were to be sifted to the utmost. I do not blame the Minister for taking that course, but it is wrong to say that such a course was taken because the hon. member would not retract or back down. That is not the position. He never was asked to do it. It was never suggested that he should do it, and I do not think it occurred to the hon. member to do it, because what he did desire was this investigation. And now I want to go one step farther. Although this investigation has absolutely cleared the characters of the persons mentioned, it is, I venture to assert with all respect, scarcely the thing to say that there was no foundation whatever for the action taken by the hon. member. I am quite convinced that when the Premier looks at it calmly, and when all the excitement of the matter has died away, he will see that he was wrong. There was very much foundation for it. I do not wish for one moment to detract from the triumphant victory Mr. George, Mr. Julius, and Mr. Short have obtained. They are entitled to it under all the circumstances. But without I hope being misunderstood, I say that the investigation was scarcely satisfactory. In the first place, what was the conduct of the Government towards the hon. member? He simply wanted an inquiry and they wanted to make him prosecutor; and the Judge in this very report from which the Premier quoted explains to us a good deal of the difficulty in which the hon. member for North Fremantle was placed.

THE PREMIER: But did not the Minister ask him to look at the papers before he made the charges?

MR. WALKER: Such charges as he did make he made. He took this stand, rightly or wrongly, and I hope he will not be misunderstood or misrepresented on this point, that these charges were not of his creating, and it was the duty of the Government to investigate them and not for him to do so. That is the position he took up all through. When the papers were there, they did present some features that might require investigation, and he took this ground all along: "It is not my business; I am simply doing the work of one who draws the attention of the responsible Government of the State to the charges that are afloat about the officers, and it is the duty of the Government to make the investigation fully and completely and not make me a public prosecutor in the matter." The Government in the first instance placed him or endeavoured to place him in that false position, and I regret to say that is repeated in this very motion, or at least in the speech of the Premier to-day. The hon. member is made to appear as a prosecutor, as a persecutor in fact, and sympathy is extended to the others because of the action of the hon. member. I want members to know from the facts which are evident that the member for North Fremantle never took that position; and I was going to quote from what the Judge said, but I think members are familiar with that. The Judge practically says that Mr. Bolton had no charges of his own, and no one—and this is a point—to present his case for him. All of us are familiar with Mr. Bolton, and we know his abilities and his failings; we know what we may expect from him. But I think that whilst we may give him every credit for the energy and honesty he displayed in the prosecution of his purpose and helping the Government to make the inquiry, all must say he is not so qualified as one might desire to take charge of a case of this importance and properly mass his evidence and conduct the proceedings, and in every way to make the best of the features of the case as a trained lawyer would. He asked for a lawyer. He asked for the assistance of the Crown,

and it was the Crown's work to help him to place his case and have it properly conducted so that there should be no failure to give the evidence that was required on one side or the other. But he was denied that privilege, and although it was the Government's inquiry it was made to appear to be his. He had no lawyer, and naturally enough he was not able—I say it frankly—to do the work as it would have been done if the best legal talent had occupied the place where he was.

THE MINISTER FOR RAILWAYS: He might have substantiated it?

MR. WALKER: I am not saying anything of that kind; but I assert that some of that evidence—and it is only fair to the hon. member that these facts should be brought out—was exceedingly unsatisfactory as it was presented to his Honour the Judge. For instance, take for a moment the evidence of the man Flint in reference to that aviary. There is the evidence of Deary, and I would point that out first with regard to this aviary. I want to read what an independent outside witness says upon the point:—

Would you make such an aviary for £10?—No; I would want double that sum. Of course that is a question which is out of my line. I am a cooper, and I only work in oak in its natural state.

Was there oak in this aviary?—I could not say what wood was in it.

Did you ever hear any talk in Attfield Street about this aviary, or as to how Flint made it?—Am I compelled to answer that question?

And he does not answer that question. Mr. Justice McMillan asked a question:—

What did he say about the aviary?—The aviary was simply sent to me for sale just previous to Flint leaving for Midland Junction.

That was in January, 12 months ago, observe.

Did he say he made it himself?—Yes.

Did he say when he had made it?—He had just completed it.

That is 12 months ago. Let us see what Mr. Flint says upon that point, and observe the unsatisfactory nature of the evidence. He was asked:—

What was the rough value of the aviary you had in Fremantle?—Thirty shillings or £2.

Observe that enormous contradiction. One man would not make it for £20, and

the other when he is asked says 30s. or £2. Then he is asked :—

What would the glass in that aviary be worth?—I do not remember that there was any glass.

Again—

What class of wood was used in it?—I cannot remember.

Who made it?—I did.

Who did the turning?—There was no turning upon it.

Where did you get the wood with which to make it?—I don't remember.

Then you cannot produce any receipts for timber or glass?—I cannot say.

Was there any American oak in this aviary?—I do not remember using any American oak.

What timber did you use in this aviary?—I cannot say.

This is the kind of evidence. Of course it is the only evidence presented, and the Judge cannot go behind it. Are we to believe that a trained lawyer would have been satisfied with these answers? But now observe this man goes on :—

To whom did you sell it?—I cannot remember.

Do you know it was exhibited at the Claremont Show?—I did not know it.

That is not the evidence that is wanted on an inquiry from this witness. The Judge asked him—

Have the papers produced at the inquiry got the architect's signature upon them?—I cannot say.

You had better produce those which are signed if you produce any. How long did you live next door to Deary?—Four or five years.

First he could not remember that he had ever seen Deary. He said he did not know him. When Deary came into court he remembered having seen him, having offered the aviary to him to sell for him, and having lived next door to him for four or five years.

Deary says you asked him to sell it about Christmas, 1905?—It was made before that, I think in 1904.

Let members fix that date in their minds. It was just finished when he offered it to Deary for sale. That is the evidence of an independent witness: it was just finished. That was in January, 1905, Flint now says that it was made before then, namely 1904. Then we want to know where he got the receipts from in that respect. The Judge asks him later on when he is recalled :—

When did you commence making this aviary?—In 1902. Later you will see I

bought the wire netting. The receipts are for timber in 1902.

What is the value of evidence of that kind to clear an individual's character? I am not saying now that it was right or wrong, but here are absolute contradictions and inconsistencies that no lawyer would have allowed to pass unnoticed. I am using this to show that had a lawyer been upon this case these men would not have been allowed to give this loose inconsistent evidence. That is the only evidence these men tendered, but better evidence could have been got out of them on one side or the other—I am not saying which—had not the member for North Fremantle had to deal with these witnesses himself. And then again it is said that the case turns especially on the matter of Baker. I will read the paragraph from his Honour's remarks :—

As to the Baker case, I am satisfied, after hearing the evidence of the Solicitor General that he was responsible for the procedure adopted. Although Mr. Sayer's recollection of the articles taken and of Baker's length of service was inaccurate, his evidence in all material respects fully supported by the documents to be found on the file.

Now let us look at the contradiction shown by Mr. Sayer, even though I speak with regret of the inconsistency shown by him, because I hold his character in high esteem; but nevertheless my duty compels me to draw attention to the difference between his evidence and the facts to which he had afterwards to draw the attention of his Honour. Mr. Justice McMillan asked Mr. Sayer, in the course of his evidence before the Commission—

I see from the file you were consulted in connection with the Baker case?—Yes.

Tell me shortly what happened?—My instructions were received from the detective officer employed by the Commissioner of Railways, and I was asked to assist him in laying an information against Baker for stealing railway property from the workshops at Midland Junction. There had been, I believe, a search warrant. In fact, I think the first matter on which I was to advise was as to the obtaining of a search warrant, and I was informed that the result of the execution of the warrant was to discover a few things of comparatively small value, which apparently had belonged to the Railway Department—a few second-hand tools used apparently by Baker in making some articles of furniture at his home, and perhaps the material of which it was made might have been taken from the workshops; but as to that there was little, if

any, evidence. However, I believe the tools were capable of identification, but the value of them was about £2 or £3, not more, I think. As a result of the warrant, proceedings were to be taken against Baker.

Mr. Sayer continues farther on—

In view of the value of the articles, and more particularly in view of the antecedents of the case and the fact of the man having been for so many years in the service—I think for 20 years—and having risen to a high position there, and also in view of the fact that he had already been dismissed from the service on these goods being found in his possession, that in itself being a very serious punishment to a man of his years and family, I was anxious that the offence should be that of stealing simply, in order to give him the opportunity of pleading guilty and being dealt with summarily.

That is a clear statement; and he says farther—

Although from the moment I knew the result of the search warrant—

Showing he had examined the result of the search warrant, and knew what the search warrant disclosed—

I desired to give him an opportunity of pleading guilty—

This is extraordinary, and I do not know how it has got into this evidence, or into the mouth of the Solicitor General—

I desired to give him an opportunity of pleading guilty, and going away.

A most remarkable thing! However, members will now see that all Mr. Sayer then said the man was guilty of was his being in possession of a few second-hand tools and a little material to the value of £2 or £3; that the man had been in the railway service for 20 years, and because of that 20-years service he was entitled to some compassion. In the papers laid on the table of the House there is the detective's report alluded to in the evidence of the Solicitor General. The report states that—

In accordance with your suggestion, he (Baker) agreed to accompany me to his rooms for the purpose of making a search, and we proceeded to Baker's house in Hill Street, Beaconsfield, South Fremantle. I might mention that Baker occupied two rooms in the house rented by Mr. and Mrs. Cecil. These rooms were furnished by Baker himself, and used as a sitting-room and bedroom. In the sitting-room I found a dresser and book-case with sliding glass doors, about 4ft. 6in. by 3ft. 6in. wide, and about 16in. to 18in. deep. I questioned Baker with reference to this. He explained that he had made it himself about

two years before, when he resided in Mandurah Road. I also found a framed mirror about 2ft. long, similar to the one now hanging in Mr. Rushton's office. This Baker said he had also made himself, in his own time, and of his own material; and the reason that it resembled the mirror in Mr. Rushton's office was because he had used his own designs in making the mirrors for the department. I also found three pieces of bevelled mirror glass, 4ft. by 15in. wide, unframed, two pieces of bevelled glass 18in. by 12in. which had been hand-painted, and two pieces of bevelled glass mirror 18in. by 12in., which were unframed. This glass Baker said he had bought some four years ago from Mr. Sedgwick, painter and decorator, William Street, Perth. In his bedroom I found a small mirror with no frame 2ft. by 15in., and also one piece of bevelled mirror glass without frame, 2ft. by 15in., one roll of canvas similar to what is used in the workshops, and one small tumbler marked W.A.G.R.

Now observe: would any barrister acting on behalf of the member for North Fremantle have let pass a discrepancy so enormous as that between the report of the detective and the evidence given by the Solicitor General? "A few second-hand tools"! What sort of second-hand tools are mirrors in every room? What sort of second-hand tool is a book-case with glass sliding doors? And how can an article of that kind be classed as "worth at most £2 or £3"? But let us go farther. All through the Solicitor General throws a doubt on whether there actually were a few second-hand tools. He speaks of them as "apparently" used by Baker in making some article, and says, "perhaps the material of which it was made might have been taken from the workshops." Let us see what was the absolute disclosure in the evidence:—

Through information gathered from Meckenstock, I took him to Fremantle and allowed him to inspect the furniture in Baker's sitting-room. Meckenstock at once identified the book-case as one made by him in the workshop early in January, 1905. He positively identified it by his own workmanship.

There can be no question where this came from; no "mights" or "perhappes" or "apparently" about that. The material was positively identified. Again, the detective proceeds in his report to the Commissioner of Railways:—

On January 11th Baker again attended at your office, and admitted in the presence of Mr. Hume and myself that the articles of fur-

niture found at his house had been made in the workshops from material belonging to the Government, and in Government time, and expressed regret at not having told the truth the day previously when asked about it by you.

MR. BOLTON: Where were the tools then?

MR. WALKER: No second-hand tools whatever. There must have been some terrible lapse of memory on the part of the Solicitor General. I do not accuse the Solicitor General of an intention to be dishonest; but this lapse of memory is the most marvellous that I have ever noticed as a public man, in the whole course of my life. The detective goes on—

Owing to farther information being received, it was not considered judicious to execute the warrant until the 19th.

Mark you, it is on the 11th that Baker absolutely admits that the material of which his furniture was made had been taken out of the workshops, that the goods were made at the workshops, and that the charge is true in every respect. I must read back, so that members may follow the context:—

On the 16th inst., having heard that Baker intended to leave the State, I procured a warrant for his arrest, and cautioned him not to attempt to leave the State or he would be arrested. Owing to farther information being received—

Here is the whole crux of the matter—

it was not considered judicious to execute the warrant until the 19th instant, on which date he was arrested and taken before Mr. Fairbairn, R.M., Fremantle Police Court, and charged with stealing a quantity of timber and glass from the railway workshops at Midland Junction, the property of the Commissioner, on January 11th, 1905. To this he pleaded guilty, and acting under instructions from the Crown Law Department I agreed to the charge being altered to one of simple larceny.

With all due respect to the constituted authorities of the State, this is indeed a marvellous evidence of the pliability—to put it as mildly as possible—of our law. Here is a man pleading absolutely guilty to this charge. He is put in the dock with that charge against him; and while he is there, having pleaded guilty, and being in the eyes of the law a guilty man, his accusers alter the charge to one less serious. Why? To enable him to go away for some purpose or other. I admit I know personally that Mr. Sayer

has been kind to more than one man in this State, but this kindness is extraordinary. This goes beyond compassion. Does Mr. Sayer interfere in this manner every day of his life? Are there not others in this State more deserving of pity than the brazen-faced abductor of the material of the State? In these circumstances, how came this compassion for him? Had our friend from North Fremantle been represented by a lawyer, this discrepancy would have been laid bare, and the case would not have been left in its present condition. Not being represented by counsel, the hon. member could not, there and then, marshal his facts and effectively cross-examine the Solicitor General. And let me say, it is only the bare statement of the Solicitor General that has gone forth to the world in his evidence. How did the correction come about? How did the Solicitor General make known to the Judge that there was an inaccuracy? Only because the member for North Fremantle, as a man, went to Mr. Sayer and reminded him; and what then had Mr. Sayer to admit? That he had made a gross error in saying his charity had been exercised because Baker had been for 20 years in the service of the Railway Department, when as a matter of fact he had been in it for only about seven years.

MR. BOLTON: Just over eight years.

MR. WALKER: "Just over eight years" had been extended to 20, in order that there might be some justification for the exercise of special, particular, and I repeat peculiar compassion in this instance. The anomaly is glaring. Without in the least impugning the correctness of his Honour's judgment on the evidence submitted, I am pointing out that this is scarcely satisfactory. His Honour had to say what he said; but such is the evidence that guided the Judge. Was it satisfactory, and is it fair to say that the hon. member has no justification for his conduct? What do we find disclosed unequivocally in the evidence? I will not dwell at great length on this point; but we find that certain employees of the Government worked for Government officers, some of the employees being paid and getting special holidays for the purpose, getting holidays from their superior officers for the purpose of working for those officers

I say that if no greater wrong than that had been committed, the member for North Fremantle did a service to the State by stopping such practices for the future. If I as a public officer am able to take men from the service of the Government, get them holidays or not to work for me, even though I pay them, I confer an honour on the workmen so selected. Do as we will, we cannot obliterate human nature from all our proceedings; and the men who get a holiday, though they do not rob the Government in the sense of robbery, who get a holiday to work for a distinguished superior, feel that by doing that they have earned from him some gratitude; they feel that by this means they have ingratiated themselves—I was going to say in an unfair way—in his favour, and that he cannot treat them as he otherwise would or refuse to give them a helping hand; they have done him a service, and service requires gratitude and therefore mercy perhaps when they are in the wrong. It is a wrong system. I do not say that the men we have in the service will take advantage of it; but there it is; it is a grievous wrong; it is liable to abuse; and if the member for North Fremantle has made it impossible for such abuse to exist in future, the hon. member should be thanked for the course he has taken, instead of censured. Moreover, there is another point. It has distinctly been evidenced that Mr. King, in the working hours as a salaried officer, assisted Mr. Short. I wish to say just this, that there again is a gross abuse, absolutely an abuse. True, Mr. King did not get paid.

Mr. BOLTON: Yes; excuse me, he was paid by the Government. It was admitted in evidence.

