

ference has been held, whereas the Bill provides for this action being taken before the conference is held, and so prevents serious dispute.

Clause put and negatived.

Clause 26—New sections:

Hon. H. S. W. PARKER: It did not appear to the select committee that this clause was necessary. In the case of the mining industry it would be practically impossible to carry it into effect, largely for the reason that mines nowadays are enclosed with fences, and a watchman is on duty to see that nobody enters the premises at night time. Permission, however, is always granted to union officials to visit a mine at reasonable times.

The CHIEF SECRETARY: The select committee did not appear to have devoted the attention to this clause that it deserves. I hope it will be retained.

Clause put and negatived.

Clause 27—agreed to.

New clause:

Hon. H. S. W. PARKER: I move—

That a new clause to stand as Clause 3 be inserted as follows:—"Section 19 of the principal Act is hereby repealed."

New clause put and passed.

New clause:

Hon. H. S. W. PARKER: I move—

That a new clause to stand as Clause 8 be inserted as follows:—"Section forty-three of the principal Act is hereby repealed and the following substituted:—43. The Court shall consist of a President or Assistant President, who shall be a person qualified to be appointed a Judge of the Supreme Court, and shall be appointed by the Governor."

It would be more expeditious for the work of the court if a president or assistant president were the only person to preside over it.

The CHAIRMAN: Section 43 of the Act says the court shall consist of three members appointed by the Governor, a president and two lay members. Section 49 states that the president shall receive a salary equal to that of a judge of the Supreme Court, and that the other members of the court shall receive not less than £600 per annum. The president to-day receives £1,750 a year. Two laymen draw £1,200 between them. The total is £2,950. Here is a proposal to leave the £1,750. Is it proposed to give the assistant president nothing?

Hon. H. S. W. PARKER: If this is carried, it will mean increasing the burden on the people by £550.

The CHAIRMAN: The point is that the assistant president would receive the same salary as the president, £1,750. Then the total would be £3,500. The Bill originated here, and the amendment imposes an increased expenditure of £550.

Progress reported.

*House adjourned at 11.53 p.m.*

## Legislative Assembly,

*Tuesday, 7th December, 1937.*

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

### QUESTION—MINING, LECTURER.

Mr. MARSHALL asked the Minister for Mines: 1, Is Mr. Compton, one-time lecturer at the School of Mines, Kalgoorlie, at present directly employed by the State? 2, If so, what is his particular class of work? 3, What salary does he receive?

The MINISTER FOR MINES replied: 1, 2, and 3, Mr. Compton is a lecturer in mining attached to the School of Mines, Kalgoorlie. His services were in July last loaned for a period of 18 months to Messrs. Paton and Morris, representing the Spargo's Reward, First Hit, and Lady Shenton Gold Mining Companies. Mr. Compton has been granted leave of absence from his official duties without pay during this period.

## PERTH MUNICIPAL ADMINISTRATION SELECT COMMITTEE.

Hon. C. G. LATHAM (without notice) asked the Premier: In view of the recent decision of this House against the suggested appointment of a Royal Commission to inquire into activities of the Perth City Council, does the Premier propose to convert the select committee which was appointed into an honorary Royal Commission?

The PREMIER replied: Yes. In view of the difference between a Royal Commission and an honorary Royal Commission, having regard to the aspect of cost, the Government proposes, if necessity arises and the select committee, is unable to complete its deliberations by the time Parliament rises, to convert it into an honorary Royal Commission.

## MOTION—WANT OF CONFIDENCE.

*Hotel Ownership, etc.*

MR. HUGHES (East Perth) [4.34]: I move—

That in view of the disclosure of the true ownership of the Captain Stirling Hotel, and for other reasons, the Government no longer possesses the confidence of the House.

In moving the motion standing in my name on the Notice Paper, I propose to support it under various headings. Naturally, in moving a motion of want of confidence in the Government, one is required to give to the House specific grounds why the Ministry should be turned out of office. If I had had no grounds until I heard the question of the Leader of the Opposition answered, I would now have good grounds, in view of the fact that last Tuesday evening we were definitely informed by the member for Northam (Hon. A. R. G. Hawke) that I myself had been found by an impartial expert tribunal to be a liar, a cheat and a thief. A week later the Government proposes to appoint me an honorary Royal Commissioner to inquire into another matter. Our political life is falling to strange depths when liars and cheats and thieves can be appointed Royal Commissioners. True it is that the member for Northam spoke of "a certain person," probably because he feared that he might be called to order by the Chair. Not that I would have bothered to take the point of order, for I think I shall be able to show that certain persons in the public life of this community are liars and thieves and cheats. So that in substance the member

for Northam was right, but he picked on the wrong person. The first general ground upon which I shall ask the House to relieve the present Ministry of its responsibilities is that as a Government it has abandoned the functions of government. Although there are certain crying demands for amendment in our legislation, the Government does nothing, but leaves to private members, by way of private Bills, select committees, and so forth, the task of doing the work that rightfully belongs to the Administration of the day. The government of a country cannot be carried on when those charged with the responsibility of government will not live up to that responsibility. I submit that is a fundamental of government. In fact, the Government's primary function is to govern. Whenever the law is deficient, either by reason of old age or owing to altered circumstances, it is the Government's duty to take steps to have the law revised and brought up to date. In my opinion the Government has shed that responsibility of keeping legislation up to date, has abandoned that part of its duty to private members. The second broad ground on which I propose to ask members to vote for my motion is that the Government has yielded to another place the right to dictate to this Chamber, especially on questions of finance, and that the Government has repeatedly surrendered, in fact has surrendered time and again, the privileges and powers of this House, to another Chamber. Members of the Government have for the past 30 years ranted about the Upper House and its dealings with legislation, but will not take any steps to revise the enacting powers of the two Chambers. On Thursday night we were subjected to the humiliating spectacle of this House being detained until ten minutes past one o'clock in the morning waiting for the Premier to come back from a conference with members of another place to inform us that once again he had made an ignominious surrender on a finance Bill. Therefore I submit that the Government has not only surrendered privileges of this Chamber, but has abandoned its own policy, and will not take any steps to put into force the policy on which it was elected. This thing should be brought to a head. My third ground perhaps is not a new ground. The Government has abandoned the principles and the policy for which

some of its members have agitated over the last 30 or 25 years, has thrown overboard its principles and policy for the support of the "West Australian" newspaper. Ministers have become mere puppets of the "West Australian" newspaper. The boss even gave the Premier some instructions this morning as to how to act, and commended him for something he did the other evening. I do not blame the Government. In fact, I do not blame the present Premier or any other Premier. If a man is in charge of the government of a country, he naturally desires the support of the only morning newspaper, a most powerful daily. I have no quarrel with the Government on that score. It is a very natural bent to follow. Any man who is a Premier of Western Australia would naturally be pleased to find himself backed up by a daily newspaper with a circulation of 60,000. But I submit that the price is too high. The price of that support is a million pounds a year taken by a wages tax from the workers. That price is too high for the return obtained. Fourthly I submit, even at the risk of another of those tirades of abuse from the Minister for Employment, that the Government has refused to abolish the problem of unemployment in Western Australia. We have unemployment only because the Government has no desire to abolish it. Fifthly, there is the Government's policy of extracting money from relief workers for a political organisation masquerading as a trade union. That policy is definitely illegal, and represents a most improper use of the executive power vested in Ministers. Sixthly, in the administration of the law, the Government has two policies—one for the rich and influential, another for the poor and struggling. When one compares the vigour and venom with which the Minister for Lands attacks and pursues that section of the farming community which has the misfortune to be indebted to the Crown, with the silence that remains in respect of the money owing to the Crown by the shareholders of a manganese company—

Mr. Lambert: The Government took us down for £170,000.

