

would give the applicant power to say whether he should have the holding surveyed into blocks, or whether it would simply be one outside boundary.

The COLONIAL SECRETARY: The amendment was unnecessary. The department would survey the block with one boundary if the applicant desired, but it would be a pity to have the clause amended. This might be the only amendment, and it would be necessary to go through the whole procedure of having the amendment agreed to by another place.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 9 to 14—agreed to.

Clause 15—Installments of purchase money not to exceed 3d. an acre during the first three years:

Hon. C. A. PIESSE congratulated the Government on the first liberal step taken in connection with the repayment of land rent. He would rather exempt the holders altogether for the first three years, because with the increased price the Government were now demanding, notwithstanding the wishes of the bulk of members to the contrary, a man would be required to pay £50 rent instead of £25, and the £50 would make a considerable difference to the improvements a man could carry out if he could hold the money instead of paying it to the department. However, with the provision that the instalment should not exceed 3d. an acre the payment would not be more than £25 on the maximum holding.

Clause put and passed.

Clause 16—agreed to.

Progress reported.

ADJOURNMENT—MONDAY SITTING.

The COLONIAL SECRETARY moved—

That the House at its rising do adjourn until 4.30 p.m. on Monday. A motion authorising the House to sit on Friday had been carried, but it was not necessary now on account of the suspension of the Standing Orders temporarily to-day. However, we would

meet on Monday so as to have the full week, and have a happy termination to the session.

Question passed.

House adjourned at 9.25 p.m.

Legislative Assembly,

Thursday, 9th December, 1909.

	PAGE
Papers presented	2004
Questions: Public Service, absent officers	2004
Narra Terra Estate, alleged preference	2005
Special Land Settlement, Railway Officers' allowance	2005
C.P. Leases, Avon district	2005
State Battery, Boogardie	2006
Papers removed from Table, Mines Loan to R. Berteaux	2006
Censure on a Minister, Mines Loan to R. Berteaux	2007
Bills: Electoral Act Amendment, 1st.	2057
Transfer of Land Act amendment, 1st.	2057

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

PAPERS PRESENTED.

By the Attorney General: Papers relating to the appointment of the chief clerk in the Electoral Office, Perth, and registrar for the West Province.

QUESTION—PUBLIC SERVICE, ABSENT OFFICERS.

Mr. DRAPER asked the Minister for Mines: 1. What officer performed the duties of the Government Geologist during the absence of the latter at the Franco-British Exhibition? 2. What was the position of such officer in the public service? 3. How long did he perform the duties of the Government Geologist? 4. What extra remuneration did such officer receive? 5. Have other officers in the public service received extra remuneration for performing the duties of absent officers? 6. If so, who were they? 7. For how long did they act? 8. Whose

duties did they perform, and what extra remuneration did they receive?

The MINISTER FOR MINES replied: 1, H. P. Woodward. 2, Assistant Government Geologist. 3, From 24th February, 1908, to 2nd February, 1909. 4, No payment has been made; the matter is to be again brought before Cabinet this month. 5, Yes. 6, (1.) R. Withers, Lands Department. (2.) J. A. Scrymgeour, Mines Department. (3.) J. M. Kennedy, Photo-Litho. Department. 7, (1.) Six months. (2.) Six months. (3.) 7½ months. 8, (1.) Officer in Charge Land Selection Branch, remuneration £34. (2.) District Engineer, Marble Bar, remuneration £25. (3.) Government Lithographer, remuneration £15.

QUESTION—NARRA TARRA ESTATE, ALLEGED PREFERENCE.

Mr. UNDERWOOD asked the Minister for Lands: Is it a fact that Mr. S. L. Burges has been given the preference to select the homestead on the recently repurchased Narra Tarra estate?

The MINISTER FOR LANDS replied: No; Mr. Burges is merely occupying the homestead as a weekly tenant until the estate is thrown open for sale.

QUESTION—SPECIAL LAND SETTLEMENT, RAILWAY OFFICERS' ALLOWANCE.

Mr. W. PRICE (for Mr. Johnson) asked the Premier: 1, Is he aware that Railway officers Bailey and Smith, who were selected for the special land settlement scheme, have not yet received their retiring allowance? 2, Will he see that the allowance is paid at an early date?

The PREMIER replied: 1, The Commissioner of Railways reports that no officer of the name of Bailey has resigned to go on the land. Clerk Mr. S. J. Smith, who resigned as from 7th inst., is not entitled to any retiring allowance as such allowance is only paid in the Railway Department to those officers who were retrenched, or whose places it was not necessary to fill. 2, Answered by No. 1.

QUESTION—C.P. LEASES, AVON DISTRICT.

Mr. GILL (for Mr. Bolton) asked the Minister for Lands: 1, Who is registered holder under Conditional Purchase of Locations 3898/56, 3899/56, 20940/55, and 10857/74, Kwollynn Area, Avon District? 2, How long has same been held? How much are the improvements valued at? 3, What do the improvements consist of? 4, How much rent is owing at present? How much survey fees are owing at present? 5, Was protection against forfeiture granted by the Minister to November 30th, 1909, and if so, why? 6, Have the conditions since been complied with, and rent paid? 7, Has a further protection since been granted although no rent has since been paid, and no further improvements effected, and if so, why? 8, Has application been made for portions of unimproved lands in this holding liable to forfeiture? 9, Why has this land not been forfeited for non-payment of rent and non-fulfilment of conditions as required by the Land Act? 10, Is the Minister aware that the unimproved portions of this holding are mortgaged to the extent of £500 per 1,000 acres contrary to the Land Act?

The MINISTER FOR LANDS replied: 1, 3898/56. G. A. Balme. 3899/56, A. C. Balme. 20940/55, C. H. N. Balme. 10837/74, C. H. N. Balme. 2, (a.) 3898/56, held since 1st January, 1906, but improvement conditions did not start till 19th October, 1906. 3899/56, held since 1st January, 1906. 20940/55, held since 1st July, 1908. 10837/74, held since 1st July, 1908, but improvement conditions did not start till December, 1908. (b.) £27 15s. But the two latter blocks have not been held the statutory period of two years, in which the department can enforce the improvement conditions. 3, Fencing. 4, Rent, £67 7s. 6d. Survey fees, £1 10s. Fines, £1 19s. Total, £70 16s. 6d. 5, Yes; because of the valuable improvements existing on the adjoining holdings held by the same family, which, taken as a whole, show an excess of improvements of about £1,000. 6, £26 18s. 6d. has been paid, leaving balance as per answer 4. 7, Further protection has been

applied for, and is now under consideration. 8, Yes. 9, Answered by No. 5. 10, Yes; together with other land. There is nothing in the Land Act preventing leases, whether improved or not, being mortgaged.

QUESTION — STATE BATTERY. BOOGARDIE,

Mr. TROY asked the Minister for Mines: 1, Has Mr. Shallcross made an application for the lease of the Boogardie State Battery? 2, What are the terms of the application? 3, Does the Minister consider the best interests of the prospectors and the State will be served by handing over the battery to private enterprise? 4, What is the intention of the Minister regarding the application?

The MINISTER FOR MINES replied: 1, Yes. 2, (a.) That a lease of the Boogardie plant and machinery, etc., be granted to the Black Hill Development Company, Ltd., for a period of three years with the right of extension for a further three years. (b.) That the Black Hill Development Company, Ltd., shall supply and erect at its own cost a rock breaker, elevator, ore bins, and slimes plant, and make such alterations to existing plant as it may consider necessary, all of which shall become the property of the Government on the termination of the agreement. (c.) That not less than five stamps shall be available for the public when required. (d.) That the schedule of charges payable by the public to the company shall be the old rates which were in force to the 31st October, 1909. (e.) That the company pay to the Government a royalty of sixpence per ton on all ore crushed from the company's own mines. (f.) That the company shall have the right of treating the accumulated tailings which are now lying at the battery and such tailings as may be produced during the currency of this agreement for its own benefit. 3, Mr. Shallcross was informed that the experience of the department was that the public preferred a battery controlled by the State and the Minister would only consent to consider the proposition on being satis-

fied that the suggestion met with the approval of the department's customers in the district, but that in the event of a lease being given the purchase of the accumulated sands and slimes would be insisted on. 4, A letter was received on the 6th instant from the secretary of the Prospectors and Leaseholders' Association, Boogardie, stating that a public meeting had been held and the proposals of Mr. Shallcross discussed, with the result that a resolution in favour of the lease was carried unanimously. The question has not been further considered.

PAPERS REMOVED FROM TABLE.

Mines Loan to R. Berteaur.

Mr. DRAPER (West Perth): I desire to draw your attention, Mr. Speaker, to the fact that the papers in connection with the President Loubet lease, which ought to be on the Table of the House, are not there. These papers form the subject of the motion which appears on the Notice Paper before the Orders of the Day, and it will be impossible to discuss the motion unless the papers are forthcoming. I would ask you to direct inquiries to be made in order that the papers may be returned.

Mr. SPEAKER: I shall direct the Sergeant-at-Arms to get possession of the papers and place them on the Table of the House. These papers should be here. It is perfectly in order for a member to take the papers, but they should not be removed from within the precincts of the Chamber unless it is by my permission. When the House is sitting they must be returned.

Mr. COLLIER (Boulder): It might not be out of place for me to explain that those papers were out of the House last night from the time the discussion closed until the hour of adjournment. The Minister for Mines had them out of the Chamber the whole evening. I came to the House this morning and desired to see these papers, but when I arrived here at 10.30 they were not on the Table, but the Clerk Assistant had them in his office holding them, he informed me, for the Minister for Mines until he arrived. I

got the papers subsequently and took them out of the Chamber in order to have certain extracts made by the typist, then they passed out of my hands and I have not seen them since. I would draw attention to the fact that they were out of the Chamber and were in the possession of the Minister for Mines the whole of last evening.

The MINISTER FOR MINES (Hon. H. Gregory): It was with your permission, Mr. Speaker, that about 8.30 last night I took the papers out, but I brought them back to the Chamber later on in the evening and I did not see them again. The Crown Law Department wanted them to-day, and, I believe, an officer of that department had a look at them in some part of the House in conjunction with some members.

Mr. Collier: Is it a fact that you instructed the Clerk to hold them until you appeared at the House?

The MINISTER FOR MINES: The Clerk had no instructions from me.

The PREMIER (Hon. N. J. Moore): Perhaps I might explain. The Solicitor General came to my office this morning and stated that he was going to the House to look through this file of papers. I communicated with the Clerk and asked him to get the file and place it at the disposal of Mr. Sayer when he arrived.

MOTION—CENSURE ON A MINISTER.

Mines Loan to R. Berteaux.

Mr. BATH (Brown Hill) moved—

That this House is of opinion that the Minister for Mines is deserving of censure for his neglect to institute immediate and searching inquiry into the charge made by the member for Boulder re the President Loubet lease on September 15th.

He said: I regret the fact that my amendment being ruled out of order yesterday, when I desired to add it to the motion that the papers in connection with this lease be laid on the Table, should necessitate my traversing the ground again this afternoon which I traversed yesterday in speaking to that amendment. I shall

state at the outset that I have no intention whatever of going into what might be termed the ancient history regarding this transaction. My motion is moved for the purpose of dealing with the Minister's conduct since 15th September, when the member for Boulder submitted a motion calling for the papers.

Mr. Johnson: On a point of order, Mr. Speaker. I was perusing the file of papers in question a few moments ago when I was interrupted by the Sergeant-at-Arms under instructions from you. The officer took the papers away from me to lay on the Table of the House; immediately afterwards another member takes them and is now perusing them. Did the Sergeant-at-Arms take them away from me in order that another member might peruse them?

Mr. Speaker: The hon. member for Guildford is entitled equally with the member for West Perth, who is now in possession of the papers, to peruse them. I did not know that they were in the possession of the member for Guildford. My attention was called to the fact that the file of papers was not in the Chamber, and I directed that they should be brought in. The member for Guildford is perfectly entitled to peruse them if he wants to do so.

Mr. Underwood: I would suggest that the Sergeant-at-Arms should take them back from the member for West Perth, place them on the Table, and then any member who gets them first should be entitled to them.

Mr. Johnson: May I point out that the Sergeant-at-Arms took these papers from me and they are now in the possession of the member for West Perth.

Mr. Speaker: I was not aware that they were taken from the member for Guildford. The member for Ivanhoe, I noticed, brought the papers into the Chamber when I directed the Sergeant-at-Arms to bring them back to the House, and these papers were taken possession of by that officer, and they were the papers in question. They were the papers in question, but it is not within my province to demand that the member for Guildford

should give up papers to any hon. member.

Mr. Johnson: The file was removed from my hands, and it is distinctly unfair that they should be handed to another hon. member.

Mr. Speaker: The hon. member having had the papers in his possession is certainly entitled to them.

Mr. Johnson: Then if I am entitled to them I request that the Sergeant-at-Arms return them to me immediately.

Mr. Speaker: The hon. member for West Perth will have no objection to that course.

Mr. Draper: I have not the slightest objection to the member for Guildford or any other hon. member in the House perusing these papers before I have the opportunity of seeing them, but I claim as a member of the House the right to see and peruse these papers before the debate takes place; and if no opportunity is given me of perusing these papers before the motion is moved, I shall certainly move the adjournment of the debate at the earliest opportunity.

After a pause,

Mr. George: May I ask, seeing that it is impossible to go on with this debate unless we read the papers, whether I am in order in moving that we proceed with the next business? It is better to do that than have us sitting here like a lot of asses.

Mr. Speaker: I called upon the member for Brown Hill and the hon. member stood up and sat down again.

Mr. BATH: I exceedingly object to any motion of that kind while I am in possession of the floor, but the member for Guildford rose to a point of order, and I had objection to proceeding with my remarks while there was a quarrel about the possession of the papers. I think the matter is of more importance than a quarrel about who has possession of the papers. I hope hon. members will not treat this matter with indifference or allow it to be subordinated to the question of who should have the papers which, I am informed by interjection, have been on the Table of the House for a number

of weeks. It is absolutely unnecessary for any hon. member to peruse any of the papers prior to the 15th of September in order to give an intelligent vote on the motion of which I have given notice. On the 15th of September the member for Boulder (Mr. Collier), under cover of a motion for the production of these papers, made a clear and explicit statement about which there can be no possible misunderstanding. It was stated directly that a leaseholder in the Davyhurst district, or rather at Callion, to be more correct, had secured assistance from the Government in the shape of a subsidy for sinking, that it was represented in the records of the Mines Department that the shaft had been sunk to a depth of 193ft., and that on the strength of these representations the leaseholder, Mr. Berteaux, had secured a subsidy for sinking 93ft. of that depth, whereas, as was stated by the member for Boulder, the shaft was in reality only 145ft. deep. It was clear if this was the case, that Mr. Berteaux had defrauded the Government of a sum of money representing the subsidy to a depth of 48ft.

Mr. Seaddan: Quite so, and it is not the first time he has done it.

Mr. BATH: It was a statement there could not be much possible doubt about. It was a statement that required no very elaborate investigation in the office in Perth. It was a statement which within a few days could have been immediately cleared up by the simple process of measuring the shaft in question. When the member for Boulder moved for the papers the Minister for Mines appeared to regard the matter seriously and said it was a serious matter if assistance which the Mines Department rendered to leaseholders and prospectors was to be made use of in this fraudulent fashion. The Minister for Mines was so impressed by the allegations of the member for Boulder that he said if there was the slightest reason for it he would send the State Mining Engineer direct to the mine, and the Minister wound up his remarks on that occasion by a final assurance that he would go into the matter thoroughly and at once. After that debate a period of

eleven weeks intervened until the discussion of the Mines Estimates came on.

The Minister for Mines: The papers were laid on the Table.

Mr. BATH: In the meantime the papers were laid on the Table, but eleven weeks afterwards, when the Mines Estimates were under discussion, the member for Boulder asked what inquiry had been made into the matter pursuant to the promise of the 15th of September, and the Minister for Mines submitted a report from the State Mining Engineer, a report which I presume was written in the office of that gentleman in Perth. The debate which ensued made it plainly evident that hon. members, not only on the Opposition side of the House but on the Ministerial benches, were not satisfied with the promise of the Minister to have a thorough inquiry carried out; and as a result of the debate, and also of the indignation then expressed, the Premier made a promise that an inquiry would be held immediately that the member for Boulder could be represented at that inquiry either in person or by deputy, that a report would be submitted at the earliest possible moment, and that an opportunity would be given for the discussion of that report. The result of that inquiry is that the statement of the member for Boulder is proved up to the hilt; and my complaint is, and the reason why I have moved this motion is, that the inquiry which was held last week-end should have been held immediately after the statement made by the member for Boulder on the 15th of September. I want to make it clear in connection with this that I am not attributing blame to the State Mining Engineer, nor am I attributing any connection whatever between the Minister and Mr. Berteaux in the latter's action in obtaining from the Government an amount greater than he was entitled to under the subsidy. I am satisfied that up to the time the complaint was made by the member for Boulder, the officers of the Mines Department had no reason to be other than satisfied that the reports as to the depths sunk, which were being sent to them by an officer of the department,

were correct; and I am not here to make any charges whatever of dishonesty or collusion on the part of the Minister with Mr. Berteaux in the latter's action in regard to this matter. I do not believe in making charges, or in bandying charges about, unless hon. members have very good evidence, or very good information, to substantiate them. My charge is one of neglect by the Minister, a disregard of the interests of the department, and of the interests and honour of this Parliament in the apparently inadequate inquiry he instituted into the charges made by the member for Boulder. I put it to any hon. member who understands aught about mining that on the morning after Mr. Collier brought this matter forward on the motion for the production of these papers and made the clear statement he did, the first thing that should have appeared on the file was a minute from the Minister for Mines to his responsible officer, the State Mining Engineer or the secretary for mines, whichever the Minister regards as the responsible head in this connection, to the effect that this was a serious allegation requiring immediate inquiry in the interests of the department and in the interests of the taxpayers. And that minute should have gone further, and should have contained definite instructions to the responsible officer to have the matter cleared up at all costs. So far as the file which contains the State Mining Engineer's report is concerned, I can find nothing on it, no minute, prior to the State Mining Engineer's report, impressing on the State Mining Engineer the seriousness of the charge; and as a matter of fact, we find in the second minute of the State Mining Engineer, after the discussion took place on the Estimates, that the reports of the speeches delivered in Parliament were not perused by the State Mining Engineer until after he had penned his first report. As a matter of fact, his first report is really a report on certain statements made by Messrs. Eggeling and Nutt, the leaseholders who applied for this area after it had been forfeited on the previous holder, Mr. Berteaux. Therefore without his having seen the *Hansard* report or the Press report of the debate which

took place on the 15th of September, there are good grounds for the contention of the State Mining Engineer that he was not impressed with the seriousness of the position. If he had seen the *Hansard* report he would have realised that the Minister on that occasion regarded the matter as serious because he said he was going to send the State Mining Engineer to report, and that he was going to inquire into the matter thoroughly and at once. For my part I would not have regarded it as necessary to send the State Mining Engineer. In my opinion it would have been sufficient if there had been an officer at Dayhurst who could have gone and measured the shaft in company with someone deputed by the member for Boulder. After all, that was the solution of the whole trouble, or rather the deciding element in the whole trouble. The question of the depth of the shaft proved or disproved the contention of the member for Boulder, and it does not require the State Mining Engineer to measure a shaft. Let me explain. The Minister said he was going to send the State Mining Engineer to report; and in my opinion, as the result of the statement the Minister made in the House, there should have been a minute on the file to the State Mining Engineer impressing on him the seriousness of the position, and instructing him to have a report made and the shaft measured. I want to show the entire contrast between the attitude of the Minister in regard to this matter and the attitude which was assumed by him on the occasion of the allegations made by the member for North Fremantle in 1906. At that time the Minister said—

"Do you mean to tell me that the Commissioner was not conversant with this matter? He was perfectly conversant with the thefts at Midland Junction. He told me personally that he had inquired into all those matters. I know that he made an ample inquiry into them; and I am quite satisfied that the Commissioner acted in every respect with a true sense of justice towards everyone concerned, no matter whether those persons were the highest or the lowest officials in the service. I can assure members that all the pa-

pers will, as speedily as possible, be placed on the Table. To-morrow, if I can have them, all the papers will be laid there. An inquiry will also be made by me into the allegations; and if it can be shown that there is the slightest necessity for further inquiry, members may rest perfectly satisfied that an adequate inquiry will be made. I have never seen those papers. I never saw that newspaper paragraph which the hon. member has read; and if he, as an old railway man, thought that the wages men in the service were, as he alleges, being scandalously treated, if he thought that those high officials were guilty of robbery and theft, surely it was his duty, as a member of this House desiring to protect the interests of the State, to come to me as Minister controlling the department, or to go to the Premier for the time being, to state his convictions, and to urge that a full inquiry be made by the Government, so that whoever was guilty of any of the crimes alleged might be brought to justice."