Mr. WALKER: He did not get paid by Mr. Short. He did not get special pay for this service, but he was taking time from the Government, and what is the excuse? The excuse he alleges is that being a salaried officer, at times he works overtime for the Government, and therefore it appears to be his discretion to work for anybody he likes during the working hours of his office and duty, providing he, at his discretion, will put in ten minutes here and ten minutes there, and so make it up; but the man who, being a Government officer in a responsible Government position,

will leave the responsibilities of the Government service, even for half an hour, to assist or benefit in any way the private property of his superior officer, sets a bad example to all the service; and not only does he do that and spread in the service disorganisation, but at the same time he is robbing the State of the time that he is giving to his superior officer. It follows that in doing work for an officer outside and having to make it up by overtime purely at his own discretion, he may naturally lay claim to being overworked and may neglect material matters that devolve upon him. I say, therefore, that if the member for North Fremantle has made it impossible at any future time for an officer even to give a suspension to enable another officer to work for him away from his official duties, he has done good service to this State; because what can it imply, if it does not imply favouritism when a man can get away from his duties to go and patch up a yacht for his superior officer? Can that man's actions from that day forth ever be viewed by an unbiased eye? If I for any member of this House neglect my own work for which I am paid, to do that hon. member a service, can he think unkindly of me? Nay must he not always think charitably of me; and must not my offences in any regard in the future be more lightly considered by him than if I were not thus in his esteem, and if he had not owed me some debt of gratitude? A relationship is established by that, inimical to the proper service of the State. There should be none of this favouritism, none of this possibility of a man shielding himself from his faults by the gratitude owed to him by his superior officer for services rendered. The member for North Fremantle has prevented a repetition of that. There again, I say, he has done good service to this State; but let me mention also something that, to my mind, more than all things justifies the hon. member for North Fremantle in the course he has taken. These officers themselves admit that there is some foundation for these charges; that is to say, they admit that the charges existed before they were given voice to by the member for North Fremantle. The hon. member is practically accused as the inventor of the charges, of having brought them forward

with some vindictive motive; but I do the Premier the credit of saying that he at least believes that the hon. member for North Fremantle was honest in his purpose, which every member must believe after what has been revealed by the evidence itself. Let us see the fullest justification for the action taken by the hon. member. Mr. Julius had been accused. Baker himself, the man who escaped, had mentioned Mr. Julius. What does Mr. Julius in his evidence testify? He was asked a question about the visit of Detective Hutchinson, and this is what he was asked:—

Was that the first time you ever heard of any charges of this kind being made against you?

MR. BOLTON: Asked by whom?

MR. WALKER: By Judge McMillan. And the answer was:—

No; I have heard charges as far back as I can remember; for the last five or six years.

And then he goes on to say:—

I know on more than one occasion foremen—Not outsiders at the street corners, not tittle-tattlers as some would try to make out, but foremen in the railway service—have approached me, who have been persuaded into believing that this work was for my own private use, and they wanted to know if it was so.

For five or six years charges have been hanging over the head of Mr. Julius. They are removed to-day—by what action? By the action of the member for North Fremantle; and shall we censure the hon. member who gives this man an opportunity of letting the public know just how the facts stand? For five or six years this man has been under an accusation, and foremen, not street corner men or tittle-tattlers, but men right through the service believed that he was guilty of these charges. These charges have been brought to him by foremen themselves. Six years he was under that aspersion, under that calumny, under that gloom. That gloom is lifted, that calumny is dispersed and the accusations have vanished; and to whom does Mr. Julius owe it? To the member for North Fremantle. There is no gainsaying it, and shall we censure the hon. member for it? In this motion there is involved a great principle. What is this House for but to redress grievances, and to inquire into grievances, and to guard

with the utmost zealously and jealousy the officials of our public service and all the ramifications of administration? That is why we are here, and if we censure a man who asks for an investigation when charges are hanging over a person for five or six years, where can we remedy the defects in our service, where can we put our hands on them? There may be great danger in irresponsible statements being made under the privileges of this House. It may so happen that wrong is done to private characters, and that feelings are hurt; but will there not be a much greater wrong if we allow civil servants of every kind and character to believe that no man dares lift up his voice to criticise them in this Chamber? Think of the danger we are taking by a step of that kind. We may transgress the limits of Parliament, but that is a safer course to take than to allow these men in all kinds of the Government service to be allowed to believe they are surrounded with immunity, that no one dares to bring them to task for what they do, and that the moment a man lifts up his voice against them the whole House will be, not against the transgressor or wrong-doer, but against the man who draws attention to it. It would be wrong. We should not think of setting a bad precedent by any means through our conduct in this House. The member has some foundation; that foundation is admitted by Mr. Julius himself; it is given to the hon. member by the evidence of that gentleman outside who said that for five or six years he has been under these charges and has known of them. Very well, then the hon. member says, "Let us inquire into them." There may not have been foundation for the charges in fact, but there was a foundation for an inquiry; and that is all the hon. member desired. He could not and did not say that these things were absolutely true, but he desired to know the truth, and the foundation for it was that for five or six years one man, a public officer, a man of distinction in the service, has laboured under these aspersions. Those are foundations for inquiry. That there was need for inquiry will any hon. member deny? With the facts disclosed by the documents laid on the table, would anyone deny that there was foundation for the

inquiry? And that is all the member moved for. Shall we censure a man and place an aspersion on his character because he asks for an inquiry which has done justice to these officers and lifted their characters from the calumny which clouded them? Shall we punish a man who clears our public service from charges? Shall we tarnish him as an evil-doer who seeks to uplift the public service of the State? Is this the state we are coming to, that we allow our feelings to govern us and do not look at the facts? The evidence declared the absolute need for an inquiry. That inquiry has been held; and we may rejoice that it has cleared characters that were in a doubtful haze before. We may be pleased that service has been done, but let us not punish the instrument of the doing of it. These characters have been cleared by the conduct of the member for North Fremantle, and having been cleared I cannot vote for the motion which puts a stigma on the member's character for doing a public duty, and places a menace before every member of the House for doing his duty in the future, and makes us all subservient and craven to the civil service and railway officers outside. I cannot vote for the motion; neither can I vote for the statement in the motion that there is not the slightest evidence for the charges. There was abundant evidence and abundant reasons why this inquiry should take place. The member for North Fremantle had the courage to draw attention, perhaps not wisely, perhaps in some unguarded language, perhaps going at too great a length with the charges, but honestly and candidly, and with a substratum of reality to justify every step, that has been taken.

Mr. H. E. BOLTON (North Fremantle): In my few remarks, for obvious reasons I shall not refer to the evidence that has been touched on by the Deputy Leader of the Opposition. I would just like to briefly make a statement to the House, for I want my position to be made perfectly clear. When I made my speech on the 22nd August, it was largely composed of extracts, as the Premier put it, from an evening paper, the *Evening Mail*; and, as he put it, a good deal had been taken by me from that newspaper,

but that is all. I want to put this at least clearly before members of the House. According to the Premier's motion I have done a wrong. If members think that, then I ask them personally to vote for the motion, if they think I have done a wrong knowingly. I want them to understand and believe me when I say that when I made that speech I made the charges without the least intention of any malice towards those officials. I think at least members on both sides will acquit me of any malice when I moved as I did. I deemed it my duty to move in that direction, and I did so because I thought it was in the interest of the State to do so. It was looked on by me as a public question, and the proper place to bring forward such a question is in this Chamber. Again in the motion submitted by the Premier reference is made to "under the protection and privileges of Parliament." I deny that absolutely, and why? Had I wanted to hide myself under the privileges of Parliament, as I read it, all it would have been necessary for me to do, and I must say the Premier implied as much in his speech, would have been to withdraw my speech. I ask members which was the fairest and most manly attitude for me to adopt, after having made the speech, to do my best to assist the Government and the Commission to bring it to a final conclusion one way or the other, or to let that speech go broadcast through the country, and then for it to be withdrawn by me.

Mr. TROY: You took the most manly course.

Mr. BOLTON: I think the officials named by me, in addition to members in this House, will give me credit for wanting not necessarily to prove these officers guilty, but to have this matter cleared up. Surely members who have known me so long will admit that it is a greater pleasure for me to see an officer proved innocent than to see him proved guilty. If members keep that in their minds they will see my object was not to drag these officers in the mud and prove them guilty, but to have this matter sifted to the bottom. I must go a little farther and say that in my opinion, although this motion is very nice for the officers, I think it is a very unfair motion. I maintain no injury has been done to these officers, and perhaps some members

may agree with that way of putting it. But as pointed out by the Deputy Leader of the Opposition these officers have known of the rumours. The Deputy Leader of the Opposition only referred to Mr. Julius. Personally I said to Mr. Short at the Commission, "You are evidently the gentleman they have been trying to get at for a long time, and it is you they seem to be strongest about." Mr. Short's words to me were, "I know that. I cannot find a reason for it. My conscience is clear, although they have been heckling at me for a long time. I would like to know the reason of it. Do you know?" I said "No, Mr. Short." And I have in this case to refer to the alleged charges again.

MR. MONGER: If I were you I would not go much farther.

MR. BOLTON: I have to go a good deal farther directly. At least these officers will admit they are in a better position than they were prior to the inquiry. They will not say they are in a worse position. From the highest to the lowest the result of the inquiry has been to prove the officers innocent, and, as the Premier put it, of all members and of all men I am one who is glad to see them out of it. I am absolutely glad they have proved their innocence without question. And now I say that the State must repose the utmost confidence in these officers. Anything that had happened prior to the 22nd August and had been rumoured can no longer be rumoured or spoken of. Consequently I claim I simply discharged what appeared to me to be a public duty, and these officials have suffered no injury. I want to say emphatically, and with due respect to the Chamber, and to the officers, and to the public of the State, viewing the circumstances as I did, I have no regrets to offer, for I consider the men are in a better position than they were prior to the inquiry, and the State has at least gained something. Consequently I have no regrets and no apologies to make. I honestly and sincerely say this, well knowing what I say. It was with the deepest sincerity I moved the motion in the House.

THE PREMIER: No one questions that.

MR. BOLTON: The Premier says nobody questions my sincerity. That is

the only rock on which we split. If members of this Chamber believe in the real sincerity of a man who takes up a question of this sort, they cannot support the motion of the Premier.

THE PREMIER: It asks that you should have made farther inquiries.

MR. BOLTON: The motion does not say anything like that. The motion asks members to say that under the privilege of Parliament I made accusations of a grave nature without having the slightest foundation for them. That has not occurred, notwithstanding the "hear-hear" of the little gentleman from Fremantle. If members believe in the sincerity of a member who brings a matter before the House, I say it is the greatest blessing any man can have. It is better than being reckoned a clever man. I am satisfied in being felt sincere by members of the House. When I brought the matter before the House I absolutely believed the truth of my statements, or they never would have been made or brought to this Chamber.

THE PREMIER: You complain of the term "slightest foundation." That was the finding of the Commission.

MR. BOLTON: I complain altogether. I understand from the remarks of the Premier that the officers and their relatives felt keenly, and I sympathise with them; they felt out of place whilst this matter was on. It will be something for them in years hence to look back with pride at and to say that nothing can be hurled at them in the future. Even if it be street-corner talk, these officers would not have had the chance to clear up that street-corner talk without the Commission. It is not necessary to give the officers a dose of physic such as this, because they are absolutely cleared, and without equivocation I accept the verdict of the Judge, believing him to be one of the best if not of the best standing in Australia. I am absolutely satisfied with Mr. Justice McMillan's verdict in so far as the evidence brought before him goes. No other verdict could have been brought forward than that the charges were not proved. I admit that the charges were not proved.

THE MINISTER FOR RAILWAYS: He does not say that.

MR. BOLTON: I say the officers should be well satisfied. The Premier did not do me justice when he said the Royal Commission was appointed after the papers were laid on the table of the House and because I would not withdraw. If the Premier had been as careful to look up the speech of the Minister for Railways as he was to look up the speech of the member for North Fremantle, he would have seen that during the first speech by the Minister for Railways that member said, "I refuse to have any inquiry other than that conducted by myself." In his speech, when the papers were being laid on the table, the Minister for Railways said, "We have decided to appoint a Royal Commission," not "If you do not withdraw." Prior to the papers being laid on the table, and when they were presented by the Minister, he said, "We have decided to appoint a Royal Commission, thus putting the member on his defence." All right. Did I back down? Did I not go to Mr. Justice McMillan, as he said in his report, "Mr. Bolton offered to assist me in every way he could," and Mr. Bolton did assist him in every way he could. The Royal Commission was not appointed because I had been given an opportunity of withdrawing and did not withdraw; but I would not have withdrawn if I had had the opportunity, for if I had done so I should have taken an unfair advantage of the officials named, and I preferred to let them clear themselves. I want to refer to the remarks made by the Deputy Leader of the Opposition in reference to Mr. Sayer, and I want to say this in justice to Mr. Sayer. I went to see him the day following that on which he gave evidence, and I told him he had made a great mistake. He said that he was correct in his evidence that Baker was there for 20 years, and not one piece of furniture was found in his house, and only the second-hand tools were identified. I had considerable difficulty in convincing Mr. Sayer that he was wrong, and then after half an hour's argument he decided to ring up the Railway Department and find out. He did find out by telephone that Baker was nine years in the service. He came back into the room and said, "You are quite right; I apologise. Baker was not there 20 years, but nine years," and I

said, "Make the same inquiries about your other statements, and I will ask you to make yourself right with Mr. Justice McMillan." He said he would, and as Mr. Sayer's statement had gone forth to the public of this State I deemed it only fair that the other statement submitted by the detective should be published with it. I approached the *West Australian* and the *Morning Herald*, and they refused to take the risk of discussing the evidence at that time, although another paper, 24 hours earlier than they, did not refuse. I then requested that the papers should call on Mr. Sayer and ask if he would like to explain it. His explanation was that he had made two slight inaccuracies in his evidence. I want to say nothing about Mr. Sayer, except this, that it was hardly fair to me, and he could have been much fairer in that interview than he was. The statement that there were two slight inaccuracies was not fair to me and to the public after what had gone forth. I have nothing farther to add, and I suppose I have not said much. The motion goes a great deal too far, in my opinion. I ask members who doubt my sincerity, who doubt that I believed in the truth of what I brought before this House, to support the Premier in the motion. If the motion is carried—and it may be carried by that majority—it will be necessary at least for me to consider my position, because such a motion as that is altogether out of place.

THE MINISTER FOR MINES AND RAILWAYS (Hon. H. Gregory): In dealing with the motion before the House it is undoubtedly to my mind one of vindication of those railway officers who were maligned here on a recent occasion, also a motion of censure on the member for North Fremantle for abuse of the privileges of this House.

MR. SCADDAN: He has not abused the privileges yet; he has not withdrawn what he stated.

MR. BOLTON: I have not withdrawn what I stated.

THE MINISTER FOR RAILWAYS: Whether the hon. member has committed an abuse of the privileges of the House to-night is beside the question. Most decidedly I do not think he has, nor do I think that any other member has. But I did not expect, when a motion of this

nature was tabled with reference to the report of Mr. Justice McMillan, we would hear in any degree an attempt made to justify the charges in that speech of his. I was rather surprised at some remarks made by the Leader of the Opposition to-night, because if his memory serves him well, and he remembers the speech made by the hon. member opposite on that memorable occasion, he will recollect that the hon. member left us in no doubt whatever as to who he considered had been guilty of these nefarious practices. It was not the common foreman, as members can see from *Hansard*, but officials in high positions, very high positions indeed, that the charges were made against; clear, decisive charges. There was no attempt I think to make us believe that these were alleged offences, but according to the hon. member himself these officers were not even suggested to be implicated, but were implicated in the various matters he brought forward. And in dealing with this question we must remember that we are dealing with the Railway Department of Western Australia—a business in which we have expended something like ten millions of money, and a business from which, as the Premier explained to members, we have an enormous revenue, and there is an enormous expenditure. Necessarily, therefore, amongst the large crowd of officials and workers engaged in that service, nearly 7,000, there are some who occupy important positions. Some of those officers are entrusted with the traffic arrangements, and have day after day and night after night to watch with care to see that no accidents occur in our service. The whole safety of the working of this large service is dependent entirely upon the work of these officers, and it is a matter of very great credit indeed that during all the years of our railway administration in this State we have had but few accidents. Of course this is due to the good work of those who occupy high and low positions in the service. Certain of these officers, after going through years and years of training, and of good and honest work, have reached high and honourable positions in the service, some being engaged with regard to maintenance, architectural, administration, and mechanical or other engineering work. The assistance of this House is required

so that their characters shall not be maligned as they were maligned the other evening by the hon. member. Despite the allegations made, this State is proud of the officers of the Railway Department. I do not know what can be more serious than the destruction of their character. There is no doubt that the railway expert, or other expert, expects that his administration will be criticised. We may discuss the question of slow trains and undue expenditure in connection with the Railway Department, and other matters in regard to railway work, and such discussion is fair and just criticism. But these officers in whom we place this great responsibility and this great trust would be worse than common thieves if they had done what the hon. member alleged he knew they had done. The hon. member stated that no injury has been done these officers. Does he not remember the newspapers coming out next day with headlines pointing out the statements he had made to this House? In connection with this subject, no matter what is done, it will be impossible to clear these officers' reputations in the eyes of many of the people.

MR. BOLTON: If those headlines count, so do the headlines on the report of the Commission. If one headline counts, surely the other headline will count.

THE MINISTER FOR RAILWAYS: If there are headlines here, those headlines are justified; but once you start an untruth, it is impossible to catch up to it. Although I fail to see the headlines here, I say those headlines would be justified because that report is a complete exoneration of the officers charged.