Mr. HUGHES: Now, did not the hon. member have instructions not to interject? I admit in fairness to the member for Yilgarn-Coolgardie that when I mentioned this matter outside the Chamber, in pam-

phlet form, he came to the House and moved a motion. From his place opposite he examined his conduct in respect to the manganese company, and got a clean discharge without a stain on his character. So that he too can say that an impartial and expert inquiry found that everything was all right. But strangely enough, the Auditor General would not agree with him.

Mr. Lambert: Differences make lawyers possible, and only possible.

Mr. HUGHES: We will examine the position at some length later on. We will see that if the farmers had been assisted as were the shareholders of the manganese company they would not have had to worry about their debts. Debts would have been paid or adjusted in such a way that the farmers could not be molested. Under the same heading there is a marked discrimination in the treatment meted out by the Government to the controllers of the proprietary racing clubs, and that meted out to starting-price book-makers. Where a millionaire is backing a racing club everything is all right; the law does not apply. Turning to the mining world, if we are to believe the member for Murchison (Mr. Marshall) there is one gentleman who has been a law unto himself in the Mines Department. I am sure the statement of the hon. member is fresh in the minds of members, that Mr. de Bernales can do as he likes in the Mines Department. We have heard the Minister for Mines being viciously attacked by the member for Murchison on the conduct of the Mines Department. I heard the hon. member repeat three times in one speech that reservations lead to corruption. When we, members in Opposition, hear Government supporters making allegations like that against their own Ministers, is it any wonder that we lose confidence in the Government? Finally, there was the violent attack made upon myself by the Minister for "Unemployment" on Tuesday night. I did not mind his attacking me, because I will be able to show by six or seven examples that the Minister for "Unemployment" is a youth given to very reckless statements. He is given not only to very reckless statements but to tactless interferences from the political point of view. Everybody, he said, would remember that we had a Royal Commission. Most people in this State do remember. My learned friend from Queensland found against me on every count, but I was well satisfied with the decision, because I was certain that the grand jury, the electors of

Western Australia, would not accept the judge's summing up. It is quite a common thing for people pleading in the criminal courts to be not at all perturbed when the judge sums up hard against their clients, because frequently juries take the bit in their teeth and do not accept the judge's summing up. I merely regarded Mr. Hart as a judge summing up. So far as I am concerned the members of the jury are the people of Western Australia. I did not bother to revive the question of the Commission because I was satisfied that as witnesses were allowed to attend the Commission and refuse to answer questions on the very matter which was being inquired into, and were upheld in that respect by the Commissioner, so far as the jury was concerned, the whole judgment was destroyed, because it was a judgment founded on evidence put in, while the most important evidence was excluded. I was not at all perturbed about the finding. But when the member for Northam stands up in this House and says that this gentleman, this Royal Commissioner, found—I suppose a Royal Commissioner designate should be loyal to his class and not say anything unnecessarily offensive—when he says that this Royal Commissioner found a certain person—meaning me—a liar, cheat and a thief, it is time that I exposed some of the findings of that Royal Commissioner. I do not know why the member for Northam should pick upon last week above all others to make the statement.

Hon. C. G. Latham: It is near Christmas.

Mr. HUGHES: Probably he found out that there had been public disclosures which proved conclusively that what I said was right, and that the information was available to the Royal Commissioner, had I been permitted to put it in. I am inclined to think that perhaps he felt I should have a lead in, that I should have an opportunity to clear myself. I prefer to accept that as the reason why the member for Northam picked on last Tuesday night. Evidently he was stirred by a sense of righteousness. He knew, of course, or he thought, that the worm might turn if he made another one of his attacks and I might strike back. He knew that the information was now available to refute himself, the Minister for Lands, the Premier, Mr. Hart, Sir Walter James, and the whole band of them. He knew that the information was available; or was it that on the eve of this disclosure he wanted to make one final outburst

of abuse against me? However, he elected to make this attack and he won the undoubted applause of the Government's official organ, the "West Australian" newspaper. I can remember, and so can you, Mr. Speaker, in the bygone days of the Labour movement that if the "West Australian" said anything favourable to one he was eternally disgraced. But those days have gone. I alone seem to be the one about whom the "West Australian" will not say anything favourable. I do not blame them. I am not in sympathy with the policy of the "West Australian." How could I be when I am not in sympathy with the policy of the Government, and the policy of the Government is the policy of the "West Australian"? Naturally the "West Australian" will say whatever it can derogatory and offensive to me and, not being one of those high-minded members like the member for Northam, I do not turn the other cheek, but I say things in return. So, as far as I am concerned, the "West Australian" newspaper can have an open go. It can say as much as it likes about me in its columns, and I will say what I think about it from the public platform and in this House. That is a fair break, without any complaints on either side. My final count is the disclosure of the true ownership of the Captain Stirling Hotel. In view of the evidence, or the suppressed evidence, which could have been given at the inquiry by the Royal Commission, upon which the Government pinned its faith, and knowing that the Government was well aware of such facts as the ownership of the Stirling Arms Hotel—

Hon. C. G. Latham: You mean the Captain Stirling Hotel? The Stirling Arms Hotel is in Guildford.

Mr. HUGHES: Yes, I mean the Captain Stirling Hotel. I mean to show how the Government has got away from the semblance of being a Labour Government in the matter of this hotel. No Government that has condoned what has occurred in connection with the Licensing Court and hotels like the Captain Stirling Hotel; no Government that has allowed that sort of thing to go on and, when an attempt was made to bring the facts to the light of day, used means to stifle the information from getting to the public, is worthy of occupying the Treasury benches of any Parliament. On that score alone I declare that the Government is not entitled to the confidence of this House. The