In my opinion the Minister took up a perfectly proper course on that occasion by instituting an inquiry. He was, as he stated, regardful of the interests of the State, and he reproached the member for North Fremantle with not bringing it forward, reproached him with not having acted in the interests of the State in that he had reserved his action in order to move a motion in the House for the production of the papers. To what less extent in the case of the charges made by the member for Boulder were the interests of the State concerned? They were as much at stake, for we have to bear in mind that in connection with the administration of this vote the Minister has almost entirely absolute power. It is a vote placed in his control, and although he consults the officers of the department, yet in the last analysis he can even go contrary to the advice of the officers of the department, and dispose of the money as he thinks fit. He is there as trustee, first for this Parliament, but in a truer sense trustee for the taxpayers of the State, and the interests of the State are just as much concerned in connection

with these allegations as they were at the time the member for North Fremantle made his charges. At that time the Minister proved his anxiety to have an inquiry by appointing a Royal Commission, and later on when the Commission exonerated the high officers concerned, there was no one more anxious to pursue the hon. member for North Fremantle than the Minister for Mines. Why should he on this occasion have been less desirous of conserving the interests of the State? His neglect between the 15th September and the day that the Mines Estimates were discussed shows a grave disregard of the interests of the State, and shows that he had not the same great anxiety as was evinced by him when the matter of the member for North Fremantle was concerned. It is on that ground that I have moved the motion; it is on that ground I think the Minister is deserving of blame from members. Without any desire whatever to traverse the ancient history contained in the files, I say that the attitude taken up since the 15th September warrants me in introducing this motion and submitting it to the House.

Mr. TAYLOR (Mount Margaret): I second the motion.

The MINISTER FOR MINES (Hon. H. Gregory): Yesterday when I moved that the papers containing the report made by Warden Finnerty, with the evidence he had obtained attached, should be laid on the Table, some difference of opinion arose as to the course I was following. I received those papers at midday on Tuesday. I wished to have copies typed to give them to the Press and to the Crown Law Department, and I advised the member for Boulder on Tuesday afternoon that I had the papers. I could have placed them on the Table that afternoon, but I thought it would be better to defer it to the following day. He did not seem anxious that they should be tabled that afternoon. After some years of experience in this House, I contend there was no action I could have taken in regard to those papers other than that I adopted yesterday. There was no other way in which I could have given

that information to the Press and to the members of this House. The papers having been tabled, it was then left for either the leader of the Opposition or the member for Boulder to confer with the Premier or with me as to when a discussion should take place on the matter. There was no other procedure available to me. There was no reason for the storm which followed my action. I must congratulate the leader of the Opposition for the way in which he has brought forward this motion, in so far as he assures this House that he has no desire, not the slightest desire, in any sense, of raking up anything that occurred prior to the 15th September. My actions since then members can condemn me for, but there is no need for any discussion regarding what occurred before then. Although such may be the desire of the leader of the Opposition, as stated by him when bringing forward the motion, the course he has started will not I am sure be followed in this debate. It is advisable that all the facts shall be made public, not as yesterday when there seemed such an evident desire to condemn without hearing. Members were asked yesterday to condemn our officers and me before even one word of the report of the warden inquiry or one word of the evidence taken by the warden had been made public among members. The charge is, that after the member for Boulder made the statement he did in the House sufficient investigation was not made by my department. I would like to say that in dealing with this case there may to some extent be a reflection on me, and it is incumbent therefore for me to have the file dealing with the matter so as to be able to quote reports and letters which have been forwarded to various officers, and I should feel exceedingly pleased if members who have the files will make them available for me while I am speaking, so that I can put my case before the House. I wish to say at the outset that so far as the member for Boulder is concerned I have no desire to take exception in any shape or form to the manner in which he brought the matter before the House.

When the matter was discussed here on the 1st December, although I made a statement to the House to the effect that I was not in office and had no connection with the granting of this loan, it was said by one member—the member for Ivanhoe—that the State Mining Engineer and I were responsible for the lending of the money.

Mr. Scaddan: So you were.

The MINISTER FOR MINES: I would like to mention in connection with this matter that while I was in office in 1904 an application was made by this man for a loan. That was reported upon, after some prior reports, on the 17th July, 1904. The inspector of mines for that district (Mr. Greenard) made a report in which he recommended that assistance should be given. His idea was that assistance should be given to the extent of from £2 5s. to £2 10s. per foot to enable the man to sink from the 100 to the 200 ft. level, and if necessary to do certain cross-cutting. It was proposed that the advance should be limited to £300; the inspector thought that the case was a good one. This report was followed up by the State Mining Engineer, who, while having some doubts as to the ability of this man to finance the work, recommended the application. This was being done at the time of the general elections, when the James Government went to the country, and I declined to deal with the matter, although this man was very persistent at the time. Although I was returned to office and had ample opportunity, if I desired, to grant any political favour to a friend of mine or a person who had been supporting me, to grant a request which had been recommended by the Inspector of Mines and approved by the State Mining Engineer, still I thought it would be wrong on my part to make this grant. I pointed out on the file that I considered this man had made out a case, but owing to political exigencies I declined to grant any advance. I instructed that the matter should stand over for a few days owing to the fact that there was a vote of no-confidence against the James Government, brought forward by the member for Subiaco. So I went

out of office without taking action, and in the ordinary course the papers came before Mr. Hastie, the then Minister for Mines. The agreement on this file shows that it was entered into between Mr. Hastie and Mr. Berteaux, and provided for an advance to sink a shaft to the 200ft. level on a basis of pound for pound expended, the total cost not to exceed £5 per foot. The Government were prepared to pay £2 10s., but only on the receipted voucher for the expenditure of that money. So far as can be judged every care was taken by the department to see that the expenditure was properly made. On the recommendation of the inspector, Captain Ey, who was battery manager at Mulwarrie, was appointed supervisor. He had to examine all the accounts and, so far as one can judge, it is to be assumed that everything was faithfully carried out in connection with the work. The agreement showed that on the 15th August, 1904, Mr. Crockett, Secretary for Mines, submitted to the Minister the State Mining Engineer's report in connection with the subsidy to Berteaux. In that report a recommendation was made that an amount of £300 be advanced on a basis of pound for pound, but that no promise be made for any future assistance. Berteaux had originally applied for £1,000, and they gave him to understand that £300 would be the limit. This report was submitted to the Minister, and Mr. Hastie approved of it. Now, only once did this matter come before me as a member. That was some time subsequently. A considerable delay had occurred in getting the agreement prepared, and Mr. Berteaux wrote to me asking if I would endeavour to induce the Minister to hurry this matter up for him. I wrote a note on the back of Berteaux's letter, and sent it along, just the same as any other member would do when asking the Minister to hasten a matter. This was on the 26th September, 1904, and in that note I pointed out to the Minister that it would be of considerable benefit to Berteaux if a portion of the grant could be made available at once as it was some time since the promise had been made. Now, knowing that some members entertain the

opinion that I tried to bring influence to bear upon the Minister so as to help some political supporter of mine, I have written to Mr. Hastie and asked him if he would let me have his view of the case. Mr. Hastie in reply wrote to me as follows:—

"I have no hesitation in stating that in connection with the loan of £300 approved by me for development on the President Loubet lease, Callion, you made no request to me verbally or otherwise to grant this loan. I approved of the application on the report and recommendation of the Inspector of Mines and the State Mining Engineer, and on the fact that there had been a large expenditure on the lease, that this was the only lease working in what had once been a most promising district, and that the proposed work had every prospect of successful development at a depth.

Mr. Collier: What is the date of that letter?

THE MINISTER FOR MINES: It bears to-day's date.

Mr. Collier: How could he state the facts without having since seen the file?

THE MINISTER FOR MINES: I do not know that he has not seen the file.

Mr. Bath: Where would he have seen it?

THE MINISTER FOR MINES: It has been here for a long time. I want to impress upon hon. members that if I had had any desire to grant that loan I could have done so. That much is shown on the file. Had our Government been returned to power I would have approved of the recommendation made. This district was at one time most promising; the Callion gold mine and a number of similar shows were working and there was there a prosperous community. But it all failed. This man, however, kept on spending large sums of money and doing a great deal of developmental work. He thought it would be wise to sink a shaft to a great depth. He was supposed to have sunk that shaft to 100ft., and then he applied for assistance. I refused to take any action on that occasion although I had the power to do so. I left the whole thing to my successor to take action.

Mr. Angwin: No one is objecting to the granting of the loan.

Mr. Taylor: No one is questioning the loan.

THE MINISTER FOR MINES: I think some attempt has been made to induce members on this side of the House to believe that there has been something in the nature of political subs in connection with the matter.

Mr. Underwood: What we want to come at is the giving of the money without the work.

THE MINISTER FOR MINES: For some months this work was carried on. The file shows that the whole of the expenditure was incurred during the period that Mr. Hastie was in office. Then it was discovered by this man that he had no funds with which to continue the work. He had expended all the £232 10s. of the Government money, and he was unable to continue his own share of the cost of sinking; consequently he had to stop work. The position was this: the department had advanced £232 on a mining proposition, and the only chance they had of its turning out successfully was that this man should be able to find funds with which to finish the work. The view taken was that leniency should be shown him, and that he should be allowed every opportunity of getting the capital to finish. This matter first came before the member for Guildford, as Minister, when an application was made for six months' exemption. Mr. Johnson did not hesitate over the matter for a moment. Apparently he realised that the wiser course would be to show consideration towards this man; consequently Mr. Johnson granted six months' exemption without the payment of the ordinary fees. I followed on similarly, and I protected that man for over 18 months. At the end of that time we felt he had no possibility of raising funds to further develop his property, and so he had to forfeit. Shortly afterwards a man named Eggeling got this lease as a prospecting area. I doubted whether we should allow a piece of ground on which so much work had been done to be taken as a prospecting area. However, we al-

lowed it, intimating that if Eggeing desired a lease he would have to give the Crown a lien over the land for the amount the Government had granted. When he and his partner applied for the lease we insisted upon this lien over the property so that in the event of the property turning out a profitable one the State would be recompensed for the amount advanced. We had the right at any time to enforce the payment of that lien if we thought the lease was turning out a profitable proposition. These people took exception to this, and when Eggeing found that he could not get this proposition without having to give the lien, on the 13th September, 1908, he wrote to the department stating how pleased they were to get the report of the Mines Department in which it was pointed out in regard to the property that the shaft was 193ft. deep. This, Eggeing declared to be untrue and misleading, and stated that the accurate measurement of the shaft was 146ft., adding that if the department had paid at the rate of £2 10s. per foot for 93ft., then Berteaux had received £120 too much. This shows how the error had occurred in connection with the matter. Eggeing reads the report and makes the same statement as the member for Boulder.

Mr. Underwood: Yet no action is taken.

The MINISTER FOR MINES: Oh, yes; action was taken, but not the action that should have been taken. Here is the action taken, I want to impress this upon members—

"To the Inspector of Mines, Menzies. *Re* President Loubet Lease. I am in receipt of a communication from Messrs. Eggeing and Nutt who have applied for a gold-mining lease from the Crown formerly comprised in this lease, and in it they state that in the reference to the mine at page 67 of the annual report of the department for 1905 the statement that the shaft is down to 193ft. is not correct, they having measured it and found the correct depth to be 146ft. On looking through the files bearing on the subsidy granted to Berteaux, I find that on the 7th No-

vember, 1904, you wrote stating that the shaft was down to 115ft. Captain Ey subsequently reported as follows: '11th November, 1904, shaft sunk from 115ft. to 127ft.; December 3rd, 1904, from 127ft. to 137ft.; 24th December, 1904, from 137ft. to 147ft.; 7th February, 1905, from 147ft. to 157ft.; 2nd March, 1905, 157ft. to 167ft.; 12th April, 1905, from 167ft. to 179ft.; 25th May, 1905, from 179ft. to 193ft.' Shortly after this Berteaux wrote stating that he had been obliged to discontinue operations, and applied for exemption. The subsidy was paid on the work certified to by Captain Ey, and I shall be glad of a report from you on Messrs. Eggeing and Nutt's assertion. If necessary, will you please visit the mine."

Mr. Angwin: What date was that?

The MINISTER FOR MINES: On the 30th of September, 1908.

Mr. Scaddan: Seventeen days after the letter was written.

The MINISTER FOR MINES: I want the hon. member to understand that I did not know anything about this. I had no knowledge of the matter. It was sent into the department and they asked for an inquiry, and I believe at the time the State Mining Engineer was away, because the letter was sent from the under secretary, and not from the State Mining Engineer who controls the inspectors. He at first received a letter from Mr. Greenard that he was away, and then we received a report from him in connection with the lease. It came on November the 16th of last year. In dealing with this matter he says—

"With reference to the depth of the shaft subsidised I find after carefully going into the matter with Messrs. Eggeing and Nutt on the lease that they have never been down the shaft. Before the depth of the shaft can be accurately measured, it will be necessary to clean it out and repair it. There is no rope or windlass on the mine fit to descend a deep shaft. Messrs. Eggeing and Nutt measured the shaft from 15ft. to 20ft. below where it was originally measured from. This

shaft has been standing idle for several years, and there is probably several feet of mullock in the bottom. I think the money advanced by the department for this work was legitimately expended."

That report was sent on by Mr. Greenard in reference to a complaint entirely similar to the complaint made by the member for Boulder.

Mr. Taylor: On what date was that report made?

The MINISTER FOR MINES: Eggeling's complaint was on the 30th September of last year.

Mr. Taylor: When did you get the report?

The MINISTER FOR MINES: On the 18th of November last year.

Mr. Scaddan: That letter from Eggeling and Nutt was not received until the 22nd of September.

The MINISTER FOR MINES: It was received on the 18th and posted on the 16th.

Mr. Scaddan: The letter from Eggeling and Nutt was not received until the 22nd.

The MINISTER FOR MINES: It is immaterial so far as my case is concerned. You know what letters are in the back country, they may be in a man's pocket for a couple of days. That is the position as we find it. I want members to understand that I had no knowledge of that complaint. It had been sent to the under secretary. He had it investigated, and from the report of Mr. Greenard the shaft had been idle for years. Mullock had fallen down it; the collar had broken away, and it was impossible to get down as there was no windlass. Although the member for Boulder stated that there was a ladderway down this shaft it will be admitted that the ladderway was in such a dangerous state of repair that it would not be right to ask any man to go down it. I think the hon. member will say I am correct in that statement.

Mr. Collier: I admit it was.

The MINISTER FOR MINES: Anyone who went down there would go down at the risk of his life. The inspector thought that by the statement made by these people that the shaft was only down

that depth. Knowing that they had not been down the shaft themselves he felt justified in making that report. It is questionable whether in face of a report of that sort the difference being so great between 145ft. and 190ft., I think the inspector should have made every effort to find out the depth, and should have endeavoured to come to some conclusion whether it could be possible to have been filled in with mullock. That was the report received by the department and accepted.

Mr. Taylor: The ladderway must have been in a dilapidated state even when the men were working.

The MINISTER FOR MINES: The ladderway was dangerous, and everyone who went there admitted that it was unsafe to go down that ladderway. When the hon. member made his speech in the House—I admit that speech was a most deliberate one—and in speaking he told the House he was only speaking from information which he received. He said he believed the authority was a reliable one, but he could not vouch for it. He simply told us that the authority was a reliable one, that the shaft was only down 145ft. instead of 193ft. It appeared, of course, if the shaft was only down 145ft. Mr. Berteaux must have obtained payment from the Government for a larger amount of sinking than had been done. I believe the member had as absolute information in his possession as any person could have had, and that information was obtained by a person who had taken the responsibility of going down the ladderway, and had made a measurement of the shaft and found that instead of there being a lot of mullock at the bottom that there was no mullock there, and it was absolute information. He told us something similar to that told by Eggeling and Nutt. It was something which he had heard. I do not want to be misunderstood, but I felt the statement which was made was something serious. Remember I knew nothing of the previous complaint, or that there had been an investigation made. I felt that the statement was an important one, and although I could hold, if I dared, that I carried out every word

I said in reply, that if the case was a serious one I would ask the State Mining Engineer himself to report, still I could quibble and say that in the report I have submitted to the House I have carried out everything that I promised, but I have not done that, nor did I do what I intended to do, or what I thought had been done when the papers were laid on the Table of the House. The first thing I did on the day following the remarks made by the member for Boulder was to have *Hansard* rung up and *Hansard* was asked to forward a copy of the hon. member's speech. I sent it on to the State Mining Engineer. Shortly afterwards there arrived the report of the speech which had been made by myself with the promise which I had given. I forwarded that to the State Mining Engineer through the under secretary. Mr. Montgomery has no doubt about this. Mr. Montgomery believes that the second portion of the report went into the record room.

Mr. Scaddan: That is your speech?

The MINISTER FOR MINES: Yes; the remarks of the leader of the Opposition were slightly in error in this regard. The speech of the member for Boulder was sent direct to the State Mining Engineer, and he based his report on the knowledge of the speech made by the member for Boulder and not on his knowledge of the speech I made and the promise I gave in regard to it. A couple of days afterwards the papers were brought to me to be placed before the House. I held them back, as members know, from September the 15th to October the 19th, my desire being that I should be able to give the report to the House. I sent to the State Mining Engineer—both he and I have no record of the date, but it must have been about the 17th or the 18th, and we got this file and we found the State Mining Engineer's report. I asked the State Mining Engineer when he perused it if he had got a report from Mr. Greenard, and he said he had. I asked him if he was satisfied with it, and he said "perfectly." I then said, "Send the file to the House." and I gave instructions for the file to be brought before the House. Members can follow me thus far.

Mr. Montgomery was not aware of the contents of the statement I had made. He believes, and it is quite possible, these papers were lying in the record room. They were sent to the under secretary's department, and his report is that in piecing the file together they put my speech there for record purposes and placed it prior to the report made by Mr. Montgomery in connection with the question. If any fault has taken place, that is how it has occurred. When the debate took place here the hon. member knows that I told him about the report by Mr. Greenard, and I told him that there was a satisfactory report by Mr. Greenard, and I had to correct that statement the next day because I found the report given by the State Mining Engineer. I think that has been read by most members, and it is hardly necessary for me to again read it to the House. He emphasised the report by Mr. Greenard, and I accepted it as a report made on the statement of the member for Boulder. That is the position I found myself in the next day. We had given to the member the report which had been made on exactly the same subject, and on exactly the same promise as the statement made by the hon. member. I think I am justified in saying that the hon. member had certain information. I do not want to attack him, but he had certain information, and had he given to me a statement that he had absolute information that a man had been down the shaft and measured it, and that the shaft was not the depth that was represented, that would have cleared up any doubt on the question.

Mr. Collier: I am justified in giving all the information that is necessary for inquiry by anyone who desires inquiry.

The MINISTER FOR MINES: The hon. member did not know at that time that we had a similar statement made to us and had an inquiry made into that statement.

Mr. Collier: A charge made by a member of the House is different from a letter written by an irresponsible person outside.

The MINISTER FOR MINES: Time after time we have spent money in going

into complaints made, and the inquiries have proved resultless.

Mr. Heitmann: On one occasion you kept information from the public and manipulated the files.

The MINISTER FOR MINES: The report was tabled here on October 19th, and it was then in the possession of the hon. member.

Mr. Collier: I was not responsible for your mistake. Why should I point out to you that you had made a mistake?

The MINISTER FOR MINES: The hon. member knew that something wrong had been done. If the hon. member thought a wrong had been done and he saw the file here on October 19th, why did he allow it to remain in abeyance until the 1st of December. I felt quite satisfied when I laid the papers on the Table that we had a report there from Mr. Greenard subsequent to the statements made by the hon. member. It was my desire that a report should be so made, and when the report of Mr. Montgomery was handed to me I felt that the report was made subsequent to the date on which the hon. member made his statement. I do not think I can say any more, except that I do contend that these papers being in the possession of the hon. member from the 19th October he could have been fair to me, if he had so desired, and drawn my attention to the fact that he was dissatisfied with the report. I told him in my speech on September 15th that if he was dissatisfied with the report of the State Mining Engineer I would go further. The statements in my speech are clear. I said: "If there is the slightest reason for the statement he has made, the State Mining Engineer will have to go up and make a report which I shall be pleased to submit to the member or to the House. If there is found to be no justification for the statement, I shall advise the member to that effect." The State Mining Engineer inquired into the complaint made by the member for Boulder, and the report with regard to that had been made by the inspector of mines. I think it was fair on the part of the State Mining Engineer, from the remarks which were made by the member for Boulder on

that occasion, to assume that the information he had obtained was based on the information which had been given to us by Messrs. Eggeling and Nutt. It would appear, according to Mr. Greenard's statement, that to investigate this matter thoroughly, a considerable expense would be involved. Mr. Greenard did not know what quantity of earth would be at the bottom of the shaft, and he pointed out that the shaft collar had broken away and that there was no rope or windlass available for the purpose of going below. But while I felt that he was not justified in so reporting to us, we know that he made an effort to find out whether there was any justification for the complaint. When Mr. Greenard's report came through, it was accepted by the department, and certainly it was fairly convincing. As far as the case itself is concerned we find that Mr. Berteaux represented that the shaft was 100 feet deep, and that in the agreement he gave in connection with the subsidy he was to sink the shaft to a depth of 200 feet. What action can be taken will rest entirely with the Crown Law Department; but it is unfortunate in connection with the agreement that it does not say that the subsidy shall be granted for sinking from the 100 feet level to the 200 feet level. There is nothing clear with regard to that.