MR. BOLTON: Hear, hear.

THE MINISTER FOR RAILWAYS: The statement the hon. member made just now was to the effect that it is simply a verdict of not proved. The verdict of the court was:—

After carefully considering the verbal evidence, and reading a mass of documentary evidence, much of which seemed to be quite irrelevant, but which I thought might possibly give me the clue to some material information, I have no hesitation in saying that there is not the slightest foundation for the charges made against Mr. George, Mr. Short, Mr. Julius, or any other high official in the Railway Department.

To my mind in analysing this case, what we want to know—and I think it is what every member of this House should consider before agreeing to accept such a motion as has been moved here this evening—is whether the hon. member was in any sense justified in making the statement he made to this House. There is no doubt that he was privileged. The hon. member had a perfect right, so far as the outside public were concerned, if he so chose to make the statement he did. He in this House was privileged, but it is our duty I take it to justly guard that privilege which Parliament has had almost from time immemorial. It is our duty to guard that privilege as jealously as we possibly can. If we find that members from their position in this House can libel persons outside the Chamber, how long will it be before we find the public demanding reform, possibly a reform of that great privilege we have had so long and which we should have in the future, because there is no doubt that time after time it may be necessary; there may be corrupt practices existing somewhere, and members may find it necessary to come forward and make statements to this House, statements in regard to which they ought to be protected—

MR. SCADDAN: You want a commission first to safeguard yourself.

THE MINISTER FOR RAILWAYS: Not necessarily. I do not see how the statement is applicable. I am only pointing out that having that privilege we should jealously guard it.

MR. JOHNSON: You have not forgotten the Spear-Parker case, I suppose, have you?

THE MINISTER FOR RAILWAYS: Not in any sense. The hon. member who made that interjection about the Spear-Parker case might remember other instances. I remember Warden Hicks at Kalgoorlie. There is no outside court, if you here repeat statements made. *May* lays it down very clearly that although we have that privilege, when that privilege is abused in any sense Parliament is the only court that can inflict punishment; and I contend that we have power here, we have power to reprimand, we have power to suspend, we have power to expel. Our Standing Orders provide for certain

punishments. The order is very clear. It says:—

Provided always that nothing in this resolution shall be taken to deprive the House of the power of proceeding against any member according to parliamentary usages.

According to parliamentary usage laid down in *May*, there is not the slightest doubt I think that Parliament has much power. It says here:—

But although by the ancient custom of Parliament as well as by the law a member may not be questioned out of Parliament, he is liable to censure and punishment by the House itself of which he is a member. The cases in which members have been called to account and punished for offensive words spoken before the House are too numerous to mention. Some have been admonished, others imprisoned, and in the Commons some have been expelled. Members using unparliamentary language are promptly called to order, and generally satisfy the House with an explanation or apology.

MR. SCADDAN: What has that to do with this case?

THE MINISTER FOR RAILWAYS: I contend there has been an abuse of privilege here. It says:—

If not, they will be punished under Standing Order No. 21 or 27, or punished as the House may think fit.

We have undoubtedly power to reprimand the hon. member, if we consider he has abused the privileges of this House. The hon. member has made a speech here in face of the finding of that Commission. He has offered no retraction beyond this, that he thinks that those officers of the Railway Department should have been pleased with what he has done; and we find a large element of justification in the speech which was made by the Leader of the Opposition. Now to deal with the charges made. Early in August the hon. member tabled the following notice of motion:—

That all papers and reports dealing with the departmental inquiry, dismissal, and prosecution of certain officers of the Railway Department Workshops, in January last, for alleged making use of Government material and doing private work in Government time, be laid on the table of the House.

The hon. member made some statements which caused me to see him; and as he admits, I suggested to him that if he thought there had been anything improper in connection with those incidents,

he should go to the Railway Department with my authority to examine the papers; and if not satisfied, he could then move in the House and make what statements he chose. The hon. member did not accept the advice I tendered him on that occasion, but moved the motion which stood in his name. Now in moving such a motion, where was the necessity for the hon. member to make charges? Not for a moment was he asking for an inquiry. He simply desired that certain papers relating to the administration of the Railway Department should be laid on the table of the House. One would imagine there must have been some special reasons for the statements of the hon. member, who on that occasion made distinct charges against certain officers. He said those officers were high officials, and told me that when the papers were laid on the table he would give me the name of one of those officials. He stated clearly, without mentioning the name, that Mr. Short was one of those who had been robbing the Railway Department. That fact was clear, because Mr. Short is the only railway official who had a motor launch; and the hon. member was distinct in his charge against that official. When the Commission sat, the hon. member admitted that Mr. Short was one of the officers against whom he desired to make charges. But why was it necessary, when asking for the papers which dealt only with the Baker incident, to try to blacken and destroy the reputation of the Chief Traffic Manager?

MR. BOLTON: I explained that. Did I not tell you that the other officers' names would be on the file, and only one of the others' names was there?

THE MINISTER: The hon. member told me that when the papers were laid on the table he would give me the name of one of those officers. When he stated that those officers were implicated in surreptitious practices, I asked him whether he meant "suggested to be implicated;" but the hon. member replied "no," that he knew they were implicated, he knew of his own knowledge that they were implicated in this matter.

MR. TAYLOR: That is not quite so.

MR. BOLTON: None of the statements being made are fair.

MR. TAYLOR: I have *Hansard* here.

THE MINISTER: The passage in *Hansard* is as follows:—

THE MINISTER: Give the name of that man, and I will bring his file also.

MR. TAYLOR: Which man?

THE MINISTER: The name of the officer still retained in the service.

MR. BOLTON: I will give it after the file is on the table.

Then in the earlier part of his speech, the hon. member said:—

Plenty of time has been given to the Government to at least take some action against the higher officials implicated.

THE MINISTER FOR MINES: Implicated, or suggested to be implicated?

MR. BOLTON: I say implicated, and I am perfectly satisfied that members will listen to what I say, and will not believe at the start that it is any wild statement.

MR. TAYLOR: That is quite different from your previous statement.

THE MINISTER FOR RAILWAYS: The hon. member said farther, "I will tell the Minister that the names of the officials are known to me, and are known to the workmen, and that everything I have said can be proved to the hilt."

MR. BOLTON: It was my honest belief. You might quote me on *Hansard*, page 1210. "The Minister asked me to give the name of one man. It is not my intention to give the name of the man."

THE MINISTER: But the hon. member, when I asked him to give the name of that man, and promised if he would do so to bring the man's file also, replied, "I will give it after the file is on the table."

MR. BOLTON: But I spoke after you, and said it was not my intention to give the name of the man.

THE MINISTER: I think there was something leading up to this special attack on Mr. Short. I should like to refresh the memory of the House regarding certain incidents which occurred in January 1900. About that time a certain official was suspended, and there were numerous threats of a strike. The member for North Fremantle was one of those most prominent in that connection.

MR. BOLTON: Connection with the strike or the official, or what? Mention the connection.

THE MINISTER: In connection with the threatened strike, because of the suspension of a certain official.

MR. BOLTON: I was connected with the strike, not with the threatening.

THE MINISTER: A meeting was held at the Fremantle Recreation Ground on the 6th January, 1900.

MR. BOLTON: True.

THE MINISTER: And at that meeting Mr. Bolton, not then member for North Fremantle, was the chairman; and a Mr. Jackson Orr moved—

That unless the Hon. the Minister for Railways will assure the employees of the Loco. Department that the services of Mr. ——— will be retained as head of the Loco. Department, and that no action will be taken to displace him in the near future, we employees one and all will refuse to work after 10 a.m. on Monday, the 8th inst., unless such assurance is given in writing before the hour above-mentioned.

I should like to read a few words of Mr. Orr's speech.

MR. BOLTON: Read a few of Mr. Bolton's.

THE MINISTER: Mr. Bolton's speech is not recorded. I am dealing with the whole of the case, and I wish members to know what action Mr. Short took in this matter.

MR. JOHNSON: Are you trying to prove vindictiveness on the part of the hon. member?

THE MINISTER: I wish to show that there has been a strong feeling against Mr. Short in connection with this matter, and I believe in connection with another matter.

MR. SCADDAN: Why bring that into the case?

MR. TAYLOR: Do you mean a strong feeling shown by the hon. member?

MR. SPEAKER: Order!

MR. BOLTON: I think I am in order in asking whether the Minister means that I exhibited a strong feeling.

THE MINISTER: I am only mentioning some facts; and as usual when I make a point, I hear plenty of interjections from the other side.

MR. SPEAKER: I presume this incident to which you refer has some bearing on the case, otherwise you cannot well proceed.

THE MINISTER: Most decidedly it has. I wish only to point out—

MR. TAYLOR: Better read the speech you referred to.

THE MINISTER: If members will attend to their own business they will

do me a favour, and afterwards they will have an opportunity to make speeches. A large number of loco. men were determined to go out on strike on the Monday morning. Mr. Short, who on that occasion was controlling the department, proceeded to Fremantle on the Monday morning and gave those workers to understand that unless they went on with their work, not one of them would ever be again taken into the service. Then only recently certain workmen were dismissed because of an incident at Pinjarrah, and there again Mr. Short had to take a prominent part; and the hon. member said, in reference to that—

We remember that but a few days ago the Commissioner of Railways boasted of having taken spirited measures against four men who, he thought, were guilty of a breach of the regulations. The peculiar part to me is that in this inquiry, which dates from last January, the Commissioner did not take action against the officers who were to blame in that case, but was very proud of the action taken against four working men; and he let the higher officials go in the previous case.

MR. BOLTON: Where does Mr. Short come in?

THE MINISTER: As one of the higher officials let go in the previous case.

MR. BOLTON: You said Mr. Short took action in the Pinjarrah case. That is not correct.

THE MINISTER: The hon. member may think he knows more about that case than I, but he is mistaken. One of the principal features of the hon. member's case was that a Fremantle newspaper had made certain allegations. Those allegations were not direct charges on which actions at law could be taken by the officials; and a few days after the allegations were made the Commissioner for Railways completely vindicated himself by a statement published in the *Daily News*, which statement I did not remember when the charges were sprung upon the House by the hon. member, but I well remembered it afterwards; in fact, I had a special copy of the paper sent to me, with a complete vindication of the Commissioner from the allegations made against him in the Fremantle paper. Charges were made by innuendoes in the *Railway News*; and the member for North Fremantle must recollect that we know there is much going on behind the

scenes, and that in this inquiry he has had the best services of the people responsible for the production of the *Railway News*.

MR. BOLTON: That is incorrect.

THE MINISTER: The *Railway News* made certain charges against certain officials, which charges were shown to the Commissioner; and he wrote four letters to those responsible for the production of that paper, asking them to give him some information, so that he might investigate the charges; and those cowardly people, who had no objection to trying by innuendo in a public newspaper to assail the reputation of those officials, never sent a word in reply to the Commissioner's requests.

MR. TROY: What about your own paper, and your cowardly attack?

MR. TAYLOR: That is not a newspaper; it is only a rag.

THE MINISTER: The hon. member knows well that although I have an interest in a newspaper, my interest is that of a shareholder in a public company. I have no control whatever over the newspaper; and if any such attack has been made as the hon. member mentions, surely some action can be taken.

MR. TROY: The paper has made some cowardly charges.

MR. SPEAKER: The hon. member must not interject.

THE MINISTER: Let us deal directly with the charges. The hon. member told the House that the Commissioner for Railways was guilty of hushing up grave charges. The hon. member did not say at any time that these charges were merely alleged outside; he never told us that they were the statements of the man in the street. He told us, to use his own words: "If not, I blame the Commissioner for not making the Minister acquainted with the case; because the Commissioner knows that higher officials were implicated." He did not say it was alleged that the Commissioner was implicated, but said clearly that he was; and I am given to understand that the hon. member's statements made here were cabled to England; and I have seen the charges reproduced in the *Eastern Press*. They have been sent at least throughout the whole of Australia, where people may read that the Commissioner, knowing that his officers were guilty of grave and

indictable offences, hushed the matter up because he was afraid of those officers.

At 6:30, the SPEAKER left the Chair.

At 7:30, Chair resumed.

THE MINISTER FOR RAILWAYS (continuing): When the House adjourned I was leading up to the charges made by the member for North Fremantle in connection with the various officers, and the first we have to consider was the charge made against the Commissioner of Railways that the Commissioner knowingly suppressed certain information obtained by him, and that he hushed up charges against the higher officials of the department. The hon. member said:—

I say the Government are to blame. If not, I blame the Commissioner for not making the Minister acquainted with the case, because the Commissioner knows that higher officials were implicated.

There was an absolute statement. The hon. member said "because the Commissioner knows that higher officials were implicated." Apparently, according to the hon. member, he was not of his own knowledge aware whether the Commissioner knew it or not; these statements were only to be proved, to his mind, by having the papers on the table; but when moving his motion for the production of these papers he told the House that the Commissioner himself did know that certain high officials in the department were implicated in certain things in the department. I think that clearly shows that the hon. member desired to make a direct charge against the Commissioner. He did not urge for a single moment that it was alleged outside, or that it was believed by a certain section of the people, but he led the House to believe that he, from his own knowledge or from knowledge he had obtained, was perfectly well aware that the Commissioner had suppressed this information, because he said in one instance that the Commissioner was afraid of these high officials. He also made a statement that implicated the Commissioner not only by inference. He said—

It is not right for those in charge of the administration of affairs to shield men who have done an illegal act.

And again the hon. member said—

It can be proved, as the files will prove, that this man Baker who was prosecuted waited on the Commissioner and made a clear breast of the affair. No sooner had he done so than it was arranged for him to leave the State.

By whom? The inference in the speech was that it was by the Commissioner, that the Commissioner knowing that this man Baker might make charges either against him or against some officials of the department whom he did not desire to see implicated the Commissioner and his officers had this man removed from the State. We have the evidence given by Mr. Sayer, and it is regrettable that a few inaccuracies made by Mr. Sayer should have been so pointedly alluded to on this occasion. We all know what the Solicitor General has to do, and it must be patent to everyone that, knowing the files were in the hands of the Commissioner holding this inquiry and knowing all the circumstances of the case would be before Judge McMillan, Mr. Sayer would not, except unwittingly, have made any mistakes in his evidence, and that did he desire to look at these matters to see into any special matter in connection therewith, it would have been easy for him to have refreshed his memory in regard to them. What has the Judge to say in regard to this? He says:—

As to the Baker case, I am satisfied, after hearing the evidence of the Solicitor General, that he was responsible for the procedure adopted. Although Mr. Sayer's recollection of the nature of the articles taken and of Baker's length of service was inaccurate, his evidence is in all material respects fully supported by the documents to be found on the file. Mr. George at once took the necessary steps to ascertain whether there was any truth in the charge against Mr. Julius. He had the matter fully investigated, and Mr. Julius's house was searched. He also used every endeavour to obtain information from persons who were making charges. I find, for instance, from the file in Baker's case that he wrote four letters to the editor of the *Railway News*, in which a paragraph had appeared on 20th January, 1906, to the effect that higher officials than a foreman were implicated, asking for information. To these letters he received no reply.

So it is apparent from the verdict of the Judge in connection with these matters, that Mr. George himself was in no way to blame for the procedure adopted in connection with that case. The Crown

Solicitor took the whole responsibility for what was done, and the files from the Railway Department before Judge McMillan on this occasion showed conclusively that it was the Solicitor General who had all to do in this matter. In fact the Commissioner of Railways was away at the time this was dealt with, and he received telegrams from Mr. Sayer asking his concurrence in the action he (the Crown Solicitor) was taking. So I hold there was not the slightest tittle of evidence, as far as can be shown, against the Commissioner of Railways in regard to anything in the way of hush. Some statements were made in connection with Mr. Julius, and the Commissioner at once asked the consent of Mr. Julius to allow his place to be searched. He gave Mr. Julius to understand at the same time that, unless the consent was obtained, there would be an investigation and a search; and Mr. Julius at once, for the purpose of making himself perfectly clear when these charges were made, consented to the fullest investigation being made in connection with the matter so far as he was concerned. There was nothing left undone, so far as I can judge and apparently so far as Judge McMillan could determine, by the Commissioner of Railways in connection with this matter to solve this Baker incident; and I am satisfied that so far as any other incident brought under the notice of the Commissioner was concerned, he did everything possible so that the matter would be thoroughly inquired into. In connection with the Chief Traffic Manager, Mr. Short, the member for North Fremantle says:—

There is only needed an impartial inquiry or an inquiry in which we can have at least some faith—

I hope he has had some faith in the inquiry which has been held—

to prove that at the present moment there are furniture, windmills, and motor or steam launches fitted with Government materials made in the Government house by Government workmen, in the private houses of officials of the Railway Department to-day.

