

would have to pay the annual rent. The land would be increasing in value all the time, even if the house fell down. It is only fair to give the occupier an opportunity to sell to the highest bidder.

The PREMIER: I do not think the amendment is necessary.

Mr. Mann: It will not do any harm.

The PREMIER: I assume it was drafted by the Solicitor-General.

Mr. Pantou: It was given to me; I cannot say whether it was drafted by the Solicitor-General, but it may have been.

The PREMIER: The Solicitor-General assured me this morning that the amendment just passed covers the hon. member's amendment. I cannot see that it does not cover it. All the difficulties that lie in the way of a sale have been eliminated. Where is there anything in the Act to prevent the hon. member from doing that which he desires?

Mr. Mann: Except that the board has discretion in the matter.

Hon. Sir James Mitchell: The board should not have power to do more than ensure the incoming tenant being a suitable one.

The PREMIER: That is really all the power the board has in the matter. It must ensure that the house goes to a worker.

Mr. Pantou: Why, when the home has been paid off?

The PREMIER: Because the home was built for a worker, and should always remain in the possession of some worker.

Mr. Pantou: Although it is paid off?

The PREMIER: Yes. Every such home should remain for all time as a worker's home, and should not be the subject of speculation by persons who do speculate in houses or pass into the hands of some person other than a worker. I will find out, however, whether the amendment is necessary and will meanwhile report progress.

Progress reported.

*House adjourned at 10.55 p.m.*

## Legislative Council,

Wednesday, 21st November, 1928.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

### QUESTION—CLOSER SETTLEMENT, AREA ACQUIRED.

Hon. E. ROSE asked the Chief Secretary: What area of country has been acquired by the Government for closer settlement under the provisions of the Closer Settlement Act, 1927?

The CHIEF SECRETARY replied: None.

### MOTION—MAIN ROADS BOARD ADMINISTRATION, SELECT COMMITTEE.

*Admittance of Board Chairman.*

HON. E. H. GRAY (West) [4.34] I move—

That the select committee appointed to inquire into the provisions of the Main Roads Act, 1923, and the administration thereof, be instructed to permit the chairman of the Main Roads Board to be present during the examination of witnesses and ask witnesses any questions arising out of the examination.

I want to express regret that the necessity should have arisen for me to submit this motion. I made a request to the members of the select committee at almost the first meeting of that committee that Mr. Tindale should be allowed to attend, but they in their wisdom thought it was not desirable that the chairman of the Main Roads Board should be in attendance in the terms of the motion. They held that ample opportunity would be given for the defence of the officers concerned if the evidence were submitted to Mr. Tindale at a later date and an opportunity afforded him to rebut it at a subsequent meeting of the committee,

That was their view; it is not my view, and therefore I am moving this motion. It will be necessary to go back a little way and recall the reasons why the select committee were appointed. Grave allegations were made in the House against the administration of the Act and the general carrying out of the functions of the Main Roads Board. So much did those allegations impress the House, that the select committee were appointed to inquire into the administration of the Act and into various charges levelled at the officers of the department by members in the course of their speeches on the motion for the select committee. The very fundamentals of British justice demand that when a person or a board are charged with anything, they shall be given full opportunity to defend themselves. The terms of the select committee's inquiry mean that the reputation of the Main Roads Board is at stake. Therefore the members and officers of that board should be given every opportunity to defend themselves.

Hon. J. J. Holmes: Has the Chairman of the Main Roads Board asked to be present?

Hon. E. H. GRAY: I understand—

Hon. J. J. Holmes: No, not what you understand. Tell us what you know.

Hon. E. H. GRAY: Well, Mr. Seddon can answer that question when he rises to speak to this motion. As I have said, I first made this request at a meeting of the select committee, but the committee's decision was against me.

Hon. H. A. Stephenson: It looks like an example of minority rule.

Hon. G. W. Miles: Is this being done at Mr. Tindale's instance?

Hon. E. H. GRAY: No, it is not. The moving of this motion may be regarded as a reflection on the management of the committee. I do not intend that. Personally I have every confidence in the members of the committee, and I believe they will give every officer of the board who goes before them a fair and just hearing. But in my view Mr. Tindale's presence would be of very great assistance to the committee and would save a lot of time. I cannot see that the evidence will be more effectively dealt with by pursuing a lengthy method of trying to arrive at the facts. The presence of a competent authority, such as the chairman of the Main Roads Board, when a witness

is giving evidence, would be of great assistance to the committee. He would be able to help the committee to sift the evidence and find out the true facts.

Hon. E. H. Harris: You are now saying the committee are incompetent.

Hon. E. H. GRAY: Nothing of the sort! There is such a thing as unconscious bias. I have heard that term before.

Hon. C. F. Baxter: And you apply it to members of the select committee.

Hon. E. H. GRAY: I myself may be unconsciously biased, and so may be any other member of the committee.

Hon. J. Nicholson: I could not believe that.

Hon. E. H. GRAY: The main reason for the motion is that the House requires the committee to do their work efficiently and present a true report.

Hon. C. F. Baxter: And you say they are not competent to do that.

Hon. E. H. GRAY: I say that without the assistance of an expert they are not competent to judge of the many charges brought before them. If it is necessary to provide for a man being given an opportunity to defend himself before a Royal Commission, I do not see why the same course should not be adopted at an inquiry by a select committee.

Hon. E. H. Harris: Why not have a Royal Commission?

Hon. E. H. GRAY: Every member of the select committee is a layman, with the possible exception of Mr. Stewart who, I understand, is a civil engineer. But Mr. Stewart cannot attend all our sittings. We propose to go away up country to-morrow night, and Mr. Stewart will be unable to go with us. It is necessary that the committee should have the assistance of an engineer who can advise them and put them on the right course when charges are being made before them.

Hon. E. H. Harris: You ought to add to the personnel of the committee by putting Mr. Tindale on it.

Hon. E. H. GRAY: It is quite a common thing for Royal Commissions to have the assistance of experts.

Hon. E. H. Harris: Can you quote an instance of that?

Hon. E. H. GRAY: The hon. member knows it is a fact.

Hon. E. H. Harris: I know it is not.

Hon. C. F. Baxter: It is quite unusual.

Hon. E. H. GRAY: Well, it is a surprise to me, for my experience has been quite the opposite.

Hon. A. Lovekin: There are two sides to that, and you are dealing with the other side.

Hon. E. H. GRAY: No, I leave it to the hon. member to deal with the other side. What I require, and what every member of the select committee requires, is that the work shall be done satisfactorily and the officers of the department given a fair deal. But I cannot see how the committee are going to give the board's engineer a fair deal if they are going to take evidence and then, later on, allow that officer to give rebutting evidence in the absence of the witness who submitted the original evidence. It would be far more expeditious and just if the cross-examination were done on the spot, and it would save a lot of time. I appeal to the instinct of fairness in members of the House to carry the motion so that the officers concerned in this inquiry may be given a fair deal. If the motion is carried those officers will get that fair deal.

**HON. H. SEDDON** (North-East) [4.40]: Mr. Gray is a member of the select committee, and so this motion will carry far greater weight, not only with the House but with the general public, than if it had come from some other member of the House. As chairman of the select committee, I propose to read a statement to the House and then leave it entirely to their judgment as to what they think of the action of the committee and as to what decision they shall come to. Mr. Gray said he made the request, practically at the first meeting of the select committee, that Mr. Tindale be asked to attend and be given an opportunity to cross-examine witnesses. The select committee considered that request and had to be very careful in giving a decision; because it was recognised that Mr. Gray, in making this request, was taking an entirely new departure in regard to the proceedings of a select committee. While it is not unknown that a Royal Commission should give to any person affected by the inquiry the right to be present or to be represented, so far as I know there is no provision for a select committee doing the same. Standing Order 286, dealing with select committees reads as follows:—

When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any member or at

the discretion of the chairman of the committee, and shall always be excluded when the committee is deliberating.

I can find in the Standing Orders no reference to allowing strangers to put questions to witnesses.

Hon. E. H. Harris: There is something solid to hang your hat on—the Standing Orders.

Hon. H. SEDDON: Although he disclaims it, Mr. Gray by his motion has made a reflection on the impartiality of this select committee.

Hon. E. H. Gray: It was not intended, anyhow.