Mr. Collier: I will bring some evidence.

The MINISTER FOR MINES: I would be glad if the hon. member would give me all the information he can. It will be very helpful to me if he can do so.

Mr. Underwood: Did we not do so in connection with the Menzies election. Did we not give you instances of absolute fraud?

The MINISTER FOR MINES: On whose part?

Mr. Underwood: The battery manager at Mulline. We will call it unlawful action; and you will not take action.

The MINISTER FOR MINES: Was that during the time the hon. member visited the place?

Mr. Underwood: You know when it was.

Mr. SPEAKER: Order!

The MINISTER FOR MINES: I do not think that I can say very much more.

If the member for Boulder had informed me when the papers were laid on the Table that the report was not satisfactory and that he wanted a more efficient inspection carried out, he would have relieved the whole position at once. I would like to ask hon. members what is the real duty of a Minister with regard to matters such as this? Hundreds of files goes through a Minister's hands each day, and the Minister cannot grasp all the details. Instructions are given, and as a rule these instructions are loyally obeyed by the officers of the department to the best of their ability; but it is absolutely impossible for a Minister, and more especially when the House is sitting, to get that full grasp of details in connection with every matter pertaining to the administration of the department, or every paper required in this House as can be done when the House is not sitting. Some years ago when I first took charge of the Mines Department I felt I could obtain, and did obtain, a grasp of everything in connection with the department. I cannot do that now, nor have I the desire to do so. It is simply impossible for the Minister to be conversant with every detail in his department. In connection with this matter, instructions were given to the State Mining Engineer and he only received one portion of the file, and the second portion with the report came in by a most peculiar coincidence on the occasion of a complaint similar to that made by the member for Boulder. The report set out that the matter had been fully investigated and it was given to the House, and if the hon. member had any objection to it in the manner in which it was then given, I think it was his duty—more especially as the leader of the Opposition pointed out that it was desired to protect the interests of the State—to be loyal to the trust imposed upon him and the trust imposed upon me.

Mr. Holman: He fulfilled his trust; you did not.

The MINISTER FOR MINES: The hon. member ought to have given me information that would have enabled me to look into the matter more exhaustively. I admit that the report of Mr. Greenard

was supplied on insufficient data. I do not say that it was altogether incorrect, because I have too high an opinion of Mr. Greenard to imagine that he would send in an incorrect report. There is nothing more I can say; the matter is entirely one for the House to deal with. I contend although there may have been some slight misunderstanding on the part of the State Mining Engineer with regard to the report he submitted to me, there was a misconception on my part with regard to that report. The hon. member could have pointed that out to me in the interval between the 19th October and the 1st December, and the failure of the department to grasp the complaint that he had made, and if he had done so it would have relieved me of a trying position, relieved the House of a very acrimonious debate, and served the interests he desired to serve as well as he is serving them now.

Mr. COLLIER (Boulder): I can assure the House that I have no intention to be personal in this matter, any more than it is necessary to be, and I had not intended going back any further than the date on which I moved the motion, the 15th September, but for the fact that the Minister himself has gone back to a date considerably before that. I would like to deal with one or two points raised by the Minister in that connection. The Minister states that he had practically nothing to do with the granting of this loan; that the loan was granted by Mr. Hastie during the time of the Dalglish Government. I want to say that the whole of the negotiations for the loan had been in train for several months before the Minister left office on that occasion. Mr. Berteaux made an application nearly twelve months before for the loan, and officers of the department had been inspecting the mine and had reported on it, and Mr. Greenard reported favourably on a loan of £300 being granted. That report was agreed to by the State Mining Engineer, and although the Minister did not actually grant the loan, I will read the minute he wrote just prior to leaving office. He said, "I am fully of opinion that Mr. Berteaux has made out a good case, and that an advance as recommended

should be made to him, but owing to certain very false statements having been made in connection with Mr. Berteaux and the late elections, I do not at this stage care to deal with the matter." I want to say that Mr. Hastie had no other course open to him than to grant that loan. I know he could have refused it by going through the whole of the papers and declining to accept his predecessor's recommendation, and the recommendation of the inspector of mines and the State Mining Engineer; but as he had been in office only seven days, how could he have been expected to set up his opinion against the opinion of these authorities? Was it reasonable to suppose that he would have done so? But that really does not touch this matter, and I do not intend to deal with it. My complaint, and I think the complaint which the House desires to have investigated is the neglect on the part of the present Minister for Mines to take reasonable steps to find out whether my charge was correct or not. I want to say that while I moved my motion on the 15th September for these papers, the papers were not laid on the Table of the House until nearly five weeks afterwards. Four weeks after I moved the motion, I asked the Minister without notice this question: "When will the papers in connection with the President Loubet leave be laid on the Table of the House, and has an inquiry yet been held?" The Minister replied: "If the hon. member desires, the papers can be presented to-morrow, but I am holding them back for the purpose of adding the report of the inspector and the State Mining Engineer." That was four weeks after my motion was moved and carried. Hon. members will be surprised to learn that the report of the State Mining Engineer was dated 17th September, two days after my motion had been moved in the House.

The Minister for Mines: I took the State Mining Engineer's report to be the report he had written on that which he had received from Mr. Greenard.

Mr. COLLIER: The report of the State Mining Engineer was written two days after the motion was moved in the House, and so far as the Minister was concerned that report definitely closed the

matter, because at its conclusion the State Mining Engineer said he did not consider any further action was necessary. In face of the fact that this report, which I presume the Minister read, was put on the file two days after the motion was moved, four weeks later the Minister informed me that he was still waiting for it; and even then, although the report was already on the file, the papers were not brought down to the House for a week, making in all five weeks from the date when I first moved for them. I would like to know why the Minister says he was waiting for a report that he had in his possession for four weeks? With regard to the statement I made when moving for the papers, I maintain I did all that was necessary and all that any member could be reasonably expected to do. I made the statement clearly and definitely, and there could be no possible misunderstanding of it. I said I had information, on which I placed absolute reliance, that the shaft was only 145ft. deep. Why should I be expected to tell the Minister the name of the person who told me this, and to say that the person had been down the shaft and had measured it? I gave all the information necessary to institute an inquiry, and then it was for the Minister to ascertain whether the charge was correct or not. If an hon. member makes a statement in the House and takes the responsibility he does when making a statement of that kind, he does all that is reasonably expected of him by making the charge, leaving it to the Minister to find out whether it be correct or incorrect. I was not going to say that the man who gave me the information had been down the shaft, and I did not feel that I was called upon to do so. This is where I consider the Minister is blameable in the matter. The State Mining Engineer may not have had, as he says, the Minister's speech before him containing the definite promise that an investigation would be made, but the Minister heard my speech—and he says to-night that he took it as serious—and would not one have thought it the Minister's duty, when he read the report of the State Mining Engineer, to have immediately said that the report did not meet the case and did not meet my

charges? Is the Minister to be satisfied, more particularly when the person involved is a staunch supporter of his own and lives in his own electorate—is he to be satisfied with a report written in the office the next day by a man who could not know anything of the circumstances of the case? It was clearly the duty of any Minister—I say a Minister jealous of his reputation and honour, more particularly when it was his own leading supporter concerned, would have immediately written a minute to the State Mining Engineer instructing him to have the shaft measured at once. Neither the State Mining Engineer nor Mr. Greenard, the inspector of mines, could have been expected to take the responsibility of having the shaft measured. As a matter of fact, Mr. Greenard did not have the authority to put on the men to repair the windlass. Surely it is a reasonable thing when a report on an important matter comes before the Minister that he should approve or disapprove of it? And how is it that there is no record on the file of the Minister's approval or disapproval of the report of the State Mining Engineer.

The Minister for Mines: I sent him the *Hansard* copy of my speech.

Mr. COLLIER: The State Mining Engineer did not think it necessary to take further action. The Minister heard my charges. Anyone who read the report of the State Mining Engineer could not fail to come to the conclusion that it was wholly inadequate, and how is it the Minister did not minute on it his approval or disapproval, especially in regard to the statement that it was not necessary to take further action? The Minister says he accepted the report as satisfactory, and he takes up the ground that charges are frequently made involving a great amount of expenditure, and they have to be careful. This was not a matter in which great expenditure was involved. No great trouble was involved, it was simply a matter of going down the shaft and measuring it. Even if it was found to be correct, as the Minister says, that there was a lot of loose dirt at the bottom of the shaft, the inspector or the department might reasonably have said,

"We are not going to the expense of clearing the shaft to suit Eggeling and Nutt"; but they did not go so far as to go down the shaft to find out whether there was loose stuff at the bottom. How can anyone make investigation as to the depth of a shaft by walking about the surface and guessing at what is at the bottom and by guessing at the depth? It was the clear duty of the Minister to have the shaft measured, and it was in no way my duty—and in similar circumstances I would do the same to-morrow—it was in no way my place to go to the Minister and point out his duty to him. Did the Minister expect me to take the file and say, "The report is not satisfactory; you go and have an inquiry." That responsibility rested on the Minister, and it is for the House to say whether the Minister neglected that responsibility or not in not having it done. I have very little to say in regard to the matter. The facts are before hon. members. I can only say the Minister says that the report of Mr. Greenard and the State Mining Engineer he considered perfectly satisfactory.

The Minister for Mines: I do not say so now.

Mr. COLLIER: I took down the Minister's words. He accepted Mr. Montgomery's report as satisfactory.

The MINISTER FOR MINES (in explanation): Mr. Montgomery's report was written a few days after the matter was raised in the House. I think it was sent to me on the 20th September. I had it put on one side hoping that the papers would contain a report from the mine. I sent the papers to Mr. Montgomery, and we discussed the question, and I read the passage containing the extracts from Mr. Greenard's report, and I considered them satisfactory. Now, of course, I do not.

Mr. COLLIER: I am quite unable to understand how the Minister could consider the reports as convincing—he said Mr. Greenard's was perfectly convincing, and Mr. Montgomery's satisfactory—when the officers had taken no steps to find out the truth of the statements. The Minister should know, and must know, it was impossible for them to be satisfac-

tory unless an attempt was made to measure the shaft. Anything short of an actual measurement of the shaft was unsatisfactory; that is plain on the face of it; and while the Minister tells us he cannot expect to attend to all details in the files that come before him, does he regard a matter like this, a matter brought before the House, a distinct charge like this, and after he has listened to the charge—does he regard it as a matter of detail that is not worthy of his attention? I claim it is not to be classed as a matter of detail that the Minister might relegate to the officers of his department. It was a matter for the Minister himself, and to me it is quite an extraordinary thing that when a charge like this was brought before the House, and against a very staunch supporter of the Minister in his electorate—I will not say he attempted to cover up the matter, but I will say that all the Minister's actions, every step the Minister took from the date the charge was made right up to yesterday had the effect of covering up the fraud. That was undoubtedly the effect whatever the intention was. I am not going to make charges with regard to the intention, but every step the Minister took from the report of the State Mining Engineer right down to yesterday, had the effect of covering up the whole matter. When the matter was debated last week for two hours the Minister did not even then promise an inquiry until the Premier came in and practically took the matter out of the Minister's hands and promised an inquiry. Members made a definite stand on the Estimates for two hours, and only when the Minister found he could not make progress with his Estimates, and only at a late hour when the members for Murray and Swan and others regarded the matter as serious, only then did the Minister look on the matter as one for inquiry, and he then made exactly the same promise as he had made previously, saying he would send Mr. Crabbe, the inspector at Kalgoorlie, or the State Mining Engineer to make inquiries. It was precisely the same promise as was previously given. It was only when the matter was forced on the

Minister and when he could no longer resist inquiry that he promised immediate action. I have no more to say. I have done my duty, and I claim that as a member of the House I should not be put to the expense of having to go to the goldfields in order to ascertain the truth of a charge that the Minister and his officers could have ascertained months ago. When a member has to make a charge of this kind and has to pay his own expenses to force on the Minister the fact that his charge is correct, it is a responsibility that should not be put on the hon. member. At any rate, it is now for the House to decide whether the action of the Minister for Mines has been unsatisfactory or not.

(Sitting suspended from 6.15 to 7.30 p.m.)

The PREMIER (Hon. N. J. Moore) : If no one else wants to speak I would like to say a few words before the division is taken. The motion as worded reflects seriously against the Minister for Mines, consequently it reflects, to some extent, on the Ministry. If an accusation were levelled against a Minister which would tend to show that he was guilty of dishonourable or very objectionable conduct, it would be then a question for the Government to consider whether they would be justified in standing to their colleague, but on this occasion no such imputation had been made. The motion put forward to-day by the leader of the Opposition is to the effect that in the opinion of the House the Minister for Mines is deserving of censure for his neglect to institute immediate and searching inquiry into the charge made by the member for Boulder. The leader of the Opposition has stated that so far as he is concerned he did not propose to go into any ancient history, but we had a pretty fair assurance from some other members that it was their intention to go into this matter to a date considerably further back than the 15th of September, when the question was first brought before the House. The Minister has given the history of the case up to that point, and I believe the member for

Bouldér, who is really responsible for the motion, concurs that the Minister's statements are practically correct so far as the procedure that has been followed right through is concerned. To put it briefly, an application was made for a loan of £1,000 to develop a certain property. After the matter had been inquired into it was considered by the officers of the Mines Department that the department would not be justified in advancing a greater sum than £300 in connection with the application. Although the Minister at that time considered it was a feasible and reasonable proposition, he took no action owing to the fact that a motion of no-confidence was then levelled at the Administration of which he was a member, or at any rate was expected to be levelled against the Government; consequently he would not take any action at all, more especially as it had been alleged that the gentleman who was to receive this loan had been a political supporter of his. The action the Minister took on that occasion was a commendable one, and one to which no exception could be taken by any member. It has been pointed out that the matter was left at this stage. When the Minister vacated office a new Minister then came in and that gentleman, after giving the matter consideration, and not being affected at all by any recommendation of the previous Minister, or by the fact that it might have been seen from the file that the previous Minister's approval of it, but after making inquiries decided that it was advisable that the advance should be made. All the progress payments were made while that gentleman was in office. Since then, that gentleman has stated that he was not influenced in any way by the present Minister, either directly or indirectly, in making the advance. It would be interesting to know on what grounds he granted the advance.

Mr. Scaddan: He was only in office for seven days.

The PREMIER: The then Minister granted it for the same reason that the present one did namely, that the officers of the department considered it a fair and reasonable proposition. I take

it that the then Minister could have done it if he had been only in office for one day provided he was satisfied with the report of the officers of the department. It was only a question of making up his mind whether the reports of the responsible officers were reliable, and that he would be justified in making the advance. Later on the member for Guildford succeeded that gentleman as Minister for Mines, and he granted an exemption during that time for the same property.

Mr. Johnson: He had no alternative. It was recommended by the warden.

The PREMIER: I do not wish to enlarge upon the facts, but merely to recite them briefly so as to give members an opportunity of seeing that the facts I state are correct. Eventually this property was forfeited by the present Minister. Later on an application was made by Eggeling and Nutt, and approval was granted to their application to take over this lease subject to a loan of £232 on the property. In taking this action the Minister for Mines was doing all that he possibly could do to protect the interests of the State. As a matter of fact something like £1,000 has been spent in connection with this property. The stipulation made in connection with the lease was that, provided it was found that the property was a payable proposition, the £232 should be returned to the State; if it were found on the other hand, that it was not a payable proposition, no further action would be taken. Later on a complaint was made by the then lessees that the shaft was not down to the stated depth. As a result of this complaint a report was made to Mr. Greenard, who visited this locality, and on inquiring of these lessees who had made the complaint he learned from them that they themselves had not measured the shaft, and could not state for certain whether the shaft was down that depth or not.

Mr. Johnson: Yet they had written to the department distinctly stating that they had measured the shaft.

The PREMIER: They admitted they had only made these statements on hear-

say. Mr. Greenhard considered it would not be advisable to spend a large sum of money in testing a statement made on hearsay, his argument being that it would take a considerable amount to clear the debris which he supposed to be deposited at the bottom of the shaft, and would necessitate bringing a windlass from Davyhurst. He concluded his report by stating that no further action should be taken, and that the department had good value for the amount advanced. That is what I gathered from the brief glance I had at the file. Later on the member for Boulder moved for the production of papers, and in moving that motion he said he did not intend to reflect on the Minister in any way, but that he considered an inquiry should be made. As a matter of fact the Minister on the following day asked for a copy of the *Hansard* report in order that it might be forwarded to the responsible officers for report. A report was obtained and was read to the Minister and he was under the impression that that was the report made as a result of the speech delivered by the member for Boulder. As a matter of fact that report had no relation whatever to the Minister's remarks in connection with the member for Boulder's motion.

Mr. Collier: But he had my remarks.

The PREMIER: Mr. Montgomery assured me to-day that at that time he was not in possession of the remarks made by the Minister.

Mr. Collier: He had my remarks.

The PREMIER: Yes, and be informed me that these had been separated, that the Minister's reply had never reached him, and consequently he was not in a position to inform the Minister that this report was of very little value in view of the fact that the Minister had stated that he intended to make an inquiry. That is the position of affairs.

Mr. Holman: A lame excuse.

The PREMIER: I am telling you the absolute facts of the case. I took the opportunity to-day of seeing Mr. Montgomery with a view to getting his version of affairs.

Mr. Scaddan: Did you see the Minister's minute to Mr. Montgomery?

The PREMIER: No.

Mr. Scaddan: Did you see the promise he made to the House?

The PREMIER: Yes, but I did not see the minute. This report, however, which the Minister read was a report actually made almost twelve months prior to the matter being discussed in the House.

Mr. Collier: But when that report was read to the Minister, did not the Minister know that it did not meet my charge?

The PREMIER: The Minister was under the impression that this report had been specially made. Possibly it would have been better if he had rung up the member so that they might discuss the question as to the advisability of going any further in regard to the inquiry. The question was asked in the House on 13th October as to when it was intended to place the files on the Table. On the 19th October the file was laid on the Table of the House. The hon. member had an opportunity of perusing this file. After perusing the file he did not state that the papers were unsatisfactory from his point of view. As a matter of fact this file was on the Table six or seven weeks before any action at all was taken. The whole question was held over until the Mines Estimates came on.

Mr. Collier: It was the only opportunity I had.

The PREMIER: The hon. member might have told the Minister that he was not satisfied with the inquiry. It is a matter which many a man might overlook in the press and hurry of parliamentary and administrative work. Any Minister might make a promise and, unless reminded of it, might neglect to carry out that promise in its entirety. Very often a Minister is asked a question and he replies that he will endeavour to give the matter consideration. As a matter of fact, I myself have taken the precaution now to let a clerk go through the report of the proceedings in order that a reminder might be given me in the case of a promise made. Only the other day we had such an instance when the member for Murchison asked me something in

connection with the *Gazette*. Another instance was brought up in connection with members' passes. These are matters a Minister might very easily neglect.

Mr. Holman: You do not put those cases on a par with this—a case of fraud.

The PREMIER: If it reflected in any way on the honour of the House as the leader of the Opposition stated, it must be remembered that it is four or five years old. Why was it not taken up in October when it was found that the inquiry was not satisfactory?

Mr. Holman: Because we had the Minister trying to cover it up.

Mr. SPEAKER: The hon. member is not justified in making that remark.

The PREMIER: As I say, the whole question is one as to whether or not the Minister redeemed his promise in its entirety. He might have gone further, and it is rather to be regretted that he did not take the opportunity of consulting the member who moved for the papers in order that an inquiry might be made. When the matter was brought definitely under the notice of the House no delay took place, but provision was made for the inquiry to be carried out immediately.

Mr. Heitmann: That was absolutely forced upon the Minister.

The PREMIER: A definite promise was made and it was carried out.

Mr. Heitmann: After a lot of pressure.

The PREMIER: Why was not the pressure exercised on the 19th October? Why was not the question asked, "Does the Minister consider the report a satisfactory solution?" Then the matter could have been taken in hand at once. We all know any number of people besides the Minister who have made promises and not been able to fulfil them.