There was only one inference to be drawn from that, as I pointed out some time ago. It inferred that the Chief Traffic Manager, Mr. Short, had utilised Government material and was to all intents

and purposes a common thief, and that he had taken things from the workshops for the purpose of building these steam launches. The facts of the case in connection with that launch are somewhat as follows. When Mr. Short purchased the launch it was fitted with steam machinery. He found it did not work well, and he ordered from Saunders & Stuart an oil engine for motor purposes. This machinery would not work, and he had a chat one day with Mr. Hume. They were talking of this launch, and he asked if a certain official in the workshops would be able to give him a hint as to why the launch would not work. Mr. Hume suggested that Mr. King was an expert in this matter, and said he would bring him along. Mr. Hume took Mr. King along on Saturday afternoon, and time after time Mr. Short has taken Mr. King with him on pleasure trips on that launch fishing by day and all night. Out of friendship Mr. King gave assistance to Mr. Short in connection with this matter; and the file shows clearly that no Government time in any shape or form was ever lost to the department in connection with it. It was only the friendship of these officers that induced Mr. King to give this assistance. The Deputy Leader of the Opposition (Mr. Walker) waxed eloquent over the improper conduct of any of these officials giving assistance in this matter. What would be more likely than that, finding some special machinery of this description would not work, with no intent to do anything wrong or improper in any shape or form, the official would be only too pleased to give some of his experience to a brother officer? Let it not be forgotten for a single moment that Mr. Short in his duties on the railways has no connection or authority whatever in regard to the Midland Workshops. They are wholly, except for the Commissioner, under the control of the Chief Mechanical Engineer, Mr. Hume; and it would be impossible for any order to be given by Mr. Short to an official to come away from his duties or for any material to be brought from that place without the order having to go through other officials. I only mention this to show that, so far as Mr. Short is concerned, he has not the slightest authority over the work of the Midland Workshops. The hon. mem-

ber in the statement he made wished the country and the House to understand that Mr. Short had been guilty of improper practices, that he had utilised Government material and Government workmen in the Government time, and that they were being paid by Government money for work on Mr. Short's property and in connection with the motor launch. There was one statement made to the effect that a dinner wagon had been made—the statement was not made here, but I believe it was made at the inquiry—and that it was in Mr. Short's possession. It was also stated that there was a bookcase. I am not charging the hon. member with having made that statement, but these two articles happen to be the only two articles of furniture which have never been and are not in the possession of the Chief Traffic Manager. He assures me that he has not a dinner wagon in his house; that although he has been extremely desirous for some time past of getting a bookcase—he has a magnificent library which he brought with him from the old country some time ago—he has never been able to find a suitable one, and that these two articles of furniture have never, during the time he has been at Guildford, been in his possession. With regard to Mr. Julius, I submit that there is not one tittle of evidence that can be shown against him; and to those who know Mr. Julius, surely the charge is too absurd. The hon. member has impugned the integrity and honesty of the higher officials. Although he did his best to damn their reputations, he did nothing at the inquiry except besmirch the reputation of certain of the workmen. It was admitted by one man that he took, or stole, five shillings' worth of paint. I believe there were imputations made by some dismissed men that certain people had stolen paint; but so far as we can judge from the responsible evidence taken at the inquiry, the only clear evidence on that point is that one of the workmen took away a small portion of paint. And that was done certainly without the knowledge of the higher officials. If anybody would inquire into the care that is taken in the workshops—I do not know what may have occurred in the old Fremantle shops, where it was impossible to have the same control or the same care taken—but

at Midland Junction great care is taken, and where a little peculation has been discovered a notice is issued that if any man be discovered taking anything which is in the slightest degree not his own, dismissal will follow. And surely the evidence shows that the peculations which have taken place are insignificant in a huge business like the workshops, which cover such a large area and employ such a large number of workmen. I am quite satisfied that if a grocer or other small business man were asked if peculations to a greater extent than those discovered had not occurred in his own business, the majority of business men would say that greater peculations occurred in their business than have occurred at the workshop as disclosed by the evidence taken at this inquiry. So far as Mr. George is concerned, he is a gentleman who has had an honourable career in this State; he has been appointed to a high position. And it has been shown clearly that every conceivable effort was made by him on this occasion to find out if anything was wrong. I may also point out that at the time the statement was made in the Fremantle paper Mr. George went to Albany, and it was stated that Mr. George went there for the special purpose of investigating this charge with Mr. Short. It was nothing of the sort; it was in connection with certain alterations, more especially in connection with the carriage of agricultural produce, that Mr. George desired to have a special conference with the traffic manager. And only two days ago Mr. George showed me the original telegram that was sent to Mr. Short intimating that he desired this conference. And what is more, the information was first obtained by Mr. George on the Albany platform from the Rev. Mr. Bird, who was travelling by the same train. Mr. George was told by Mr. Bird of the scandal which had been published by the Fremantle paper. That was the first intimation the Commissioner had, and it was obtained at Albany, of such a statement being made. In regard to Mr. Short, he is a gentleman who has spent a life-time in the public service, and has I think a good record. He has controlled the railways, as manager, on occasion after occasion. And it must not be forgotten—as I said in the opening of my address—if we were attacking Mr.

Short in regard to some matter of administration, that would only be acting contrary to him in regard to some expert opinion he held; but when we traduce his character, when we give out to the world that this man is no better than a common thief, I think the greatest amount of restitution is due to him by his detractors. It is an impossible position to assert for a single moment that a member can come to this House and make statements which he says are absolute charges. [Interjections.] I say he made absolute charges here, because when I interjected and asked if he suggested that the higher officers were implicated, he said that they were implicated, and he said that in every breath right through his speech. I want members to remember that the notion brought forward by the member for North Fremantle did not involve the making of any charge; it was merely asking for the production of certain papers, and there was no objection to the production of those papers. That being the case, there was no necessity in the first instance for any charges to be made in the House. They were not made in a time of excitement, but coolly, quietly, and deliberately made in this Assembly. Before I conclude I desire to inform the House that in regard to Mr. Julius—to show the confidence the Government have in that gentleman and that we believe in his integrity, and as some acknowledgment of the great work he has been doing lately in connection with the testing of our hardwoods—we are making him the agent for the Government of Western Australia at the New Zealand Exhibition. That is the opinion we have of that gentleman, and I hope that opinion is endorsed generally by members of this House. There is no doubt that the member for North Fremantle did make distinct charges against certain railway officials; and I wish to ask, did the hon. member have a fair and unbiased inquiry? That is the question which every member of this House should ask, and I think it will be admitted by everybody that he did. Although the Deputy Leader of the Opposition (Mr. Walker) stated that the hon. member had not legal advice, those men whose honour was impugned did not ask for legal advice; they were prepared to go there

and stand on the merits of their case. Moreover, if a person makes charges, surely he must expect that he will have to prove those charges at the earliest opportunity up to the hilt. The member told the House that he could prove his charges up to the hilt.

MR. SCADDAN: He is not the first member who has failed to prove charges, you know.

THE MINISTER FOR RAILWAYS: He told the House that he could prove those charges up to the hilt; and when he has failed to prove them, surely this House has a right to expect either that he will apologise for the mistake he made, for the wrong statements which had been made.

MR. SCADDAN: And make the country pay the penalty, like somebody else did.

THE MINISTER: The hon. member might have tendered an apology to this House. The hon. member who interjected speaks of another affair. He knows perfectly well that it was clearly shown that I was justified in the action I then took; Parliament at that time decided that I had taken a proper course. Probably another Parliament may have thought differently; but at that time the members of the House supported me.

MR. JOHNSON: You happened to be on the side of the majority then.

THE MINISTER: And the hon. member was one of that majority.

MR. JOHNSON: That is so.

MR. SCADDAN: He knows something; he speaks with authority.

THE MINISTER: I would remind the member for Guildford that when he was threatened by some of those who sat on the same side of the House with him, be from his place acted an honourable part and apologised here for his statements in Kalgoorlie. Members will acknowledge that the Premier introduced this motion to-night in a kindly manner.

MR. JOHNSON: You have not followed his example.

THE MINISTER: But when we find an attempt made by the deputy Leader of the Opposition as a justification of the charges—

MR. WALKER: No; I dealt with the inquiry.

MR. JOHNSON: You came prepared to-night to make this speech.

THE MINISTER FOR RAILWAYS: I quite intended to have said nothing on this motion, had an apology been tendered to the House. I do not think it can be said for a single moment that there has not been a fair and unbiased inquiry into these charges. If members will ask themselves whether the hon. member in the slightest degree justified the charges he made, it must be admitted by right-thinking people that he did not justify his charges against either Mr. George, Mr. Short, or Mr. Julius. As I said before, the only thing he has done to date has been to besmirch the reputation of a few of the men employed; and I hold that he has abused the privileges of the House. The hon. member says now that those whom the charges were made against should take him by the hand and thank him because the charges had been in the air for a long time, that they should now thank him because owing to the charges he made the Government authorised an inquiry and that inquiry has shown that there is nothing in the charges. This is a remarkable position for the member to take up. Had the hon. member tendered an apology, I would have said nothing and been content that those officers had been thoroughly vindicated. But we found to-night that an attempt was made at justification, to show that there was something in the charges. If we desire to maintain the privileges of the House, we must give fair play not only to members inside the House but also to the public outside; and the least we can do is to pass this motion, which defends the railway officials of this State and places on record our opinion that the hon. member was wrong in making the charges which he did.

MR. W. D. JOHNSON (Guildford): I had no intention of speaking on this motion until the speech now delivered by the Minister for Railways. I distinctly regret that that gentleman did not follow the good example shown by the Leader of the House in the speech which he delivered. The Minister for Railways introduced that maliciousness so characteristic of the gentleman in discussions of this description. I regret that, and my feelings are such to-night that perhaps I would be led away to make a speech in attack on the hon. member. There was

no justification for the action taken by the Minister for Railways. He came here with the deliberate intention of trying to prove vindictiveness on the part of the member for North Fremantle. That reflects no credit on the Minister for Railways. On the one hand, I think that all credit is due to the Leader of the House who stated that he gave the member for North Fremantle every credit for honest intention. On the other hand, the Minister for Railways tried to get evidence to prove that that hon. member was vindictive in his motion, and that he had brought forward his motion merely to get some satisfaction out of Mr. Short. Such a contention is absolutely unjustifiable; and I consider that its introduction into this debate does more harm to the prestige of this House than the speech of the member for North Fremantle. I am not here to defend the attitude taken by that hon. member; but I distinctly regret that that speech was made, since the inquiry has been held; but it must be borne in mind we are all of us inclined to say things at times for which we are sorry when we see them in cold print. I have done that on one or two occasions, and possibly were I to speak at any length to-night I would do it again. The Minister for Railways has done it, and the country has had to pay the penalty. What I have said I have had to pay for myself. We have all to regret that the member for North Fremantle did use those utterances, and I do not think he intended when he rose to move that motion to make the deliberate charges he did. It must, however, be borne in mind that we have heard for years past these accusations made against these gentlemen, who even in their own evidence admit that these things have been hanging over their heads for some time; and I contend—although it was ridiculed by members to-day by their smiles when the Leader of the Opposition brought forward the argument—that the inquiry has done much, seeing that it has removed this stigma, this doubt that has been resting over the heads of these gentlemen, and it has done some good inasmuch as it has proved that the rumour going on for some years past was unjustified. And when we find that these charges were not well founded, not right and not true,

surely there is some credit due to the hon. member for North Fremantle for having had the courage to bring the subject forward, and once and for all remove the doubts cast upon the honesty of those officials. I do not want to say any more on the question. I do not think the terms of the motion are justified at all. The motion is too strong in my estimation, and consequently I will oppose it. Farther, I have only to regret sincerely that the speech delivered by the Minister for Railways has been delivered in this House.

MR. W. T. EDDY (Coolgardie): I consider that the motion is of such importance that members should vote on it one way or the other. I have heard several, some of whom have stated that they will not vote at all. As we know, those charges were made against officials, and the case has been heard by a Supreme Court Judge who, it must be admitted, is fair and impartial. The charges have been declared by that authority as being completely without foundation. To my mind the regrettable feature of the whole affair is that the member for North Fremantle did not accept the opportunity that was first offered to him to go through the papers before he made the wholesale charges he did. Had the hon. member done this, I feel quite sure that his good judgment and good sense would have satisfied him, and he would not have taken the stand he did and made the speech he did from the floor of this House. No doubt when the hon. member made these charges he sincerely and honestly believed them to be true. But events have proved since how dangerous it is for a member to take notice of street talk, to take notice of what one hears at corners of the street, the talk of scandal-mongers, many of whom will sell their souls as it were for a drink or a pint of beer. Unfortunately there are those who talk wholesale scandal, and the cue unfortunately was taken at the time and believed. Although the hon. member meant well, I think it must be acknowledged that he was too prone as it were to take notice of this street-corner talk. And it seems a pity that his better judgment did not prevail, for it is regrettable that this feeling and belief was shared by the hon. member.

We must acknowledge that, and I think the hon. member will make that acknowledgment himself; for just looking at some of the plain, bald statements in his speech, we find that he stated here that he would convince us that higher officials were implicated; not suggested to be implicated, but actually implicated with this surreptitious work. These were his own words, and then again, seeing that the hon. member made a charge against the officers, he shared as it were in the charges absolutely. Later on he said:—

I make these statements knowing what I am saying.

He made reference to a certain man who was a foreman, and he also said:—

I know what has been going on; I know what was going on in my time.

The hon. member must have shared in the feeling of what he heard when making the charges from the floor of this House. Again he said:—

Officials feel so secure in their positions that they think that neither the Commissioner nor the Minister has the backbone to take up this matter. . . . The practice of making such articles in the Government workshops, although perhaps not so extensive as in the past, is still continued.

These are a few extracts from the plain, bald statement made by the hon. member. I am sure, after all said and done, after the hearing and the receiving of the report, it must be pleasing to the members of this House, and more particularly to our officers and officials, that those who were accused are free from the stigma. I must congratulate the Deputy Leader of the Opposition for the fine defence he made this afternoon on behalf of the member for North Fremantle. After analysing this speech we are asked this evening to use our judgment. The charges, as we all know, were very determined. The honour of our officials and our administration was attacked. The point I want to make is just this, briefly and in conclusion. If you believe that a man has done something very wrong and worthy of a blow, and you go up to the man and knock him down and find out afterwards that you struck him wrongly, then I think it is only a manly act to apologise, and apologise immediately.

MR. WALKER: But he has put them on their feet instead of knocking them down.

MR. EDDY: Notwithstanding the fine defence the Leader made, he was very careful to avoid all the points that might have told against the hon. member. But afterwards we find the hon. member (Mr. Bolton) rising in his seat this evening and telling the House that he has no regret whatever to offer. I regret that the hon. member made those remarks. Those remarks compel me, I consider, to support the motion as submitted by the Premier. I would have liked really, if it were possible, if the hon. member had made some form of apology, to have obliterated the latter part of the motion as submitted. We do not—I am sure I do not, and I think the members of the House do not—doubt the hon. member's sincerity; but I certainly think he should apologise. An apology is due to those officials and to this House. That I consider would have been more honourable and much more creditable to himself than telling us that he has no regret to offer.

THE MINISTER FOR WORKS (Hon. J. Price): In the few remarks I wish to address to the House in connection with this subject, I will endeavour, as far as possible, to refrain from saying anything which might be hurtful to the feelings of any person or any party in this House. [Interjection by MR. TAYLOR.] It is possible without offence to give the hon. member and his friends a little necessary advice, if they have the good sense to take it.

MR. WALKER: That is insulting, to begin with.

THE MINISTER FOR WORKS: At any rate the incident which I hope this debate closes is one extremely regrettable, for two reasons; first of all because of the painful experience which the officials concerned and their friends have had to go through, and secondly because in my opinion it marks a misuse of the privileges of this House. We know perfectly well that the growth of the privileges which we now enjoy has gone on for many hundreds of years, and the public only permit us to use such privileges whilst we take no part in abusing them. It has been suggested that even in going into this matter we are doing something which may be dangerous to the advantages we enjoy. But I may

point out that the 9th article of the Bill of Rights, which confirms to the British people this privilege of freedom of debate in Parliament, is as follows:—

That the freedom of speech and debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

So I take it that if we believe a member of this Assembly has improperly used the privileges he possesses, we in this House are quite within our right in dealing with the matter, and it is our bounden duty to make note and to comment upon any misuse. I have known the hon. member long enough to be perfectly certain that in the speech he made there was no wilful inaccuracy, and I feel perfectly sure that there was no intention to harass or hurt any particular individual; but I think that when we find he made those statements without having pinned his informants down to written statements, without having had statutory declarations from them, and without taking advantage of the offer of the Minister for Railways to examine the files dealing with the question, he was guilty of distinct recklessness. An attempt has been made by the Leader of the Opposition, and a very clever attempt, but one which I feel perfectly sure will be unsuccessful, to confuse the issue in connection with this matter. [MEMBER: No.] I suggest that the gravamen of the charge is not what Messrs. Flint & Baker may or may not have been guilty of, but the question was whether high officials were guilty of peculation, and whether Mr. George as the chief Commissioner, wilfully shut his eyes to this state of affairs. That was the main charge, and I noted that in the very able speech which the Leader of the Opposition made he carefully refrained from the dissection of the evidence which had to do with the main portion of the charges. This is the grave feature in the case, and when we find that our officials are proved guiltless of this sort of accusation, it is our bounden duty by resolution of this House to protect them, and to show our disapproval of any recklessness which may prompted such charges.