Hon. H. SEDDON: The motion refers also to other things. It suggests that Mr. Tindale is on his defence. The committee do not look at the matter in that light. The inquiry is one into the operations of the Main Roads Act and secondly into the administration of the department generally. They would be sorry to see any personal aspect introduced into the position. They desire to conduct the inquiry impartially, and to give protection to all concerned. After discussing the matter, members of the committee felt that they could not accede to Mr. Gray's request. They also felt they should take every step to prevent any false impression going out with regard to Mr. Tindale himself. They therefore arranged that Mr. Tindale should be supplied with copies of the evidence as it was taken from day to day. This was to enable him, if he felt there was anything detrimental to him, or anything that should be immediately refuted, to avail himself of the opportunity of replying at once to any statement that had been made. The suggestion of Mr. Gray has been carried out in regard to inquiries by Royal Commissions, but the House is well aware that the Government refused to appoint a Royal Commission to make an inquiry into this particular matter. It is felt that this suggestion should be adopted, the matter is in the hands of the Government, who can immediately appoint a Royal Commission. We should all be glad to see such a Commission brought into being. The question was asked as to whether Mr. Tindale had requested this privilege. Mr. Tindale made a verbal request to the clerk of the committee to be allowed to attend, and to be in attendance when witnesses were being examined. The committee, however,

gave him the evidence, and he expressed his appreciation of their action. Mr. Tindale will accompany the committee on their journey to Geraldton, and will be present when we make an investigation into road measurements and other questions that have been referred to. In the circumstances the committee feel that they have extended every consideration to Mr. Tindale, and endeavoured to carry out the inquiry with that impartiality which is always associated with Parliamentary investigations. The matter is now entirely in the hands of the House. If, after hearing my statement members feel that we have taken the right action, they will vote accordingly. If, on the other hand, they think that Mr. Gray's motion should be carried into effect, no doubt they will vote in that direction. Mr. Gray said that when a man is charged with an offence, he should be present at the inquiry. The matter is in the hands of the Government. In the first place, they did not give Mr. Tindale the right sought when they refused to appoint a Royal Commission of inquiry. Mr. Gray's argument is an excellent one for the appointment of such a Commission. I will now leave the matter in the hands of the House. I am speaking entirely on behalf of the members of the committee.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.40]: I am rather surprised at the explanation given by Mr. Seddon. I was under the impression there had been a misunderstanding. It is very clear now that not only was there a request from Mr. Gray, but also one from Mr. Tindale that he should be allowed to cross examine witnesses. Very serious charges have been made against the Main Roads Board, of which Mr. Tindale is chairman. Members of that board have been charged with incompetence. If that charge is proved to the satisfaction of the Government, there will be no alternative but to dismiss the board. Section 5 of the Main Roads Act says that each member of the board shall be appointed for a term not exceeding five years, but may be removed from office at any time within such term for misbehaviour or incompetence. Numerous charges of incompetence have been laid against the board. The accusers were not here. The members who made those charges made them on hearsay. But the accusers will shortly be forthcoming. The chairman of

the board should have the right to cross examine witnesses, otherwise justice is not likely to be done. The witnesses who will be called may be Jack, Bill, Tom or Harry. They will not be submitted to cross examination.

Hon. Sir Edward Wittenoom: Would not the subordinates of the board be prevented from giving their exact opinions if the Chairman was present?

The CHIEF SECRETARY: If witnesses give evidence against the board in a matter where the reputation of the board is at stake, an opportunity should be given to the officers of the board to cross examine those witnesses. It may be that if there was some cross examination the beautiful structure which had been erected against the board would topple to the ground at the first touch.

Hon. Sir Edward Wittenoom: Men giving hostile evidence might get the sack.

The CHIEF SECRETARY: It has been stated there is no precedent for this. I have had very little experience of select committees, and have not followed their course. One select committee, however, is indelibly impressed upon my mind, because I was associated with it. In 1912 a Government officer, together with about a dozen others, was retired. After a lapse of 19 months a select committee of this House was appointed to investigate the matter, because through the development of events, the Government officer was of the opinion that his reputation had sustained a serious injury. At the very commencement of the proceedings the report records in 1913 the following—"At the outset Mr. \_\_\_\_\_ (quoting the name of the officer) asked to be allowed to be present and to ask questions, and as the facts were so much within his own knowledge, your committee agreed that it would be a matter of assistance to them. It was also intimated to the hon. the Colonial Secretary that the same privilege would be available to him or his representatives if he chose, but he did not avail himself of this permission." That took place in 1913. It was only right that the Government officer should be present to cross examine the witnesses. If the Minister for Education fines a teacher 15s. that teacher has the right to apply for a board of inquiry, and may cross examine witnesses.

Hon. Sir Edward Wittenoom: That is not the same thing.

The CHIEF SECRETARY: It is even more important in this case. The reputation of these men is affected.

Hon. E. H. Harris: There is no analogy between the two cases.

The CHIEF SECRETARY: There is a distinct analogy. What is proposed is contrary to British justice. All sorts of charges have been made. It is said that the board have associated themselves with political corruption. A whole string of charges has been made. If these charges were proved the question would arise as to whether the members of the board should remain in office. I hope members will take a fair view of the situation. I do not wish to cast any reflection on the select committee. Probably this is not a usual course to adopt. There have been very few select committees to inquire along these lines. The last of these was active in 1913. I can understand that later on the Chairman of the board will have an opportunity to give evidence in rebuttal. In the meantime it is proposed to travel through the country districts, and the proceedings of the select committee will be reported at length in the local Press. These charges, fortified by evidence which will not be submitted to cross examination, will get into circulation, and have a damaging effect on the board. Weeks will elapse before the chairman will be able to rebut the evidence.

Hon. H. Seddon: That is not so.

The CHIEF SECRETARY: He should have the right to cross examine witnesses. Upon what ground is he being refused that right? It cannot lead to justice being done.

Hon. J. J. Holmes: He is not on his trial.

The CHIEF SECRETARY: Could it be called a fair tribunal if he is prevented from exercising the right that exists in every other tribunal, in cases where the rights of individuals are seriously affected? That right is given in our courts of justice. I have known of cases where grave charges have been made against individuals. In the first instance they had no lawyer to represent them. I know of a case in which three men were charged with wilful murder. The case went to the Supreme Court, but collapsed when the men were able to prove that they were absolutely innocent of the charge. This proof was afforded under cross examination. A reward had been offered for the discovery of the murderer, and people had come forward to swear away

the lives of these men. The establishment of their innocence was due to cross examination. Perhaps this is not a fair comparison. In other directions, however, where inquiries are held in connection with public servants, officers of the Railway Department or of the Police Department, the person charged has the right to be present to cross examine witnesses. I maintain in this case that Mr. Tindale and other members of the board are being charged with certain offences. They should be given an opportunity fully to state their case, and to probe the evidence that is submitted against them.

HON. C. F. BAXTER (East) [4.55]: I was astonished when Mr. Gray moved his motion, but still more astonished at the attitude of the Chief Secretary. Never have I seen that hon. gentleman in such an uncomfortable position, or so weak in the line of defence. He sets up the argument that Mr. Tindale is charged with a criminal offence, and winds up by exonerating him altogether. The cases he has put forward are not analogous to the present one. One of the cases was that of a personal matter. In the present case it is not a personal matter. The select committee was appointed to inquire into the provisions of the Main Roads Act and its administration. There is no question about the individual. The Chief Secretary says that Mr. Tindale will have an opportunity of refuting the statements that have been made. What are the statements? To what do they amount if they can be refuted and proved incorrect? Wherein lies the danger to Mr. Tindale? During the time I have been in the House I have not known of any case where a member of a select committee has said, "My view is that the committee is incompetent."

Hon. E. H. Gray: Who said that?

Hon. C. F. BAXTER: The hon. member said it by moving his motion. He went on to suggest that he wanted the chairman of the board to come forward and help the committee in an inquiry into the administration of the board. Could anything be more ridiculous? I am glad to hear from Mr. Seddon that members of the committee do not feel they are incompetent to carry on the work and report to the House on this question. From what we are told the committee is thoroughly competent to do the work. They have gone out of their way to supply Mr. Tindale with all the evidence

that is given. The Chief Secretary said that the chairman of the board will have an opportunity of refuting any statement to which he takes exception. Wherein lies the danger to Mr. Tindale? Mr. Seddon has just informed me that Mr. Tindale receives a copy of the evidence from day to day. This means that no statement need go unchallenged for more than 24 hours. Why ask the House to do something that has never been done before, and belittle the members of the select committee? That is what the motion means. It indicates that the select committee are not competent to sum up the evidence that is put before them. Members of past select committees of this House, or of Royal Commissions consisting of members of this House, have shown their ability and their work, has borne good results, which have proved of wonderful value to the State. In the personnel of this select committee I have every confidence. I feel that the outcome of their work will be of advantage to the State. Unfortunately the Chief Secretary could not refrain from referring to the political aspect of the situation. If there has been any political jobbery, it should be inquired into and exposed. I do not know of any. If the case is so clear that there has been no political jobbery, the Government have nothing to fear from the inquiry. Why, therefore, should the Government worry about that, or why should there be any cause for worry because Mr. Tindale is not present at the hearing of evidence by the committee? It was stated at the road boards conference that members of that conference knew of the extravagances that had gone on and were aware that the administration was at fault. We know also that after the chairman of the Main Roads Board had made an explanation the conference as a body were prepared to cheer him and accept him as a wonderful man. To ask the House now, after having appointed a select committee, to do something outside the members of the select committee, will amount to belittling that committee. It will also amount to this, that the members of this House are not competent to carry out a task that has been entrusted to them. The motion will be a retrograde step and will do serious harm by reflecting on the Council, and will also destroy any good that we may expect from the select committee. I feel that when the committee are prepared to submit a report—

and I hope they will be permitted to continue their investigation until it is completed—the recommendations that will be made will be of assistance to the Main Roads Board administration and will not in any way retard the work of that body. The underlying feeling of all the members of the select committee is a desire to sift the position clearly and concisely and to present recommendations that will have the effect of putting the administration of the Main Roads Board on a sounder position than it occupies to-day.