Mr. Troy: This is a question of fraud.

Mr. Hudson: It is a question of the condonation of an offence.

The PREMIER: Nothing of the kind. It was known on the 19th October, why not have taken action then?

Mr. Collier: Even yesterday you said we could hold it over for the Loan Estimates; that there was no need to discuss it now.

The PREMIER: Nothing of the kind. I did not intend to discuss it then, be-

cause no members except the members of the Opposition knew the contents of the file. Was it fair to discuss a report known to none but the members of the Opposition? That motion against the Minister was not framed on the spur of the moment. It was framed before the hon. member came into the House.

Mr. O'Loughlen: He moved it because you would not read the report.

The PREMIER: That was not sprung on the House because the report was not read. The report was read when it was suggested that it should be read.

Mr. Johnson: We were prepared because we knew the Minister. We have had too much experience of him.

The PREMIER: The whole thing boils itself down to this: we are not going to say for one moment that the promise made was carried out in its entirety. It would have been much preferable if the action taken at this late date had been taken on the earlier occasion. The Government had no desire to hide anything. When private motions came on in this House, what is done? Various Ministers take different motions dealing with their departments with the object of replying to them. Very often the Minister knows little or nothing about the motion, but only asks his officers if there is any objection to the papers being supplied. We knew nothing about this until it was brought up on the Loan Estimates. The Minister then was only too pleased to have an inquiry made. What was the Minister to gain by any delay? In what way did it affect the Minister?

Mr. Johnson: He was avoiding divulging what is being divulged now.

The PREMIER: Is there any harm in what has been divulged?

Members: Yes.

The PREMIER: Well, I must be prejudiced. I cannot see any harm in it so far as the Minister for Mines is concerned. All that the Minister has done is what many more of us have done—cursorily glanced at a report, thought the matter was in order and sent the papers down to the House. Ministers cannot go through every file moved for. There may be some objections to placing a file on the Table, and when these objections arise the rea-

sons for the objections are given. I can only say in conclusion that it seems to me that if there is any offence it is one for which I would not sack an office boy, and that hon. members have magnified it into a very grave misdemeanour.

Mr. Underwood: It ought to get a man two years in gaol.

The PREMIER: The Government have not neglected it. The case has been placed in the hands of the Crown Law Department, and the Solicitor General has gone into the matter with the object of ascertaining what action shall be taken. He has recommended that the matter be placed in the hands of the Criminal Investigation Department forthwith. What more could be done? The ends of justice will be served by taking the necessary action if it is found as a result of inquiries by the Crown Law Department that a case can be proved against the guilty person.

Mr. Angwin: This was not done until you took it in hand.

Mr. JOHNSON (Guildford): The Premier wants to know what has been divulged through the investigation brought on by the activity of the member for Boulder. This has been done: it has been divulged that somebody has robbed the State of a certain sum of money and that the Minister neglected to exercise that precaution expected of a Minister in protecting the State against robbery. In order to get some idea of why a number of us feel that the Minister is guilty of a want of capacity in the exercise of his duty, it will be necessary for me to outline some of the particulars in connection with this loan. In the first place I would like to point out that this Mr. Berteaux has not a very good reputation so far as the Mines Department is concerned. The Under Secretary for Mines, in one of his minutes, writes of him as a "very persistent gentleman, always after something; pushing for it."

The Minister for Mines: Does that give him a bad reputation?

Mr. JOHNSON: Have you read the minute? It was not altogether a reflection on the man's character, but it did not tend to elevate him in the mind of the Minister. The State Mining Engineer re-

fers to "the artful simplicity of this Mr. Berteaux." Then, again, "he is a very unsatisfactory person to deal with," and in another place, "This Mr. Berteaux writes to the department and states that Captain Ey measured the shaft and made it 12ft., and Mr. Ey writes to the department a day or two afterwards and says the shaft was 10ft." The State Mining Engineer made reference to the fact that no receipted vouchers had been sent by this gentleman for the payment of the expenses he was supposed to have incurred in the sinking of the shaft, and he specially requests that duplicate receipts be insisted on. Yet although the State Mining Engineer writes that especially to the Under Secretary for Mines, no duplicate receipts had been sent in, merely a statement is submitted by Mr. Berteaux and vouched for as being correct by that gentleman.

The Premier: What date was that?

Mr. JOHNSON: If the Premier wants me to go through the file and give the dates to him I can do so.

The Minister for Mines: As you went through the file after that date it is a wonder you did not correct it.

Mr. JOHNSON: I did not go through the file after that date, and the Minister knows he is stating something which is incorrect. The Minister knows when an application is sent in for exemption the whole file is not submitted. As a matter of fact, I did not know Mr. Berteaux had received the loan from the Mines Department. The question of the exemption is on a distinct file altogether from that of the loans under the Mines Development Act. The Minister shakes his head, but he knows it is correct.

Mr. George: If Mr. Montgomery knew he was so bad why did he not take more care?

Mr. JOHNSON: Then the Minister himself has to get up in the House and defend this gentleman when an attack is made on him in connection with securing postal votes in the interests of the Minister for Mines. We find the officers of the department look on the gentleman as a very questionable character, and the Minister knows the gentleman far better than the officers do. Not only that, we

find this self-same Mr. Berteaux, for this lease, paid no rent for the year 1903, for the year 1904, for the year 1905, and for the year 1906.

Mr. Heitmann: He was a specially favoured gentleman.

Mr. JOHNSON: He never paid any rent on the lease on which he was lent the money. For four years he paid no rent. Apart from that I regret very much to say I was one of those who wrote off on one occasion a small amount in connection with the exemption fees. This is another illustration where this gentleman, by a little bit of manœuvring, submitted his application for exemption and never paid the fees; and the Under Secretary for Mines later on stated that the man had got himself into such difficulties that "could I see my way to write off these fees." I make this point to show what sort of a gentleman Mr. Berteaux was in the eyes of the officers of the department, and what sort of a gentleman he had been in connection with the payment of his just liabilities on this mining proposition which he was trying to work. We find that this gentleman had such a bad record that in 1908 Messrs. Eggeling and Nutt wrote to the department. Messrs. Eggeling and Nutt at this time had acquired this lease. Mr. Berteaux having had it forfeited for non-payment of rent. Eggeling and Nutt secured the lease, and wrote to the department pointing out that the shaft had not been sunk to the depth of 193 ft., and they distinctly, in the letter sent to the Mines Department, said that they had measured the shaft.

Mr. Troy: When was that?

Mr. JOHNSON: In 1908.

Mr. Troy: Will the Premier tell us why action was not taken then?

Mr. JOHNSON: Nothing then had been paid on the lease. I ask the Minister the question, suppose Mr. Heitmann had got this loan instead of Mr. Berteaux, and that letter coming to the department, would he have been satisfied with the report that this man had said that he had never measured the shaft; would the Minister have been satisfied with a report of that description? Would the Minister have been satisfied with the report if the member 'or Cue had been involved in-

stead of Mr. Berteaux? Why, in 1908 the Minister was told definitely and distinctly by Eggeling and Nutt that Mr. Berteaux had defrauded the State. Why was the Minister satisfied with the report? He did not review the statement of Eggeling and Nutt because it was made by the inspector of mines without investigation. There is only one way to investigate the statement that the shaft had been measured, and consequently the inspector's report was highly unsatisfactory. And the Minister should have recognised that, if he recognised his duty to the State as administrator of the Mines Development Act. Again, apart from the fact that Berteaux had a bad reputation as far as the Mines Department is concerned, I want to ask the Minister if he did not feel he should take special precautions in connection with the administration of this Act, because special reference was made year after year in connection with the peculiar features and enormous powers given to the Minister under this Act. In 1906 I myself specially referred to the Act, and appealed to members representing agricultural districts to read the Act and see the powers the Minister had, and to ask themselves whether they were justified in allowing the Minister to hold the powers longer, that was at the time I was speaking, in 1906. And the *West Australian* in a leading article on the 10th August, 1908, stated—

"Not the least important question brought up during the debate was the reference made to some of the extraordinary provisions of the Mining Development Act of 1902. It will come as news to most, even to members of Parliament, who should share the sorrow of Mr. Johnson in having passed such an Act, and who, indeed, should be thoroughly ashamed of their part in doing so, that one clause goes so far as to say that the Minister 'may advance or himself expend' moneys for drainage, assisting mining by sinking, putting down shafts, either to prospect or to search at great depths below the surface, at places in respect to which the expenditure of large sums of money for a considerable period may be neces-

sary. It will be observed that Parliament has gone out of its way to declare that no regulations need be made, no advice of an officer sought, and it might almost be supposed that no accounts or vouchers need be produced, but that everything might be put in the hands of a Minister absolutely, independently and autocratically. How such a clause could have escaped the two Houses, who are presumed to read their Bills, is simply incredible. No wonder Mr. Johnson called it the most dangerous measure ever passed in the Legislative Assembly. It will be observed that the Act is careful to give this Minister power, not in small matters, but in the very largest that can be imagined."

And the article goes on to state that these particular sections should be repealed at the earliest possible moment. After waiting for some time in order to get the Minister to realise that that Act should not remain on the statute-book as it is, giving him such great power, I this session framed an amendment to the Act to remove the possibility of the Minister lending money himself without getting reports or submitting the particulars in a report to Parliament. In order to demonstrate to members the powers the Minister under this Act has, and that he has fully exercised those powers, I have only to point out that in 1907, £27,595 was expended under the Act, and the Minister under Parts 4 and 6 of the Act, which give him absolute power almost without consulting his officers, expended £24,000 out of the £27,000. In other words, under the parts which compel him to get the advice of his officers he only expended £3,000, but under the other parts which gave him absolute power, he expended £24,000.

The Minister for Mines: I want to say, Mr. Speaker, that there is not the slightest justification for the statements made.

Mr. JOHNSON: In 1908—

The Premier: As a matter of fact, not any advances have been made for five months.

Mr. JOHNSON: I am giving the figures which are provided in the return presented to the House in 1908. Under

Parts 4 and 5, £23,000 was expended out of a total expenditure of £25,000.

The Minister for Mines: What is the return?

Mr. JOHNSON: The return supplied under the Mines Development Act. The last return, that for 1909, shows that under Part 4 the Minister expended £24,931, and under Part 6, £2,126, or a total of £28,000 out of a total expenditure of £30,000. The point I want to make is this; the Minister under the Act has been given extraordinary powers. No Minister should ever receive such powers. A mistake was made when Parliament gave him that power. It is true that the Minister got the power because of his statement at the time that he was going to appoint the State Mining Engineer who would assist him in controlling the administration of this Act. As I have already pointed out, under the section that gives him power to expend without reference to his officers a great proportion of the expenditure has been incurred.

The Minister for Mines: Under State batteries, of course.

Mr. JOHNSON: Under State batteries and other things. I would like to point out in connection with this self-same Mr. Berteaux the Minister granted a loan at one time, and in his minute he stated that if Mr. Berteaux could pay it back it could be put under Part 2 or Part 3 of the Act, but he goes on to say that "if he cannot it must be put under Section 27," which gives the Minister power to expend on his own authority. When we see the enormous power the Minister has and the fact that this particular section of the Act has been subject to criticism year after year, I say it becomes more necessary for the Minister to exercise extreme caution in the administration of that measure than he has exercised in these particular cases. Even though it was not an extraordinary measure, the Minister with the report before him should have investigated the charge then in order to protect the revenue of the State. Seeing it was done under this extraordinary measure, it had become more necessary that the Minister should exercise the special precaution in the expenditure, and when

fraud was charged against someone, the Minister should have had a complete inquiry. The Minister does not defend himself against not holding an investigation, when the charge was made by Eggeling and Nutt, but tried to cover it over by saying that Mr. Greenard wrote a certain report. This was in contradiction of the charge by Eggeling and Nutt. Let us now come to the charge made by the member for Boulder. That charge was made on the 15th of September, and the Minister definitely stated that he would have an inquiry made by a responsible officer of the department, and on the 17th, two days later he wrote to the State Mining Engineer as follows:—

"Please advise me with regard to this statement made by Mr. Collier so that a full report may appear when I lay these papers on the Table of the House if it can be expeditiously managed. Mr. Collier makes a charge that collusion took place between the officer inspecting the work and Mr. Berteaux, or that someone was very culpable in passing accounts without proper certification."

Did the Minister carry out the definite promise he made to the Chamber on the 15th of September? He said then he would have a report made by a responsible officer, and he writes to the State Mining Engineer simply asking for his opinion of the statement made by the member for Boulder. I will ask again seeing the reputation that Mr. Berteaux had, knowing the criticism of the administration of this Act, and having charges so definitely and distinctly made by the member for Boulder, whether the Minister is not guilty of neglect? Did he not convey to the House that he would do that which he has not carried out, and for that is he not worthy of severe censure? He is guilty of doing that and consequently is deserving of censure by writing that minute. We find that the State Mining Engineer reported on the 17th—the same day as the Minister wrote his minute—and that the Minister kept the report for four weeks before allowing it to go on the Table of the House. Is he not again guilty

of failing to carry out the promise given to the House that he would submit the report when he got it? For that reason too he deserves the censure of the House. In the first place, he deserves to be censured for not doing what he promised to do, and then when he got the report for not fulfilling his promise by presenting it to Parliament. As pointed out by the member for Boulder, that member would not have got the report even then if he had not asked for it again, intimating that the Minister was trying to cover up this question. In the first place, the Minister refused to do a thing in 1908 and in September, 1909, he neglects to do it. Did he do this because he knew that Berteaux was guilty and that he could not protect Berteaux from the censure of the House? The Premier asks "Why did not the hon. member do more"? Why did he leave it from October until December before taking action?" I would ask you, Mr. Speaker, supposing an hon. member had approached you and asked for permission to move the adjournment of the House to draw attention to this matter, would you have permitted it? I say you would not have granted that request; consequently what other opportunity had the hon. member to bring the matter forward? If he had given notice of motion, judging by the actions of the Minister in the past, this notice of motion would have been put at the bottom of the Notice Paper, and it would never have been reached, and there would not have been an opportunity to discuss it.

The Premier: Could he not have asked a question when an inquiry would be undertaken?

Mr. Bath: He did ask.

Mr. JOHNSON: The hon. member asked that question and in reply he got a report that he should have got four weeks before.

Mr. Collier: I was told by the Minister in October when I asked the question that he was waiting for the State Mining Engineer's report, and it had then been in his possession for four weeks.

Mr. JOHNSON: What is the use of the Premier stating that the member for Boulder could have got what he wanted

by asking a question. He did not get what he wanted by moving a motion; he got a promise from the Minister, but that promise was not carried out, consequently he waited his opportunity of bringing the matter to a conclusion, and that opportunity came when the Mines Estimates were reached. One would imagine by the way in which the Premier speaks that they were anxious to grant an inquiry and lay the whole matter fairly before Parliament. The Premier may not have been in the Chamber, and it may be news to him to learn that it took three hours to get this promise that an inquiry would be held, and the promise then was identical with a promise we got previously. We waited until the Premier appeared in the Chamber, and then we got a promise from him, and we knew then that we would have some guarantee that the promise would be fulfilled. We had already received a promise from the Minister for Mines, but he had failed to carry it out, consequently it was no use extracting another from the same gentleman. The promise was carried out and an inquiry was made, and we find that the inquiry endorsed to the very letter all that had been said by the member for Boulder. Then the Minister proposed simply to treat a matter of this description where a charge was made of defrauding the State in just an ordinary way, by laying the papers on the Table of the House. If we had permitted that course to be pursued and taken no action, we would have had to wait until the Loan Estimates were before Parliament before getting an opportunity to discuss it. The Minister for Mines had no desire to investigate this matter and delayed as long as possible, and he had to be driven into a corner before he got that investigation made which clearly demonstrated that the charge preferred by the member for Boulder was true, and being true we had no other course to adopt than to condemn the Minister for his administration of the Mining Development Act, and censure him for not doing what he promised to do in the way of investigating this grave charge. Holding these opinions I support the motion. I feel that the Minister

is guilty of want of capacity in connection with the administration of this particular measure, and he is guilty of not carrying out a promise he made to this Chamber in connection with this very grave charge.

Mr. SCADDAN (Ivanhoe): It is as well that I should explain at the outset that irrespective of whether the leader of the Opposition who moved this motion did not deem it advisable to go further back than did the member for Boulder, as far as I am concerned I consider it is absolutely essential, in order that members may understand the exact position the Minister is in, that I should do so. I stated the other night, and I repeat it now, that I consider the Minister for Mines, together with the State Mining Engineer, is responsible to this Parliament, and through Parliament to the people, for expenditure of the money we vote to his department year by year through the annual Estimates. As pointed out by the member for Guildford, the Minister is in the position of a trustee of public funds, and he is responsible for the proper expenditure of that money, and although I am prepared to admit that he is not as an individual able to proceed to every spot where money is expended so as to satisfy himself personally that the money has been properly expended, yet I do insist that as a trustee of public funds, and as Minister in charge of this expenditure, when a statement is made that the country has been defrauded of that money, it is his bounden duty not to delay one moment to have a thorough inquiry made to satisfy himself that it is correct or incorrect. If the statement is proved to be correct, then the person responsible for the fraud should be brought to justice, and if this is not done the Minister is absolutely guilty of neglect, and is, in my opinion, deserving of the censure of this House. The Minister for Mines only proceeded so far back on the files as to deal with the vote that the ex-Minister, Mr. Hastie, had actually approved of the loan. I want to tell the House that it is not the first time this same Mr. Berteaux has defrauded the public of funds, and the files of the department show that to be so during the time the present Minister has oc-

occupied the portfolio of the Mines; yet the Minister has done nothing. Mr. Berteaux has attempted on several occasions to defraud the Mines Department of certain moneys, and on the first occasion when he made an application for a loan, it was only a few months after the Mining Development Act had passed through Parliament. The Act was passed in 1902, and Mr. Berteaux applied for a loan in January, 1903, for an amount of not less than £1,000, and he congratulated the Minister on the great services he had rendered the community in passing the measure. Certainly he had rendered great services in passing it if Mr. Berteaux was successful in obtaining this advance of £1,000. After the matter had been before the State Mining Engineer and the Secretary for Mines, eventually it was decided that Mr. Montgomery should proceed to the mine to satisfy himself that the statements made by Mr. Berteaux when making the application for the loan were correct in connection with what work had been done on the mine. Mr. Montgomery proceeded to the mine and he states definitely—he does not say about what distance—that the shaft was 100ft. deep. How did he arrive at that unless he measured it? Did he take Mr. Berteaux's word? If so, why was it necessary to proceed to verify Mr. Berteaux's statements? In fact, I am satisfied Mr. Montgomery had the shaft measured; and on no less than three occasions Mr. Berteaux in letters to the Mines Department stated that the shaft was about 100ft. deep, and now in his explanation made the other day at Siberia he says he was not aware, until after the loan had been expended and he had practically given up the mine, that the shaft had not reached to 100ft., but he thought it was only 69ft. or thereabouts. Mr. Berteaux knew all along the shaft was 100ft. deep. Mr. Montgomery said undoubtedly Mr. Berteaux had done very good work on the mine, but he did not feel justified in recommending any advance until Mr. Berteaux had made an attempt to prove the quality of the stone in the mine, and he recommended that Mr. Berteaux should be required to crush 100 tons of ore from all parts of the mine at the Callion bat-

ttery, and he recommended that the crushing should be subsidised to the extent of the difference between the crushing charges at the Callion and those at the Mulwarrie State battery, amounting to about 5s. a ton. After minutes were made by the Secretary for Mines and the Minister for Mines, eventually the Minister recommended a subsidy to the extent of £50 on 100 tons crushing; and Mr. Berteaux, after some crying and crawling, accepted this. Mr. Berteaux had 100 tons carted to the Callion battery, and immediately the ore arrived at the battery site the £50 subsidy was paid to Mr. Berteaux through the manager of the battery at Mulwarrie. Then Mr. Berteaux wrote down—unfortunately for him he had got to the end of his tether months previously—that the ore he had carted to the Callion battery was hung up for treatment because they had no water. The State Mining Engineer very wisely remarked in a minute that it seemed rather peculiar to him that Mr. Berteaux and the manager of the Callion battery should have discovered that there was no water only after the 100 tons was lodged at the battery site; and he made a minute that it appeared to him that those responsible had discovered that the ore was of such a nature that it would not pay the crushing charges. Mr. Montgomery had stated that unless the ore would show an average of about 10 dwts. or over per ton it would not be advisable to give the subsidy to Mr. Berteaux to continue operations on the mine, and Mr. Berteaux was made fully aware of this, that the crushing had to go 10 dwts. per ton. The State Mining Engineer recommended that the manager of the State battery at Mulwarrie should be sent to the Callion battery to make a report in connection with the real reasons why this ore had not been treated, and Mr. Ey went over and reported that, while they were short of water at Callion to an extent, yet that was not the reason why the ore had not been treated, it was because the manager had declined to crush the ore seeing that he had made a test of it and was of opinion that the ore would not pay for the crushing charges. This put the department and Mr. Berteaux in

a somewhat peculiar position. There was 100 tons of ore at the battery site, and £50 subsidy had been paid to Mr. Berteaux for nothing, and with no likelihood of getting the ore treated. To get over the difficulty, however, the State Mining Engineer decided to have a test crushing made. Mr. Berteaux requested that the department should take the 100 tons at Callion battery and cart it at the State's expense to Mulwarrie, and that he should be permitted to put in some stuff, as he had struck something high. We have it on good authority that he had struck something at the time. The State Mining Engineer said it would be foolhardy to cart the 100 tons, and he recommended that 20 tons should be carted to the Mulwarrie battery and treated at Mr. Berteaux's expense, in order to test exactly what was the quality of the ore, seeing that it all depended on the crushing as to whether there should be an advance made. After complaining bitterly against this Mr. Berteaux eventually agreed: and Mr. Montgomery laid it down definitely in the recommendation he made, and Mr. Berteaux was also informed, that the 20 tons had to be taken indiscriminately from the dump at the Callion battery in order to make a true test. The department went so far as to pay half the charges of carting the ore from Callion to Mulwarrie. When they carted it, however, Mr. Berteaux said that he thought 20 tons was not a fair test and that it should be 25 tons, and he had 25 tons crushed. Mr. Berteaux subsequently told the Mines Department that he had had the 25 tons carted from the Callion battery site, and the reason why he had had the additional five tons carted was that the carters had unfortunately taken 20 tons from the one spot in the heap and he had had five tons taken from every portion of the dump in order to have a true test made. As a result the department agreed to pay the cost of carting the additional five tons, but it was discovered after the crushing was cleaned up that it did go half an ounce to the ton, that only 15 tons of it came from the Callion battery, and that Mr. Berteaux had carted from his own mine an additional nine tons and dumped it into the

Mulwarrie State battery, though he had deliberately said in letters to the department that the whole 25 tons came from the Callion battery site. Mr. Montgomery certainly wrote a strong minute on this. This was prior to the granting of the loan; and yet the Minister wants to know why we should urge he is responsible in this direction as well as the other individuals, knowing, as he knows, that Mr. Berteaux has attempted on every possible occasion to defraud the department, and successfully too. As a matter of fact the State Mining Engineer wrote that Mr. Berteaux should be compelled to repay half the carting charge on that nine tons brought from the mine instead of from the Callion battery. Mr. Berteaux put this stuff in, which apparently he took from some high-grade spot in his mine, to sweeten up the crushing and make it go the half-ounce which it did go.