MR. WALKER: But not to put a stigma upon another in doing it.

THE MINISTER FOR WORKS: I think it is rather late to talk about putting stigmas upon people. If a man

makes a charge in this House without sufficiently investigating the authority upon which he makes that charge, he must take the consequences upon his own head. I do not see that we are called upon to find mitigating circumstances in connection with such a procedure. On the other hand those whom we have to think of and with whom our sympathy should lie are those individuals who, by reason of their position, cannot stand up and publicly defend themselves. They are the men whom we must regard as stigmatised; not the man who by carelessness or by recklessness has been the cause of bringing on them a public reproach. I must take exception to the statement that the officials concerned have every reason to thank the member for North Fremantle for bringing these charges. Because a man breaks my head and afterwards offers me a piece of sticking-plaster to patch up the wound, I do not think I have any cause for thankfulness.

MR. WALKER: Suppose he lances a lump you have, and gets rid of it.

THE MINISTER FOR WORKS: Much depends on the temperament of the person concerned. Many men, if they know of adverse rumours concerning themselves, may be considerably pained; but that pain is greatly intensified when the matter is ventilated in the public Press, and the statement that they are as bad as thieves is scattered broadcast over the land. We must also recollect that the allegations of the member for North Fremantle were perfectly specific. He did not, as has been suggested, say "I simply bring before this House certain rumours which the general public are circulating," but he said in very clear and emphatic language: "I will tell the Minister that the names of the officials are known to me and are known to the workmen, and that everything I have said I can prove up to the hilt." There is no doubt that outside this House, an ordinary court of law would hold responsible the person making such a statement; and we cannot make such remarks in this House without accepting the responsibility which attaches to them. I feel certain every other member of the House would have been relieved if on last Thursday, when the finding of the Commission was read, the hon. member had

taken the opportunity of offering a frank and a full apology. That would have relieved us of all necessity for these painful proceedings, and I think we should all have congratulated the hon. member upon taking a manly course.

MR. JOHNSON: And would have flung the apology in his teeth at every opportunity.

THE MINISTER FOR WORKS: Is it not far worse to make unfounded charges, and when they are proved to be unfounded refuse to retract them, than frankly and freely to apologise for them? The Acting Leader of the Opposition (Mr. Walker) has endeavoured to show that the motion is altogether too severe. I wish him to carry his mind back some 14 years, to the time when he was an ornament to the Parliament of New South Wales. He will recollect that at that time Mr. Schey made certain charges very similar in character against the Commissioner of Railways in that colony.

MR. WALKER: And found precisely the same difficulties as confronted the member for North Fremantle.

THE MINISTER FOR WORKS: I wish to show, by reading the motions which were then proposed and passed by the House, that the motion proposed to-night by the Premier is distinctly lenient.

MR. WALKER: The motions in the New South Wales Parliament were a malicious attack upon Schey. I was there and heard them.

THE MINISTER: That cannot be so; for I must believe that some 90 or 100 men in Parliament assembled—

MR. WALKER: A brutal majority of the Parkes Government—

THE MINISTER FOR WORKS: Would not condone a malicious attack by supporting the motions, which were as follow:—

1. That this House desires to place on record its severest condemnation of the conduct of the member for Redfern, Mr. Schey, in connection with the charges made by him against Mr. Eddy, the Chief Commissioner of Railways and his colleagues.

2. That in view of the finding of the Royal Commission appointed to inquire into the charges made by Mr. Schey, the member for Redfern, against the Chief Commissioner of Railways and his colleagues, the member for Redfern, Mr. Schey, ought to resign his seat in the House.

I submit that the motion proposed to-night is distinctly lenient compared with the two motions submitted to the New South Wales House by Mr. Want; and Mr. Want was likely to be fully sensible of the meaning of the motions he submitted, and well able to judge of what was a fitting and proper procedure in such circumstances.

MR. WALKER: May I venture to say that Mr. Want was, when he had a "set" on anybody, one of the most vindictive men that ever occupied a seat in Parliament?

THE MINISTER FOR WORKS: I cannot take such *ex parte* statements as matters of fact.

MR. WALKER: They are. I am replying to your *ex parte* statement.

THE MINISTER FOR WORKS: I simply put before the House two resolutions which the Parliament of New South Wales passed by a large majority on a similar occasion; and I quote them to show that there is nothing vindictive, nothing extreme, in the motion of the Premier. I regret the circumstances, and I trust even at this late hour that the member for North Fremantle may see fit to release us from the difficult and unpleasant position in which we are, by making a full and frank apology to those officials whom he has so unfairly wronged.

MR. J. SCADDAN (Ivanhoe): I am satisfied that this is a very unpleasant subject to deal with; but I must with other members express regret that at least two Ministers of the Crown should prepare long speeches, come to this House with documents, and make such statements as they have made to-night when attempting to place a member on his trial. I regret that the Ministers for Railways and Works should prepare typewritten quotations from speeches and documents, to be thrown about this Chamber when they should be making calm and deliberate statements. They might easily have followed the example of the Premier, by showing, when supporting this motion, some charity in their composition.

MR. TAYLOR: They are not built that way.

MR. SCADDAN: There is no doubt about that. The Minister for Railways is

most vindictive when attacking members in this House. A little charity will sometimes go a long way. I am not given to personal attacks, and with other members who have spoken I regret extremely that any cause arose for the appointment of a Royal Commission to inquire into these charges. But the great majority of members must recognise that rumours were current long before they were mentioned in the House. I have heard many of the rumours when travelling in the express to Kalgoorlie; and in view of that fact the Government and the gentlemen against whom the charges were made must recognise that the appointment of the Commission has had a good effect in removing a stigma from their reputations. And as the member for North Fremantle has distinctly stated on more than one occasion that he made those charges only for the purpose of clearing the air, and that he is quite satisfied with the judgment of the Royal Commission, surely that ought to be sufficient. Why do we wish to go so far as to blacken the character of one party to the inquiry when the other parties are cleared? To my mind the motion would have gone far enough had all the words after "Commission" been left out. We should then have approved of the finding of the Commission, and the other matter might well have been dropped. The member for North Fremantle expressed regret to-night, and stated he was pleased that the characters of the railway officials had been cleared. Then why do we wish to turn the attack on the hon. member? I expressly regret that the Ministers I have named should come here with speeches prepared of the nature delivered to-night. The Minister for Works read, I understand, a typewritten copy of some remarks made by the member for North Fremantle. I think it would have been well if he had carefully perused that typewritten copy, and compared it with *Hansard*. I have here a copy of *Hansard*, which after all must be official; and in view of the fact that the member for North Fremantle was being unfairly attacked, the quotation should have been read from *Hansard*. The Minister for Works said that the member for North Fremantle, when making his preliminary speech on this subject, said that every charge he had made he could prove up to

the hilt. Now, the *Hansard* report reads: "Everything that I have said can be proved to the hilt." The member for North Fremantle did not say, "I can prove the charges up to the hilt." In view of that fact, I think the Minister should withdraw the statement he read to the House.

THE MINISTER FOR WORKS: The words I read were, "Everything I have said can be proved to the hilt."

MR. BOLTON: You did not read that at all.

MR. SCADDAN: The Minister did not read that. If he cannot read correctly, he should employ somebody to read for him. He cannot read typewritten copy. I again express regret at the speeches of the Ministers for Railways and Works. I could understand any person using in an impromptu speech language similar to theirs; but why they should come to this House with typewritten extracts from speeches etcetera for the purposes of delivering such addresses, is absolutely past my comprehension.

THE MINISTER FOR WORKS: You might have entered your protest the other night, when the hon. member (Mr. Bolton) made his speech.

MR. F. ILLINGWORTH (West Perth): I think it will be admitted that there is no privilege dearer to the British Parliament and all the Parliaments founded on the House of Commons than the privilege of absolute freedom of speech, especially in regard to all questions that effect the people. But we have the right only so long as we rightly use it. The point we should particularly emphasise at the present juncture is that any departure from the right use of freedom of speech imperils the right itself. No power outside this House can effectively criticise the action of any member; no court has any power to interfere with us. That being so, it seems to me of the very highest importance that every member should recognise not only his liberty but also his responsibility. If there is anything more heavily impressed upon us than another, it is that when we speak in this House we should be careful of our facts, and especially when those facts or alleged facts interfere with the rights of others, or affect men's characters. I

was deeply pained when the first speech of the member for North Fremantle was delivered on this subject; for it seemed to me that the hon. member had listened to certain reports, was impressed by certain information that had come to him, and had determined to make in this House a speech that would arouse considerable excitement. That he did so is certain; but there was one thing he did not remember, that his attack was an attack on responsible officers who had no voice in this House and no means of replying to or defending themselves. It is perfectly true these reports were current. They were commonplace reports which are often heard about officials and about hon. members as well; but if we were to follow up all this kind of report and insist that such reports should be brought on the floor of this House and either proved or disproved, we should have nothing else to do. Members will find in their experience of parliamentary life that they will constantly hear reports concerning Ministers and officials and even members of Parliament that will give them a considerable amount of anxiety and a good deal of trouble if they attempt to prove them. The hon. member's motion in the first instance was fair enough. Certain papers existed to his knowledge. These papers might or might not—in his belief they would—prove certain charges against certain officials, and to call for those papers was the right course; but to make a speech and condemn the actions of the persons supposed to be implicated, before the papers were laid on the table, was an absolutely wrong course. The House cannot justify a course of that kind. The hon. member was perfectly justified in asking for the papers; and if after an examination of the papers he found that there was a certain basis for charges, he should have moved a motion in this House, a distinct motion respecting the officers concerned. Then action could have been taken to justify the officers. It has since fallen out that the officers are not only clearly exonerated, but also removed from all underground accusations. It is true that good comes out of evil, but the evil remains. Hon. members should not make statements in this House affecting individuals, unless they are perfectly certain of the truth

of the statements. It is an experience which hon. members, especially younger members, are liable to fall into. I have had myself in my early day experience of the same character, but was warned in my early days also not to fall into the same pit.

MR. BOLTON: By such a motion this?

MR. ILLINGWORTH: A motion of this kind has never emanated from me nor is it likely to. There is one course I have always taken in my parliamentary life. When a man makes a statement to me about any official or about anything affecting the Government of this country I ask him to make a written statement. I say, "Write it out, sign it, and give it to me, and I will bring it before the House." I have never yet found a man who will make a statement and write it down and sign it, and allow me to read it to the House; and I say to young members—and perhaps the House will excuse me in taking this position—I say to younger members especially that it is a good thing to get a man to sign his accusation before bringing it before the House.

MR. BOLTON: I admit that I recognise that.

MR. ILLINGWORTH: The hon. member moved for certain papers. He could have moved for those papers without making a speech at all; there was no necessity to make a speech; but in making his speech, the hon. member definitely made positive charges. Nothing clearer to my mind than the remembrance of that speech. The hon. member made charges that positively shocked me because I knew the men against whom the charges were made, and I believed that they could not possibly be guilty of them. Had the hon. member waited, as I have suggested, for the papers and perused them and then made charges, his present attitude would be justified. He says to the House very properly from his present standpoint and his rights, "My charges, having been exhaustively examined, disclosed the fact that there was no truth in the rumours that were about." The hon. member claims that he has done good to these officers; but will the hon. member remember that these charges, although they were in current conversation, were

known only to a limited number of people, a very limited number of people indeed? Even when they were made in the public Press by an insignificant paper, it was still to a very limited audience indeed; but when they were made on the floor of this House, with all the prestige of an hon. member of this House, they were not only received and accepted here, but they were telegraphed all over the Commonwealth. As a matter of fact the substance of that speech was cabled to London, and the characters of these men have been injured and indeed blasted not only in the Commonwealth but in Great Britain. The hon. member in making that speech in this House was talking in authoritative language, and the newspapers were justified in accepting the charges at any rate as having a strong basis of truth. When the hon. member said positively "I do not suggest that these things are rumours, but I charge"—those are the words he used—"officials with these things"—

Mr. BOLTON: I must look that up.

Mr. ILLINGWORTH: The hon. member said: "I assert that there are motor launches, windmills, and furniture now in the houses of certain high officials in the Railway Department." That statement was made, if my memory is correct. The hon. member said they were there. If that is so, the fact was telegraphed all over the world, and the reply made by the Royal Commission never reaches the statement, never follows it up, and there are hundreds of thousands of people to-day, to the discredit of this State as well as to the discredit of the officers, who believe that certain things of this character go on in our Railway Department. They will never read the reply of his Honour the Judge, and they will never perhaps hear the result of this motion to-night. For our own sake, and for the privilege of this House, I contend that we ought to put it on record that a statement of this kind not only should not have been made, but was made against the will and wish of this House. Statements of this character should not be made at all, and if we allow them to pass without record, we shall be abettors in the wrong that has been done. I am sorry indeed the hon. member has

not taken up another position. I feel myself that the true position to have taken up was to have said—and he could have said it truly and conscientiously—that when he made those statements he believed they were absolutely true.

Mr. BOLTON: I said so.

Mr. ILLINGWORTH: I am certain the hon. member would not have made them unless that was so. His manner of making them showed that he thoroughly believed in what he said; but finding now that the statements were incorrect, the right thing for him to do as a man is to stand up in the House and say, "I am more pleased than anyone else to find that I have been wrong; and being wrong, I apologise for what I have done." If the hon. member does not take that course, I shall be compelled to vote for the motion.

Mr. H. DAGLISH (Subiaco): I shall regret indeed if this motion is carried. It seems to me that the motion would go quite far enough if it ended with the word "Commissioner," and read "That this House, having considered the report of the Royal Commission appointed to inquire into the serious charges made against certain officials in the Railway Department, welcomes the complete vindication of the Commissioner of Railways and his officers as conveyed in the finding of the Commissioner." I agree with the concluding remarks of the member for West Perth, that it would be reasonable for the member for North Fremantle to express a withdrawal of any accusations that have been made; but at the same time I cannot forget the fact that we have heard in this House charges levelled against other high officials of the Government which have been disproved, and which have not been followed up by a motion of this sort. I remember, for instance, as other members do, certain charges that were levelled against Mr. Justice Parker, now occupying the position of Chief Justice of this State—[Mr. BOLTON: Hear hear!—charges which were, strangely enough, levelled by the then member for Murray, Mr. George. They were as serious charges, far more serious—[Mr. TAYLOR: In comparison to these!—especially bearing in mind the position of the accused person, than were the charges made against the Commissioner of Railways

by the hon. member. A Royal Commission was appointed in that case also, and it entirely vindicated Mr. Justice Parker; but Parliament was never asked to censure the hon. member who mouthed the charges.

MR. TAYLOR: Parliament was asked to make him Commissioner of Railways for five years.

MR. DAGLISH: In fact the matter really dropped. Of course I am not prepared to see any connection, as does the member for Mount Margaret, between what happened afterwards and what transpired prior to the appointment of that Commission: but at the same time I regret the remarks of the member for North Fremantle. I was sorry they were made, because having known the Commissioner of Railways and his officers, and having sat as member of this House when the Commissioner of Railways was a member of this House, I had implicit confidence in the honesty and honour of that gentleman. Therefore I regretted accusations that I felt could not be proved, and I am pleased indeed that they were not proved, but at the same time I do not like what appears to me to be somewhat of a party motion.

THE PREMIER: You cannot say that.

MR. BOLTON: After the two Ministers' speeches it is a fair thing.

MR. DAGLISH: I could quite understand, had this motion not been moved, that the member for North Fremantle would probably have felt more willing to take up the position which in my opinion is the position he should take up.

MR. BOLTON: That would be different.

MR. DAGLISH: There are few persons in this House or outside it who care to do under compulsion what they, perhaps, are ready and anxious to do, but which they object to do at the point of the bayonet, to quote a remark of the Premier's. Why, the Premier refused to withdraw certain regulations at the point of the bayonet, but as soon as arms were grounded he did; and I feel quite satisfied that if arms were grounded in this case the member for North Fremantle would follow the worthy example set him by the Premier and set him by the Government. I would very much like before the conclusion of this debate to see the member for North Fremantle

take that course. [SEVERAL MEMBERS: Hear, hear.] Even though it might appear to him that he would be supposed to be doing it under compulsion, I venture to say it is the nobler part to admit an error. Even though the Premier is so ready to recognise an error on the part of the member for North Fremantle, he himself finds it difficult to admit an error when he recognises one himself, as in the case I quoted a minute ago. I think the member for North Fremantle might set the Premier a worthy example in this matter. He might take a better stand than the Premier did a few weeks ago, and agree to withdraw the accusations so far as they were contained in the speech and alleged dishonesty on the part of certain officials of the Railway Department.