**HON. J. CORNELL** (South) [5.3]: I consider the motion extremely ill-advised and I hope that a vote will not be taken on it. The motion as it is couched, whether it is carried or lost, is liable to create a wrong impression. I submit that any select committee appointed by this House is equally bound to the Standing Orders as is the House itself or the Committee as a whole. Mr. Gray's motion is that it be an instruction to the committee to admit the chairman of the board to be present during the examination of witnesses and that he be permitted to ask questions of the witnesses. If Mr. Gray had framed his motion that this permission should be granted as an act of courtesy on the part of the committee, not so much exception could have been taken to it. My interpretation of the Standing Orders under which the select committee works is that the House appoints the select committee. If members will turn to the Standing Orders, they will find that the select committee cannot send for persons, papers or records without being authorised by the House to do so. That authority has been obtained. The select committee may of their own volition summon witnesses, and the clerk, at the direction of the committee, is instructed to summon those witnesses. Then the Standing Orders state the method of procedure to be adopted. Standing Order 285 says—

The chairman shall first put to the witness, in an uninterrupted series, all such questions as he may deem essential, with reference either to the subject referred to therein or to any branch of that subject according to the mode of procedure agreed on by the committee. The chairman shall then call on the other members by name to put any other questions which may have occurred to them.

In Standing Order 286, which relates to the admission of strangers, there is no provision

that anyone else other than members of the select committee may ask any questions of a witness. The Standing Orders are explicit. It is provided that strangers may be admitted when witnesses are being examined, and another Standing Order sets out that any member of the Council may be present when a witness is being examined. I have searched the Standing Orders but I have not been able to find power is given the select committee to permit questions to be asked by any person other than a member of the committee.

The Chief Secretary: Mr. Gray is asking for that power to be given.

Hon. J. CORNELL: I take it that the power he asks for will have to be referred to the Standing Orders Committee.

The Chief Secretary: No.

Hon. J. CORNELL: Then I know nothing of the Standing Orders. I take it that the procedure in adopting the Standing Orders is that any member who desires the Standing Orders to be amended must give notice accordingly, and the request will be referred to the Standing Orders Committee, which will frame a report and the House will decide whether or not it is to be accepted. It would be a dangerous procedure if, by a resolution of the House, permission was given to do what Mr. Gray desires without proper consideration being given to the matter by the Standing Orders Committee. As Mr. Gray considers, backed up by the Chief Secretary, that Mr. Tindale should have the exclusive right to be present and to cross-examine witnesses, the only logical course for the Government to pursue is to make the select committee an honorary Royal Commission. If that be done, then the Commission will not be bound by our Standing Orders, and the Government, if they like, will be able to brief counsel to watch the interests of the Main Roads Board.

The Chief Secretary: What about the precedent already created?

Hon. J. CORNELL: If a previous committee created a precedent, we have to ask ourselves whether that precedent was in conformance with the Standing Orders.

Hon. A. Lovekin: I think you will find that the questions in that case were put through the chairman.

Hon. J. CORNELL: If it was not in accordance with the Standing Orders, all we should be asked to decide by this motion is

not the question whether or not Mr. Tindale should have the exclusive right to be present, as the motion suggests, but whether or not the select committee have acted under the Standing Orders. I have no wish to enter into the merits or otherwise of the administration of the Main Roads Board, or whether the select committee will give Mr. Tindale every consideration, but I know that the select committee have no power under the Standing Orders to do what has been suggested, except perhaps as an act of courtesy to permit him, as Mr. Lovekin has suggested, we ask questions through the Chair. I reiterate it would be infinitely better for all parties to turn the select committee into a Royal Commission, and when that has been done, if the Chief Secretary thinks that Mr. Tindale should be present --he is not on trial--and it is in the interests of the Main Roads Board that he should be present, the Government could brief counsel to watch the proceedings on his behalf. I understand that is the procedure adopted sometimes with regard to Royal Commissions that have been appointed to inquire into charges that have been made.

HON. G. FRASER (West) [5.12]: I intend to support the motion. It has been stated by various members that the Main Roads Board is not on trial.

Hon. Sir William Lathlain: And Mr. Tindale is not on trial.

Hon. H. Seddon: Have you read the motion?

Hon. G. FRASER: There is no doubt that after hearing the various charges that were made in this Chamber against the administration of the Main Roads Board, that body is on its trial. Mr. Baxter twitted the Chief Secretary for drawing a comparison between the investigations being conducted by the select committee and a trial for a criminal offence. Perhaps the Chief Secretary stretched the position a little. But the fact remains that in both instances the parties are on trial and in this instance the reputation of the Main Roads Board is at stake. I cannot understand the opposition that is coming from the select committee. I should have thought they would have welcomed a suggestion such as has been made.

Hon. J. J. Holmes: They cannot do what is asked.

Hon. G. FRASER: They can do it all right.

Hon. E. H. Harris: It is not the Trades Hall that is operating this, you know.

Hon. G. FRASER: If they had been, they would have given the man a fair deal and permitted him to be present.

Hon. H. A. Stephenson: You are casting a reflection on the committee.

Hon. G. FRASER: You looked for what I gave you, and you got it.

Hon. E. H. Harris: I have not got anything yet.

Hon. G. FRASER: I do hope that the motion will be carried because the request contained in it is fair and reasonable. I admit that the select committee have gone a long way by supplying Mr. Tindale with a copy of the evidence.

Hon. H. A. Stephenson: From day to day.

Hon. Sir William Lathlain: A generous act, don't you think?

Hon. G. FRASER: And by that act they have shown that they want some guidance from Mr. Tindale.

Hon. C. F. Baxter: Not necessarily.

Hon. G. FRASER: The select committee must want some statements refuted, or perhaps will require Mr. Tindale's assistance in that direction.

Hon. C. F. Baxter: He will have every opportunity to defend himself.

Hon. G. FRASER: That shows that the committee recognise Mr. Tindale is on his trial.

Hon. E. H. Harris: Rubbish!

Hon. G. FRASER: The hon. member is entitled to think it is rubbish; I have my own opinion. The action of the committee shows that in their opinion Mr. Tindale has something to answer, and they have proved that by supplying him with a copy of the evidence from day to day. It would be better if the select committee allowed Mr. Tindale to be present and cross-examine witnesses. Would it not be better to have him in attendance so that he could answer statements as they were made and clear up matters instead of having the evidence referred to him on paper and allowing him to answer it on the morrow?

Hon. C. F. Baxter: Do not you think it would amount to intimidating witnesses?

Hon. G. FRASER: No.

Hon. C. F. Baxter: Not if local governing bodies have to work under him? I think it would.

Hon. G. FRASER: If a man is not prepared to make his statements in the presence of the person concerned, I do not think much of him. If he has a charge to make, let him make it before the person charged. He must do that in a law court.

Hon. C. F. Baxter: There are no charges.

Hon. G. FRASER: There has been nothing but charges throughout the whole debate on the Main Roads Board administration. I do not know whether Mr. Baxter was present when the matter was discussed.

Hon. C. F. Baxter: I heard the discussion.

Hon. G. FRASER: It is only camouflage to say that the Main Roads Board is not on trial. Their administration is on trial.

Hon. H. A. Stephenson: The Government have proved that charge.

Hon. G. FRASER: I fail to see that.

Hon. H. A. Stephenson: They dismissed the engineer.

Hon. G. FRASER: They have taken action regarding the man responsible for the Canning-road expenditure, but we want to give others who are on trial an opportunity to hear the evidence and refute it at the time instead of being supplied with a type-written copy of the evidence and being asked to reply at a later stage. I hope the House will realise the fairness of the request and agree to the motion.