The Minister for Works: What was that for, to get the loan?

Mr. SCADDAN: Yes. He eventually got a loan of £300. As I have tried to point out, it all depended on this crushing whether the advance should be made to Mr. Berteaux; and while Mr. Berteaux was continually writing to the department I am doubtful whether he had not also some private interviews with the Minister. The files say distinctly he did have interviews with him. As a matter of fact the State Mining Engineer winds up one minute by saying—

"As you have, however, interviewed Mr. Berteaux privately, you will be able to judge whether it is advisable to take this course."

I want the member for Murray to understand this, because he wanted to know why the State Mining Engineer and other officers of the department were not more careful.

The Minister for Mines: I do not think Mr. Berteaux was in Perth more than once.

Mr. SCADDAN: He may not have been, but the Minister for Mines was in the Menzies electorate more than once.

The Minister for Mines: Very seldom.

Mr. SCADDAN: Often enough to induce the State Mining Engineer to write a minute like that on the file; and as

pointed out by the member for Guildford, over and above all this the fact remains that the man had a loan on a lease for which he had not paid rent for over four years.

The Minister for Works: Why did not the hon. member for Guildford collect the rent while he was in office.

Mr. SCADDAN: He was not there long enough.

The Minister for Mines: Oh, yes he was; in fact he forfeited the lease.

Mr. SCADDAN: There is a minute by the registrar to the acting Secretary for Mines—

"The lessee has not paid the rent for the last year or this year. He had the privilege of having the time for payment extended to the end of December last, but neglected to pay. The liquidation of the same was dependent on certain crushing. As no finality has been reached, shall the lease be forfeited without further notice?"

I may say these files are in a very dilapidated condition, some of them having half the bottom torn off.

Mr. Holman: That is the usual thing with the Mines files.

The Minister for Mines: What was the year?

Mr. SCADDAN: April, 1904. There is a minute at the bottom of it but not signed, which says—

"Write and ask what arrangements he intends to make re payment for rent."

I presume that was made by Mr. Crockett. Nothing appears on the file except a letter from Mr. Berteaux until we arrive at a telegram received by the Minister. First of all on the file above the minute as to whether the lease should be forfeited at once, there is no letter going out, but there is a telegram received by the Minister from Mr. Berteaux, and on the back of the telegram I find—

"S.M. Please protect for 14 days."

H.G."

That is where the protection comes in. That is how a gentleman has been able to proceed for four years without paying rent. The Minister orders protection to the gentleman.

Mr. Holman: He is doing it every day now.

Mr. SCADDAN: I have heard the Minister say, not once, but a dozen times, that it is his desire to remove the responsibility of granting exemption from the Minister to some responsible body, such as a board or the warden in a district, yet he grants exemption without going to the warden. In spite of what Mr. Berteaux may say, or any officer in the department, or the Minister himself, there is no doubt from the file that the shaft was 100 feet deep when Mr. Berteaux started to get the subsidy; and the most remarkable thing—I would like to know whether it is the procedure adopted generally—is that they sent out one individual to hold one end of the tape and allowed the individual who was to get the subsidy to hold the other end. That is the most remarkable thing I have ever heard of—Mr. Ey at one end of the tape and Mr. Berteaux at the other end; and Mr. Ey sends along documents showing that Mr. Berteaux has sunk 100 feet. If Mr. Berteaux had no coat on, I do not know how much tape he could hold in his hand, and I do not know how much he could put up his sleeve with his coat on. At any rate the man on the top cannot see much of what the man at the bottom is doing. It is absolute absurdity to say that one man should be asked to take the responsibility of saying the depth of the shaft was correct. Whoever says this is a correct system does not know his business, though of course it may be that it was only in Mr. Berteaux's case it was done. Although Mr. Hastie has been kind enough to supply the Minister with a statement with regard to his approval of the loan, I do not think Mr. Hastie knew anything about the case when he did so. He was only in office a few days, and it would take him a few days to go through the file if he went through it carefully. I have been all this day going through it, and I have only got through one part of it. It is pretty hard to get through any of the Mines Department's files when you get them in the condition of this file with half the leaves torn off, and the other sheets in such a state that one can hardly

read them. It would take a good deal of time to go through the file. But the point remains that the then Minister for Mines left a minute of which there was only one reading. That reading is that if he had remained in office and had not been displaced by the Government being turned out by the Labour Government, he would have granted this loan of £300. In the face of this Mr. Hastie had no other course than also to recommend it. I regret that Mr. Hastie had not time to consider the file, for if he had done so he would never have granted a loan to a person who had attempted previously to defraud the department. Not only has Berteaux acted in this way on this particular occasion, but he is one of those gentlemen who, I suppose, can pretend at times that he does not understand the English language very well, and takes the opportunity of reading a matter in any way he likes. On another occasion when measurements were being made of work performed by Berteaux, and on which the Government had granted a subsidy at a rate suggested to the department at 15s. per foot, Berteaux wrote claiming that the promise meant 15s. a cubic foot for the work done. Anyone who knows anything about mining will realise that Berteaux would make a fortune in a very short time if such a subsidy were granted.

Mr. Holman: It means about £25 a foot.

Mr. SCADDAN: The State Mining Engineer wrote the following minute with regard to that application:—

"The artful simplicity with which Mr. Berteaux now wishes to read our former offer of 15s. per lineal foot as 15s. per cubic foot is just a little too transparent. Taking his crosscut at seven by five each lineal foot will contain 35 cubic feet, equal at 15s. per cubic foot to £26 5s. per foot. Please wire that we will allow him 10 feet of crosscut seven feet high by five feet wide at 15s. per lineal foot, or at 5d. per cubic foot, whichever he chooses." He was trying to get at the department for the difference between 5d. and 15s. a foot.

Mr. Draper: That has nothing to do with this motion.

Mr. SCADDAN: Yes it has; for this is the gentleman who is protected by the Minister.

The Minister for Mines: When did this happen; what is the date of that letter?

Mr. SCADDAN: It does not matter what the date is. This is the man who has had the protection of the Minister during the last few months.

The Minister for Works: Does the Minister for Mines know anything about it?

Mr. SCADDAN: He knows all about it.

The Minister for Works: When did it happen?

Mr. SCADDAN: Berteaux was a Justice of the Peace, and I understand he was made one while he was a publican.

The Minister for Works: All this happened while the present Minister for Mines was out of office.

Mr. SCADDAN: It did not happen while he was out of office. I am reading this letter to show the sort of gentleman the Minister has apparently been attempting to cover up during the last few weeks. In another minute the State Mining Engineer says—

"Re letter of Mr. Berteaux, pages 109-10. It does not seem possible to convince him that 10 lineal feet of driving at 15s. is no more than £7 10s., but this is all that was meant. Our previous letters were so clear that he cannot misunderstand them unless wilfully. I do not think he should be permitted to stop sinking at 170 feet as he proposes now. He got the subsidy on condition that he would go to 200 feet, and ought to carry out his agreement."

This is the sort of man Berteaux is. He defrauded them once and attempted to do so again, and eventually did so the second time, and no inquiry was made until the Minister's hands were forced.

The Minister for Mines: You would convict him without a hearing.

Mr. SCADDAN: Apparently we were almost compelled to do so. I have heard members making charges against others,

and when the Minister thought he was on a good wicket he immediately had a Royal Commission appointed, and when, in the opinion of that Royal Commission, but no one else's opinion, members failed to substantiate the charges the Minister twitted them with the fact. What action did the Minister take in this particular matter? He said he would have an inquiry held, but he had none. We had to debate the question for three hours before we could get anything out of the Minister, and even then it was only on the promise of the Premier that this inquiry would be held that the matter was passed over for the time and the debate ended. The Premier was definite on the point that the matter should be dealt with at once and a report be submitted on the following Tuesday. The Minister received that report on the Tuesday morning, and if he wanted to obtain copies for all the legal talent on his side of the House he could have had them made before the House met that afternoon; yet we did not receive the report on the Tuesday.

The Minister for Mines: The member for Boulder knew of it.

Mr. SCADDAN: I was near the member for Boulder when the Minister spoke to him, and I said to him afterwards, "look out."

Mr. Collier: I am too innocent.

Mr. SCADDAN: I have had previous experience of the Minister in this respect. There was an occasion when an officer of the department deliberately called me a liar in a report. The Minister said he would table the report but he waited to do so until I was absent, and I had no knowledge of this report being placed on the Table until after Parliament prorogued.

Mr. George: What happened to the man?

Mr. SCADDAN: He is not a bad sort of fellow and did it out of his loyalty to the Minister. When the Minister will do such a thing as that once he will do it a second time. He would have done it a second time and would have left the present report on the Table if he could when the member for Boulder was not

present. On the occasion to which I referred, when an officer made the statement which was tantamount to calling me a liar, I said I would take strong exception to it when the papers were laid on the Table. As I have said, I did not get the chance, because the Minister tabled the document when I was away.

The Minister for Mines: I suppose I should have sent the report to you and told you the hour and day when I would lay it on the Table?

The Minister for Works: It is a wonder you did not ask about it.

Mr. SCADDAN: I asked for it next session, which was the first chance I had. I do not let a matter drop because I have to wait a few months.

The Minister for Works: The papers were on the Table all the time.

Mr. SCADDAN: In my opinion this particular question has been removed from one of neglect on the part of the departmental officers, for now the whole responsibility rests upon the shoulders of the Minister. He told us to-night that the report of Mr. Greenard on the matter, when it first came under his notice, was undoubtedly convincing. It was convincing that the charge had not been proved, and that no effort had been made by the department to see if there had been any inquiry into the statement. Undoubtedly Greenard could say to-day that he had no right to proceed further, as he had no method by which he could get to the bottom of the shaft to testify as to its depth unless he had been provided with a windlass or rope. There was neither, so he could not make the investigation.

The Minister for Mines: Did he not say he was satisfied that the money had been properly expended?

Mr. SCADDAN: Is the Minister satisfied with that statement? The Minister said that Mr. Greenard's statement was convincing; is he satisfied with it?

The Minister for Mines: I am not satisfied now.

Mr. SCADDAN: Was the Minister satisfied with the report of the State Mining Engineer, made by that officer without leaving his office, as to a certain

shaft at Davyhurst? If Bertheaux were allowed to go on as he liked there would not be a tape long enough in the country to measure the shaft he would want an advance upon. It was marvellous how a tape stretched when Bertheaux had anything to do with it. Here was a charge of an individual defrauding the department of money. I want to know from the Premier whether if a person made a statement to him that a man was defrauding the Treasury he would allow it to continue, and say it was only a detail. Would he pass the matter on to some other officer, saying in his minute that the question was only one of detail when it was a matter of defrauding the Treasury. The Minister tried to make good by referring to other matters, such as supplying the member for Murchison with a *Government Gazette*. He referred to that as a matter of detail, and tried to place it in the same category as the case now under discussion where the Treasury was being defrauded. When Greenard made his report it was the duty of the State Mining Engineer or the Minister to see that the matter was settled once and for all. If the Minister had regard for his reputation as a trustee of the money which this Parliament votes, he would have insisted, for his own protection, that the charge should be settled once and for all. He should have given the lie direct to the statements if they were not correct. Knowing the Minister as I do I feel sure that if he had an idea that the statements of Eggeling and Nutt were not correct, he would have been the first to give them the lie. Nearly twelve months afterwards the member for Boulder received information from another source, and he moved for the papers. The Minister at that time said the statements were very serious and promised to have an investigation made at once: He said, "If there is the slightest reason for the statement he has made, the State Mining Engineer himself will have to go up and make a report which I shall be pleased to submit to the member and the House." Having given that promise I think the Minister, if he considered it in the serious light he now wants

us to believe he did, would have written a minute to the State Mining Engineer directing him to proceed immediately to the spot and make a full investigation. How does his minute read? It is as follows:—

"Please advise me in regard to this statement of Mr. Collier's so that a full reply may appear when I lay these papers upon the Table, if it can be expeditiously managed. You will note that Mr. Collier makes a charge which, in effect, is that collusion took place between the officer inspecting the work and Bertheaux, or that someone was very culpable in passing accounts without proper certification."

Was it possible that the State Mining Engineer could deal with that question from his office in Perth; could he decide there as to whether there had been collusion between an officer of his department and Bertheaux. If the Minister were in earnest that the shaft should be measured by the State Mining Engineer in person he did not carry out his promise when, on the following day, he wrote the minute I have just read. Even if the State Mining Engineer had overlooked the minute, or had not sent a reply to the Minister, he did what, in my opinion, was what any officer would have done in the circumstances. Having heard the explanation of Mr. Montgomery I do not consider the responsibility of shelving the question rests with him. It lies on the shoulders of the Minister for Mines who has endeavoured time after time to shirk his responsibility in this connection. The Minister for Mines has not been the best Minister we have had, by any means. He does not administer the department in the best interests of the country. I have said that before many times, in respect to the interests of the men, and I can say it now in respect to the interests of the taxpayers. Here we have a case of fraud proved up to the hilt, and the Minister has had to be goaded into any action.

Mr. Gordon: Strange how the miners put him back.

Mr. SCADDAN: The miners did not put him back.

Mr. Gordon: How did he get back

Mr. SCADDAN: Perhaps the hon. member does not know that certain letters were sent round to the district intimating that the Minister was kind to foreigners. Perhaps the hon. member does not know that the licensed victuallers in Perth sent another letter round the district stating that the Minister was good to publicans. In any case, whatever might have happened at the last elections, as the Minister has attempted to justify himself by showing how cautious he was in not approving of this loan before he left office, I want to say that the Minister granted a sum of £1,000 in his own electorate to the Callion battery while he was not even a member of the House. That was what turned the tide at the second election. He was a member of the Ministry, but not a member of the House. I want to know whether it was justifiable to grant £1,000 to be spent down in his own electorate when the question of his election petition was being considered by the Supreme Court. Would it not have been as well for him to have shown on that occasion, as on this, that he deemed it advisable to hold the matter over until such time as he had the confidence of his electors. It was known in the Menzies electorate long before it was made known in the House that the Minister had granted this £1,000 to the Callion battery. This is the sort of thing that happened all through his election.

Mr. Gordon: Can the Menzies electors be bought?

Mr. SCADDAN: These electors in the Minister's electorate are human beings; they are not all animals like those who returned the hon. member. But as there was only a difference of seven the Minister did not require to buy many to turn the scale.

The Minister for Mines: Are you making this statement with full knowledge of the facts?

Mr. SCADDAN: It is all shown on the file. I suppose we will have a Royal Commission on this now. I am only pointing it out as showing the difference between the Minister's action in this case and in the one I have quoted. He has tried to justify himself on the score of his cau-

tion in granting the Bertaux loan, explaining that he refrained from granting it because of political exigencies. There was at that time no likelihood of an election, but in the case I have quoted there was an election pending within a few weeks, and this might account for it. When the member for Boulder made these statements and no action was taken, he pointed out that the State Mining Engineer had made a report. The Minister withheld the papers from the House for a period of five weeks, and the whole of that time the report by Mr. Montgomery was on the file. Yet the Minister told the member for Boulder that he was waiting for the report, and that that was the reason why the papers had not been brought down. Was that a deliberate misstatement to avoid the production of the papers?

The Minister for Mines: I demand a withdrawal. I told the House I was awaiting a report from Greenard.

Mr. SPEAKER: The hon. member must withdraw.

Mr. Bath: On a point of order, to show that the hon. member has not made a false statement, let me read the question and answer as reported in *Hansard*. The question by the member for Boulder was: "When will the papers relating to the President Loubet lease be laid on the Table of the House, and has an inquiry yet been held." The Minister for Mines replied: "If the hon. member desires, the papers can be presented to-morrow, but I am holding them back for the purpose of adding the report of the investigation by the State Mining Engineer."

The Minister for Mines: Consequent on the report I was expecting from Mr. Greenard.

Mr. SCADDAN: The Minister asked that I should be called upon to withdraw the statement on the grounds that he had told the House he was awaiting Greenard's statement. This is the sort of thing that continually goes on in the House. We require to have these records at our elbows in order to prove the statements we are making, or we are called upon to withdraw. Times out of number we have been called upon to withdraw statements subsequently proved to be correct. If the

Minister had looked on the file he would have seen Mr. Montgomery's report there. We are told that when the file came down and the member for Boulder saw that the report was not satisfactory, he could have mentioned it to the Minister and had it looked into. Now, what chance had the member for Boulder of getting the ear of the Minister privately, seeing that five weeks previously he had publicly drawn the attention of the Minister to the matter without avail? What hope had the member for Boulder of getting the Minister to do anything privately? The member for Boulder knew that, the same as any other member, and he took the first public opportunity he had of drawing the attention of the Minister, and of the public to this matter, and it was only after three hours of debate and the intervention of the Premier that the inquiry was held. Now what action does the Minister propose? Even to-night he has made no statement with regard to it. He told us that if the charges were found to be correct the man would be prosecuted. Now he tells us that he has handed the papers to the Crown Law Department, and that he is waiting for the Crown Law Department to consider the matter. If I were in charge of the public funds, I would not need the Crown Law Department to consider the matter. I would urge them to take immediate action whether they could win or not, in order to show the public that I was determined to protect the public funds. I would take action if only to provide a warning to others. But apparently the Crown Law Department will hang this matter up for a few weeks longer, and eventually it will be found that the time for taking action has expired, just as in the case of the postal officers who did some pretty things at the last Menzies election. In respect to the motion before the House the responsibility has passed from the Minister, and now devolves upon every member of the Chamber. If any member of the House can support the Minister's action in this matter, he should be made to answer to his electors for it. Here we are cutting down local authorities and reducing their subsidies, and making the people pay additional taxation to balance the accounts,

while on the other hand we are allowing people to defraud the State. Are the electors going to stand that sort of thing? Irrespective of how the Premier might try to whitewash the Minister I say that, knowing the individual as they do, knowing too that the money was granted to a friend in his own electorate, the people of the State will ask themselves the question how can they be expected to continue to support any member or Minister who will condone an action of that kind? Every member ought to consider this from the standpoint of public interest. They do not always consider individuals when Royal Commissions bring in adverse reports on other charges. In a case like this where the Minister burks inquiry for five weeks in order to cover up his tracks the Minister is deserving of censure, and hon members should be prepared to declare that he should return his portfolio, that he is not a fit and proper person to control the public funds. It is a serious statement to make, but it is in accordance with the facts and with the action of the Minister. He is not a person who should be entrusted longer with the expenditure of public funds and, as pointed out by the member for Guildford, without any control at all. We hand over a bulk sum and he does as he likes with it. He lends it to the individual. It was said a little time ago that if he were to lose control of the department the country would go to pieces. I am satisfied from his action in dealing with public funds, and from his action in absolutely betraying the miners in the mines, that he is not a fit and proper person to continue in charge of the Mines Department, and members should insist that he return his portfolio at the earliest possible moment.