Government cannot get the confidence of this House if there is any regard for consistency. If those members who have condemned, far more often than I have, the Licensing Court and its administration are true to their own conscience, and vote as their conscience dictates, the Government will not have the confidence of this House. Furthermore, if one of the parties to those transactions does the right thing ethically and in accordance with parliamentary practice, and refrains from voting on this motion, on the ground that as an interested party he should vote neither for nor against, the Government will not have the confidence of this House. However, one cannot always be sure—or that has been the experience in recent years—that the votes of members will always follow their speeches and notwithstanding that members have strenuously addressed themselves to this question in the House I should not be surprised to find them sitting on the opposite side to myself when a division is taken. I am not going to say anything about that. This party political machine is a soul-destroying machine. Men are compelled under it to do things they do not want to do. They are compelled to do publicly what they reprobate privately. They are compelled to give their blessing by their vote to conduct they consider to be in the highest degree reprehensible. Therefore, unfortunately, the substance of a question and the true decision on a question is frequently lost in the rigidity of the party machine. I would not be surprised even to see the Minister for Mines and the member for Murchison (Mr. Marshall) sitting cheek by jowl notwithstanding their bitter animosity of the last few weeks. Thank goodness there is not a gentleman here from another place or we do not know what might happen! That briefly summarises the grounds upon which I base this motion. I might add, by way of bringing it in later, “and such other grounds as may be brought forth during the debate.” I confess to you, Mr. Speaker, that my confidence in the Government has been absolutely destroyed. Adverting to the functions of government—that is to bring the law up to date and first and foremost to be legislators—this session has been marked by a complete abandonment on the part of the Government of all progressive legislation. The notice paper is full of private members’ business—business that does not rightfully belong to private members. We have had

certain stock Bills brought down that we all knew would be rejected in the Legislative Council, but there are numbers of things of a purely legal aspect that require to be done in this State. I might mention the Companies Act. The Companies Act is long overdue for a comprehensive overhaul. I believe—and this is based upon letters from London—that it is of no use mentioning a mining proposition from Western Australia to financial interests in London, because Western Australian mining propositions are in very bad odour in London. We saw recently a public manifestation of that in connection with Sir William Campion and Mr. de Bernales. I believe that the mining industry of Western Australia has been very badly treated, that mining flotations have gone over that should never have been allowed to see the light of day. Many of the mining propositions that have gone over the London public were not justified, and they have brought the mining industry of Western Australia into a sad state of disrepute. That was because we have sat back on our Companies Act and allowed it to remain on the statute-book as it was 30 or 40 years ago. In England there have been two complete revisions of the companies law during that time. The British Government feel it incumbent upon them to keep their legislation up to date. As circumstances change and legislation becomes obsolete or ineffective for the purpose for which it was designed, the Legislature takes it upon itself to revise and bring it into line with modern conditions. Of course that is not really a party question. I suppose the revising of the Companies Act to provide for a better working of the law, for a better protection of investors, and above all for a better protection of the assets of this country, such as the mining industry, is a task in which every member of this House would willingly lend a hand and give his time within the limits of his capacity. But surely it is the business of the Government to initiate that legislation! We have on the notice paper a proposed amendment to the Companies Act by a private member. A private member is to be commended for using his place in this Parliament to remedy any defects he might see in any particular piece of legislation, but I submit respectfully to him and to the House that the Companies Act is too big a law, and too out of date to be tinkered with piecemeal, and that it should be made a comprehensive measure for amendment. We recently had a select com-

mittee dealing with a company operating in this State, and certain recommendations were made. But the select committee should never have been appointed because the Crown Law file disclosed that all the information the select committee could get was already in the possession of the Crown Law Department.

Hon. C. G. Latham: You do not mean to suggest that members had that information?

Mr. Tonkin: Did you suggest that?

Hon. C. G. Latham: It sounded like it.

Mr. HUGHES: In listening to the proceedings of the select committee, the thought struck me that the member who had moved for the select committee did have an uncanny knowledge of what was in that file. I wanted to satisfy myself that departmental files were not being handed out to private members. If any private member is going to have access to a departmental file, then all private members should have access to all departmental files. I possibly risked being thought somewhat eccentric by my fellow select committeemen when I asked for the Crown Solicitor to be called to give evidence. He assured me that neither he nor any of his officers had shown the file to anyone except the Minister. Thus that point was cleared up. Any question which might have been asked and which might have given one the impression that the questioner possessed some inside information was a mere matter of coincidence. But, as I said, the Government had all the information on the file. Why was a select committee needed to inquire into something that was well known? The full information was available; the department had access to the company's offices the same as the select committee had. The whole of the police force—trained people—was available to make inquiries. But the Government simply abandoned its functions of government. Apparently, it was thought to be a matter that needed some investigation, but instead of shouldering the responsibility that rightfully belonged to it, the Government handed the job to five private members of this House. As regards the five private members of this House, I am not making any complaint on their behalf, or on my own behalf. It is our business, as members of the House, to give our services in any direction that may be thought by the House to be in the public interest. Personally, I found with this particular select committee what I have

found with every select committee on which I have had an opportunity to sit, namely, that it was of the utmost educational value to me. I do not know whether other members feel the same way, but I venture to say that they do. In that respect the select committee served a useful purpose. Had the Government shouldered its responsibility as a Government and attended to the deficiencies in the Companies Act and, as the administrative officers, acted on the information they already had on the file, there would have been no reason for a select committee. There is a question that is crying out for legislative treatment in this State—I have a perfectly open mind on it—and that is the question of starting price betting. All I say is that we ought to make up our minds what the law is going to be and then enforce it impartially. If we are going to have betting for certain people, we should have betting for other people. My old friend the "West Australian," after giving—I do not know why—a very fair and full report of my speech, published a leading article in the following day's issue stating that I thought that the best thing to do for the workers was to allow them to gamble themselves into poverty in starting price betting shops. Maybe the "West Australian" did not want me to get a swelled head, and thought a little antidote would be good for me. All I want to say in reply is that if the people are going to gamble their lives into poverty, they might as well do it in Beaufort-street, Perth, as at the Goodwood Race Club. I cannot understand the outlook of the official organ of the Government when it says, "Go, my son, and spend your inheritance, but do it at Belmont." What sanctity is there at Belmont or at Goodwood? The paper is not very much concerned about the people impoverishing themselves, so long as the result of that impoverishment is that certain influential people are enriched. We know that the position with regard to the attitude of Parliament in the matter of betting is chaotic. "A" can bet with impunity with the aid of the police in one spot but if "B" dares to have a bet around the corner, he is arrested by a policeman and prosecuted in the courts. The time is long past when the Government should have shouldered its responsibilities as a Government, and brought down legislation to deal with the betting question. I do

not care what betting legislation it brings down. If the House does not agree with the proposals, every member has an opportunity in Committee to move amendments. I submit it is not the business of a private member to have thrust upon him the duty of dealing with such an important deficiency in our law. We have had the necessity for amendments to be made to the Rural Relief legislation and the Adjustment of Debts legislation. Again, it is left to a private member to bring up these questions. Any matter that is difficult or contentious the Government has avoided, and thrown upon private members. The Government tomorrow is going to bring down a piece of highly contentious legislation. I assure some of my friends opposite, in order to allay any feelings of misgiving they may have, that so far as I am concerned, the Redistribution of Seats Bill will not become law. The member for Yilgarn-Coolgardie (Mr. Lambert) smiles. I am glad to have provoked a smile from him.

Mr. Lambert: I have a couple of seats; I am all right.