**HON. E. H. H. HALL** (Central [5.17]): I entirely agree with Mr. Fraser and also with the Chief Secretary that very serious charges have been made against the administration of the Main Roads Board. Opportunity should be given to members of the board to be present at the inquiry, the outcome of which may very seriously affect their reputations. I am anxious that there shall be no suspicion of any unfairness in connection with the inquiry, and so convinced was I that a searching inquiry should be made into acts of the board's administration that I voted in favour of a select committee. Various matters brought under my notice satisfied me that there were good grounds for an inquiry, and it is a good move on the part of Mr. Gray to request that Mr. Tindale be allowed to attend in order that he might have an opportunity that any person so placed should have. I was impressed with the speech of the chairman of the select committee and the particulars given by Mr. Cornell, and I believe Mr. Gray's object could be achieved in only one way and that



way is open to the Government, namely, to convert the select committee into a Royal Commission.

**HON. A. LOVEKIN** (Metropolitan) [5.19]: As has been pointed out to the House, it is without precedent that parties appearing before any select committee should be allowed to cross-examine witnesses or put question to witnesses except through the chairman of the committee. I have looked up the English practice and I find that on only one occasion has there been any application to the House to permit of counsel or parties being present. On that occasion the House gave the select committee power to allow persons interested to be present, but subject to the hearing of such persons being at the discretion of the committee. The select committee can take what steps it deems best to get at the truth of the matters into which they are inquiring.

The Honorary Minister: Mr. Cornell says they cannot.

**Hon. A. LOVEKIN**: What is the objective in this instance? To get at the truth of the matter. If we adopt the motion, we must look at the other side, as well as at the side presented by Mr. Gray. It is perfectly true that the presence of Mr. Tindale may help to unravel the evidence and be of great advantage in assisting the committee to get at the truth. On the other hand, it may have the opposite effect; it may have the effect of suborning the truth. Officers under Mr. Tindale in the department or concerned in other ways may fear victimisation if they gave evidence contrary to what Mr. Tindale elicited from the various witnesses. We had an instance on one of the select committees of which I was a member. The head of a department desired to ask questions and we said we had no objection to his sitting in the room, but his questions must be put through the chairman. We said we could not allow counsel to be present in the form of the head of a department, but he might attend and put questions through the chairman. We also supplied a copy of the evidence from day to day, as the present committee are doing, so that the officers concerned would know what was happening. But subordinates came to us and prayed of us not to call them for fear of their being victimised by the authorities. That is the other side of the picture to having Mr. Tindale present to cross-examine.

We may gain from Mr. Tindale's presence; we may lose very much from the other side. The select committee have been appointed by the House and should have the confidence and the support of the House, which I am sure they have. If the committee are not competent to conduct their own proceedings with a view to getting at the truth, they should not exist. If the Government think that the ordinary methods adopted by select committees, which are set out in the Standing Orders and which are consistent with the British practice, are not sufficient, they have the power in their own hands to convert the select committee into a Royal Commission and then counsel or Mr. Tindale would have the right to appear and, subject to the control of the chairman, to put questions to witnesses. This House would be ill-advised if it interfered in any way with the conduct of the committee's proceedings. Therefore I must vote against the motion.

**HON. J. J. HOLMES** (North) [5.25]: From the remarks of the Chief Secretary one would think that Mr. Tindale was on his trial instead of its being an inquiry into the administration of the Main Roads Act. Had Mr. Tindale been here instead of out of the country for 12 months, knowing him as I do, I do not think the necessity for an inquiry would have arisen. I know that Mr. Tindale cannot be pulled this way or pushed that way, and I feel sure that had he been in the State there would have been no need for an inquiry. Under our Standing Orders the right to examine witnesses is reserved to the members of the select committee. Whenever I come up against something definite like that in the Standing Orders, I seek for the reason. One is at once struck by the fact that Mr. Hall, fresh from the country, would wipe aside all the old customs and do something new.

**Hon. E. H. H. Hall**: I ask the hon. member to withdraw that remark. During the short period I have been in this House nothing I have done justifies the passing of a remark of that sort.

The **PRESIDENT**: I am sure Mr. Holmes will withdraw, seeing that Mr. Hall regards the remark as a personal reflection.

**Hon. J. J. HOLMES**: Certainly; if I have said anything that reflects on the hon. member, I withdraw it.

**Hon. J. R. Brown**: But you have got it in.

**Hon. J. J. HOLMES:** The procedure laid down for a select committee is that the chairman should first examine a witness, after which members of the committee shall examine him. If we once admit Mr. Tindale and permit him to ask questions, where will it stop? It is not Mr. Tindale that is on trial; it is the whole of the members of the Main Roads Board and the whole administration. Mr. Tindale was absent from the State and knew nothing of what was going on, and probably he should be the last man to be admitted to the inquiry. If the committee have to admit everybody and anybody, when they got on to the political aspect, which must come in, are they going to bring all the Ministers and members of the party to the inquiry? Can they all attend and ask questions? There is wisdom in the restrictions laid down in the Standing Orders. The Standing Orders stipulate that the chairman and then other members of the select committee shall ask the questions and no one else is permitted to do so. Mr. Gray, the Minister and Mr. Hall—I can include Mr. Hall without any reflection—say they do not care what has been done in the past. They would tell us that all these rules are out of date.

**Hon. E. H. H. Hall:** Again, Mr. President, I ask you to correct the hon. member. I distinctly stated that after listening to the remarks of the chairman of the select committee and also Mr. Cornell's remarks about the Standing Orders, I could not vote for the motion but would favour a Royal Commission. I am supporting the Standing Orders. Yet here is an old member of the House attempting to twist what I have said.

**The PRESIDENT:** I am sure Mr. Holmes will accept the hon. member's statement.

**Hon. J. J. HOLMES:** I do accept it, but I am not out of order in saying the hon. member told the House that he would admit Mr. Tindale in defiance of the Standing Orders. He said he would admit him, in face of the fact that the Standing Orders say it cannot be done.

**Hon. E. H. H. Hall:** I said nothing of the kind. I said the only way the hon. member could achieve his object to get Mr. Tindale present was by the converting of the select committee into a Royal Commission.

**The PRESIDENT:** The hon. member must accept the explanation of Mr. Hall.

**Hon. J. J. HOLMES.** Very well. Once Mr. Tindale is admitted, everyone associated with the Main Roads Board will have to be admitted. When the political aspect of the question is reached, I do not know whether there will be a room large enough to hold all who will wish to defend themselves. Thus the wisdom of the Standing Orders is apparent; once more I take off my hat to the gentleman who framed the Standing Orders. The select committee will conduct their proceedings in their own way as far as I am concerned. I oppose the motion.

**THE HONORARY MINISTER (Hon. W. H. Kitson—West)** [5.31]: There is a good deal of wisdom in the Standing Orders of the Legislative Council, and no doubt there is excellent reason for every one of those Standing Orders. But where the Standing Orders are silent, it is only right that the House should be asked for a direction. That is all that has happened in the present case. A member of the select committee believes that a certain line of procedure is correct, but the majority of the committee, for various reasons, have said, "No, we do not think so, and we are supported by the Standing Orders."

**Hon. A. Lovckin:** Why do the British Standing Orders on the same point say the matter shall be left to the select committee?

**The HONORARY MINISTER:** The precedents quoted show that there would be nothing wrong in admitting Mr. Tindale to the deliberations of the committee, seeing that he is the representative of the Main Roads Board, whose administration is being inquired into. The Chief Secretary has mentioned one precedent, and Mr. Lovckin another, which to my way of thinking support Mr. Gray's argument.

**Hon. Sir Edward Wittenoom:** What position would Mr. Tindale's subordinates be in if he were sitting there all the time?

**The HONORARY MINISTER:** What position will they be in whether Mr. Tindale is there or not. If they give evidence, that evidence will be recorded. Consequently it matters nothing whether Mr. Tindale is present or not. Mr. Baxter laid stress on the possibility of intimidation. If there is going to be intimidation or victimisation—I do not suggest such things for a moment—what difference will it make whether Mr. Tindale is present or absent?

Will he not see the evidence in the report of the select committee?

Hon. Sir Edward Wittenoom: It will make all the difference.

Hon. A. Lovekin: I mentioned a case in which officers asked that they should not be called because of what might happen.

The HONORARY MINISTER: That might be the position of officers called upon to support statements they could not substantiate. Let hon. members cast back their minds to the debate of a few weeks ago when reasons were advanced for the appointment of the select committee. Many arguments were used in favour of the appointment. Included in the charges then made against the Main Roads Board was a charge of maladministration, and a charge of, so to speak, political conspiracy in relation to the last general election. The attitude now adopted by the committee supports the statement I made a few weeks ago, that this is principally a fishing expedition.