Mr. GEORGE (Murray): In the whole of my political career this has been about the most painful discussion I have listened to.

Mr. Heitmann: And the most truthful.

Mr. GEORGE: I have not had an opportunity of perusing the whole of the papers. I have heard what members have said, and I have no reason to doubt that the matters they have stated as facts from the files are facts, but I should have been better pleased had I been able to

master the whole of the papers before us. So far as the remarks made by the last speaker are concerned, that it is a matter on which the Minister should give up his portfolio. I do not think I can go that far with him. From the period of responsibility I had in connection with the railways for five years, it led me to feel that let a man's motives be as honest as they may, or his honour be as carefully preserved as it has been handed down to him by those who brought him up, still there would be matters on which one may have to answer, and which may be placed before one in a different aspect from that in which one may view them, and there may be those who desire to place a matter in such a way that it is not so pleasant as it otherwise might be. I do not wish to appear to be making special pleading in this matter, but I do say this: there are several members on the Opposition side who have held office, and they know perfectly well the responsibilities which lay on the shoulders of those who take office, and the accumulation that comes on them in the shape of files: and they know also that whoever occupies a responsible position his time is rarely his own until the day is over. For my own part, as Commissioner of Railways, I had the greatest difficulty until 5 o'clock, or 6 o'clock in the day to find time to deal with matters of routine and correspondence, which I had often to take home and finish in the long hours of the night. As far as the Minister for Mines is concerned, I do not know if the labours placed on his shoulders are so onerous as those placed on mine as Commissioner of Railways, but I know whether Commissioner, Minister for Mines, Premier of the State, whoever may hold a position of responsibility, it is the trusted officers that they have below them on whom they must in a great measure rely in particular matters. In going through the file I have here, which I must confess straightout I cannot quite see the connection of, for the file seems put together in a foreign manner to what I was accustomed to in the railway service: but from the file I gather sufficient to see that there was a long interregnum after the state-

ment was made and before the file came to the Minister, and when it came it did not come with this particular matter placed before his notice in such a way as to draw his particular attention to it. Without wishing to attack anyone who has held or holds a responsible position on the staff of the Minister, and who is not here to defend himself or explain his conduct, I say it is very difficult to understand one of the papers I have here, which I will read to the House. It is signed by the Under Secretary for Mines during September, 1908, and I cannot understand why this document was not brought, as it should have been, before the Minister in a manner in which he would have been obliged to give a decision. This is the letter dated 30th September, 1908; it is signed by the Under Secretary for Mines, and it is sent to the inspector for mines at Menzies. It is as follows:—

"To the Inspector of Mines, Menzies. *Re* President Loubet lease. I am in receipt of a communication from Messrs. Eggeling and Nutt, who have applied for a gold mining lease of the Crown formerly comprised in this lease, and in it they state that in the reference to the mine at page 67 of the annual report of the department for 1905, the statement that the shaft is down to 193 feet is not correct, they having measured it and found the correct depth to be 146 ft."

That is very plain and it has been proved to be true. It goes on to say—

"On looking through the files bearing on the subsidy granted to Berteaux, I find that on the 7th November, 1904, you wrote stating that the shaft was down 115 ft."

As far as that statement is concerned there can be no misconception of what the position was. On that date it was stated by the inspector of mines that the shaft was down 115 feet. Parenthetically, I wish to say that the report read last evening from the same inspector of mines said that when he took the measurement in the first instance the shaft was down 100 ft., and, presumably, this 15 ft. was

sunk after he took the measurement of 100 ft. The letter goes on to say—

“Captain Ey subsequently reported as follows:—11th November, 1904, shaft sunk from 115 ft. to 127 ft.; December 3rd, 1904, from 127 ft. to 137 ft.; 24th December, 1904, from 137 ft. to 147 ft.; 7th February, 1905, from 147 ft. to 157 ft.; 2nd March, 1905, 157 ft. to 167 ft.; 12th April, 1905, from 167 ft. to 179 ft.; 25th May, 1905, from 179 ft. to 193 ft.”

There can be no possible misunderstanding as to the records of the department on that point, because this letter has been compiled from the files, and from those files they have the certificate that the shaft was sunk to a total depth of 193 feet. It is for Captain Ey to explain his statement in regard to that. This is the point I want to make. The under secretary sends this to the inspector at Menzies, and he writes a letter in which he states that “as Messrs. Eggeling and Nutt have not been down the shaft I do not consider it necessary to place any importance on the statement.” There is not a man in the Assembly, nor any business man with whom I ever came in contact if one of his clerks signed a report like that he would be satisfied with. He would have said, “You state you have no means of going down the shaft; if there is a doubt, as there appears to be on the sinking of the shaft of 40ft. or 50ft., it is your duty to get the necessary appliances to go down the shaft, and down the shaft you must go.” This was not done. It seems to have been taken in a haphazard style: the under secretary does not appear to have brought the matter before the Minister at all. It may have been according to other files, but after Mr. King had made an analysis of the affair he arrived at the conclusion that it should be sent to the inspector. Since the report, which is not satisfactory, Mr. King takes no further notice of it. Mr. King is a very worthy officer, and I can only suppose that the officialism which environs some of the officers, caused him to think that this was another of the complaints which have been investigated time after time, and let the

matter go. I come further, to the question of what the Minister did, and the Minister, I know there is no question about it, made a statement to the member for Boulder, that he would have an inquiry made, and a minute was sent to Mr. Montgomery, which was quite sufficient to have caused Mr. Montgomery, at least it should have caused him, to have made a full inquiry into the matter, and I will tell members why. There is not a department in the whole of the State service in which cuttings are not made from the newspapers, and if the *Hansard* did not reach Mr. Montgomery, the fact that Mr. Montgomery had found Mr. Berteaux such a questionable sort of character—I cannot in charity call him less than that—

[*Mr. Daglish took the Chair.*]

Mr. Scaddan: He is a justice of the peace.

Mr. GEORGE: Perhaps so, but that does not guarantee very much. I say, without wishing to attack an absent man, for I am making a comment that I have a right to do, that Mr. Montgomery from his statements evidently regarded Mr. Berteaux as belonging to what we may call the clever brigade, and believing him to be one of the clever brigade, I cannot quite acquit Mr. Montgomery of blame in the matter in not going further than looking up an old report and making his recent report to the Ministers on that. It was an error of judgment on the part of the Minister when he got that report not to lay it on the Table at once. The Minister committed an error of judgment; having given a promise he should have seen that it was carried out in its entirety. I may be permitted to refer to an incident that once occurred. I had some trouble about an officer and I took the extreme step, with his consent, to send a detective to search his house. There are not many men who would have done that, but I would have sent a detective to my son's house if any accusation had been made against him. I belong to what may be called the extremists. I do not know any middle course when there is a straight one before me. My education may have been of too extreme

a character and, perhaps, it is wise not to go to extremes. I do not blame those who do not do that, but I should have been better pleased if the Minister, having given his promise, regarded it as a matter that should have been absolutely carried out, as it has been carried out at the present time. I cannot offer any opinion about a statement that seems to have been thrown about. Because Mr. Berteaux seems to have been a supporter of a candidate for Parliament, is it necessary that that candidate being successful should reward him, or use the funds of the State to reward him. I think these are statements which, perhaps it would be better should not be made.

Mr. Scaddan: Who made them?

Mr. GEORGE: They have been made; if they have not been made in the direct words as I have put them, they have been conveyed by speeches made this evening. I am quite satisfied of that. We have had a lot of talk of postal votes and other things. We have a Minister who has given a promise; his promise has been somewhat tardily fulfilled but it has been fully fulfilled now. The action that should be taken by the Government is being considered by their legal advisers and it will no doubt be carried thoroughly through. We are asked now to throw on one side a Minister who is believed, at any rate by some people in the State, if not by all, to have done decent and honest work, because in the multifarious operations of duty he has not gone so fully into the matter as members would have liked and as I think he should have done. The Minister is responsible to his constituents and to the House for his deeds. Here we are all on trial, as members or Ministers, and if members think, putting aside all personal feeling—there is a lot of feeling on this question—that this is a matter upon which one must drag a man down, to cast away his portfolio, I cannot agree with them. Certainly, if he is forced to cast away that portfolio, then his colleagues on the Treasury benches would not be worthy of their name of man if they did not throw up their positions also. I do not know whether the motion in-

tends to ask the Government to throw up their positions or not. I think the result of the debate will have a good effect.

Mr. Collier: It has cost me a couple of pounds.

The Premier: Any expense in connection with the inquiry the Government is prepared to bear, and the member knows that.

Mr. Collier: I want it, too.

Mr. GEORGE: The remark made by the hon. member is one of those which we are all liable to indulge in at times, but I know the member does not mean what he says. I have sufficient belief in him to think that he would not for a couple of pounds destroy the reputation of a member of this House, even if he did dislike him. It would be pitiful if for a couple of pounds the destruction of a Minister were caused. It seems to me to be this: if this vote of censure is carried, if the Minister has to resign, members holding seats on the Treasury benches must resign also.

Mr. Scaddan: Why?

Mr. GEORGE: Because they must stick to their mate. A man is not worth sticking to if he does not stick to his mate in adversity as well as in prosperity. I have had 30 years in Australia, and one thing that has pleased me more here than anything else is that when a man has a mate he sticks to him, and I have found very few men who have ever "turned dog" on their mates, and I hope to God I shall never meet any more. If the Ministry were not prepared to stick to their mate I would leave them at once. I do not know that my support is worth much either to them or to the other side, but as an ordinary member I do what I think is a fair thing. The Minister may have made a mistake, but we all make mistakes; who is free from anything of that sort, who has been free from it for centuries past? Why, in the Old Book itself is it not said, "He that is without sin among you let him first cast a stone." Are there any members on either side of the House who have not made mistakes? That the Minister should be turned out of office for a mistake is a thing I would not agree to. Having made a mistake,

and certainly the Minister might have pushed the matter further, his judgment being in error, are we to ask him to go out of office and his colleagues with him?

Mr. Holman: If he is half a man he will do so.

Mr. GEORGE: I have had a good amount of friendship for the member for Murchison. He was my Minister when I was Commissioner, and he was very fair to me. I am not afraid to say that here or anywhere else. The member will not get me to forfeit that feeling because there may be some amount of feeling against the Minister among members in the House. The Government must take action in connection with those at fault, but I am not prepared to vote for this motion when its result will be to put out a Government which I am sent here to support. If the Premier had not been prepared to make the full undertaking he did the other night and to see that it was properly carried out, if he had tried to gloss the matter over, the position would have been very different, and whatever would be the consequences I would have shown by my action what I thought of him. There is not the slightest doubt that the department have been defrauded, and I am not by any means sure but that there have been frauds of this sort in other directions. We know perfectly well that in the development of a huge concern like this, when necessarily those in the head office must be dependent on the reports of their inspectors and officers, it is asking more than a man can do, let him be as clever as he may be, to wade through all those infernal files; it nearly takes a man's life out of him. As Commissioner of Railways I had to deal personally with some 500 or 600 files a day; they had to be attended to. I do not know what number the Minister has to deal with, but he has a great many of them, and if they are brought before him in the condition of the one now under discussion, the sooner he reorganises his office and gets someone who can put his files into proper order, so that they can be dealt with quickly and easily, the better. I have seen sufficient to show

there has been a fraud on the department. I have heard and read sufficient to know that, but I am not prepared to vote for the motion in the form in which it appears.

Mr. WALKER (Kanowna): It must be painful to anyone to have to discuss a matter of this kind, especially when, in my opinion, it does not concern the fate of the Ministry but only that of an individual. If we are to be guided by the logic of the member for Murray, to be guided by the high standard of honour he has laid down, to act as he did when he sent a detective to search another officer's house; if the principle of sending a detective to one's own brother if he does wrong is to be our guide, what can we say in regard to the matter before us to-night? It is painful to have to listen to the sentiments uttered to-night. I regret that even the Premier should have made light of a charge of this kind, should have put it among those events that are trivial. What does it mean if it means anything at all? It means that the Treasury of the State has been defrauded. It has been plundered, and the plunderer has been protected, shielded, screened by an officer of the State, and when this is brought to the Minister's personal knowledge it is treated as a trivial matter, a thing that might be easily forgotten, a detail. The member for Murray says the State has been defrauded. Then are we to cover up those frauds one after another because the business of the State is great? If we are to tolerate fraud, say it is nothing, a detail, where are we drifting? What enormity cannot be enacted and overcome if we are going to overlook these offences? The thing that to me is strangest in this matter is this minute of the Minister to the State Mining Engineer. One may say the Minister has much to attend to and cannot go through every file as he might himself wish, that the pressure of business and worries of office sometimes obscure his clear perception or memory, but there can be no mistake about what happened in this House on the 15th September. On that day the Minister stood up in his place

and said that an immediate and full inquiry should be made. He said that the State Mining Engineer should be sent to make an investigation, and he went a step further and said that if the statements made by the member for Boulder were correct, the person guilty should be punished. I mention this to show that at that time the Minister must have keenly felt the seriousness and the gravity of the matter with which he was dealing. It was insinuated that if the statements were not correct the responsibility must fall upon the member for Boulder. The Minister did not believe that they were correct, but that if they were, then the wrongdoer should be punished. The next day, or two days only afterwards, the Minister is instructing Mr. Montgomery to make this investigation, to inquire into the charges made by the member for Boulder; and what were the charges made by that member? That a shaft had been sunk, and that it had been pretended it had gone down to 193 feet whereas it had only gone down 146 feet and that a certain Berteaux had got at the rate of £2 10s. per foot on the difference between 46 feet and 93 feet. That was the charge, and how does the Minister ask the State Mining Engineer to investigate it? He does so in the following terms:—

“Please advise me in regard to this statement of Mr. Collier’s so that a full reply may appear when I lay these papers on the Table, if it can be expeditiously managed. You will note that Mr. Collier makes a charge which, in effect, is that collusion took place between the officer inspecting the work and Berteaux, or that someone was very culpable in passing accounts without proper certification.”

What was the duty of the Minister? I ask the Premier, or any member of the Government, what was the duty of the Minister in dealing with such charges as those made by the member for Boulder, the Minister having promised to have those charges immediately investigated? It was his duty to cut out those charges word for word and direct the officer’s attention to them in the language they were made,

and say, “I want this matter investigated by you, according to my promise, at once and thoroughly.” Not a Minister sitting on the Treasury bench but would have taken that course. Does that minute of the Minister’s fulfil his promise as to the investigation? Is that the total of the charge made by the member for Boulder. Is that a direction for personal investigation? It is only a request for a little advice. This is serious. I submit this is playing with Parliament. We can never be sure of a Minister; we can never drive a point home against a Minister; we can never make a Minister responsible. This minute is a sheer evasion; it is not a statement of the charges made by the member for Boulder, nor is it an instruction to have them investigated as was promised two nights before. I am not permitted to read the exact words of *Hansard*, but my memory will serve me. The Minister stated that these charges would be investigated thoroughly and at once. No forgetfulness, no mere lapse of memory, no pressure of business could excuse the Minister when he got that reply or advice from Mr. Montgomery. He should have recognised that it was not an investigation, but a pure resurrection of 12 months old files. Had he forgotten that two days after that reply was in his hands. Surely he read it, and if he read it what shall we say of his mental understanding if he could not grasp that the reply did not touch the issue at all, that the State Mining Engineer was barking up the wrong tree, and that this was an old file he had reported on although in effect and substance it was the same. The Minister knew that, but he was satisfied to give this reply. We cannot excuse that. If we do so we can excuse everything. There is nothing that we cannot forgive if this is allowed to pass. The Minister has that reply and knows it is not an answer to the question at all. He knows it does not solve the problem, and a month passes and he has to be prompted again. He states in reply, if *Hansard* is to be trusted, what is virtually an untruth. He says he is waiting for a report of investigations which he knew were never made, and he says he is waiting for a report which he has had

in his possession for a month. This House cannot be played with in that manner. The relations of members to Governments entirely cease if behind members' backs the House can be hoodwinked, can be deceived, and can be misled. There must be some censure for that. We may sympathise with a man who is down when all the world seems to have turned against him, but we are here as the trustees of the people of Western Australia, and we try not belie our trust even to save a friend, if he be a friend. I cannot understand that this matter should be treated lightly and glossed over. The issue of Parliamentary Government is at stake, and we might as well shut up Parliament and let Ministers do as they like if we are to tolerate this kind of thing and allow them tell us what they please, because the House has been, as I am warranted in saying, misled by a Minister of the Crown. It does not do to apologise by saying there are those on the other side who should have taken steps sooner. It is no excuse that the member for Boulder was not always at the Minister's elbow to remind him that he might do more.

Mr. Bath: It should not be necessary.

Mr. WALKER: No. What are Ministers in office for but to fulfil the whole of the duties placed upon them when they take charge of a portfolio. If every member of this House were to go to sleep and forget every vestige of his duty, the Ministers must keep awake. Ministers must be deserving of trust. Are they to be dogged at the heels by members in order to get common honesty from them, for that is what it means if we have not descended in politics to the lowest stage of depravity and degradation. The Minister must know that his conduct has been blamable in this direction, that he took no penitent stand, and made no apology. On the contrary, he seemed to insinuate that he was to be excused because if there was a little bit of guilt at all, the hon. member for Guildford had done something, and that a member no longer in this House who at that time was a member of the Labour Ministry had done something. It is to me a revelation in human nature, that being confronted with

a charge of such a grave nature, that of concealing a fraud upon the people, concealing a wrong to this great institution of Parliamentary Government, that the Minister should have felt no sense of penitence, but should practically thrust in the teeth of others, accusations which in comparison with the charge with which he stands accused to-night were trivial and meagre in the extreme. As the member for Boulder said, whatever the result, whatever the consequences, it is our duty now to mark our disapproval of that conduct. If we approve it, we give our endorsement to the robbery of the State; we declare to the public that morality, at least in the sense of honour and integrity, has departed from this Chamber; we publish to all the world that we are betraying the people and are no longer worthy of trust. When the Minister promised that the wrongdoers would be punished, why did he equivocate, or why did he go round about? He knows from the evidence that Berteaux has obtained money from the State by false pretences, by deliberate fraud; he goes to the Crown Law officers and then to the Criminal Investigation Department. Was it in this manner that other offenders were treated in days gone by? No; detectives were instructed to take them in charge immediately. Why this round-about way of allowing a man to escape from justice? I do not believe in dogging everyone, but I do believe in fair play. This man has robbed the State. We know he has robbed the State; we know that he is a common thief with friends in high estate, a thief who is called artful by those in the Mines Department themselves. This man, we pause in the presence of him, and we ask "Can we do anything to him," and those whom we ask in the Crown Law Department go to the Criminal Investigation Department and say, "Please, can we do anything." This is allowing things to drift. The public do not believe in that treatment of men who stand confronted, and in the shadow of a crime. Those who shield that man will catch some of the shadow of his self-evident guilt. No man in this House can afford to stand in that shadow.

and painful as it may be to any of us to blight the political career of a man who has held office for so long, it is our grave and manifest duty to censure him, and we will lack moral courage if we fail to do so.

The ATTORNEY GENERAL (Hon. J. L. Nanson): We have had some strong language to-night, and no language stronger than that which has come from the member for Kanowna. We are unfortunately accustomed in this House to hear charges made with a recklessness, that if they were made outside this Chamber might on many occasions expose the individual making them to very serious consequences.

Mr. Angwin: This charge has been proved.