Mr. HUGHES: Another question that was of the utmost importance to an unfortunate and the poorest section of the community was the abolition of distress for rent. Again the Government did nothing. It was not at all interested in bringing the law up to date. It was left to the member for Canning (Mr. Cross) to take the initiative, and this he did successfully. He is now obliged to go further in this direction. That was something which should have occupied the attention of the Government. But the Government will do nothing that is likely to involve it in any labour or anything contentious. I have just one more illustration. In this case I can perhaps borrow from Professor Murdoch, and say, "Speaking personally." A Bill was brought down to amend the Constitution. Surely the time is long past for a revision of the powers as between the Legislative Council and this House. In 1911, in Great Britain, the problem was tackled and solved, in a very efficient and successful manner. Deadlocks occurred between the two Houses. When they did occur, the then Prime Minister took his courage in hand and went to the country. He got a mandate from the people. As a result of that act of courage, he was able to have an Act passed in 1911, which gave the electors of Great Britain power to have put

on the statue-book with the minimum of delay any legislation that had the endorsement of the electorates at large. In Queensland some time ago—

Mr. SPEAKER: The hon. member is distinctly out of order in discussing a Bill that is now before the House. I have been very patient with him.

Mr. HUGHES: I will not pursue that matter.

Mr. SPEAKER: I draw the hon. member's attention to Standing Order 123.

Mr. Marshall: The fact that this is the last on your notes does not bring it within the Standing Orders.

Mr. HUGHES: It may be that one always suffers from one's environment. When I first came to the House, I wanted to deal with something that had been passed. I went to the Speaker to seek his advice. He said emphatically that of course I could not return to an item when it was passed. When an item was passed that was the end of it. As I went out of the door, I heard a voice say, "You can always talk until you are stopped."

Mr. SPEAKER: Perhaps the hon. member has now stopped.

Mr. HUGHES: I have. The second allegation I make against the Government is with regard to its failure to do anything to have passed the legislation that it required. For the last 30 years I have heard from the platform at each election remarks about the difficulties of the Government, particularly the Labour Government, about putting its wishes into legislative form under the existing Constitution. There were times when it was even urged that the Legislative Council should be abolished. Time after time a Bill goes to another place to be arbitrarily rejected, Bills of the utmost importance to the policy of the Government, and Bills dealing with industrial legislation. We have heard ravings and rantings outside the House concerning the iniquity of the Legislative Council in throwing out these Bills. I submit there is no sincerity in the protests which have been made over the last 15 years concerning the rejection of measures of Government policy. We can take it from the inaction of the Government that it is glad to have the Legislative Council to throw out these industrial measures. It gives them a talking point for the next election for certain industrial constituencies. It tickles the ears, particularly of the industrial workers,

with what it would do if the Upper House would allow it to do those things. What would it not do were it not for the obstruction of the Upper House? But over that long period of 30 years the Government has not made one effort to curtail the powers of another place. Let us take some of the industrial Bills that went to another place last session. I would instance the Factories and Shops Act Amendment, the Fair Rents Bill, the Industrial Arbitration Act Amendment Bill, the Mining Regulation Act Amendment, the Pearling Crews Accident Assurance Fund, and the State Government Insurance Office Bill. These six Bills were of the utmost importance to the Government, according to the statements made from the opposite side of the House. The Minister for Railways became very annoyed this session when I suggested that the Fair Rents Bill was only a kite, that he knew it would not be passed by the Legislative Council, that we all knew it would not be passed, and that when the Legislative Council threw it out no action would be taken. In due course another place threw the Bill out, just as every member of the Chamber knew it would do. Not a word of protest came from the Government; there was not even a word of protest on the floor of the House. The State Government Insurance Bill has gone to the Upper House, I suppose, at least four times, and has been rejected on every occasion. Notwithstanding this, the Government takes no steps to alter the Constitution so that such legislation can be passed if it is desired by the public. Just to show that this is an important matter of Government policy, I should like to refer to the speech of the Minister who introduced the Bill last session. This is reported on page 951 of "Hansard" of the 1st October, 1936. It is just a bright little spot in a column of abuse that was devoted to me. The Minister said, in his best debating club style, "I suppose it is no use reminding the hon. member (myself) that the proposal contained in the Bill is a vital part of the Labour platform." It was no use reminding me that it was a vital part of the Labour platform. I suppose it was not of any use reminding me. Long ago I found from experience that there is no Labour platform, except at election time, just talking points, and that so far as legislation goes, the Upper House can go on and on for eternity rejecting vital planks of the Labour Party's platform, and the Government will never take any steps to put

its policy into effect. Then he went on to say—

It is so vital that it occupies a prominent place in the fighting platform section.

Where is this fighting section in which this Bill occupied such a prominent place? There is no fighting section—so far as the Legislative Council is concerned. The Legislative Council has got the Government thoroughly cowed! There is no fight left anywhere in it. I suppose the day may come—perhaps it may; I hope it will—when the Minister for "Unemployment" will tire of terrorising me and putting the fear of God into me, and will take on the gentlemen of the Upper House. But, of course, he does not want the Legislative Council altered, because his political sales talk would be gone. Perhaps one day the members of the Upper House will play a practical joke and pass one of these Bills. Then the Minister went on to say—

The member in question—

The Minister was referring to me—

—has given the public to understand, and the workers of East Perth in particular to understand, that he of all Labour men is the most genuine, the most vigorous, the most valuable, that he of all Labour men is the only one really sincere, the only one prepared to put up a fight for the establishment of Labour principles.

If the workers of East Perth understand that, all I can say is that it is very good for their understanding. I think their understanding of this point was materially derived from an address delivered by the Minister at the corner of Brisbane and Stirling streets one night. I think he was unduly modest in giving me all the credit in connection with the last East Perth election. However in his speech he went on to say—

Yet here in this Bill is contained a vital part, a vital principle of Labour policy.

Well, the Legislative Council promptly disembowelled the policy's vital parts, without so much as a protest from this gentleman who talks so much of fighting sections. I notice from the report in "Hansard" that I got in an interjection at that stage and said, "Will you make a fight if the Council throws it out?" The Minister replied—

Our friend cannot provide a smoke screen for himself in that way. On this Bill he is lining himself up with every member of the Council who will fight the measure. He now stands unmasked for what he is, an absolute traitor to Labour principles, and to the workers in particular.