Hon. G. W. Miles: Is not that a reflection on the committee?

The PRESIDENT: If the hon. member regards it as a reflection—

Hon. G. W. Miles: I think it is most out of place for a Minister to make such a statement.

The PRESIDENT: I am sure the Honorary Minister will withdraw the statement.

Hon. G. W. Miles: I ask him to withdraw it.

The HONORARY MINISTER: I withdraw the statement, Mr. President. The charges made during the debate here were of such a serious nature that no responsible officer, no responsible board, no member of this House could allow them to be made without protest, knowing them to be untrue.

Hon. G. W. Miles: Why do not your Government appoint a Royal Commission?

The HONORARY MINISTER: There is no need to appoint a Royal Commission. The Government consider there is no necessity for any inquiry. However, as in the view of the Chamber there is such necessity, the Government say, "We will not object to it."

Hon. G. W. Miles: You cannot object to it.

The HONORARY MINISTER: We have not objected to it.

Hon. G. W. Miles: You talked against it, though.

The HONORARY MINISTER: Of course I did, and I shall do so now, in this way, that as an argument against Mr. Tindale's being allowed to examine witnesses the chairman of the select committee says: copies of the evidence will be supplied to him from day to day. In the meantime however, that evidence is to be published in the Press, and it will be used by members of this House to suit their own purposes. I think that statement is justified by our experience of only 12 or 18 months ago.

Hon. G. W. Miles: I ask that the Honorary Minister withdraw the remark that the evidence will be used by members of the committee for their own purposes. It is a contemptible statement to make.

The PRESIDENT: I trust the Honorary Minister will withdraw the statement, as it is objected to by one of the members of the committee.

The HONORARY MINISTER: If the hon. member objects to the statement, I will withdraw it.

Hon. C. F. Baxter: It is a reflection on the committee.

The HONORARY MINISTER: The hon. member suggests that it is contemptible to make such a statement.

Hon. G. W. Miles: So it is, for you in your position.

The PRESIDENT: Order! The hon. member must not make a remark of that sort.

The HONORARY MINISTER: I can justify my statement right up to the hilt from past experience, and the hon. member knows it only too well. I could make many other remarks in the same strain. The action of the committee on this particular occasion may be regarded by some members as contemptible. It is just on a par with some of the arguments used here for the appointment of the select committee.

Hon. C. F. Baxter: Have you seen the report of the committee?

The HONORARY MINISTER: No.

Hon. C. F. Baxter: Then why make that statement?

The HONORARY MINISTER: It is justified by the action of the committee on this particular occasion.

Hon. H. Seddon: On a point of order. The Honorary Minister should explain just exactly what he means by his last remarks, because I do not know whether—

The PRESIDENT: That is not a point of order.

The HONORARY MINISTER: I feel keenly on this matter.

Hon. H. Seddon: So do I.

The HONORARY MINISTER: An experience of matters associated with this inquiry which I had some little time ago, makes me speak in this strain to-day. I do not wish to be repeating myself, but I do say that in connection with matters relating to the appointment of the select committee there have occurred actions which do not do those people any credit whatever.

Hon. J. Cornell: Why go to the past? The committee are acting.

The HONORARY MINISTER: I am going into the past in order to show that the committee, if they want to get to the bottom of these matters—and surely they want the whole truth and nothing but the truth—should have no objection to the attendance of Mr. Findale as representing the Main Roads Board. I would not ask that he should have the right to cross-examine, except through the chairman. I consider that is a courtesy which should be extended to him. It is not fair that witnesses should be heard before a committee of this kind and charges made of the nature of some of the charges which have been advanced, and that thereupon the evidence should be allowed to go out through the Press, thus giving unscrupulous persons opportunities to use that evidence, without the replies to the charges and the statements also being given. I have no doubt the charges will again be made.

Hon. H. Seddon: In the same issue?

The HONORARY MINISTER: They will not be made in the same issue. The hon. member knows he has no power to compel the Press to adopt that course. I have had experience of select committees, and know what can be done and what has been done. I shall not allow it to occur again without protest, if I know it. A principle of British justice is that those who accuse shall meet the accused.

Hon. J. Cornell: Mr. Tindale is not accused.

The HONORARY MINISTER: Mr. Tindale represents the Main Roads Board, and is the one man in a position to refute the charges made by hon. members against the board.

Hon. E. H. Harris: Cannot he tender evidence to refute them?

The HONORARY MINISTER: Of course he can.

Hon. E. H. Harris: What more do you want?

The HONORARY MINISTER: I want the Chairman of the Main Roads Board to be present when charges are made against the administration of the board, so that he can, if he thinks fit, put questions to witnesses through the chairman. I ask for nothing but that.

Hon. J. Cornell: Does the Minister know that a witness before a select committee need not answer any question?

The HONORARY MINISTER: Yes, I know that.

Hon. J. Cornell: Then why not make this a Royal Commission?

The HONORARY MINISTER: Mr. Cornell took exception to the wording of the motion in that it asks that the committees shall be instructed by this House. He thinks they should be requested as a matter of courtesy.

Hon. J. Cornell: That would be more polite.

The HONORARY MINISTER: It may be more polite, but it means the same thing. Why split hairs over the wording of the motion? I care not how the motion is worded so long as the chairman of the Main Roads Board or a representative of the Main Roads Board—the Government are not wedded to Mr. Tindale in that respect—is allowed to be present in order to put questions through the chairman.

Hon. J. Cornell: Why not a representative of the Government?

The HONORARY MINISTER: I do not know that the Government have any need to ask for the presence of a representative, except someone representing the Main Roads Board.

Hon. J. Cornell: What about the Minister controlling Mr. Tindale?

Hon. Sir William Latblain: Mr. Tindale was away for a great part of the time.

The HONORARY MINISTER: But he represents the Main Roads Board, and is the responsible officer.

Hon. E. H. Harris: Is he responsible for what happened while he was in Europe?

The HONORARY MINISTER: He has to take the responsibility.

Hon. E. H. Harris: Answer my question. Is he responsible for the Main Roads Board while he was in Europe?

The HONORARY MINISTER: The hon. member is very brave.

Hon. E. H. Harris: You are not brave enough to answer the question.

The PRESIDENT: Order!

The HONORARY MINISTER: I am not here to be cross-examined by the hon. member. He knows full well that the chairman of any board must accept responsibility for the board's actions whether he was present or not.

Hon. E. H. Harris: Whether he was away or not?

The HONORARY MINISTER: Whether he was away or not.

Hon. J. J. Holmes: Is that British justice?

The HONORARY MINISTER: The hon. member knows that the chairman's position demands that he shall accept that responsibility. That is not to say, however, that he shall suffer as the result of accepting that responsibility.

Hon. J. J. Holmes: Is that British justice?

The HONORARY MINISTER: The hon. member knows that that is the position in every case.

Hon. J. J. Holmes: You are assuming that Mr. Tindale is going to suffer.

The HONORARY MINISTER: I am not assuming anything of the kind, because I am satisfied that neither this committee nor any other committee will be able to produce anything that can do him any harm. But if the evidence which is to be brought before the committee is on a par with the arguments used in this Chamber and the statements made here from time to time, and if those arguments and statements go out into the Press without being refuted, someone is going to suffer. So long as I can put a stop to that sort of thing I am going to do it.

Hon. E. H. Harris: Whom are you seeking to protect?

The HONORARY MINISTER: A number of individuals, including myself.

Hon. E. H. Harris: Ah!

Hon. J. Cornell: You were not in office then.

The PRESIDENT: Order!

The HONORARY MINISTER: I do not know that there is need for me to say any

more beyond to emphasise the fact that I am surprised at hon. members taking exception to the introduction of the motion by Mr. Gray. The very fact that the chairman of the Main Roads Board had made the request to be allowed to be present should be sufficient for permission to be forthcoming. If the select committee considered they had not the power under the Standing Orders to permit him to be present, it was their duty to ask the House to grant them the necessary authority. As I view the position, when the Standing Orders are silent, the House can direct action to be taken in any way they choose. There is nothing to prevent the House giving directions at any time. to a select committee as to how they shall conduct their inquiries, provided that the Standing Orders are silent on the point at issue. In view of the serious nature of the charges made from time to time, and knowing the evidence that I assume will be given before the select committee, it is only fair and right that a representative of the Main Roads Board shall be present when that evidence is being tendered. By that means he will be able to ask the witnesses questions through the chairman.

Hon. J. Cornell: The motion does not say that.