The ATTORNEY GENERAL: The hon. member for East Fremantle tells us that the charge has been proved. The hon. member does not yet know to which charge I am alluding. I am dealing first of all with the language used by the hon. member for Kanowna who has told us that a certain man, I presume he refers to Mr. Berteaux, is a common thief, that he has robbed the country and has plundered the country. Fortunately for the liberty of the subject, evidence which is sufficient in the eyes of some hon. members in this House to condemn individuals to punishment would not for a moment carry weight in the law courts of the country and before juries. Whatever may be said with regard to this case, there can be no doubt that hon. members opposite have approached it with their minds full and overflowing with suspicion. It has been said sometimes that Parliament is the highest court of the realm, and what are we to think of the judicial quality of some of the members opposite, members like the hon. member for Kanowna, who with his ability and his intellect should know better, when on evidence that would not hang a dog he accuses a man who may yet have to stand his trial in the courts of this country, of being a common thief. Is it not a grave reflection upon our Parliamentary practices that when you have a case that may ultimately come into the law courts of the country that you should have hon. members, who should set an

example of fairmindedness, endeavouring to prejudge, endeavouring to influence the minds of the community and the minds of men who may be called upon to sit in judgment upon this man Berteaux. Now, surely it would be wise, considering that this matter is to be made the subject of inquiry by the Criminal Investigation Department, and therefore is to some extent *sub judice*, if not actually before the court; surely it would show some sense of self-restraint, some sense of the natural principles of justice if hon. members were to refrain from expressing an opinion as to the guilt or innocence of the person most concerned.

Mr. Walker: It has been proved.

The ATTORNEY GENERAL: I join issue on the statement that it has been proved. The matter has been examined by officers who have no political feeling on this question; no feeling of any sort. An officer like the Solicitor General, whose fair-mindedness no one could question, is convinced that there is no evidence even to justify proceedings at the present stage.

Mr. Collier: At two o'clock this afternoon the Solicitor General informed me that he had not seen the file.

The ATTORNEY GENERAL: I have the advantage of the hon. member in having seen the Solicitor General some hours after he had seen the member for Boulder. And if I am to choose between the opinion of this non-political, legal gentleman and the opinion of members opposite, who have shown in this matter bias of a most marked description—why there is not a man in the community who wishes to judge this matter calmly, who would not prefer to take the opinion of the Solicitor General rather than the opinions of members opposite, who by their very language have shown that they are not capable of looking on this matter in a calm and dispassionate manner.

Mr. Collier: Will you say the Solicitor General has seen the file?

The ATTORNEY GENERAL: Yes; unhesitatingly. He saw the file this afternoon.

Mr. Collier: I had it in my possession all the afternoon.

The ATTORNEY GENERAL: I have before me here the written and signed minute of the Solicitor General, and if it has not been read perhaps I had better read it for the information of hon. members. It is as follows:—

"I cannot advise the commencement of criminal proceedings until facts sufficient have been ascertained to enable such a case to be placed before a jury as would justify them in returning a verdict of guilty. On a perusal of the file it can, I think, be established that at the time the subsidy was applied for and agreed to, the shaft had been sunk 100ft. It is also a fact that on the certificates of the inspector, Berteaux was being paid at the rate of £2 10s. per foot for an extension of 93ft., whereas the shaft has been extended by no more than 45 ft. I do not find on the files any express representation by Berteaux that he had in fact sunk the depth of 93ft. Progress payments were made, not on any representations made by him, but on the representations of the inspector. However, false pretences may be proved by conduct as well as by words, and if the facts are fully investigated a prima facie case may be adduced. I recommend that the matter be placed in the hands of the Criminal Investigation Department forthwith."

That is dated to-day. The hour does not seem to be on it. Anyhow, it reached me late this afternoon, at about 4 o'clock.

Mr. Collier: The file was in my possession all the time the Solicitor General's was here, and his information was gained from the replies I gave to him in answer to his questions. He has not had the file in his possession to-day.

The ATTORNEY GENERAL: I am sure if the information obtained by the Solicitor General was supplied by the member for Boulder it was not of a nature to make the case less black against this individual. But I am prepared to believe the Solicitor General when he states that the opinion he has arrived at is from a perusal of the file. It perhaps does not occur to the hon. member that important portions of the file may possibly have been available in duplicate.

Mr. Scaddan: Does he say he saw the file?

The ATTORNEY GENERAL: He says "From a perusal of the file." If that is not sufficient, what will satisfy the hon. member?

Mr. Collier: He was for ten minutes in my presence and the file was in my possession, and I say he has not read the file. This is a deliberate statement I am making.

The ATTORNEY GENERAL: The statements of the hon. member may be deliberate, but may be made with the object of—

Mr. Collier: And they are true.

The ATTORNEY GENERAL: The hon. member's conception of what is true may not always be in accordance with facts. The point I wish to make is that the Government have no desire to in any way hide this matter. It is not necessary, I feel sure, to make a statement of that kind to persuade the public generally of the absolute bona fides not only of the Government collectively in this matter, but of the Minister for Mines. And if we had to deal with hon. members opposite who indulge in the wild and whirling charges against the Minister for Mines, the very language in which those charges are couched destroys all importance which calm-minded men might otherwise attach to them. No one knows better than the member for Kanowna that there is a tradition attached to the duty of prosecutor. If one is making a charge against an individual, whether it be in the law courts or on the floor of the House, that charge should be made with some degree of restraint, some attempt to be fair, if only that you may persuade those who are to judge the issue that you are not endeavouring out of party spite or personal feeling to use some small incident as a means of getting even with the person.

Mr. Walker: Is that fair?

The ATTORNEY GENERAL: I am pointing out how hon. members opposite in the excess of their zeal are defeating even their own cause.

Mr. Walker: You are most unjust.

The ATTORNEY GENERAL: They would do very much better than their at-

tempt to impress hon. members on this side of the House and the public generally with the justice of their cause if their language were more temperate—if they adopted more of a judicial attitude. Now what does the charge against the Minister for Mines amount to? We were reminded by the member for Kanowna that on September the 15th the Minister for Mines promised an immediate and full inquiry, and that on September the 17th the Minister for Mines instructed the State Mining Engineer to inquire into the charge.

Mr. Collier: No; he did not.

The ATTORNEY GENERAL: I am quoting from notes of the speech of the member for Kanowna.

Mr. Walker: I rise to a point of order. The hon. member has accused me of misstatements.

The Minister for Mines: I also rise to a further point of order. The hon. member is trying to make an explanation on a point of order.

The DEPUTY SPEAKER: The member for Kanowna may proceed.

Mr. Walker: My point of order is that the hon. member is accusing me of making statements which I did not make. I ask for a withdrawal.

The ATTORNEY GENERAL: In order to make the matter perfectly clear, perhaps I had better read exactly what I took down, and then if the hon. member considers I have misquoted him, I will be happy to withdraw.

"On september 17th Minister for Mines instructions Montgomery inquire into charges made member Boulder."

Mr. Walker: Well, I stop the Minister there. My statement was that he did not instruct, but that he asked for advice in lieu of instructing.

The ATTORNEY GENERAL: Well, we have now what the hon. member for Kanowna did say. I fully accept his explanation, but where we are at issue is on the point as to what was the instruction on September 17th. The hon. member puts upon it a construction that he, no doubt, regards it as perfectly justifiable. But reading that instruction myself I cannot see that it was other than

an instruction for Mr. Montgomery to probe into this matter. If the Minister for Mines made a mistake it was in the fact that possibly he did not altogether seize the seriousness of this charge, that he did not regard it with precisely the same amount of weight as it has been regarded by hon. members opposite. No one who has been in the Chamber for any length of time can but be aware that charges of a more or less serious character are frequently made with great wealth and strength of language; and it is possible that hearing this language used so frequently one's perceptions may easily become, to some extent, blunted. At any rate I am endeavouring to put the matter in the worst possible light in which it can be put against the Minister for Mines. And the very worst that can be said against him is that he did not appreciate the gravity of this matter in the way in which it was appreciated by hon. members opposite. But there has not been one scrap of evidence brought forward to show that the Minister for Mines deliberately attempted to keep this matter in the background, that he had any guilty intent. The most that could be said of him, if he is to be blamed, is that he was to some degree careless and forgetful. And if we look at the case merely as one of probability, can any hon. member imagine that a gentleman even of ordinary intelligence would for one moment think that this matter could be smothered up simply by laying it on one side. If the Minister for Mines had any intention of trying to burk inquiry as suggested, he could have adopted many other more effective means than those he has adopted. In choosing these means—assuming for the sake of argument that he did choose them—he was guilty of an act of inconceivable folly, an act that no man in his senses would be capable of perpetrating. For hon. members opposite to endeavour to build up a case against the Minister for Mines on such a slender foundation or probability, or, rather, on no foundation or probability at all, surely it is to carry the case a little too far. We have had a

very small molehill magnified into a mountain in the course of this debate. The very utmost that can be said against the Minister for Mines is that he has shown a degree of forgetfulness in the matter, and when hon. members opposite laugh at that description of his conduct I can quite understand their object in doing so. Of course when any plea is advanced in favour of the Ministry they try to treat it as a matter not to be taken seriously. They wish to have the monopoly of making the strongest possible charges against hon. members on this side of the House and they would like it, no doubt, if hon. members on this side of the House were prevented from replying; but, fortunately, we have in the Chamber men who are able to look at this matter dispassionately, men who recognise that everyone is liable to make mistakes, or to be guilty of forgetfulness from time to time, if one can use so strong a word as guilty; and it would, indeed, be a record in the history of Parliamentary life in Australia if we were to condemn a Minister, burdened as he is with the administration of two great departments, for a small lapse of memory, absolutely divorced from any guilty attempt, and absolutely unsupported by any shadow of suspicion. I venture to think the more the matter is probed, the more it is investigated, the more certain it will appear that whatever may be said against the Minister for Mines, nothing can be said reflecting upon his personal conduct, nothing can be said showing that he is deserving of the censure of this Chamber.

[The Speaker resumed the Chair.]

Mr. W. PRICE (Albany): I would not have spoken at this stage of the debate were it not that the discussion has been somewhat clouded and the real issue placed in the background, as the Attorney General has endeavoured to do by introducing matter which to all intents and purposes is foreign to the motion before the House. However, as the Attorney General referred in his opening remarks to the question as to whether Mr. Bertiaux is guilty or otherwise, I may as well

refer to a very peculiar proceeding and an extraordinary stand taken by the Attorney General in regard to this matter. We are told that already the Solicitor General has stated that a charge cannot stand.

Mr. Scaddan: And he has not seen the files.

Mr. W. PRICE: That statement made by the Attorney General should be sufficient to convince any member of the House who has approached this matter with a desire to hear everything that can be said upon it—should be sufficient to influence him in the direction of believing that there is no sincere desire on the part of members of the Ministry to have the matter thoroughly thrashed out. Were they desirous of doing that we should not have the Attorney General telling us that the Solicitor General has arrived at a certain decision, when we are assured—and I am prepared to take the assurance of the member for Boulder—that the Solicitor General has not perused the file.

Mr. Collier: I assert that deliberately.

Mr. W. PRICE: If the Attorney General was prepared to admit the Solicitor General had not seen the file before two o'clock—

Mr. Scaddan: I swear he did not see it afterwards.

Mr. W. PRICE: We have the word of two members that it was impossible for the Solicitor General to peruse them after 2 o'clock, yet between 2 o'clock and 4 o'clock we find the Solicitor General writing a minute, which is submitted to the Attorney General, stating that a charge cannot stand. I do not wish to question the decision arrived at by the Solicitor General; but I say that when the Attorney General made that statement to the House to-night, he intended that it should influence members, and it proves that some influence which should not exist prompted the Solicitor General to write the minute he did write and which was read to the House to-night.

Mr. Collier: I can promise some more startling charges if there is no prosecution.

Mr. W. PRICE: I do not think the House should deal with the guilt or other-

wise of Mr. Berteaux; that is not the question we are dealing with to-night; the question is, has the Minister failed to carry out his duties, failed to conserve the interests of the people, and failed to protect the finances of the State? That is the question. We are told in that special pleading style so often adopted by the Attorney General, that the Minister for Mines in the rush and worry of his Ministerial duties may have forgotten the charges, or allegations, as they were at the time, made by the member for Boulder; but the Attorney General conveniently forgot—and he is not often given to forgetting things—he forgot to inform the House that in 1908 Messrs. Eggeling and Nutt also made in writing—and it is on the file—a charge which was repeated on the 15th September by the member for Boulder. Is it right that any Minister of the Crown charged with the conduct and administration of affairs of the State, when a definite charge of malversation of public moneys is brought under his notice by citizens of the State, should allow the matter to go and wait until he is forced to take action by some member in this House? Why is it that the Minister for Mines failed to have this matter thrashed out when Messrs. Eggeling and Nutt said that the country had been defrauded of a certain sum of money?

Mr. Collier: They had a poor chance, when I could not get it.

Mr. W. PRICE: I agree with the hon. member. They certainly failed; because for 15 months, I think it was, the charge made by them lay on the file in the Mines Department and no action was taken; and here we are this evening, not dealing with Mr. Berteaux, but dealing with the Minister for Mines. Mr. Berteaux we can leave to the proper authorities despite the inspired minute of the Solicitor General. We can leave Mr. Berteaux to the proper legal authorities, despite that inspired minute, but we in this House are the persons to deal with the Minister for Mines. I say he has lamentably failed to protect the interests of the people in this instance. I am not going into details, because there is no necessity; but I desire

to refer to the explicit, definite, and clearly-worded promise and statement made to this House by the Minister for Mines when the allegations were first made by the member for Boulder on the 15th September. We were then told by the Minister for Mines that if there was the slightest reason for the statement made by the member for Boulder, then the State Mining Engineer would have to go out and make a report, which he (the Minister for Mines) would lay before the member for Boulder. If there was the slightest reason for the allegations made by the member for Boulder then the State Mining Engineer would have to go up—not to sit in his office in Perth, not to peruse the papers which had long before been submitted to the department, but to go up—that was the promise made by the Minister for Mines. What do we find? Not that the Minister for Mines is so solicitous for the protection of the interests of the State and the State's finances; we find rather that the Minister desires this matter shall be dropped, that nothing further shall be heard of it. It is practically suggested to the State Mining Engineer, the executive officer, that the matter shall be dropped. Why? I shall tell why. We find that the State Mining Engineer is asked to advise the Minister on a certain matter, on the matter of the allegations made by the member for Boulder, as though some member in the House had suggested that certain information should be given on some section in the mining regulations, and the State Mining Engineer would be asked to advise the Minister as to what course should be pursued and as to what was the position. That is what took place in this case. Despite the fact that in 1908 Messrs. Eggeling and Nutt had definitely stated that the State had been defrauded, despite the fact that here in the Chamber the member for Boulder repeated that charge, despite the promise made by the Minister that the State Mining Engineer was going up to investigate this case and report on it, what do we find? The Minister for Mines asked the State Mining Engineer to "advise." I do not think we need go any further

for evidence as to the culpability of the Minister in regard to this matter. I do not wish to infer that the Minister had anything to gain, I do not desire to infer that he has been penally culpable, but that he had been sadly lacking in that conscientious discharge of his duty which we have every reason to expect from a gentleman occupying the position of Minister of the Crown. He has sadly failed in protecting the interests of the people, he has failed to take steps to protect those interests when definite charges were laid, and when he has recognised the gravity of the charges by promising that certain definite action would be taken. And what do we find only so recently as last week? The Minister then admitted that he had realised the gravity of the charge, and he said that, if it were proved, certain action would be taken. What has been done since then? Has that action been taken? I say unhesitatingly it has not. Rather, I repeat, has there not been an attempt on the part of Ministers of the Crown not to protect their colleague—for I would honour them for doing that, I would give them every credit for doing it if they thought the maladministration, if I may use the term, was in this case an act of forgetfulness on his part—but to protect Berteaux. I cannot, in face of the statement made by the Attorney General, disabuse my mind of the idea that there has been an attempt to protect this man Berteaux. In view of that I ask members seriously to consider before they vote against a motion that the Minister for Mines should be censured. Had the Minister shown a desire to allow the law to take its course, as he promised this House he would do, had he shown a desire to take the House into his complete confidence, to give members the whole of the information he could possibly procure, had he shown an immediate desire to take the steps he said he would on the 15th September, then the motion would never have been justified. But having failed to take those steps he promised on the 15th September, and the other members of the Ministry having done all they could to prevent this case from taking its proper and due course, members of

this Chamber would be sadly lacking in their duty were they to fail to pass that censure on the Minister for Mines which, in my opinion, the justice of this case undoubtedly warrants.

Mr. KEENAN (Kalgoorlie): The motion put forward by the leader of the Opposition is one which, allowing for the verbiage we have to use in our proceedings, is the most severe condemnation that is possible of any gentleman occupying Ministerial office. It would be impossible to convey by any resolution passed by this House any intimation of the feeling of this House that the Minister was guilty of dishonourable conduct in stronger terms, and, therefore, we expect to find a case made out that will warrant a motion of that kind being accepted by the House. What are the grounds on which the leader of the Opposition asks the House to accept the motion? Let me, before proceeding further, at least acknowledge that in the language the leader of the Opposition used, in the manner he addressed himself to the subject, he distinguished himself as compared with those who followed him by at least preserving some calm and judicial air. The ground on which he asks the House to accept the motion amounts only to this, that an inquiry was asked for on the 15th September, that the inquiry was promised, that in effect that which was done was not an inquiry at all. I will admit it was not an inquiry that was sufficiently exhaustive. It is for the reason I have stated that the leader of the Opposition asks us to say that the Minister is unworthy of the confidence of the House, unworthy of the association of his colleagues, and unworthy to occupy his position any longer.

Mr. Scaddan: Why did you desert them?

Mr. KEENAN: I did not leave the Government because they were dishonourable men, but because we had a difference of opinion concerning the administration of the affairs of the State. Let us not tack on to this question a matter which is entirely irrelevant as to the reason why I left the Government.

Mr. Angwin: I am anxious to know.

Mr. KEENAN: The hon. member is anxious to know so much that I fear his short life will scarcely allow him to achieve his purpose. I desire to address myself to this subject not in a spirit of levity, in a spirit of reckless statement, but in the spirit in which a motion of this character, a motion so grave, should be discussed and determined. If we ask ourselves was any inquiry made in pursuance of the undertaking given by the Minister for Mines on the 15th September, we find members turn to the file and refer to a minute placed on the file by the Minister, and they say that that minute did not amount to the carrying out of the undertaking. I disagree with that. It may be that it did not carry it out to the full extent they think it should. If the Minister sends a minute to an officer in the responsible position of the State Mining Engineer, calling attention to a statement made by a member of this House and asking for a report, surely that imports a desire on his part that the officer should carry out all the necessary inquiries to acquire knowledge on which to frame a report. If it does not mean that the English language does not bear the meaning we all think, in our sober moments, that it does. Unfortunately the file cannot be multiplied to such an extent that we all can see it, and I have had no opportunity of personally inspecting it, but I have heard members read from it the minute of the Minister. Now that I have been shown the file I see that the minute in question reads as follows:—

“Please advise me in regard to this statement of Mr. Collier's so that a full reply may appear when I lay these papers on the Table, if it can be expeditiously managed. You will note that Mr. Collier makes a charge which, in effect, is that collusion took place between the officer inspecting the work and Berteaux, or that someone was very culpable in passing accounts without proper certification.”

I assert without any question that a minute of that character, calls upon the officer into whose hands it comes to acquire all necessary information from

every channel of inquiry at his command before he makes his report. Is he to make a report on imagination or hearsay, or is he to get those facts which alone will put him in the position to make a proper report. Moreover, it is pointed out to this very officer that this is a charge which involves, or may involve, collusion between an officer of the department and Berteaux and that it would appear that someone was culpable in passing the accounts. If it be possible to put the officer on guard as to the important nature of the duties he would be called upon to discharge, I know of no words that could be used which would be more likely to do so than the words of the minute.

Mr. Johnson: Does that minute justify an officer inspecting the mine?

Mr. KEENAN: If necessary.

Mr. Johnson: Would that minute direct him?

Mr. KEENAN: If the officer in carrying out his inquiry to frame his report found he could not do so without leaving his office, that minute would warrant him in leaving his office. I am not casting blame on the officer; I am saying that the charge which is being investigated here to-night is a charge that the leader of the Opposition has made that the Minister did not redeem his promise, and for that reason is unworthy of any consideration at our hands, and should be driven from his seat in this House. That is the argument, and we have to estimate its value in the light of the fact that a motion of this character is the most severe that can be moved. It is a motion which would condemn a man not merely in the eyes of Parliament but in the eyes of the people throughout the whole of the State. It is a motion which I venture to say has few if any precedents not only in the annals of our Parliaments, but in the annals of any Parliament in a British State. Yet we are asked to accept that because it is said that a minute, which I have read to the House and which I have pointed out conveys to a large extent the desire which was expressed for an inquiry, does not go far enough. Let me pass on to

what was said by hon. members, but before doing so may I be allowed to point out that it was most undesirable in discussing a motion of this character to drag in incidents which have occurred on other occasions. If we are to make comparisons, we have to examine all the surrounding incidents and again renew what I hope many of us have no desire to renew, namely, the unpleasant sensations that those incidents gave rise to. Therefore I do not propose to follow the leader of the Opposition in his comparisons which are not in any sense proper comparisons, because he did not carry them out in detail, in attempting to make a comparison between the present situation and the case in which the member for North Fremantle laid charges of dishonesty against a member of the civil service. I say without hesitation that when these incidents are closed it is not in the interests of any party in this House, or of any hon. member to re-open them and again resuscitate a bitterness of feeling which has been fortunately buried. If it has to be said that this proceeding to-night is justified because the other proceedings on other occasions were not justified, then we have indeed fallen into the very dregs of argument, and to the shadow of reasoning. It is perfectly apparent that the strength of this motion lies in what was said, or what took place, on the Estimates, namely, that the Minister and the State Mining Engineer were responsible for lending this money to a man who had no claim, and had no reason to obtain it. When the matter was discussed on the Estimates I am certain that was what was put forward.