Lining up! I remember that on one occasion the Minister accused me of lining up with two titled gentlemen who were directors of insurance companies. If I remember aright, it was during the discussion on the Bill to which I am referring. There are some very nice people who are directors of insurance companies in this State. True, there are some very nasty people politically, I suppose. For instance, there is the Hon. H. S. W. Parker, who is a director of the Eagle, Star and British Dominions Insurance Company. I suppose in the eyes of the member for Northam (the Minister for Employment) Mr. Parker is a most undesirable person politically, because he does not support his party. Lining up with Mr. Parker there is the Hon. A. Clydesdale, the selected Labour candidate for the forthcoming Metropolitan-Suburban contest at the next Legislative Council elections. When it comes to a question of "lining up," I think I shall be able to show this House that the Minister would be well advised to keep silent because the gentlemen opposite have lined up with some strange affiliations, particularly when we look back over the course of time. What about the State Government Insurance Office Bill? If the Government desires to make the State Government Insurance Office a legal entity, it can do so within 48 hours without the consent of the Legislative Council and it can give the office a monopoly of the insurance business. Everyone knows that. Everyone knows that if the Government really wants to convert it into a legal institution, it can be done within a very brief period and it can be given a monopoly in connection with the insurance business. But that would not be very palatable to their comrade, Insurance Director Clydesdale! It would not be acceptable if they were to rob the poor director of his fees in that way. But the Government does not want the State Insurance Office made a legal institution. If it did, Ministers would fight with that end in view. They would either challenge the Upper House or they would take steps to legalise the Office, which they all know how to do, I am sure. Here we have this matter of vital importance on the Labour platform, and it has been of that vital importance for a very long time. Then there was the Fair Rents Bill. We were told that measure was of the utmost importance to the industrial workers of Kalgoorlie. We were told that last session and again this session. The gentlemen of the Upper House

simply treated the Bill with contempt, and threw it out. We heard all sorts of threats that were breathed from the Government benches about what would happen to the Legislative Council if it continued to defy the Government and prevented the Government from putting its policy into operation. I was unsophisticated enough to think that dire consequences would follow if the Legislative Council persisted in its action and I warned one or two of the members of that Chamber to mind their step this session. I am sorry to say that they simply laughed, and the Council threw the Bills out just the same. We had a most deplorable spectacle here on Thursday night. The Government's policy is—I think it is a very wise policy—that the exemption in connection with the financial emergency tax shall not be a fixed amount per week, but shall be an amount equal to the basic wage, which fluctuates from time to time. That is a wise and humane policy and, of course, we know it is a policy of utmost importance to the lower paid workers of Western Australia. We all hoped when the measure went to the Legislative Council for the second time—I think, speaking from memory, the same amendments went to the Council as during the previous session——

Mr. SPEAKER: The hon. member is wandering again. He knows he is not entitled to discuss a Bill that has been before the House this session.

Mr. HUGHES: Not even one that has been disposed of?

Mr. SPEAKER: No. The hon. member cannot deal with a Bill that has been before the House this session.

Mr. HUGHES: I am sorry for that. I will have to deal with the Bill that was before members during last session. Last year we sent to the Council a Bill that provided for a basic wage exemption and that phase, as I have pointed out, was supposed to be of vital importance to the Labour policy. It certainly was of the utmost importance to the lower paid industrial workers of the State. Another place calmly rejected the measure, and the Government took it lying down. Where is this fighting section that the Minister for Employment speaks about? Is it evidently only to fight the relief workers for their 25s. a year? Is that the maximum of the Government's warlike activities? Are its fighting activities confined to getting that 25s. a year from the

relief workers and uttering false and criminal libels under Parliamentary privilege? Is that all the fighting section can do? The workers outside are noticing these matters. To-day the talk regarding the Upper House is getting very stale, and the rank and file say they have heard it for the last 20 years. The Government has no intention of doing anything. The Government's policy regarding the Legislative Council may well be summed up in the words of the member for Boulder (Hon. P. Collier) when he uttered the prayer, "Thank God for the Upper House." Then, with regard to the support of the "West Australian" newspaper, I think that rests entirely on the services rendered by the Government in the interests of the wealthier section of the community in shifting the incidence of taxation from the shoulders of the better-paid people to those of the workers. I venture to say that if to-morrow the Government were to dare to alter the incidence of the wages tax and abandoned the £1,000,000 they get from the workers by means of that tax, and shifted the burden on to the shoulders of the wealthier section of the community, immediately the support of the "West Australian" would be lost, because, very naturally, that newspaper stands for putting as much taxation on to the lower paid man as is possible. It is always said that the paper's attitude has not changed in any way, but the Minister for Employment, when asked a question the other night, indicated that it had changed in one instance. In this case, however, the "West Australian" newspaper has not changed, but he and his colleagues have arrived at a different way of thinking. If they had paid that £1,000,000 a year out of their own pockets for the support of the "West Australian," it would not be so wrong, but that money has come out of the pockets of the industrial workers of the State. On the question of the financial emergency tax the Government has turned right about face. At the expense of some repetition and, of course, of bringing down the wrath of the member for Northam on my head, I intend to proceed with an examination of the collections from the financial emergency tax. The Minister says it is very stupid of me not to understand. If I understood the position, and the rest of the community understood the position as he understands it, he

would not be discernible outside the ruck. In 1932 it was proposed to levy a tax for the purpose of relieving unemployment and the Government of the day of which the member for York, the Leader of the Opposition (Hon. C. G. Latham) was a member, had recourse to the establishment of a flat rate of wages tax. And it was alleged that the purport of the tax was to provide relief for the unemployed. When in Committee on that Bill—the report will be found on page 1336 of "Hansard," vol. 2, of 1932,—the hon. member, Mr. J. C. Willcock, who was then Deputy-Leader of the Opposition, moved an amendment, as follows:—

That in lines 2 and 3 of Subclause 2 the words "the Consolidated Revenue Fund for the use of His Majesty" be struck out, and the words "a trust fund at the Treasury which shall be expended in providing work for the unemployed" be inserted in lieu.

In 1932 from his place on the Opposition Bench, Mr. J. C. Willcock moved that the whole of the moneys collected from the wages tax should be earmarked for the relief of unemployment. That was a very proper amendment for the hon. member to move. The Government of the day alleged that it was receiving this tax for the relief of unemployment, and the hon. member did the right thing in saying in effect, "Well, let it be a trust fund for the unemployed." The great regret is that he did not carry his amendment on that occasion. Of course the Government of the day had perhaps a very good answer to this proposal, because at the time when the hon. member moved his amendment the Government of the day had expended from revenue £346,956 in relief of the unemployed. So the Government of the day was expending virtually £347,000 from revenue in relief of the unemployed, and until the tax reached that figure it could truthfully say, "We are applying the whole of the wages tax to the relief of the unemployed. True, we are not doing it by way of a trust fund, but we are doing it indirectly." However, the hon. member for Geraldton wanted to make doubly sure that it would be a trust fund exclusively for the relief of the unemployed, and so he moved his amendment. I am sorry that that amendment was not carried. Had it been carried there would not have been any unemployed in Western Australia to-day because there is no reason for unemployment in Western