MR. BOLTON: I have admitted their undoubted innocence.

MR. DAGLISH: I think the member might go a step farther.

MR. BOLTON: I admit I do not believe the charges.

MR. DAGLISH: And express regret.

MR. SCADDAN: He has expressed regret.

MR. WALKER: You do not want to humble the man altogether?

MR. DAGLISH: I have risen with the object of preventing if possible this motion being carried in its present form.

MR. SCADDAN: Did you hear the Minister's speech?

MR. DAGLISH: A great portion of it, but the Minister's speech had nothing to do with the merits of the case, therefore I do not wish to refer to that speech. The attitude of the Government really has no bearing on the case so far as the member for North Fremantle and the railway officers are concerned. The Government may or may not be wrong in their attitude on this question. It does not affect the truth, as far as the charges made by the member for North Fremantle against these officials is concerned. I want the member for North Fremantle to bear that in mind, and I ask him to agree on that point of argument and bear in mind that the attitude of the Government on this question does not in any way affect the issue as between himself and the officers accused in his former speech. The member has to either justify the position he then took up entirely, or

withdraw entirely and without reservation from it. That seems to me to be the course open, and I hope the member will take the course before the debate closes. I rose for the purpose of suggesting that. I am perfectly aware that if I move an amendment to the motion embodying my opinions it will be lost; for that reason I intend to move no amendment. At the same time I hope before the discussion closes the Premier will see fit to at all events withdraw portion of the motion, and that the House will allow him to amend it by that withdrawal.

MR. A. J. WILSON (Forrest): I feel I would be doing myself an injustice were I to permit the question to go to a vote without making some remarks on it. The position, it strikes me personally, is this: if this question goes to a vote of the House, every member will be called on to vote either in favour of the recommendations of the Commission and against the member for North Fremantle, or else to vote with the member for North Fremantle and against the Commissioner who inquired into this case. The issue as far as I understand it is whether or not the member for North Fremantle had the slightest foundation for the charges he made against certain responsible Government officers in the State railway service; and if the member had the slightest foundation for making those charges, then he had justification for making the memorable speech that has caused so much discussion to-night. If he had not the slightest foundation for making the charges which the member made in his statement against high officials in the public service of the State, those charges have no foundation in fact; there was not the slightest foundation to base the charges on; and the attitude of the member to-night is not in keeping with what ought to be the attitude of an hon. member who has made a speech of that nature which on farther investigation is found to be absolutely foundationless in fact. There may have been justification by the mere thought. The hon. member may have thought the charges true. He may have thought there was foundation for making the charges; but now there has been an investigation there can be no thought

about the matter, especially as it has been reduced to an absolute certainty. The member's position is a different one from that when he made the charges, and when he thought they were true. No one who listened to the member, and the way in which he made his statement, could come to any other conclusion than that he thoroughly, honestly, and enthusiastically believed the statements he was making had some foundation in fact. But the position is different to-day, and it seems to me if the motion goes to the vote, and if members vote on it, they will be either vindicating the honour of the member for North Fremantle or vindicating the honour of the Commissioner who adjudicated on the issues. If that is the case, so far as I am personally concerned I can take no other attitude than to vindicate the honour of Mr. Justice McMillan, who held the inquiry into the charges, and whose verdict, in his own language, is that he has no hesitation in saying that there was not the slightest foundation for the charges made against Mr. George, Mr. Short, Mr. Julius, or any other high official in the Railway Department. We have no reason to doubt that is so, notwithstanding the legal sophistries that were permitted to be introduced into the debate by the Deputy Leader of the Opposition, by pointing out the probabilities of a miscarriage of justice because the member for North Fremantle was not assisted by legal advice, for if legal luminaries had been engaged in the business there was less likelihood of arriving at a fair and equitable judgment on the whole issue. There is no question about that possibility. There would have been, as the member for West Perth suggests, a red-herring or probably many red-herrings drawn across the trail of the inquiry which would have militated against a satisfactory solution. However the whole thing seems to me to be very simple. Every member has the right to exercise the privileges of the House in doing anything he thinks to be in the best interests of the State. When the member made his speech to the House I am convinced that the best motive actuated him in making that speech. I do not believe the member for a moment was trying to get even with certain high officials in the Railway Department. I do not think

he tried to be in any sense vindictive or seek revenge against these officers; he believed he was doing a duty not only to himself, not only to the State, but to the officials also. What I cannot possibly understand is, why after investigation has been made so completely as to vindicate the honour of the railway officials whose honour was challenged, where the slightest sacrifice of honour on the part of the member for North Fremantle comes in to admit that the charges made on that occasion have on investigation been found to be absolutely groundless. It occurs to me the adoption of that attitude would add very largely to the honour of the member for North Fremantle, and I am sure there is not a member in the Chamber but would feel proud of the member for North Fremantle if he adopted that attitude. I am sure the great majority of the members in the House, during the time the member has been in the public life of the State and in this Parliament, have been glad of associating with the member for North Fremantle. I feel very keenly the position a motion of this nature places us in, but we are faced with the position of having to vindicate the honour of Mr. Justice McMillan or the honour and attitude of the member for North Fremantle. I very sincerely regret it becomes necessary to vote on the question. The probabilities are, after all said and done, there is not much likelihood of a similar circumstance arising in this Chamber, and probably sufficient has been done on this occasion and the motion might be withdrawn. I venture to think probably the punishment so far as the member is concerned has been quite sufficient in these circumstances. I only regret if it becomes necessary to put the motion to a division that I shall have to vote with the Government.

MR. M. F. TROY (Mt. Magnet): I take it this is a question of either condemning or approving of the action of the member for North Fremantle, or approving of the action of the Commissioner who inquired into the charges, because the motion submitted by the Premier goes farther than an actual condemnation of one side or the other. This motion, besides expressing pleasure that the charges against the railway officers

are not substantiated, states that the member for North Fremantle made these charges under the protection and privileges of Parliament, laying down the charge directly that had it not been that the member was protected by the privileges of the House he would not have made the charges he did. At this stage I regret very much that the member did make these charges on that occasion without being absolutely sure that those persons who gave him the information would stick to him when the time came for the inquiry to be held. I regret that soon after the commencement of the debate several members on the Government side pursued the member with such vindictiveness that has not tended to raise the tone of the debate so far as the motion is concerned. We came here to discuss a motion either to support or to condemn the hon. member, and we should have recognised that and discussed it in at least a dignified manner. I take up the position that the member for North Fremantle when he made the charges in this Chamber made them in good faith, believing sincerely at the time he made them that they were true. Like the member for West Perth, I disagree with the statement that the hon. member made these charges with a view of gaining notoriety. In discussing with the member for North Fremantle, long before the matter was brought into the House, I heard the same statements, and I was led to believe these statements had good foundation. I hold it was a duty to the State, the country and the officials concerned that an inquiry should have been held, because any public man would be shirking his duty to the State if he had felt certain conditions obtained in a department which were to the detriment of the people of the State, and did not bring them forward. If to-morrow I felt that conditions existed in certain departments which were not for the well-being of the State, I should deem it my duty to draw the attention of the Government to the matter and ask for an inquiry. It has been pointed out by the Leader of the Opposition that a very great difference exists between the evidence adduced at the inquiry and that which was taken into consideration when the Commissioner's report was being given. It has

been shown in connection with certain evidence, that of Flint and other individuals, that the evidence could not be relied on. If the member for North Fremantle had been in a position to conduct his case, as a man with legal ability would have conducted it before the court, greater information might have been obtainable. The member for North Fremantle asked the Government to allow him the assistance of a solicitor, that he might be able to make the best of these charges and put the case before the court in its best light. That privilege was refused. And it could not be expected that the hon. member, without any previous experience, would be able before the court to put his information to the same advantage as he could have done had he had better knowledge of the conditions which a solicitor would have when appearing before a court. I hold that the Premier and the Government certainly could have brought down this motion of censure in other than the way in which it has been introduced. We are not only prepared to admit that these people are not guilty, but we are pleased to recognise that any of our public servants are worthy of being trusted, and the country as a whole will be benefited by the fact that there has been an inquiry and can confide in the officers to whom are entrusted the affairs of the State; but I hold that the last portion of the motion adds some insult to all that has been said against the hon. member. There was no necessity to go thus far. We can easily admit, we must admit, that the charges made have not been proved. We all have our opinions as to whether that case was presented to the best advantage or not. We could easily have omitted the latter portion of the motion, which I say adds insult to what has been already said against the member for North Fremantle. Because I recognise that, because I recognise that the Government could have been more tolerant in the matter, and because I recognise that the speeches made could have been more tolerant and charitable, I do not think this motion should be immediately accepted by the House. I recognise that the Government should take some action, but the action at present taken is not such as should commend itself to this House.

STATEMENT BY MR. BOLTON.

MR. BOLTON: In deference to the wishes of hon. members, whom I thank for at least this much, that they have given me credit for being sincere, and in view of the probability of an amendment to the motion, I desire to take this opportunity of saying I regret that my remarks on the 22nd August were thought by me to be so strong as I made them on that date. I am satisfied of the innocence of the officials concerned.

THE PREMIER: In view of the expression of regret which has fallen from the hon. member that he should have made such remarks, and his strong expression of belief in the absolute innocence of the high officials charged before the Commission, I am prepared, with leave, to accept an amendment to the motion I originally submitted. An amendment I would be prepared to accept would be to delete all the words after "Commissioner."

AMENDMENT.

MR. J. EWING (Collie): I am very pleased at the turn events have taken, and with permission I will move an amendment—

That the words after "finding of the Commissioner" be struck out.

I congratulate most sincerely the member for North Fremantle upon the manly action he has taken up this question, and I commend the Government for being a party to this amendment. I think enough has been said, and I have pleasure in moving that those words be struck out.

MR. E. C. BARNETT (Albany): I second the amendment.

Amendment put and passed.

MOTION AS AMENDED.

MR. T. WALKER: I have only one word to add. I regret that the step now taken was not adopted earlier by the Government, instead of its having been suggested outside.

MR. BOLTON: The Premier promised.

MR. WALKER: I know. That is the only regret I have.

THE PREMIER: I would like to say that as far as the action I have taken in bringing this matter before the House is concerned—

MR. TAYLOR: Is the hon. member replying?

MR. SPEAKER: The Leader of the Opposition had not any right to speak; but as he wished to say a word or two only, I permitted him to do so, and it is only right to allow the Premier to reply.

MR. TAYLOR: There is a motion before the Chair. Is the Premier replying?

MR. SPEAKER: No. I have already explained that I gave the Leader of the Opposition an opportunity to say a word or two. I think that in justice to him and the House and others, it is due to the Premier to allow him to briefly reply. I will not allow him to make any speech.

MR. TAYLOR: Is it not within the right of any member to speak to the amendment before the House?

MR. SPEAKER: The question before the House is not now the amendment. The motion before the House is that the motion as amended be agreed to.

MR. WALKER: Is not that a debatable question?

MR. SPEAKER: The motion has been amended by a vote of the House; therefore it becomes the substantive motion, in lieu of the former one originally proposed by the Premier.

THE PREMIER: Would it be competent for me to speak on the motion as amended? The motion is a different one. I only got up to say, as to the action taken by me in this House it is, as members know, my duty as Leader of the House to as far as possible protect the privileges of Parliament, and it is also my duty, as representative of the public servants of this State, to see that their honour is protected within the precincts of this House.

MR. TAYLOR: And you did it in a very gentlemanly manner.

THE PREMIER: This action which has so happily ended was taken with the consent of all parties, so that it was unnecessary for the Leader of the Opposition to express any regret. I am satisfied that the hon. member (Mr. Bolton) was sincere in his expression of regret. I am very glad he had the man-

liness to admit his mistake, and I feel sure that everyone in the House agrees with me in that respect.

Question put and passed.

BILL—LAND ACT AMENDMENT.

IN COMMITTEE.

Resumed from the 4th October; **MR. ILLINGWORTH** in the Chair, the **PREMIER** in charge of the Bill.

Clause 51—Amendment of Section 97:

MR. JOHNSON: Before going farthe with this clause, additional information was desirable. One gathered from the utterances of the Premier that he was bringing amendments forward in some of these clauses with a desire to prevent people from coming under this measure and by that means affording them special consideration. He could not quit follow the Premier. One understood this was in relation to the present clause.

THE PREMIER: Clause 57.

Clause put and passed.

Clause 52—Amendment of Section 98

MR. FOULKES asked that member might have copies of the principal Act.

THE PREMIER: Practically we deal with this question at the last sitting of the House. It was in connection with increasing the rent in the Kimberley Division. He had given instructions for a considerable number of small copies of the Act to be provided for members.

Clause passed.

Clause 53—agreed to.

Clause 54—Amendment of Section 101:

MR. FOULKES: As we had no copies of the principal Act, he asked the Minister to explain every clause, so that members would not be passing clause without knowing their effect.

THE PREMIER: That would be rather tedious. He hoped that when the hon. member received the Act, he would be able to follow the measure more clearly. This clause amended Section 101 of the principal Act, which provided for a penalty being imposed in relation to pastoral leases outside the South

West Division, if not stocked and if improvements prescribed were not made within five years. The clause reduced the period from five to two years. When last in Committee on the Bill members generally approved of this amendment, which would prevent the locking-up of large areas of pastoral country, which would have to be stocked in two years instead of five years from the commencement of the lease.

MR. BUTCHER: The clause would not have that effect; for the pastoralist need not have his stock on the lease, but only within the division. He might hold two or three areas in a division, and stock one only.

THE PREMIER: There was much in that contention; but stock kept normally in certain areas had to be sent to the coast for several months every year. The hon. member might prepare a suitable amendment.

MR. TAYLOR: Would the Premier recommit the clause, which was necessary to make lessees stock large tracts of pastoral country now vacant?

THE PREMIER would recommit the clause, and would ask the draftsman to put in order any amendments suggested.

Clause formally passed.

Clauses 55, 56—agreed to.

Clause 57—Amendment of Sec. 104:

MR BUTCHER asked for explanation.

THE PREMIER: The section provided that a pastoral lessee under any previous regulation might surrender the lease and obtain a new lease, but subject to the parent Act and any other law then in force. The clause would prevent the 1887 pastoral lessees from bringing their leases under the Act of 1898 during the passage of this Bill through Parliament, thus avoiding increased rentals.

MR. BUTCHER: The clause would not affect mere applications?

THE PREMIER: No; only transfers.

MR. JOHNSON: Would not this work injustice? The Bill was made retrospective to August last. Far-seeing lessees might already have brought their leases under the Act of 1898. Why should others be penalised, though they also could have obtained a reduction? Large firms always in touch with legal advisers must have had an advantage over the small lessee.

THE PREMIER: The total area held under the 1887 regulations that would expire next year was some 21,301,000 acres, and would not be affected by the clause. The pastoral leases held under the Act of 1898 did not expire until 1928, prior to which date any increase of the rents was impossible; and the object of the clause was to prevent any transfer. The lessees had had an opportunity to transfer since 1898; but only one of the large firms referred to by the preceding speaker had made application for transfer since the introduction of the Bill.

MR. JOHNSON: Applications were made during the last year or so.

MR. TAYLOR supported the clause, which, as was clear from the Premier's remarks, would prevent pastoralists from avoiding increases of rent. The member for Guildford's (Mr. Johnson's) suggestion for avoiding injustice to some lessees would do injustice to the Treasury by reducing rents.

Clause put and passed.

Clause 58—agreed to.

Clause 59—Amendment of Section 138, Subsection 5:

MR. TAYLOR: As most of these clauses repealed existing legislation, the Premier should explain any section of the old Act which was amended by this Bill.

THE PREMIER: Under the existing Act the lease or license must be produced on the registration of a mortgage, but there were some cases where a lease or license was not issued; so it was necessary to put the words "if issued" in the subsection.

Clause passed.

Clause 60—Amendment of Section 140:

THE PREMIER: Section 140 provided that in the case of a foreclosure the mortgagee could sell by public auction after advertising in the *Government Gazette* or a newspaper. It was intended to amend this by inserting after "auction" the words "or private sale." Business people thought that it was a restriction to be only allowed to sell after foreclosing by public auction, because a better price could often be obtained by private sale. The mortgagor was protected, because it was provided that

ample notice must be given by advertisement.

Clause passed.

Clause 61—Amendment of Section 142:

THE PREMIER: This clause was printed in the Bill in error and should be struck out. It was really covered by the next clause.

Clause struck out.

Clause 62—Amendment of Section 142:

On motion by the PREMIER, clause verbally amended.

Clause 63—Declaration of transfer; no transfer within two years unless improvements effected:

THE PREMIER: This was a new clause inserted to prevent holders of speculative holdings from transferring their properties. It had been his practice as Minister for some time, though he doubted whether he had legal authority, to refuse a transfer of a conditional purchase block within two years unless improvements had been effected to the extent of £50. The clause would strengthen the position of the Minister in that regard. It would be useful to prevent the transfer of holdings unless improvements were effected. Otherwise, if a railway was to be built, speculators could take up conditional purchase holdings and transfer them at increased values at the first opportunity.