Mr. Heitmann : By whom ?

Mr. KEENAN : By the member for Ivanhoe.

Mr. Scaddan : I have said it to-night.

Mr. KEENAN : No doubt the hon. member will continue to say it, and the more he is convinced that it is wrong, he is so pugnacious that the more will he continue to repeat it. We have here absolute proof that the hon. member is wrong. We have the minutes on the file to show that the present Minister refused to deal with the matter.

Mr. Heitmann : There is nothing of the kind ; he did not refuse to deal with it.

Mr. KEENAN : It is no use the hon. member contradicting when he does not know what he is talking about. I am only repeating what has been said from the file by some of those members who are attempting to put up a case against the Minister, and it appears from what they have stated that the Minister who dealt with the matter was Mr. Hastie who was Minister for Mines in the Daglish Government in 1904. Mr. Hastie was the person who accepted the recommendation from the Acting Secretary for Mines Mr. Crockett, that the loan should be made and subsequently in September the loan was actually made and an agreement signed.

Mr. Heitmann : Read the present Minister's minute ?

Mr. KEENAN : Of course the present Minister held views in the matter, but the real point is that he refrained to give effect to those views, because he was punctilious in his conduct. He said, " I am not in a position to deal with this matter as I am only the Minister carrying on the administration of this department, while the change of Government is taking place, and I might therefore be an object of suspicion." It is one of those extraordinary phases of human thought that the more a man strictly observes the rule of honour the more he becomes an object of suspicion in the eyes of certain individuals. It is clear that the application was approved, and that the money was lent by the Government of which the present Minister was not a member, and that every penny of the loan which was advanced in instalments was lent during that regime. Every penny was lent before the next Government came into power, and as far as being in the most remote sense the cause of the public purse being liable to be plundered, the Minister for Mines had nothing to do with it, and was merely acting as any member must act on behalf of his constituency by requesting that the matter might be dealt with as expeditiously as possible.

Mr. Scaddan : Read the minute and see what it is he says.

Mr. KEENAN : It has been read over and over again to-night. The minute was addressed to Mr. Hastie after he came into office and was Minister for Mines. The minute was endorsed on the back of a letter written by Berteaux, and the only request put forward was that it should be dealt with expeditiously. I am certain of the facts and I know I am accurate in making that statement.

Mr. Johnson : You are wrong.

Mr. KEENAN : Let me say what was done in the way of getting out of a difficulty which confronted hon. members when they found that the whole matter was dealt with by the Government that they themselves put into power. It was said by members that Mr. Hastie could not do anything else but grant the loan because he was only seven days in office when the application came before him.

Members : Six days ; five days.

Mr. KEENAN : Let us reduce it to the minimum of five days, and take the argument of members that he could not do anything else but grant the loan. How absurd it is to imagine that a Minister comes into office and that from the time he arrives there until he has learned his work—perhaps in some cases a year would be necessary—he is merely a creature of the permanent staff. In this case, there was no minute more than, that, acting on the advice given by the responsible officers, the Minister would have favourably entertained the application of Berteaux. If Mr. Gregory had remained in office as a Minister of the Crown he would have favourably entertained the application because it was recommended by the proper authorities. It seems to me to be a most cruel satire on a colleague of any of those who have spoken to-night to say that he was incapable of forming a judgment on a matter of this kind, more especially seeing that he was conversant with all phases of mining and was more capable of dealing with this matter than many of his critics here to-night. The member for Boulder also complained that the minute endorsed on the file by the Minister of Mines and the State Mining Engineer was not sufficient to

redeem his promise. Again, I have to join issue. It may be that it did not go the full length the member for Boulder wished it to go, but it is absurd to say that it was not a carrying out of a promise to have an inquiry held. The member for Boulder complains further, that the Minister had the report of the State Mining Engineer in his possession for a considerable time before presenting it to the House. Supposing that was true to the fullest extent—supposing the Minister received some report from an officer and kept it for weeks in his possession. The delay may arise from pressure of business, or even from some degree of carelessness. Supposing it was the latter and that it was proved up to the hilt—would it justify a motion of censure of this character? Because one does not exercise expedition in all that he does, is one to be shot at, and a motion of this sort, taking from him everything that is dear, and asking that he be declared an outcast—is this a fit punishment? If this were the penalty no one would dare risk his reputation by sitting on the Treasury bench. Let me deal shortly with what was stated by the member for Ivanhoe. Characteristically enough the member for Ivanhoe dealt first with a subject wholly irrelevant to the discussion, namely, as to whether or not Mr. Berteaux was guilty of what is charged against him. Perhaps at one time or another every hon. member regrets expressing an opinion on an ex parte statement which involves not merely the reputation but the liberty of a man ; and I do not know of any justification for accepting ex-parte statements against this individual.

Mr. Angwin : He said himself he was down 150ft.

Mr. KEENAN : Supposing he did say so, and supposing he was not correct. The substance of the charge was that he was paid for work he did not do.

Mr. Underwood : The charge is that he is a thief ; just a common thief.

Mr. KEENAN : I do not know that the hon. member has a right at this stage to dilate upon his conception of the charge. The burden of the charge is that Berteaux—

Mr. Underwood : Was a thief.

Mr. KEENAN : That he did not do work that he was supposed to have done. If it could not be proved that the shaft was down 100ft.—

Mr. Underwood : He said so himself.

Mr. KEENAN : There you are ! We are to believe him one time and send him to gaol another. That is the judicial frame of mind the House is asked to adopt. But when this man goes, as he may go, to trial in the courts, I venture to say the jury will be asked to disabuse their minds of all the wretched attempts to prejudge his case by hon. members who, because of the privilege of Parliament have the right to say things in the House which many would hesitate to say elsewhere. There is undoubtedly on the part of Mr. Berteaux many things that may be held up to his discredit and ridicule, but it seems to me the principal crime he has committed is that of being too ardent an enthusiast in politics. If it is possible for any man who differs from us in politics to be right, a fact which I have yet to learn, then we will reach the millennium. But the present gospel is that any man who differs from hon. members opposite is, ipso facto, a scoundrel, and the first time an opportunity arises he is convicted on the fact that he is a born scoundrel, and could not avoid being one.

Mr. Scaddan : The imagination of your own corrupt mind.

Mr. KEENAN : I do not know that I shall follow the reasoning offered by certain hon. members. They repeated much that was irrelevant and left out nothing that was nauseous. If it were possible I would ask the House to go back to a frame of mind necessary to the discharge of our duty, if we are to give this motion the consideration it deserves. It may be that a case has been put forward showing that hon. members on that side of the House expected the Minister for Mines would do something he has failed to do. It may be the Minister used language calculated to create that impression although he may not have meant to do so. He may have been deficient to some extent in carrying out the promise made to the House, and did not so properly dis-

charge the duty of investigation as would hon. members opposite if they occupied his place—and who so fit as the members of the Opposition to occupy Government seats ? But if all that be true does it warrant anything more than a reproof ?

Mr. Bolton : And by which nothing comes.

Mr. KEENAN : Well, it all depends upon whether the reproof comes from a person worthy of administering it, or from some person whose words carry no weight with anybody. If it comes from some person who is not concerned in making the present charge with some idea of venting personal spleen, then it would be given proper attention to. I hope the House will not accept the motion, such as has been proposed here to-night, on grounds which I venture to say are so flimsy that only the passion of political feeling can give them sufficient colour to justify a debate of this character.

Mr. UNDERWOOD (Pilbara) : I have listened with interest to the member for Kalgoorlie and the Attorney General. I was struck by one remark made by the member for Kalgoorlie, that the member for East Fremantle desired to know a number of things, and he was afraid the hon. member would not live long enough to learn them. I am convinced that if the member for East Fremantle depended on the member for Kalgoorlie or the Attorney General as teachers he could not possibly learn these things. It would take me about a thousand years to learn how a man can get up in the House and make a hero of Mr. Berteaux, who has been proved absolutely to have got from the Government £125 to which he was not entitled. When a man can learn that, he can learn anything, and I can only assure the member for Kalgoorlie and the Attorney General that I am not desirous of learning that sort of thing. In dealing with the question of the Minister for Mines, I deal with the case from the 15th September, the same as the member for Brown Hill did. The member for Boulder brought forward a very definite and deliberate charge against

the Minister for Mines ; he suggested fraud very deliberately ; and the Minister promised that he would make an inquiry, that he would send the State Mining Engineer to investigate the matter ; but what do we find ? One of the stickiest things in the whole debate is the statement of the Minister that the next morning he rang up *Hansard* to get the speech of the member for Boulder, and he got typed copies of his own speech and that of the member for Boulder, and passed the speech of the member for Boulder to the State Mining Engineer, but his own speech, in which he had promised to send the State Mining Engineer to measure the shaft, was not passed on to the State Mining Engineer. Could this possibly have been an accident ? I ask those legal men who look at matters with a calm, judicial air how it was that when those two reports came down the Minister could send the speech of the member for Boulder to the State Mining Engineer, and send his own to the waste-paper basket—where it should be ; of course, in that regard the Minister was a good judge, because it was never intended to be anything else than food for the waste-paper basket. We were asked, I think it was by the Attorney General, what the Minister had to gain by delaying it. He had this to gain—by delaying it the chances were that it would be forgotten and smothered up just as fully as if it had all the mullock on it that Mr. Berteaux neglected to take out of that shaft. I would like to say one or two words regarding the “ calm, judicial air.” We are told by the Attorney General and the late Attorney General (Mr. Keenan) that it is impossible for members on the Opposition side of the House to view things with a “ calm, judicial air.” My experience of the “ calm, judicial air ” is a man who can prove black is white and blue is not a colour at all, and that the greatest scoundrel unhung is a hero and possessed of all the virtues it is possible for humanity to possess. If that is the “ calm, judicial air,” I am pleased I am not possessed of it, and when I see a scoundrel I like to mention it.

The member for Kalgoorlie made a very unfair remark in saying that we attack this gentleman because he is an opponent. I think we have many opponents whom we treat as men and whose opposition we admire. If the hon. member cannot do that, I can, and the people of the district I represent fully recognise it. My case against Berteaux is that he robbed the State of £125. That is the position. It does not matter to me whether he supported Gregory or Buzacott. It is absolutely useless for any person possessing that “ calm, judicial air ” to endeavour to smother it up in this manner. It does not smother it up in the slightest degree with thinking people. There has undoubtedly been an attempt to shove this matter on to one or two of the officers, and particularly on to Inspector Greenard. The report is certainly not favourable to that officer. He was asked to report. According to a minute he reported he had been to the mine, and that there was no means of getting down, and that, therefore, he could not measure the shaft. Now, there was a distinct charge of fraud, of robbing the State, laid against Mr. Berteaux, and when the Minister received that report from Mr. Greenard, it was for the Minister to accept it or further instruct Mr. Greenard. Undoubtedly Mr. Greenard fulfilled his duty according to the instructions he received. He was not authorised to go to the expense of buying or carting out a windlass and rope and putting them on the shaft. Finding no windlass or rope on the shaft he naturally reported it to the Minister, and it was for the Minister to say whether he was going to allow that charge of fraud to be hushed up, covered up, or mullocked up, or whether he was going to further instruct Mr. Greenard to get a windlass and measure the shaft. It was a simple process ; it was easy to prove. I cannot help thinking the Minister knew Berteaux.

Mr. Scuddan : And Berteaux knew the Minister.

Mr. UNDERWOOD : The Minister knew Berteaux and would not go any further than possible in the matter. Now, coming to the case put up by the

Minister in regard to the member for Boulder, the Minister said the member for Boulder knew somebody had been down the shaft and measured it. I am absolutely certain the member for Boulder gave to the House all the information he had. He said he had been told on reliable authority that the shaft was only 145ft. deep; and it is impossible for any member of the House to give further information. A member of the House certainly takes some risks—I do not see why he should—in making these statements. But I will say this, that notwithstanding the insults that have been passed on this side of the House to-night by the Attorney General and the ex-Attorney General, so far as I am concerned I never make a statement—and I am sure the member for Boulder does not—unless I am personally convinced that the man who is giving the information is reliable and honest. It appears to me that with all this judicial fervour, of which we hear so much, both law and justice are somewhat neglected. The member for Boulder not only made statements but he also read to the House a letter he had received. The Minister says the member should have told him all about it previously. What more could the member have told the Minister? He knew no more; he said he had been told on reliable information that the shaft was 145ft. deep and that the Government had been robbed of £125. That is all he knew, and unless he had been down the shaft himself, which he was not, he could not possibly have known any more. It is the absolute duty of the Minister when a member of this House, who is supposed to be honourable—and he should be treated as such until he has been proved a scoundrel—makes a statement, that statement should be investigated. Again we are told that the member should have gone to the Minister. Did we not go to the Minister with a case from this very same electorate in connection with a man who was undoubtedly proved to have committed an unlawful offence as a postal vote officer? We certainly went to him with that, but what was the result? We got a “*nolle prosequi* him.” We have

to-night a case of the same sort. The member for Kalgoorlie stated that we wanted to be both Judge and jury. I can assure the House I have no desire whatever to act as a Judge or a jurymen.

Mr. Collier: He took the place of a judge when he let Brown away.

Mr. SPEAKER: Order!

Mr. Scaddan: Yes; he took that place then.

Mr. SPEAKER: Order!

Mr. Scaddan interjected.

Mr. SPEAKER: I have repeatedly warned the member for Ivanhoe not to interject. He has persisted in interjecting, and if he does so again I will name him.

Mr. UNDERWOOD: I was just remarking that we were accused of wishing to act as Judge and jury. I have no desire to hold either position, and I would not discuss this case at all only I am convinced from the speech we have had from the Attorney General that this case is not going to a Judge and jury. The Government have already decided, as they have decided previously again and again, that Berteaux shall not be prosecuted.

The Premier: They have decided nothing of the sort.

Mr. UNDERWOOD: All I ask is that the Berteaux case shall come before a Judge and jury. That is a fair proposition to ask of any Government. There is no possible doubt that the measuring of that shaft proving that it is 50 feet short of the depth it should be, is bona fide evidence, and if the Government administer the law as they should do, Berteaux should stand his trial on a criminal charge. Put him on his trial, and I am prepared to submit his case to a jury. But I know he will not be tried, and I know that he is a thief.

Mr. BATH (in reply): I have no desire to delay this debate to any great length, and a very few minutes will suffice me to reply to some of the statements made by members in defence of the Minister. So far as the charge which has been made, and the gravamen of the indictment of the motion of which I have given notice

are concerned, it is evident that the Premier and the Minister have been content to leave the defence first to the member for Murray, then to the Attorney General, and finally to the member for Kalgoorlie. The Minister in the first place stated that there could be no possibility of a charge that he had shown favouritism to Berteaux, because he assured us that he did not grant this loan, but that owing to his scruples in view of the political situation, he had allowed the matter to stand over until his successor occupied the Ministerial chair. The scruple of the Minister only went half way. If he were so punctilious that he had no desire to deal with the matter there should have been no minute on the file showing how strongly the Minister recommended the loan. He should have left that minute off the file and allowed the succeeding Minister to deal with the matter without having his judgment affected by that means. To my mind that scruple to which he has referred does not exonerate him from having attempted to secure the loan for Berteaux. It is a humiliation that the memory of Mr. Hastie should have to be taxed over a period of five years in order to write a letter such as that read here to night, and it is a humiliation to Mr. Hastie to have written such a letter. We remember that while Mr. Hastie was Minister for Mines the present Minister for Mines, both in Perth and in this House, professed to be his guide and counsellor, yet in the mining districts he undermined him, and, to a large extent, undermined him in the minds of his constituents. The Premier asked why did not the member for Boulder ask a question. Has the Premier read the question which the member for Boulder put to the Minister when he asked when the papers relating to the matter were going to be laid on the Table? He asked "When will the papers relating to the President Loubet lease be laid on the Table and has an inquiry yet been held." The Minister replied, "If the hon. member desires, the papers can be presented to-morrow, but I am holding them back for the purpose of adding the report of the investigation by the State Mining

Engineer." The only report on the file was in the hands of the Minister four weeks before that.

The Premier: I said, why did not the member ask a question when he found the papers were not satisfactory.

Mr. BATH: Because the reply of the Minister led the member to believe that a further investigation was to be made by the State Mining Engineer. We find to-night that practically the only defence of the Minister is to place the blame on the State Mining Engineer by saying that there had been some mistake and that that officer did not get hold of the report of his speech. That is an absolute subterfuge. The member for Kalgoorlie says that the minute of the Minister for Mines was sufficient, but I say that is disproved by the fact that the only demand of the Minister was for a report which did not involve the measurement of the shaft. If the question were to go to a jury of mining men on the fields to-morrow, before, say, 12 men who know a mine when they see one, and they were asked what they would do first if a man had been paid for 93ft. of sinking when he only sunk 45ft., they would say, in more or less emphatic language, with the use of more or less emphatic expletives, "Let us put a tape into the shaft." That should have been the instruction of the Minister to the State Mining Engineer. He should have told him to ascertain whether the shaft was 145ft. or 193ft. deep. That is the very gravamen of the charge against the Minister, and when the charge was made by the member for Boulder a straight out investigation was not made. As a matter of fact, the Minister quibbled when he referred to the action he took. It was only when he was driven into a corner and the aid of the Premier was invoked, that we could secure a promise of investigation that would be sufficient. In conclusion I wish to refer to what the member for Kalgoorlie said. He said it is destroying the character of the Minister to bring a vote of censure of this kind, and that it is an unheard of procedure in Australian politics. Why, censure motions have been moved against individual Ministers and against Cabinets

on very many occasions. And it may have involved their departure from office. It does not involve their being ostracised by society. We have no justification for accusing the Minister of dishonourable collusion with Berteaux. What we have accused him of is neglect of duty as custodian of the funds of the State, and that is a sufficient charge, in my opinion, to warrant a vote of censure. Votes of censure have been made against individual members before as they have been made against Cabinets, and when the member for Kalgoorlie tries to bring in that question to obscure the issue raised he is reducing the debate to a very low level, indeed. I have no desire after the long discussion which has taken place, to go into this matter at any greater length except to say that throughout this State and the other States, it has come to be regarded by men of all shades of opinion and by men of all classes that while it may be dishonourable to do certain things in private life, it is only a trivial offence to take down the Government whether it be by getting at them through the Railway Department or through the customs, and it is regarded as a clever thing to take down the Government of the State. That is a wrong opinion to hold, and we as members of Parliament, should be above countenancing it. It is because people will say by the action taken with regard to this charge that we are countenancing that view which is held by so many, that it is desirable we should emphasise our distaste for such an opinion being held by members of this House.

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

Ayes	20
Noes	26

Majority against .. 6

AYES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. O'Loughlin
Mr. Bolton	Mr. W. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Underwood
Mr. Heltmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. Troy
Mr. Hudson	
Mr. Johnson	

(Teller).

NOES.

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

Question thus negatived.

BILLS (2)—FIRST READING.

1. Electoral Act Amendment.
 2. Transfer of Land Act Amendment.
- Received from the Legislative Council.

House adjourned at 11.30 p.m.

Legislative Assembly,

Friday, 10th December, 1909.

	PAGE
Obituary, Letter in reply	2057
Urgency Motion: Railway Employees' grievances ..	2058
Bills: Goomalling-Wongan Hills Railway, &c., &c. ..	2115
Dowarin-Meredin Railway, &c., &c.	2135
Annual Estimates, Vote (Agriculture) discussed	2138

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

OBITUARY—LETTER IN REPLY.

Mr. SPEAKER: I have received the following letter from the representatives of the late Mr. Robert Sholl:—

"251 St. George's Terrace, Perth.

The Speaker, Legislative Assembly.

Dear Sir,—On behalf of my mother and the other members of our family, I have to thank you and the members of the Legislative Assembly for your kind note expressing your sincere sym-