Australia to-day. The enormous amount of money collected from the wages tax in recent years has been more than sufficient to abolish the spectre of unemployment. Strangely enough, the more money the Government got from the wages tax the less money did the Government provide from revenue in relief of unemployment. In 1932-33 the financial emergency tax produced only £202,000, but the Government provided from revenue in relief of unemployment £347,000. So the Government provided from revenue 75 per cent. more than was collected from the wages tax, and so it could truthfully say that it was applying to the relief of unemployment every penny collected from the wages tax. In the following year there was a change of Government. It is not right to say that either Government had the whole of the tax for that year, because one Government had it for the first part of the year and the other Government had it for the second part. The tax produced in that year £412,000, an increase of more than double the amount produced in the previous year. But although the returns from the tax were doubled, the relief of unemployment from revenue was reduced from £347,000, to £232,000, a drop of approximately 40 per cent. So although the tax had increased by 100 per cent., the grant from revenue in aid of the unemployed was reduced by 40 per cent. The following year was a year entirely controlled by the Government opposite. That was the year 1934-35. Again the tax went up, this time by £200,000, and it produced £685,000. But although the tax produced £685,000 the grant from revenue in aid of the unemployed was reduced to £72,000. Actually £270,000 additional tax was collected, but £160,000 less was contributed from revenue in aid of unemployment. In the following year, 1935-36, the tax jumped another £200,000, and the collections totalled £827,000, while the unemployed grant from revenue was further reduced another £22,000. So after collecting £827,000 there was applied only £48,000 from revenue in relief of unemployment. The Government was then netting a clear quarter of a million pounds more from the wages tax than it was giving from revenue in relief of the unemployed, to say nothing of an additional £77,000 from a new form of taxation, the goldmining tax, which had produced £83,000 in the previous year and £77,000 in 1935-36.

But in 1936-37 the wages tax again increased by £150,000 and it reached the enormous figure of £971,000, which is only £29,000 short of £1,000,000. And all that the Government could find for the relief of unemployment was £51,000; all that the Government could find was a miserable £51,000, which is not a shilling in the pound. So the Government netted a profit of £920,000 from the wages tax over and above the moneys it gave from revenue in relief of unemployment, and received £89,000 new revenue from the goldmining tax. So that was an increase of more than a million pounds in taxation over and above the money spent in relief of unemployment.

Hon. C. G. Latham: Of course you can never satisfy this Government with money.

Mr. HUGHES: No, I do not suppose you could.

Hon. C. G. Latham: Whereas we would be very easily satisfied if we were on that side.

Mr. HUGHES: It makes the criticism by the members of the Government when they were in Opposition and attacking the Government of the day for not providing full-time employment—it makes their criticism sound very hollow in retrospect when they, with over a million pounds additional taxation, could not find full-time employment, but compelled people to live on the miserable pittance of a shilling a day. We who represent metropolitan constituencies, and I suppose to a certain extent other members who represent mining and agricultural districts, know there is a class of unfortunate people in this community who, although they are not sufficiently invalidated to get the invalid pension and are not old enough to get the old age pension, yet by virtue of physical disability or from lack of being able to get work, have no employment. Those people are compelled to live on 7s. a week. The Federal Government provides for an old-age pensioner a subsistence of £1 per week, and provides also for an invalid pensioner a subsistence of £1 per week; this because—and in this I suppose it is supported by everyone in the community—it is the minimum amount upon which an adult person can get food and clothing. But the present State Government with a million pounds additional taxation in its pockets as against what it had five years ago, makes three people exist on 21s. a week, namely a

man, his wife, and his child. A man who is unable to find work, either from physical disability or from lack of opportunity, is compelled by the present State Government to subsist on 21s. a week, which is only 1s. a week greater than the Federal Government provides for adult invalid and old age pensioners.

Hon. C. G. Latham: And with an increased cost of living on that.

Mr. HUGHES: Yes, that is so. However, you had better be careful, or you will know of it.

Hon. C. G. Latham: No, I did not attend the party meeting this afternoon.

Mr. HUGHES: I submit that not only are the people whom the Government force to live on a shilling a day being injured for the present, but they are having physical and mental injuries inflicted on them which will last them for as long as they live. I believe it is impossible to provide for a growing child, whether it be a baby in arms or a child of 13 or 14 years of age, the necessary sustenance and nutrition to allow that child's body to develop physically and mentally, on a shilling a day. I submit that a shilling a day will not provide the necessary minimum of sustenance for a growing child. If you build a healthy body in the child in its childhood days and in its youth, when it comes to manhood or womanhood and the body is matured and settled, the body will stand intense privations and great strain, and although it may be temporarily weakened, a replenishment of the necessary food will bring the body back to normal. But if you do not put a healthy and sound constitution into the child you cannot put it into it at a later age. As a result of malnutrition and lack of food a body becomes weakened, and it fails to develop at the proper developmental stage when the body is in course of growth. It is not only inflicting privations on adults, but it is inflicting privations on the future citizens of Western Australia. Children are being deprived of necessary nutrition, and so are not being given the opportunity to build up a healthy body. The result will be that they will suffer not only in body but in mind as well, while they are living on this earth, even though they attain the allotted span of three score years and ten. I submit that I am right when I say that the Minister for Employment is callous in allowing this state of affairs to continue; I submit he is callous and indifferent to human

suffering and human welfare. The first responsibility of the Government and of Parliament should be to see that those people who are unable to help themselves, and particularly growing children, are properly looked after. After all, health is the most valuable of all assets. We know that the Premier had the misfortune to be ill before he went away, and that on his return he was improved in health, and every member of this House was glad to see that restoration to health. Some members went to great pains to express that pleasure. But why any person should want to express his pleasure at seeing someone in good health, I do not know. It goes without saying, and it should be accepted as a maxim, that we are always glad to see our fellow citizens in good health. Everybody in the community is glad to see people enjoying good health, and we should not find anyone in the community, civilised or uncivilised—if we really are a civilised community when we compel people to live under conditions such as I have described—being desirous to do otherwise than to prevent ill-health. Of course many of us bring about a state of ill-health, not through lack of food but through eating too much. Many of us are not feeling as fit as we really should because of the quantity and the quality of the food we eat, but I do say that what children are given to eat between the ages of babyhood and 14 years is that which builds up for them a sound body for their later years of life. It would pay us, no matter where we got the money, to provide at least three times as much food and clothing for the unfortunate section of the community. In this way not only are we assisting the individual to build up a healthy body, but if we look at it from the point of view of the community as a whole and make those bodies healthy, we will relieve the State of the obligation of supporting the unhealthy bodies in the days to come. Therefore no Government is entitled to the confidence of a Parliament, or to the confidence of the people, or even to the confidence of any dominant newspaper, that cannot see far enough ahead from the public point of view to realise that if we are going to have deficient and deformed children, they must become a burden on the State. The member for Northam told us that he was going to be more callous in the future. I submit that was not very creditable to him or to his Government, and I do not think he can be more

callous than to keep so many unfortunate people on 1s. a day. If he can be more callous, and if he has a sadistic enough temperament to want to be more callous, we must take steps to remove him from the temptation. The Government has received a million pounds more from taxation and I say it advisedly, and it should be repeated at every opportunity, that there is no reason, and no sound ground, for people being obliged to live on 1s. a day, or for their being on relief or sustenance work at all. With that additional million pounds from taxation, surely the Government can find sufficient initiative and ingenuity to provide full-time work for all. The brain of the Minister for Employment is sufficiently fertile to enable him to do that. We know that when the Government wants money for election purposes, or to pay the costs of one of its supporters, it can then conjure up initiative and ingenuity to enable it to get it from the lean pockets of the unemployed. We know that the Government has demanded from the unfortunate relief and sustenance workers a sum of 25s. to be paid to the A.W.U., part of it, of course, being to relieve members from the payment of their own election expenses.