Clause passed.

Clauses 64, 65, 66—agreed to.

Clause 67—Repeal of Section 148; method of determining the value of improvements:

THE PREMIER: This was rather an important amendment. Section 148 defined the procedure in regard to arbitration in respect of conditional purchase blocks within pastoral leases. If the selector refused to pay the claim made by the pastoral lessee for improvements, he appointed an arbitrator to meet the arbitrator appointed by the lessee, and if the arbitrators could not agree as to the valuation, they appealed to the resident magistrate. It was proposed by this clause to simplify the procedure by allow-

ing the parties to appear in person and by appointing as referee, instead of the resident magistrate, the district land commissioner or another officer appointed for the purpose. This would be more satisfactory. The land commissioner would be able to go to the spot and meet the selector and pastoral lessee and determine on the spot what the improvements really were. It was often difficult to bring evidence before the resident magistrate as to what the improvements were. It entailed a considerable expense and was altogether a very cumbrous procedure. As an instance of the difficulty of bringing evidence before the resident magistrate, the lessee might have removed a large amount of poison from his land.

Clause passed.

Clause 68—agreed to.

RESIDENTIAL LEASES, FREEHOLD.

Clause 69—Residential lease may be converted into working man's block:

THE PREMIER: This was a debatable clause. Really the debate that had taken place on a previous clause might have taken place on this particular clause. It provided that residential leases could be converted into working men's blocks, and that the holders might secure the freehold title in five years. On this question he had had a great deal to say on different occasions. It was known that people holding residential leases were not satisfied with their title and desired to obtain the freehold. Provision was made that this must not be looked upon as a speculative business in any way. No person was allowed to take up more than one residential lease in one district. If a man took up a lease and converted it into a working man's block he was precluded from taking up a residential lease anywhere else. One of the greatest arguments used was that where holders of residential leases required assistance to build a house, they had to pay most exorbitant rates of interest. In the Bunbury district there was a workers' area where the men held freeholds, and where with the assistance of building societies and because of the fact that, having the freehold, they could borrow money at six per cent., they all had houses of their own. He was

atisfied that if the provision was adopted it would meet with approval from people desirous of making permanent homes.

MR. TAYLOR: This matter had been debated in the House for the last six years. The argument used by the Premier as to difficulty in finding money to build houses on residential leases was a bogey. Boulder had been a battle round of this principle for the past six years. When Mr. Hopkins was first returned to Parliament as representative of Boulder he brought forward this matter, and was defeated again and again on the principle. The members for Ivanhoe and Boulder came into Parliament in opposition to the freehold principle. There was a small section of people on the goldfields anxious to get the freehold of their leases, but the majority believed in the non-alienation of Crown lands. Those persons who stood as candidates at the last election supporting legislation of this character were defeated in most cases by two to one. In the three electorates on the goldfields now represented by Government supporters, the elections were not contested on this question at all. There was not much chance of altering this clause: all we could do was to enter a protest.

MR. SCADDAN: This matter affected his constituents probably more than any other constituency in the State, and he had taken considerable interest in the matter. When he first stood for Parliament he was opposed by a candidate who stood in the Labour interest but who was not in favour of the non-alienation of Crown lands. The fight to a great extent hinged on that question. Both he and the other candidate were exactly on similar ground except this one plank, and he (Mr. Scaddan) was returned by a two to one majority. The residential system on the goldfields had been the salvation of the workers. In one small residential portion of his electorate there were freeholds, but the residents on these freeholds were paying rent, the owners not residing on them. Thousands resided on leases, and practically owned those leases, which was proof positive that under the residential lease system the residents were the owners of their homes. If this clause were passed, in less than five years the majority of the persons residing on the leases

would be paying rent. It was absolutely essential to retain the leasehold system for the benefit of the workers as a whole. The late Premier of New Zealand, who was attacked by the Leader of the Opposition, said that the cry of every man owning his own home was a false one, and was used for the purpose of taking down the worker. If we were anxious that every man should own his own home, let us give him an opportunity to obtain the fee simple from a private landlord as well as from the State. The regulations and the number of systems on the goldfields were not the best. We had too many systems. It was desirable to frame some practical regulations giving some little liberality. Residents on the goldfields might be working at one end of the Golden Mile this week and at another end next week, and perhaps afterwards at Kanowna, but they did not want to forfeit their homes. In regard to the 999 years system, the people administering the regulations were absolutely out of sympathy with them. The Under Secretary and the land agent at Kalgoorlie, Mr. Tupper, had expressed absolute opposition.

THE PREMIER: Why? As the result of experience.

MR. SCADDAN: These regulations had only been in existence a little over 12 months.

THE PREMIER: Mr. Tupper was at one time in favour of non-alienation of lands, but after experience he came to the conclusion that the system was impossible.

MEMBER: Mr. Tupper had not, for the past five years, been in favour of non-alienation.

MR. SCADDAN: Mr. Tupper said that those persons who were the strongest advocates for leasehold a few years ago were now with few exceptions the strongest advocates for freehold. He wanted to know how Mr. Tupper arrived at that conclusion. If he knew of cases, why did he not mention a name or two? Could the Premier now give an instance in point. Mr. Hopkins had made a promise to people at Kalgoorlie, and Mr. Glowrey, when a candidate for another place, used a telegram from the Minister for Mines saying the Government intended to bring down an amending Bill for the purpose of converting these

residential leaseholds into workmen's blocks.

THE MINISTER FOR MINES: That was quite right.

MR. SCADDAN: It should have been made public through the Press.

THE MINISTER FOR MINES: It was.

MR. SCADDAN: It had been since, but it was used as an electioneering lever by the Government.

THE PREMIER: What utility was there in using it if there were only a few people in favour of the system?

MR. SCADDAN: Simply because the Government wanted to get those few people on their side.

MR. COLLIER: The electors for the Upper House were in favour of it.

MR. SCADDAN: In his electorate there were 3,000 on the roll, but he believed there were only something like 500 on the Legislative Council register.

THE MINISTER FOR MINES: A wire on the subject was answered by him.

MR. SCADDAN: The morning before the election there appeared a paragraph in the papers that Mr. Glowrey was at last rewarded for the effort made, and that a wire was received from the Minister for Mines on the previous Friday stating that the Government had decided to grant the fee simple to holders of residential leases on the fields. That was not a correct method of making public announcements. The Government should consider that all the representatives of the area affected opposed the granting of the freehold.

THE MINISTER FOR MINES: The preceding speaker had always opposed the alienation of Crown lands; but why should the freehold be granted to some people and withheld from others? The Labour Government declined to grant the fee simple on the goldfields, yet sold town lots at agricultural centres. He (the Minister) had always favoured selling a man a piece of ground for a home, provided the land-jobber was prevented from buying up such blocks and rack-renting the worker.

MR. TAYLOR: This clause would not prevent that.

THE MINISTER FOR MINES: It would. Many of the safeguards surrounding residential areas proved unworkable; and the great majority of holders whom he had met desired the fee simple, which

by the clause might be obtained after certain period by any leaseholder complying with the workmen's-block conditions in the parent Act. He must not be the owner of other land in the State, and must be the head of a family, or a man of 18 years or over. The price of the freehold would be fixed by the Minister, the maximum area being half-an-acre on the goldfields and five acres in agricultural districts. The lessee must, within three months from the date of the lease, take possession, and either he or his wife or a member of his family must reside on the land, and must, within three years, carry out the prescribed improvement. Unless all these conditions were complied with, the fee simple would not be obtained till the expiration of five years. The applicant would have to show his absolute *bona fides*.

MR. JOHNSON: But having obtained the freehold, he could do what he liked with it.

THE MINISTER FOR MINES: Certainly he could dispose of it; and why not give to goldfields people what was given to people in all other parts of the State? Were none but goldfields residents to be deprived of the unearned increment?

MR. SCADDAN: Why should any have it? It was derived from other workers.

THE MINISTER FOR MINES: A worker on wages did not know from day to day how long he would be employed in any one district; and there was a great reason for him to try to make home, because he did not know whether his employment would be permanent. To a man in permanent employment a lease was nearly as good as a freehold, but to a man who might have to leave the district at any time to go elsewhere in search of employment, a lease was of little use, because when he desired to sell he had no certainty that the transfer would be sanctioned by the Minister. Therefore it was to the interests of the worker—providing sufficient embargoes were placed on dealings in land to insure that it would not be taken up for speculative purposes—if, after he had given sufficient evidence of his *bona fides*, were made possible for him to obtain the fee simple in the same way as was open to any other member of the community

MR. TAYLOR: The Minister went a very long way round to tell the Committee that a residential area would be nearly as good as the fee simple if a working man were sure of a permanency; but the Minister asked why a man should be restricted from selling when the permanency of his employment was doubtful. That was what this (Opposition) side of the House objected to—the selling of oldings, the alienation of the land. Once the land on which a man was residing was sold, the purchaser was not going to reside on it but would become a landlord; and we would find in time that, within reasonable distance of our mines, if the land taken up would be in the hands of landlords, and we would have a mananry there such as there was in the metropolitan area. How many working men in the metropolitan area were living on their own land?

MR. SCADDAN: Not 5 per cent.

MR. TAYLOR: Some time back a working man could not find a home round Perth without paying £1 per week in rent.

MR. SCADDAN: One land agent collected £200 a week in rents.

MR. TAYLOR: That was deplorable; and we should prevent that happening on the goldfields. He gave the Minister credit for being persistent in his advocacy of the alienation of land on the goldfields; but members of the Opposition were more successful in the advocacy of their principles on the area which would be mostly affected—that was on the goldfields.

THE PREMIER: Did the hon. member possess any freehold?

MR. TAYLOR: Not enough; if he had enough he would speak with more force against the principle. He was prepared to give his freehold up to the Government if they adopted the principle of the non-alienation of Crown lands, the same as anybody else would be.

THE PREMIER: The hon. member held under protest.

MR. TAYLOR: Decidedly; it would be impossible to live otherwise under the competitive system which had existed for two thousand years. It was idle of members to think we were going to get out of it hurriedly. It was only possible to do so by the advocacy of those who did not believe in the system of freehold. In

view of the fact that on the areas affected the Opposition had been successful in obtaining a majority against the principle contained in the clause, their voices should be heard and heeded. The Minister for Mines had twitted him with being a member of a Government which gave facilities to the agricultural districts that were not given to the goldfields. If it was Mr. Bath who, as Minister for Lands, had imposed these restrictions, he (Mr. Taylor) was not a member of that Government.

MR. HEITMANN: It was Mr. Drew.

MR. SCADDAN: It was Mr. Bath who gave the 999 years lease.

MR. TAYLOR: That was not working satisfactorily according to the land agent at Kalgoorlie.

MR. SCADDAN: Because they were charging such exorbitant rates.

MR. TAYLOR: There were certain embargoes that should be removed. In localities where there was only one mine, if a man got out of employment he had to go to some other district, and consequently would sell out. Some conditions should be fixed by which an exemption could be granted in case the man wished to return to the district again. On the Golden Mile there was no necessity for a man to leave his residential block if he left the employment of one mine and went to another.

MR. WALKER: It was unwise to destroy a very wise experiment in its infancy. We should not pursue the old-time policy of alienating the public estate. If any alteration was to be made at all in the law it should be in applying the experiment which was being made on the goldfields to coastal districts. There had been no extensive agitation to have the leasehold blocks converted into freeholds. Land speculators on the fields were considerably incensed at the action taken by the Labour Government in creating leasehold blocks.

THE PREMIER: The Labour Government increased the term of the lease to 999 years.

MR. WALKER: The sense of proprietorship gave an actual transferable value. Those who dealt in land and made commission out of the transference of land from one owner to another, made all the outcry against the leasehold sys-

tem. The Committee should reject the clause.

MR. JOHNSON : The experiment tried on the goldfields was in connection with the freehold title. When the residential areas were first thrown open for selection it was possible to acquire a freehold. After 12 months' trial of that system it was found that landsharks got the land and the genuine residents were unable to obtain it without paying large sums to the landsharks. There were many persons on the goldfields living on blocks which had been first taken up under the residential lease conditions under the Goldfields Act. The genuine residents on the goldfields protested against the freehold system, and a very large deputation waited on the Surveyor General and appealed to him to abolish the freehold system and substitute the leasehold system in its place, as it would give an opportunity to men to get blocks of land on which to live. At the present time on the goldfields very few workers were paying rent; and under the freehold system, whilst it obtained, they could not get a block of land. It was only the introduction of the leasehold system that gave them an opportunity of getting their homes. That went on for some considerable time, and was in existence to-day. Some desired to get the freehold because they would obtain greater value for their blocks than they would under the leasehold system. But no Ministry were justified in giving a block of land to an individual when they knew perfectly well that such individual was taking from the State that value which really belonged to the State. The State gave land to people for nothing, and a large majority of those advocating a freehold system removed immediately they got the land and sold it.

THE MINISTER FOR MINES : The State was supposed to get fair value.

MR. JOHNSON : If the amendment said that these blocks were to be put up to auction, he would agree to it, for there would be only one sale, because there would be such a protest that the Government would have to withdraw the system.

THE PREMIER : Why was there not protest from all along the lines where different blocks were being sold?

MR. JOHNSON : The conditions in the agricultural districts were altogether

different from those in the goldfields districts, and the Minister for Mines was very unfair in drawing attention to the fact that the Labour Government refused the freehold in the goldfield districts and granted it in the agricultural districts.

THE MINISTER FOR MINES : Agricultural townships, he said.

MR. JOHNSON : The Labour Government introduced new regulations to prevent the sale of land in agricultural districts, though it was true that sales were allowed to continue for some time.

THE MINISTER FOR MINES : Right through.

MR. JOHNSON : When the Labour Government attempted to stop the sale it was pointed out that these sales had been gazetted, and that the land that was being sold had been actually thrown open for sale, and it was necessary to draw up regulations. On the goldfields the leasehold system had been in force, and the Government simply allowed it to continue. A new Government could not take action in a few days, but as soon as it could the Labour Government introduced new regulations stopping the sale of Crown land in agricultural townships.

[**MR. DAGLISH** took the Chair.]

We had the freehold system prevail on the goldfields for a term, and there was a strong agitation appealing to the Government of the day to alter it to the leasehold system. The freehold system had been tried and found wanting. No argument could be advanced to prove that the majority or any fair number of the goldfields residents were dissatisfied with the leasehold system. And the very fact that in the districts most affected members elected had all been opposed to the freehold system, and had been elected by a large majority, clearly demonstrated that the majority of the people were in favour of the existing condition. Yet we had the Government bringing in legislation pandering to the minority in those districts. Land grabbers were fighting for it.

THE PREMIER : Would the hon. member convert his own property into leasehold?

MR. JOHNSON : That block in War Street was taken up by a gentleman under the Gold Mines Act, and he (Mr. Johnson) bought it. He got a letter from the Government stating he would have to take

the freehold or forfeit the right. He would have had to forfeit all the improvements he had put on the block, and he was compelled to take it. Then he was accused by the Minister for Railways and others for political purposes of going back on his principles, and using his position as a Minister of the Crown to get hold of his own freehold to the detriment of others.

THE MINISTER FOR MINES: The hon. member should quote him correctly. The statements made were absolutely untrue. The words referred to were uttered by another party entirely. The hon. member knew that the statements in connection with the freeholds were made by the present member for Kalgoorlie in regard to these blocks.

MR. JOHNSON: Would the Minister for Mines say that he never made the statement?

THE MINISTER FOR MINES: The argument was used by him. The arguments by the member for Kalgoorlie on that occasion were absolutely true.

MR. JOHNSON: The Minister stated that he (Mr. Johnson) acquired the freehold, and the Minister made that statement for political purposes. He did not desire to assert that the Minister went so far as others did, and said he (Mr. Johnson) used his position as a Minister of the Crown to rob a widow woman of that block, and that sort of thing. Assertions of that sort were circulated, and there was no question that the start of it came from the Government benches.

THE MINISTER FOR MINES: Made publicly?

MR. JOHNSON: The first he heard of it. At first it appeared in the papers. However, it was past and gone. He sold the block.

A MINISTER: Did the hon. member get a rise?

MR. JOHNSON: No; he lost money. At every election this question was raised, and members returned who favoured the leasehold system. Thus the leaseholders appealed for a continuance of the leasehold system, while the Government, in the interest of land sharks, appealed for the freehold.

MR. EWING: To hear the Opposition one would imagine that none but land sharks favoured the freehold. Years ago Mr. Hopkins, when member for Boulder, presented to the House a numerously

signed memorial asking that the freehold of residential blocks in his district be granted. The agitation for the freehold was probably as genuine on the goldfields as it undoubtedly was at Collie. Goldfields members were not elected solely on the question of freehold *versus* leasehold. Ever since the working men's home-
stead blocks were granted by the Hon. G. Throssell lessees were crying out for the freehold. The safeguards against abuses were ample, as the holder could not have any other freehold land in the State, and must effect improvements to get the title.