The HONORARY MINISTER: I am not wedded to the Chairman being the person to be present, but there should be some representative of the Main Roads Board in attendance at the sittings of the select committee. I am in agreement with Mr. Gray when he said that many technical points were raised from time to time, and from that standpoint alone, it would be well to have a man possessing the qualifications of Mr. Tindale present with the committee to furnish the members with advice. But it is not alone from the technical point of view that permission should be granted for a representative of the Main Roads Board to be present. There are other phases regarding the administration of the Main Roads Board that will be discussed, and it would be in the interests of the Main Roads Board and of the community generally if a representative of the board were present. I support the motion.

HON. E. H. HARRIS (North-East) [5.47]: It would have been well if Mr. Gray had looked up the Standing Orders before presenting his motion to the House.

Had he done so, he would have learnt that he could have adopted another course if he wished to have someone present at the meetings of the select committee so that the Main Roads Board would be represented. After hearing the chorus of protests from representatives of the Labour Party or, shall I say, the Government, I am inclined to think that they are afraid something will leak out and they do not desire it to be mentioned.

Hon. J. R. Brown: No, that is on the other side.

Hon. E. H. HARRIS: I am inclined to think the Government are anxious to hide something. They do not want the public to be acquainted with the facts.

The Chief Secretary: That is an insinuation!

The Honorary Minister: And one that the hon. member cannot substantiate!

Hon. E. H. HARRIS: When the motion for the appointment of the select committee was before the House we heard very little protest against it except from the Chief Secretary. In fact, a division was not called for; the motion was agreed to on the voices.

The Honorary Minister: We are not objecting to the select committee.

Hon. E. H. HARRIS: Then what is the Honorary Minister objecting to?

The Honorary Minister: To the procedure only.

Hon. E. H. HARRIS: If there was anything in the procedure adopted by the Main Roads Board that should not have been indulged in, it was during the absence of Mr. Tindale, the Chairman of the board. Is Mr. Gray anxious to protect someone who may have done something in his official capacity and, as somebody suggested, may have been pushed into doing something he did not desire to do? Why does he want a member of the Main Roads Board to be a member of the select committee?

The Honorary Minister: Not to be a member of the committee, but to be present.

Hon. E. H. HARRIS: That is equivalent to being a member of the committee of inquiry. I had intended moving an amendment with the object of suggesting to the Government that the select committee should be converted into a Royal Commission, so that the Government would have a direct representative on the Commission. If I can judge from the tenor of the debate,

the great majority of members are behind the select committee in the investigations they are carrying out at present and that being so, I shall vote against the motion.

HON. E. H. GRAY (West—in reply) [5.50]: Many members have expressed astonishment at the motion having been moved. On my part I express astonishment that the chairman of the select committee, Mr. Seddon, has not agreed to allow Mr. Tindale to be present to put questions to the witnesses, particularly in view of the opinion expressed by Mr. Lovekin. He referred to the action that could be taken to meet circumstances respecting which the Standing Orders are silent. I am inclined to favour Mr. Lovekin's point of view and had Mr. Seddon adopted that course, it would have obviated the necessity for my motion.

Hon. J. J. Holmes: Do you say the Standing Orders are silent on the point?

Hon. E. H. GRAY: Yes.

Hon. J. J. Holmes: They are definite on it!

Hon. E. H. GRAY: All that would be necessary would be a motion moved in this House to give authority of the chairman of the select committee to enable Mr. Tindale to be present. There are two phases of the work of the select committee. The first is to investigate certain charges of a very grave character that have been made by members. The second phase is the inquiry into the general administration of the Act with a view, so members say, of deciding what amendments should be made to improve the Act as it stands. The latter phase is really the excuse for conducting the investigation. Mr. Tindale is not involved personally in charges made by hon. members who have had to rely upon hearsay. On the other hand, there is a member of the Main Roads Board who is deeply involved in the charges, whether they be true or false.

Hon. J. Cornell: Who is he?

Hon. E. H. GRAY: Mr. Anketell, and he is at present in Melbourne very seriously ill. Common justice and decency demand that he should be given a chance to refute anything that any Tom, Dick or Harry may say against him. Even if a small proportion of the charges are proved, it will be a serious thing and will cast a reflection upon those who have been in authority.

Hon. J. Cornell: Has anything derogatory to Mr. Anketell been disclosed so far?

Hon. E. H. GRAY: No, and I do not think anything of that sort will be disclosed. On the other hand, we should afford an officer, who has given his whole life's work to the State, that protection and common fair play that this House should demand for everyone placed in such a position. Even to-day a statement was made before the select committee and the members of that body were powerless to do anything, because they had no knowledge of what had happened. If the statement made was correct, it should involve dismissal of some responsible authority who was in charge of the work that was referred to. We knew nothing about the facts, but if an officer of the Main Roads Board had been present, he could have blown the statement to smithereens or else explained what had happened. I do not know that that statement will appear in the Press, and I do not know that anyone will believe it. We are going to Geraldton during the coming week-end. What for?

Hon. J. R. Brown: You will go—if you get the money!

Hon. E. H. GRAY: We are going to investigate charges, which, if proved, will mean that some engineer must be dismissed. One of the charges to be investigated is that the Main Roads Board sent a large number of men and plant to the wrong stations and sidings. In view of such charges, is it not necessary to have someone present representing the Main Roads Board to protect the interests of an officer if such a mistake were made? Is that not merely fair? Even at this late stage of the debate I appeal to the chairman of the select committee to allow Mr. Tindale to be present and to examine witnesses.

Hon. H. Seddon: Mr. President—

The PRESIDENT: Order! The hon. member has already spoken and the reply of the mover has closed the debate. Does the hon. member desire to make a personal explanation?

Hon. H. Seddon: All I desire to say is that I consider this latest action of Mr. Gray quite typical of the Labour Party!

The PRESIDENT: Order! Order! That is not a personal explanation.

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

Ayes	..	..	..	..	5
Noes	..	..	..	..	14

Majority against .. 9

#### AYES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. J. R. Brown
Hon. E. H. Gray	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. A. Lovekin
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. E. H. H. Hall	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. Sir W. Lathlain	Hon. V. Hamersley
	(Teller.)

Question thus negatived.

#### BILL—SUPPLY (No. 3) £1,000,000.

Received from the Assembly and read a first time.

#### BILL—WHEAT BAGS.

##### *Assembly's Message.*

Message received from the Assembly notifying that it had agreed to the amendments made by the Council.

#### BILLS (2)—THIRD READING. ..

##### 1. Water Boards Act Amendment.

Returned to the Assembly with amendments.

##### 2. Land Tax and Income Tax.

Passed.

#### BILL—RAILWAYS DISCONTINUANCE.

##### *Assembly's request for conference.*

Message previously received from the Assembly, requesting a conference on the amendments insisted upon by the Council, now considered.

##### *In Committee.*

Hon. J. Cornell in the Chair: the Honorary Minister in charge of the Bill.

The HONORARY MINISTER: I move—

That the Assembly's request be agreed to, that Mr. Holmes, Mr. Seddon and the mover be the managers for the Council, and that the conference be held in the President's room at 7.30 p.m.

Hon. H. SEDDON: I prefer to withdraw in favour of Mr. Lovekin.

Hon. A. Lovekin: No, I ask, the hon. member not to do that. What I asked across the Table was whether a member representing a majority on this question was to be one of the managers. I am quite satisfied with the selection made.

Hon. H. SEDDON: I prefer not to serve on this committee.

The CHAIRMAN: You decline to act?

Hon. H. SEDDON: Yes.

The HONORARY MINISTER: I suggested Mr. Seddon as one of the members for the district affected.

Hon. H. Seddon: The railways are not in my district.

The HONORARY MINISTER: Well, I will nominate Mr. Harris.

The CHAIRMAN: They are not in his district, either.

Hon. E. H. Harris: I am not volunteering.

Hon. J. NICHOLSON: I should like to see amongst the managers a member in whose district the railways are. Shall I be in order in moving, Sir, that you be one of the managers, since one of the railways is in your province?

The CHAIRMAN: Hardly in order.

Hon. J. NICHOLSON: Then I will move that Mr. Lovekin's name be added.

The CHAIRMAN: The matter is in the hands of the Honorary Minister.

The HONORARY MINISTER: For the name of Mr. Seddon I will substitute that of Mr. Harris.

The CHAIRMAN: Very well.

Question put and passed.

Resolution reported and the report adopted.

*Sitting suspended from 6.15 to 8.10 p.m.*

#### *Conference Managers' Report.*

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [8.10]: I have to report that the Managers' have met and agreed upon the following amendments:—No. 1. Clause 2.—The Conference recom-

mend that after the word "construction" in line eleven, the words "or maintenance" be inserted, and that the words "provided that the material in the railway mentioned in the second paragraph of the Schedule may if necessary be otherwise disposed of" be added. No. 2. To insert a Subclause as follows:—"The cost of the railway in the second paragraph of the Schedule as charged to the Government Railways Capital Account may be omitted from the accounts prepared under Part IV. of the Government Railways Act, 1904." I move—

That the report be adopted.