Mr. Lambert: I wish that were true.

Mr. HUGHES: It is true. One has only to examine the balance sheet of the A.W.U. to find out just how much is contributed for that purpose, and under the condition that unless the relief and sustenance workers are prepared to pay that illegal impost, their wives and children will be condemned to starvation. If the Minister for Employment can become more callous than that, then God help the people on the lower rung. Men are forced to work for lower wages than those to which they are entitled. Recently some men working in the metropolitan area decided that they should get the wages of the Municipal and Road Board Employees' Union. The members of that union were paid at a higher rate than that provided for by the A.W.U. Very naturally, the men not receiving that wage wanted to get the best conditions they could. I always thought that that was the right of every working man. We know that once an award is made, by virtue of the common-rule provisions under the Arbitration Act, that award becomes a common rule for the particular industry throughout the State. Those men made inquiries from the Industrial

Registrar and in reply to the inquiries that officer wrote on the 30th April, 1937:—

I beg to acknowledge receipt of your letter of the 30th inst. forwarding a list of names of men protesting against being compelled to join the Australian Workers' Union, and referring to the Municipal and Road Board Employees' Union. In reply to your inquiry, I can only state that the Coastal Municipal Road Board Employees' Industrial Union of Workers is the only union registered under the provisions of the Industrial Arbitration Act, 1912-1935, relating to the industry of road making and repairing, in this part of Western Australia. The Australian Workers' Union is not registered in respect of that industry. It is registered in respect of the pastoral and agricultural, and also the mining industries.

On the strength of the opinion of the Industrial Registrar, the men took action and tried to get their conditions improved; but before they wrote to the Industrial Registrar they approached the union and received this extraordinary letter from Mr. Dalton, acting secretary of the A.W.U. The letter is dated the 23rd April, 1937.

Yours of the 19th inst. to hand and contents noted.

Re resolution 1. Whilst it is a regrettable fact that another organisation covering the same class of work as you people are doing at present has an award slightly better than the A.W.U., I would remind you and other members that the policy of this Government is "Preference to Unionists," and that the agreement with all union secretaries is along the lines that each organisation will control the job for which they have an award or agreement for.

I have not been in touch with Mr. Kerr on this matter, but I am at least positive he would have no wish at this juncture to "white-ant" any other organisation.

It is a regrettable fact that men working under an award governing road making can get more wages than they are entitled to receive under the agreement with the A.W.U. One would have thought that Mr. Dalton would have rejoiced that the men, by joining the Municipal Employees' Union, would receive more wages. But no. He writes, "I remind you and other members that the policy of the Government is 'Preference to unionists.'" The Municipal Employees' Union is registered and has been an industrial organisation for years. What is there to regret about a working man being desirous of getting more wages?

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. HUGHES: Leaving the question I was on just before tea, I turn now to the main item on which my motion is based. It will be remembered that one of the allegations I made in connection with the recent inquiry by Royal Commission was that things were not all in order regarding the granting of licenses and that Senator E. B. Johnston was receiving a remarkable preference in that respect. At the inquiry Sir Walter James, K.C., described that allegation as a wicked falsehood without foundation. There was in connection with that inquiry a suggestion that the Captain Stirling Hotel, in Nedlands, was not solely the property of Senator Johnston, but was in part the property of Ministers of the Crown. After having every opportunity to discover the facts, after having Senator Johnston and the member for Boulder (Hon. P. Collier) in the witness box on oath before him, the Commissioner came to the conclusion that there was no foundation for the allegation I had made. Although serious things had taken place, even to the extent of a portfolio being transferred from one Minister to another, the Commissioner said that my statements were without foundation. So for the time being it looked as though I were in error regarding the Captain Stirling Hotel. But one Minister of the Crown, unfortunately, has since passed away. If there was nothing more at stake, the charitable thing would be to let the incident die with him. That is what one would like to do. One would like to say, "The man has passed beyond the pale, and whatever our differences were in this life they stop there." But unfortunately many of us are alive, and on Thursday last we found that not only are many of us alive but that owing to lack of information some of us are being designated liars, cheats and thieves. Therefore it is necessary for me to make this disclosure in the House. As a matter of fact, the executors of the estate of the late Hon. Alexander McCallum have started legal proceedings to recover from Senator Johnston £10,000 as representing Mr. McCallum's share in the Captain Stirling Hotel. All the time, from the very inception, Mr. McCallum was half-owner of the Captain Stirling Hotel. The worst feature of it all is that although the fact was well known to many of us that Mr. McCallum was interested in the hotel,

by suppression of information and by refusals to allow witnesses to answer questions what the member for Northam (Hon. A. R. G. Hawke) calls an expert and impartial Commissioner found that my statements were not true. They were true in substance and in fact. The late Mr. McCallum, from the very inception, was a real owner of the Captain Stirling Hotel. When he took over a portfolio from the Minister for Lands, with the consent of the member for Boulder, and promulgated regulations allowing that hotel to be built at Nedlands he was doing it in his own interests and on his own behalf. And of course that was well known. The worst feature of the whole business is that when we came to that inquiry, public men holding responsible positions in this State, the member for Boulder, the Minister for Lands and Sir Walter James, withheld that information from the Commissioner. When the member for Boulder was put in the witness-box, he was asked, "Are you interested in hotels?" He replied, "I do not think that is a fair question." We were specifically inquiring into the very question whether Ministers of the Crown were interested in hotels. The Commissioner, this impartial Commissioner, upheld the member for Boulder and he was allowed to refuse to answer. The member for Boulder was then asked, "Are you interested with Senator Johnston?" Again he refused to answer, and again the Commissioner upheld him. When Senator Johnston was in the witness-box, he told the Commissioner, "This land is held in trust by Mr. N. B. Robinson." The Commissioner was a King's Counsel who had spent a lifetime in cross-examining witnesses, and he never thought to ask Senator Johnston, "For whom?" Of course he did not want to know for whom the land was held in trust. Sir Walter James, King's Counsel and chairman of the National Party, was present representing Mr. McCallum, Mr. Collier and others, and he never thought to ask, "In trust for whom?" Mr. Wolff, another King's Counsel, was present, and he never thought to ask, "In trust for whom?" Mr. Keall, who was being paid from public funds to assist the Commissioner, did not ask, "For whom?" Of all these leading practitioners, not one thought to ask for whom Mr. Robinson held the land in trust. There is, of course, only one possible inference, that the reason why the question was not asked was that all of them knew the land was held in trust for a Minister of the