MR. COLLIER: This battle was fought out the other night, when a majority decided against the leasehold. It was refreshing to hear the member for Collie (Mr. Ewing) dogmatise as to public opinion on the goldfields, and voice his desire that every man should own a home. Only a small percentage of working men in Australia owned their own homes, and practically none in large cities; but nowhere on the continent did so many working men live free of rent as on our goldfields to-day. In the north-west quarter of Boulder, where nearly all the land was freehold, 90 per cent. of the people paid rent; whereas on the leasehold area nearly every man lived rent free.

MR. H. BROWN: At the expense of the Government.

MR. COLLIER: The hon. member could not make other than idiotic interjections. Land under the 999 years lease regulations instituted by the Labour Government was first made available at the Half Way Hotel between Kalgoorlie and Boulder; and 100 applications were received for the 22 blocks offered, thus evidencing public satisfaction with the system. The fee simple would be altogether unsuitable to the shifting population of the goldfields. Men leaving the district would sell their blocks to the land speculator, who would let them at a higher rent. Members living on the goldfields had a better chance of studying this question than members living 400 miles away. There was no difficulty in obtaining assistance to build houses on these residential leases. Several builders in Kalgoorlie and Boulder would build houses for the holders of the blocks on terms of

repayment at £1 a week. If the fee simple was given why not put up these blocks to auction? But it was hedged round with so many conditions simply to water down the ill effects of the freehold system. If these blocks were put up for auction and people saw the freehold system in all its nakedness, it would be wiped out once and for all. To show that the goldfields people did not desire such a system, the member for Hannans was opposed by a candidate who had one plank only, and that was "freehold in land," but that gentleman only scored 300 votes against 1,200 scored by the hon. member.

MR. EWING: It would not have made any difference if the candidate had offered the land free.

MR. COLLIER: At any rate, we were warranted by the result of the elections in believing the arguments advanced by Opposition members representing the goldfields.

MR. TROY: In older countries, where the freehold system obtained, the working man did not possess his own block of land, and he would never do so until the system of non-alienation prevailed. The member for Perth thought that it would be disadvantageous to the State if people were given land on the leasehold system. One was at a loss to understand how that could obtain. If the land in the city of Perth had been given on the leasehold system years ago, the State would have been receiving a greater revenue from its city lands than was obtained from the sale of the land, and there would have been no need for the land tax. Also, had the land in Boulder and Kalgoorlie and other towns on the goldfields been leased, the State would have been receiving considerable revenue. A township was being surveyed in the Magnet district. The Premier would confer greater benefit to the State, and would receive a larger revenue from the town blocks, if he were to let them out on leasehold instead of putting them up to auction; because in time the district must go ahead, and the State would get the advantage of the increased value accruing to these town lots. He (Mr. Troy) recognised that the House had on a previous occasion fully debated this matter, and that it was futile to attempt to convince hon. members opposed

to the principle of non-alienation, but he hoped no attempt would be made to alter the existing leasehold system on the goldfields.

MR. WARE: In the early days of the goldfields, a man had only to dump his camp on a block to secure the land. Speculators had camps on lorries. They would move the camp to one block and hold it long enough to secure it, and then move the camp to another block. In this way they secured numbers of blocks. Men practically made fortunes in securing these blocks and selling them afterwards at high figures. There was a massive pile of buildings in Hannans Street, Kalgoorlie, built out of a fortune made in this way. The workers of the fields who desired a home of their own saw through this and clamoured for the leasehold system. This was anything but popular to the land agents and those in authority in Kalgoorlie. An attempt was made to kill the leasehold system by clamouring for a 21 years' lease which was not transferable, and this was granted. The people on the fields did not clamour for the freehold but for a better system of leasehold. When the Labour Party came into power they granted a 999 years' lease, which was a step in the right direction, but instead of paying 10s. for a block as hitherto, the residents were charged as high as £2, £3, and £4 for a block. At the present time, although the people had to pay these rates they were in favour of the leasehold system.

THE PREMIER: They only paid four per cent. on the capital value.

MR. WARE: The man who placed the value on the blocks was in sympathy with the land grabbers.

THE PREMIER: Anyone who knew Mr. Tupper would say he was above being in league with the persons referred to.

MR. WARE: He was in sympathy with them.

THE PREMIER: Mr Tupper was at one time strongly in favour of the leasehold principle, but after an experience of four or five years on the goldfields he came to the conclusion that it was not desirable to continue that system.

MR. WARE: The candidate who opposed him (Mr. Ware) at the last election was in favour of the freehold principle, but that candidate was beaten

by the biggest majority of any candidate at the elections. At the last election everything was done on the goldfields to make the leasehold system unpopular. It was said that if a freehold was granted people would have the right to their own homes, but experience had taught otherwise, for if the freehold were granted these blocks would be bought up by those with capital.

MR. DAGLISH: After listening to the arguments from the Opposition he was satisfied no harm would result from carrying the clause, because every member who had spoken on behalf of the goldfields had shown that the people resident on the goldfields were entirely in favour of the leasehold system, and this clause was not compulsory but was permissive, giving the Government the right to say to the leaseholder that he might under certain conditions have the freehold. The people on the goldfields had voted persistently for nonalienation, and therefore they would act nonalienation. He was willing to give the people a chance to prove their earnestness. There could be no dummying under the clause if it was properly enforced, because a person had to put in a two years residence to acquire a block. He (Mr. Daglish) fought his election a few months ago on the issue of alienation *versus* nonalienation more closely than any member in the House, because at every meeting he dealt with this one issue, and pointed out that on this and on the caucus he had left the Labour party. At every meeting he addressed throughout his election he plainly took up this position. When he was first a member of the House he moved a substantive motion on this question of nonalienation. He believed the principle to be good now, if it could be enforced generally throughout the State, but he could not see how we could have the two systems running side-by-side satisfactorily. Whilst in office he had to receive a lot of representations from the goldfields in regard to the desirability of converting certain residential blocks from leasehold into freehold. In fact there was general dissatisfaction at that time with the residential lease system, as a consequence of which one of the members of his Ministry paid a special visit to the goldfields, and

the member for Ivanhoe (he thought) was good enough to go with him.

MR. SCADDAN: It was the reverse. It was to protest against the action of the Government for selling instead of leasing blocks.

MR. DAGLISH: Oh, no. The upshot, after consideration by Cabinet, was that the term for residential leases was changed from 21 years to 999 years.

MR. SCADDAN: No.

MR. DAGLISH: Surely the hon. member would not argue that this change making the term of the lease 999 years was in consequence of general satisfaction with the conditions then surrounding leasehold. The alteration was practically equivalent to changing the system from leasehold to freehold, the Government having the right to collect an annual tax on these leaseholds. A lease of 999 years was as much a saleable commodity as an actual freehold would be as a means of speculation, supposing there were nothing but leases of 999 years and that there were no freehold to traffic in. But where the two forms of ownership existed side by side, freehold would always catch the attention of a speculator in preference to a leasehold, even if for 999 years. But if the land for which a lease of 999 years was granted was in any way valuable and likely to have an increased value for speculative purposes, it would be as much an object of speculation as freehold itself. A right to tax land was virtually a right to collect a rent. Those who wished to see the State reaping a substantial advantage from the unearned increment should adopt a policy of least resistance. If we applied the principle of nonalienation to our goldfields towns, we should also apply it in country towns and in the city itself; it should be applied generally. Then we had to win for the Crown lands of the State British settlers, if we possibly could. We wanted Crown lands to be taken the fullest advantage of. In order to get those settlers we had to compete not only with other States in Australia where freeholds were offered, but with the American States as well, both North and South, where likewise there was the freehold system. We had virtually to compete as one State against the world for our settlers, and in order to get those settlers we had not only to show we had suitable lands, but also suitable terms of

ownership for those whom we desired to secure land. Otherwise, what chance had we of securing settlers?

MR. SCADDAN: What about leaseholds in New Zealand?

MR. DAGLISH: The hour was too late to discuss that question.

MR. TROY: The last speaker, though believing in the principle of nonalienation, objected to it because it caused great dissatisfaction. That fact proved nothing. The majority of the people were once dissatisfied with the hon. member's Government; but was their dissatisfaction justified? To-day the people would like the Labour Government back again. In this House we pandered too much to the selfishness of the people outside.

MR. SCADDAN: Better report progress. Some members had to leave before midnight.

THE PREMIER: Better close the discussion, the matter having been threshed out the other night.

MR. SCADDAN: The member for Subiaco. (Mr. Daglish) believed in the clause because the taking up of freehold blocks would not be compulsory; but that would give an advantage to the man who was trying to beat the State. The majority of residential lessees on the fields would thus within six months get their titles, and all lessees would be ultimately compelled to become freeholders. The hon. member spoke of a general desire for the freehold having caused Mr. Drew, when Minister for Lands, to visit Kalgoorlie; but Mr. Drew went there to explain the reason for selling by auction park lands, there being an outcry against the sale. The general desire then was for an alteration of the leasehold conditions, which were a source of much discontent; and Mr. Bath, when Minister, introduced the 999 years lease. Mr. Tupper, the Government land agent at Kalgoorlie, assessed the capital unimproved value at so high a figure that the 999 years leases never gave satisfaction. Some blocks valued by him at £100 would not bring £25 if sold by auction.

THE PREMIER: That could easily be remedied. If complaints were made that valuations were too high, there was no reason why an independent valuation should not be made.

MR. SCADDAN: The Premier should consider the advisability of amending the regulations to that end. It would be advisable for the land board at Kalgoorlie to value these blocks. The land agent desired to obtain as much revenue as he could for the Government, but should be relieved of the responsibility, and it should be placed on the land board. More satisfaction would thus be given to everyone. He hoped the Committee would see that goldfields members were expressing the wishes of their constituents in this matter, and that their wishes should be recognised. Members should not yield to an attempt to give away something that belonged to the State without any request being made to do so by the people interested.

THE PREMIER: The representations made by the hon. member in regard to valuing these blocks were worthy of consideration. One could hardly believe there would be such a discrepancy between the valuation of £100 placed on the block by the land agent, and the valuation of £25 placed on the same block by the hon. member. There was no reason why these valuations should not be submitted to the land board, so that they would have an opportunity of saying whether the valuation fixed by the land agent was fair or not. The Leader of the Opposition said that this was an experiment, but according to the member for Guildford it was far from being an experiment. An alteration was made during the term of the Labour Government; by which leases were extended from 21 years with the right of renewal, to 999 years, as near to the freehold system as the corners of the non-alienation pledge would admit. Members were aware that a prominent official of a labour organisation had repudiated the offer of a lease of a block of land and, when offered either a lease or freehold, was glad to take the freehold, though at the same time, as delegate to a Labour conference, he was a strong advocate of non-alienation. Mr. Tupper, the land agent at Kalgoorlie, reporting, had said: "It was thought a lease of 999 years would give universal satisfaction, but he regretted to say that quite the contrary seemed to be the case. Judging from what he had heard and seen on the goldfields, he was quite convinced that the residents there would never be

atisfied until they had the right to purchase the fee simple of their holdings after a certain time. He was a strong believer in the leasehold system but had to confess that the experiment had not seen the success he expected. It was all very good in theory, but would not work well in practice; and so long as the present system continued, there would always be, he thought, the same dissatisfaction." That was also the opinion of other officials of the department. It was considered that we should have an expression of opinion from representatives in the goldfields. The Kalgoorlie Municipal Council was a fairly representative body. [SEVERAL LABOUR MEMBERS: NO.] One of the Labour representatives in the House of Representatives graduated from that body, and one or two members of his House had been connected with it; showing that the council was a liberal and democratic institution. [MR. SCADDAN: The councillors were all elected from Hannan Street.] That council passed a resolution urging that legislation be brought into effect to allow holders of residential areas, who so desired, to secure the fee simple of their holdings, and that in future town lands for residential purposes be dealt with under the working men's blocks principle of the Land Act, 1898, with a maximum time of 12 months after the granting of such leases within which application could be made for the purchase of the lease right out. One or two deputations had been received in connection with this matter. Therefore, while giving respect to the opinions of members of the Opposition in regard to this question, he was led to believe, with the member for Collie, that if the subject were put to the vote, the decision would be in favour of granting freeholds. As this matter had been fully debated before, there was no need to continue the discussion.

MR. WALKER: When members said this was no experiment, they were dealing locally; but speaking generally, it was an experiment. It was argued that men would get the freehold when they could, and that therefore the principle was right; but so long as a man saw others getting an advantage over him, he was almost forced into the swim along with them. Thus people encouraged this

species of selfishness, and the holding of these blocks became a means of speculating and gambling. The result was that gambling took place in every instance; a great scoop was made by one or two; ultimately the working man, in whose interests this was supposed to be, was left without any stake, he was absolutely deprived of his home, and one or two obtained possession of the lot. As far as the opinion of the Kalgoorlie council was concerned, whilst we treated the council with respect, its opinion on this subject was worth nothing, because nearly the whole of the members of the council were land-owners or land agents. He (Mr. Walker) remembered the agitation to have the leasehold blocks turned into working men's blocks. He remembered the cry from the fields, why did not the Labour Government do in the towns what they did on the fields? It was the cry of those who were making a little in trafficking in these blocks, therefore he paid no attention to it.

MR. SCADDAN: In the event of the clause being carried, there would be no farther chance of amendment. The clause stated, "may allow the holder of any residential lease" to convert. Did that term include free area leases? If any persons required relief, these holders did. As long as there was an assurance that these leases were included, he was satisfied.

THE PREMIER: If the clause did not include these leases, he would endeavour to place them under the same conditions as the residential leases.

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

Ayes	14
Noes	10

Majority for ... 4

AYES.

Mr. Barnett
Mr. Brebber
Mr. Brown
Mr. Cowcher
Mr. Daglish
Mr. Eddy
Mr. Ewing
Mr. Gordon
Mr. Gregory
Mr. Layman
Mr. Male
Mr. Monger
Mr. Price
Mr. Hardwick (Teller).

NOES.

Mr. Collier
Mr. Heitmann
Mr. Horn
Mr. Johnson
Mr. Scaddan
Mr. Underwood
Mr. Walker
Mr. Ware
Mr. A. J. Wilson
Mr. Troy (Teller).

Clause thus passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 12 o'clock midnight, until the next day.

Legislative Assembly,

Wednesday, 10th October, 1906.

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THE SPEAKER took the Chair at 4:30 o'clock p.m.

PRAYERS.

QUESTION—SHOPPING HOURS, KALGOORLIE.

MR. WALKER asked the Premier: 1, Is it true that permits have been granted to certain employers in Kalgoorlie to open their shops during the evening, after the statutory hour of closing? 2, If so, who granted the permits, and under what section of the Act were they granted? 3, Was the Minister consulted? 4, Are not such grants *ultra vires*? 5, Has the Government abandoned the appeal to the Full Court in September 1905 (see inspector's report published this year)? 6, Will the Government appoint an inspector for the gold-fields, or gazette certain police officers to do the work?

THE PREMIER replied: 1, Yes; Messrs. Brennan Bros., Boulder, for the purpose of holding show of goods on

Wednesday, 19th September, 1906 between 7:30 and 10 p.m., conditionally that no assistants employed and no trading done. Police asked to visit and see conditions complied with. 2, Chief Inspector of Factories. The Act makes no provision. See answer to No. 4. 3, Yes. 4, No, it being held by the Crown Solicitor that under the conditions above stated the shop is closed within the meaning of the Act—not being open for the purpose of trade. 5, No. Appeal upheld by Full Court decision 23rd March, 1906. 6, The police at present exercise a general superintendence over early-closing matters, and, in addition, a visit is paid by one of the early-closing inspectors as frequently as circumstances will permit.

QUESTION—WATER SUPPLY, METROPOLITAN SCHEME.

MR. H. BROWN asked the Minister for Works: When does the Government purpose putting in hand the proposed enlarged water scheme for the metropolitan area, as promised last year by the Hon. Frank Wilson?

THE PREMIER (for the Minister for Works) replied: Preliminary investigations are now being made, and as soon as complete information has been obtained the Government will make an announcement.

MOTION—POLICE FORCE, SUNDAY OFF.

MR. E. HEITMANN (Cue) moved—

That in the opinion of this House the members of the Police Force throughout the State should have one Sunday, or its equivalent per month as a day of rest and recreation without prejudice to any of their present privileges.

He said: I move the motion with a desire to give a large body of men in the public service of this State a concession or rather a privilege, if it may be termed so, which is at present enjoyed by the public service outside this one department throughout the State. At the present time in the large centres of Western Australia many of our constables in the Police Force are working 365 days a year. I think the House will agree with me that causing men to work 365 days a year, year in and year out, in some of the centres of this State, is no