Question put and passed, and a message accordingly transmitted to the Assembly.

### **BILL—GROUP SETTLEMENT ACT AMENDMENT.**

#### *Recommittal.*

Resumed from the previous day; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Amendment of Section 3:

The CHAIRMAN: The question is that the clause as amended be agreed to.

Mr. NICHOLSON: On behalf of Mr. Lovekin I move an amendment—

That the words, "with power to the Board to fix the amount chargeable at so much below the actual expenditure as in its discretion it may think fit" be struck out, and the following inserted in lieu:—"with power to the Board, at its discretion, to fix the amount chargeable, and to be apportioned to each parcel of land within the group settlement area at such sum below the actual amount so apportioned and the amount which shall be found by the Board to have been expended thereon and to be in excess of the capitalisation which each group settler's area can reasonably bear, having regard to the prospective income derivable therefrom, irrespective of whether such excess of capitalisation is due to moneys advanced by the Crown or moneys borrowed from any other source or to money's worth represented in kind or for work and labour performed by the prospective lessee or his family."

The CHIEF SECRETARY: I am not opposed to the striking out of certain words, because they are included in the words to be inserted. I should, however, like the hon. member to explain the amendment. It says that the board shall have power to write off capitalisation in respect of moneys advanced by the Crown, or moneys borrowed from any other source.



That is easily understood. The amendment then goes on to speak of labour performed by the prospective lessee or his family. That is not capitalisation. Capitalisation is a liability, but work performed is an asset.

Hon. A. LOVEKIN: Wages that are due for work performed on the property is a liability against it. If that labour brings the capital in excess of what it ought to be, it must be taken into account.

The Chief Secretary: Do you regard as capital the settler's own labour?

Hon. A. LOVEKIN: The board would not take that into account, but if it was labour for which the settler was liable, the board would take it into account.

Hon. J. NICHOLSON: This has been a very troublesome clause to deal with, and we want, if possible, to make our meaning clear. The Chief Secretary is quite right in raising the point and Mr. Lovekin's explanation should clear it.

Hon. A. Lovekin: You could leave out the last few words "by the prospective lessee or his family."

Hon. J. NICHOLSON: Yes, perhaps that would be better. Those words might only lead to complications. I showed the whole of the clause to Mr. Sayer and discussed the matter very fully with him. Those particular words were left in to show the group settler that we were not forgetting him.

Hon. A. Lovekin: I can move to omit the words "by the prospective lessee or his family."

The CHAIRMAN: There will be no necessity to move in that direction. I will omit the words when stating the question.

Hon. J. J. HOLMES: I agree that this is a complicated amendment and if we strike out the words "by the prospective lessee or his family" the effect will be to widen the scope of the amendment. We have had the instance quoted of the rich aunt who lent £1,000. Now we might have a claim from the rich uncle that he had done £500 worth of work.

Hon. A. Lovekin: He would have to prove it.

Hon. J. J. HOLMES: Assume the property was worth £1,000 and the Government advanced £2,000 and the aunt had lent £1,000. The aunt's security would not be too good, but if we write off £1,000 this conclusion will be arrived at, that £2,000 is as much as the farm can carry, that £1,000

has been written off the State assets and the aunt, who had only one-third interest, gets a half interest. If group settlements are going to be a success, you reduce the State's claim by a half and increase the security of the rich aunt from a third to a half.

Hon. A. Lovekin: The rich aunt has no security at all.

Hon. J. J. HOLMES: It does not matter by whom the labour is performed, we have to satisfy the board that the money has been put into the improvement of the land and this is the liability the lessee has to meet ultimately and the income from the land will not be sufficient to pay the Government the interest due, sinking fund and other charges and the other liabilities as well. The board will take all into consideration in advising what is to be written off. I do not think you can get it any nearer than that.

Hon. J. NICHOLSON: Mr. Lovekin is overlooking an important point in regard to the security of the aunt or uncle who might have advanced money. At the present time there is no security available; any one may have advanced money on the personal security of the settler group. There is no remedy on the part of the lender of that money. Suppose the aunt has advanced £1,000 to group settler "A" and has carried out certain improvements. That good lady cannot get a mortgage or proper security until the group settler secures his title to the property. The point is that it is desired to give the board the opportunity to inquire thoroughly into the capitalisation of each block. Originally the board determined the amount chargeable against the group settlement area as a whole and then they apportioned the total amount amongst the various blocks. After doing that, if group settler "A" had £1,000 apportioned to him as his share of the liability of the whole of the group settlement and he, in addition, borrowed from the aunt £1,000, there would be a capitalisation of £2,000. The aunt has no security but the party who has the security is the Government who hold the title, and all that the board will be called upon to do will be to ascertain what is a fair and proper capitalisation or sum to be fixed for the block, so that the group settler shall, on payment to the Government of the amount that may be fixed under the apportionment, be able to get his title. When he has made

the payment and gets his title, he can give security to anyone he pleases. I agree with Mr. Holmes that there is going to be a loss to the Government because this writing-down process can amount to nothing else but loss.

Hon. J. J. HOLMES: Mr. Nicholson said he wished to put the Government in the same position. The amendment introduces a third party and the board to arrive at the amount chargeable in respect of the money advanced by the Government, have to take into consideration what has been lent by someone else. Suppose a settler had had £2,000 advanced by the Government and had received £1,000 from Mr. Nicholson, and the board concluded that the greatest amount the settler could carry was £2,000, what would happen? In writing down the amount from £2,000 to £1,000, they would have to take into consideration the money owing to the other party.

Hon. J. Nicholson: No.

Hon. J. J. HOLMES: If the settler owed only £2,000 to the Government and the board assessed the value at £2,000, the settler could carry on, but if the settler was fortunate enough to have borrowed £1,000 from a rich aunt, not matter what he had done with it, the Government's advance would have to be written down by £1,000.

The HONORARY MINISTER: The more we discuss proposed amendments to this clause, the more trouble we strike. I agree with Mr. Holmes. If a group settler received £1,000 from the Government and had borrowed £1,000 from a good aunt and the value of labour was £250, a total of £2,250, and the board fixed the capitalisation at £1,500, the value would have to be written down by £750. Off which amount would that be written? It could only be written off the £1,000 advanced by the Government. Consequently, the settler would be in a position to say, "If I pay the Government £250, I shall be under no further liability to the Government." Again, any money advanced by the Government has been expended on the advice of experts in charge of the scheme, but the £1,000 received from the aunt might have been utilised for a purpose that had not increased the real development of the holding. It might have been used to improve the home.

Hon. J. J. Holmes: Or to buy a motor car.

The HONORARY MINISTER: There are many ways in which the money may have been used and the capitalisation of the holding may have been increased out of proportion to the value of the development. We would be on safer ground if we accepted the clause as originally drafted, because the board would have power to determine the capitalisation irrespective of whence the money came. Under the amendment much inequality would arise between settler and settler.

Hon. A. J. H. SAW: I have already said that I was satisfied with the Chief Secretary's amendment giving the board discretion to reduce the amount chargeable as they thought fit. Before Mr. Holmes spoke I had worked out certain figures. I had no great quarrel with Mr. Nicholson's amendment provided it stopped at "derivable therefrom," but I did have some quarrel with the remainder. To give a hypothetical case—

The CHAIRMAN: I hope it is not as hypothetical as the aunt.

Hon. A. J. H. SAW: I understand from Mr. Lovekin that the aunt is a stern reality. Suppose the Government had advanced £2,000 and the rich aunt £1,000 and the settler claimed that the value of spare time labour was £500; suppose the board said the farm could bear a capitalisation of not more than £2,000, that would mean £1,000 would go to the aunt and £500 in payment of the labour, leaving only £500 for the Government's advance of £2,000. The more I look into the different amendments, the more danger I see in them.

Hon. A. Lovekin: Suppose the Government had advanced the whole £3,500, what would be the position of the Government then?

Hon. A. J. H. SAW: The Government would have to forego the amount in excess of what the board considered the block could reasonably bear. I take it the object of the amendment is to give the settler full allowance for the money advanced by the aunt and for the labour.

Hon. A. Lovekin: Would it not come to the same thing?

Hon. A. J. H. SAW: If I had advanced the £2,000, I would not regard it as the same thing that I should receive only £500 in return. No matter what system is adopted there must be some disparities. The most we can expect is that a settler shall not be loaded with a debt that will cripple him

and prevent his successful working of the block. I cannot see why the capitalisation should be reduced to such an extent as to penalise the Government as compared with the rich aunt or the value of labour put into the block. It would be better if we did not give too precise instructions to the board, but allowed them a wide margin to use their discretion, looking at every case in its broadest light.

Hon. A. Lovekin: That is the danger.

The CHIEF SECRETARY: To-day I saw the secretary of the Group Settlement Board and one of the old members of the board. They had studied the amendment and both said it would be impracticable to give effect to it. It would be possible to value only one location per day, because there would have to be strict investigation into the statements of group settlers, and it would take six years to complete the valuations. They were astounded to learn that any outsider had advanced money for a group location, but there was no doubt that as soon as the board was appointed, hundreds of claims would arise and would have to be investigated. The result would be that a fair average would be one location a day in order to do the thing properly. Consequently the work of valuation would take six years.

Hon. Sir WILLIAM LATHLAIN: Every member is agreed that something of the nature submitted by Mr. Nicholson is necessary, more particularly as it includes the clause inserted at the Chief Secretary's instance but subsequently struck out. I am quite in accord with Dr. Saw. I can get on very well with the amendment up to the point where it reads "having regard to the prospective income derivable therefrom." After that I become completely fogged. Mr. Lovekin has given us the illustration of the rich aunt. In the whole of the 1,500 blocks I do not suppose there is another instance of a settler having a rich aunt. All this phraseology is to be inserted in order to meet one particular case. I believe there are very few cases indeed where any money whatever has been advanced from outside sources. What we have to consider, therefore, is the money advanced by the Government and the work and labour done by the settlers. I move an amendment on the amendment—

That all the words of the amendment after "therefrom," in line 10, be struck out.

Hon. J. NICHOLSON: The Honorary Minister, I think, overlooked certain words in the amendment. He said it was possible the rich aunt had advanced money which had been expended in ways other than the development of the property—say, in the purchase of a motor car. But care was taken to see that the board were instructed to deal only with money actually expended on the area. Money spent on purposes other than the actual development of the land would not be taken into consideration at all by the board. As regards Sir William Lathlain's amendment on the amendment, I am in no way wedded to the words proposed to be struck out. They were inserted at the wish of several members of the Committee, not at my wish. The reason was that the group settlers wished to ensure that everything would be taken into consideration by the board. Members representing the province in which the groups are situated thought some expression of the kind indicated should be given. I have no objection to the deletion of the words, as I do not think they affect the question one way or another. There would still be a clear instruction to the board to have regard to the income derivable from the area.

Hon. J. J. HOLMES: I am concerned about the words "expended thereon." Expended by whom?

Hon. A. Lovekin: Only the lessee can expend money on the land, surely.

Hon. J. J. HOLMES: But the hon. member said an aunt had lent £1,000 on the block. I am anxious about the clearness of the instructions to the board. The matter may be quite clear to the hon. member, but the board have to consider the amendment, and I am concerned about what they may think.

Hon. Sir William Lathlain: The wording is quite in accord with the original clause.

Hon. J. J. HOLMES: That makes no difference. The amount can only be the amount expended by the Government. "Expended thereon" in my opinion means "expended by the Government, and only by the Government."

Hon. A. LOVEKIN: The two illustrations given by the Honorary Minister and Dr. Saw are on identical lines, only the amounts being different. Dr. Saw says £2,000 is advanced by the Government,

£1,000 is advanced by some rich aunt, and £500 is liability for wages or other things increasing the value of the property. That is a total of £3,500. Dr. Saw says that if the board decide that £2,000 is the fair capital value on which the settler can make a living, obviously £1,500 must be written off. Then Dr. Saw says that if the £1,500 is to be written off, the only place from which it can come is the £2,000 advanced by the Government. That is so. How are the Government in any way damaged if they have found all the £3,500? Suppose the rich aunt and other people do not come in.

Hon. J. Nicholson: It does not matter who has found the money.

Hon. A. LOVEKIN: The Government have still to find the £1,500. So what does it matter? The settler should not carry more capitalisation than the asset can bear.

Hon. A. J. H. Saw: Why should the aunt be a preferential creditor?

Hon. A. LOVEKIN: She is not a preferential creditor at all. She has no say whatever in the matter. I shall not thrash the question out any further. I believe the best course would have been the one I suggested at the very outset. My desire is to give the board the widest power. That is why I inserted the words. So long as the board have the widest powers, we can leave it to them to do a fair thing. I have no objection to the words being deleted if the Committee deem it advisable. I am afraid that if the amendment on the amendment is agreed to, trouble will be experienced from the moment the Act comes into operation. The result will be that the Act will again be before us for further amendment.

Hon. J. J. HOLMES: I desire to move a further amendment.

The CHAIRMAN: The hon. member will be out of order unless Sir William Lathlain withdraws his amendment on the amendment for the time being.

Hon. Sir WILLIAM LATHLAIN: I have no objection to withdrawing my amendment tentatively.

Amendment on amendment, by leave, withdrawn.

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

That in line 6 the words "have been expended thereon and to" be struck out.

In my opinion the inclusion of those words will merely serve to confuse matters.

Hon. A. Lovekin: I have no objection to that amendment.

Hon. J. NICHOLSON: The words proposed to be struck out were inserted for the purpose of meeting arguments that were raised at an earlier stage. I do not wish the amendment to be agreed to without indicating the possibilities that may arise. I think Mr. Holmes himself raised the point during an earlier discussion, when he urged that we should take steps to safeguard the interests of the diligent group settler as against those of a man who was content to rest on his oars and do practically nothing.

The CHAIRMAN: Order! I do not wish to interrupt the hon. member but I would point out to him that the object of the amendment is merely to remove redundancy of words.

Hon. J. NICHOLSON: I do not think there is any redundancy. If the amendment be agreed to, the board will merely ascertain what is the actual amount apportioned to each block from the total amount expended on the group area. If that were to be done, a grave hardship might be imposed upon the industrious man.

Hon. Sir William Lathlain: Is not the "amount apportioned" the same as the "amount expended"?

Hon. J. NICHOLSON: No, it is a very different thing.

Hon. Sir William Lathlain: We do not want to penalise a settler for what he has done himself.

Hon. J. NICHOLSON: That is what may happen. The words proposed to be struck out were inserted in order to overcome that difficulty.

Hon. A. Lovekin: It was to protect the industrious man as against the loafer that I first moved in this matter.

Hon. J. NICHOLSON: Exactly. Unless the board are going to merely take entries in the departmental books concerning the apportionment—

Hon. J. J. Holmes: How could the board arrive at the prospective income without inspecting the various blocks?

Hon. J. NICHOLSON: I consider the board will have to examine each block and each settler in order to obtain information as to expenditure incurred by the settler on his block.

Hon. A. Lovekin: The Bill as it stands takes that into account.

Hon. J. NICHOLSON: Having regard to the whole position and our desire to safeguard the industrious man, we should retain the words proposed to be struck out.

Hon. J. J. HOLMES: If the hon. member reads the amendment he will see that the amount chargeable is fixed in the early part of the amendment.

Amendment on amendment put and passed.

The CHAIRMAN: Sir William Lathlain can now move his amendment on the amendment.

Hon. Sir WILLIAM LATHLAIN: I move an amendment on the amendment—

That all the words after "therefrom," in line 10 be struck out.

Amendment on the amendment put and passed.

Hon. J. J. HOLMES: I should like to ask either Mr. Lovekin or Mr. Nicholson, whichever is in charge of this amendment, to consider the desirability of getting back to where we were and giving the board power to write off as much as, in their discretion, they think fit.

Hon. A. Lovekin: That is in there now.

Amendment, as amended, put and passed; the clause, as further amended, agreed to.

Bill again reported with further amendments.

## **BILL—RAILWAYS DISCONTINUANCE.**

### *Assembly's Further Message.*

Message received from the Assembly, notifying that it had agreed to the recommendations of the conference on the amendments insisted upon by the Council.

*House adjourned at 9.20 p.m.*

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*Wednesday, 21st November, 1928.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

## **QUESTION—DRIED FRUITS IMPORTATION.**

Mr. FERGUSON asked the Minister for Agriculture: 1, Has his attention been drawn to an article in the "West Australian" of the 20th November, relative to the importation of dried fruits from the Mediterranean? 2, Will he bring the matter under the notice of the Commonwealth Government in the interests alike of producers and consumers in this State?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, The suggestion will receive consideration.

## **QUESTION—RAILWAYS, ELECTRIFICATION.**

Mr. SAMPSON asked the Minister for Railways: 1, With the intense competition of motor road traffic, have the Government given further consideration to the electrification of suburban and outer suburban railways? 2, If so, will he state the intentions of the Government, and the proposed change-overs, if any? 3, If possible, will he indicate the capital expenditure that would be involved?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Answered by No. 1. 3, Considerably over £1,000,000.