Crown and that they did not want that information to become public. Rather than allow it to become public, they permitted this Commissioner to come from Queensland at the public expense—as the Auditor General's report shows, he received a fee of £1,000—and to bring in a report that was false, because he rejected the evidence that would have allowed him to find the fact. He said there was nothing at all in my allegations. If a legal practitioner, knowing a person is guilty, pleads not guilty and defends that person, he is struck off the roll. The most famous Australian case in point is that of Dick Meagher, who defended Dean the poisoner, and boasted afterwards that he knew Dean was guilty. Meagher was struck off the roll. Notwithstanding his having been 30 years off the roll and being Lord Mayor of Sydney, it took an Act of Parliament to put him back on the roll. Now, Sir Walter James—paid, I believe, out of the public Treasury—went to that Commission knowing full well that Mr. McCallum was part owner of the hotel, and he black-guarded me and conspired to exclude the true testimony. If there was any justice in this country, Sir Walter James would be struck off the roll. It was a strange situation, the Chairman of the National Party attending the Commission for the purpose of keeping out evidence, objecting to this and objecting to that. So it has now come out. There is a legal maxim that secrecy is the badge of fraud. Mr. Robinson, the solicitor, when he got the land, executed a deed of trust. And let not this be forgotten: Mr. McCallum, then a Minister, never put one shilling into the venture. The £50 deposit which he paid on the land in the first place he insisted on getting back from Mrs. Johnston and his executors are to-day claiming £10,000 for his share in that hotel. What we ought to do—it is no use complaining unless one suggests a remedy—is to pass legislation confiscating that hotel to the Crown, subject only to encumbrances made in good faith, so that neither Mrs. Johnston nor Mr. McCallum's executors may derive any benefit from the transaction. Parliament should say, "This hotel was not obtained by fair means. We are not going to penalise any person who has acted in good faith and advanced money on mortgage, but we are going to say to the parties concerned that they are not to have the benefit of transaction. We shall pass legislation confiscating the hotel to the Crown."

There is a most extraordinary series of trust documents and secrecy clothing the transaction. The solicitor who buys the land executes a deed of trust that he holds the land in trust for Mrs. E. B. Johnston and another party. There is then a deed of partnership entered into between Mrs. Johnston and a third party under which they hold the hotel in equal shares, but under which I understand, Senator Johnston had to find all the money for the hotel.

The SPEAKER: Order! The time for notice of motions has now expired.

Hon. C. G. Latham: Owing to the importance of this motion, and the necessity for its being dealt with as expeditiously as possible, I move—

That an extension of time be granted.

Motion put and passed.

Mr. HUGHES: As I was saying, there is a partnership agreement under which the hotel is to be held in equal shares by Mrs. E. B. Johnston and a third party. The third party then executes another deed of trust, a secret deed of trust, under which he holds all his interests in the partnership for Mr. Alexander McCallum. If any Minister of the Crown wanted a hotel there is no reason in the world why he should not have applied to the Licensing Court for a license. If you, Sir, or I as private citizens, want a hotel, we have a perfect right to go to the Licensing Court and apply and, if we are to accept Mr. Roosevelt's code of public ethics, we should do so in our own name without any attempt at secrecy. There was nothing in the world to stop those two people applying for a license, but they did not like to do it. First there was a solicitor put up as a dummy with a deed of trust. Secondly, there was a partnership agreement and then there was a third deed of trust, all being secret, giving the interest to a Minister of the Crown. I do not suppose that the Minister for Employment will stand up in the House and withdraw his allegation that I was proven a liar, a cheat and a thief. I do not care whether he does or does not, because I leave the issue, or can leave it when I am finished, for members of this House to determine whether or not I was telling the truth at the inquiry. There is now conclusive proof that my charge was true in substance and in fact and that if the inquiry had been impartial, and if we had been allowed to put in the evidence, the Commissioner could not have found as he did find, that everything was

in order in connection with the Licensing Bench. This transaction in respect to the licence at Nedlands goes a good deal further because it involves other people, and I say advisedly that in view of his connection with this transaction the member for Boulder (Hon. P. Collier) ought not to vote on this motion. He should not sit in judgment on his own case. Before looking at the voluminous evidence put before the Commission I will deal with the Auditor General's report which is very illuminating. When the Royal Commissioner came to this State the first thing that happened was that he was given the services of Mr. Keall, a city solicitor, to assist him with the Commission. Sir Walter James, K.C. then appeared for the Ministers of the Crown, the Hon. P. Collier and Mr. Alexander McCallum, while Mr. Wolff, K.C. appeared for the Crown Law Department and the Licensing Court. So we had Mr. Hart, K.C. of Queensland, Sir Walter James, K.C. of Western Australia, Mr. Wolff, K.C. of Western Australia and Mr. Keall, a fair array of legal talent for extracting the truth. According to the report of the Auditor General, this Commission cost the State the following amounts:—

	£	s.	d.
Commissioner's fees, fares and expenses .. .. .	988	16	6
Solicitors' legal charges .. .. .	457	15	6
Secretary's honorarium .. .. .	10	10	0
Typists' honorarium .. .. .	5	5	0
Witnesses .. .. .	29	2	10
Sundries .. .. .	5	13	3
<b>Total</b>	<b>£1,497</b>	<b>3</b>	<b>1</b>

I stuck to the Commission for ten days trying to get in evidence, but was frustrated at every turn. Apparently my efforts brought some reward to my legal brethren at least, even if they did not bring anything but ignominy to myself. I do not know whether Sir Walter James's fees were paid out of that £457 15s. 6d. I presume Mr. Keall's were. If Sir Walter James was paid he had no right to be, because he was appearing for private individuals. Coming to the question of the hotels, my allegation in substance was that in order to allow a hotel to be built at Nedlands, the then Premier (Mr. Collier) transferred the portfolio of Town Planning from the Minister for Lands (Hon. M. F. Troy) to the Minister for Public Works (Mr. McCallum), a few days before Mr. McCallum left public life to take up a job as Commissioner of the Agricultural Bank;

and that a few days before Mr. McCallum retired he promulgated regulations which gave him the right to build the hotel at Nedlands. I suggested that that was a very improper transaction. As a matter of fact, as the evidence will show, as we unfold it, the Minister for Lands was so incensed at the transfer of the department from him that he went to the Premier and tendered his resignation, that is on his own evidence. I believe that up to that date if there was any blame attachable to anybody there was none attachable to the Minister for Lands; but it is of the suppression of evidence afterwards that I complain, when it became a case of suppressing the truth in order to save the Government. The story of this hotel, from the records of the Commission, is told by the Town Planning Commissioner (Mr. Davidson). It starts at page 627—

By the Commissioner: Are you in the employment of the board or are you in the Government service?—I am in the Government service.

By Mr. Hughes: At Nedlands originally was it possible to have a hotel or a picture show?

Sir Walter James: I object to that question.

Mr. Davidson's story was this: There was a proposal to create a shopping area at Nedlands and certain lands were designated for that purpose, but an objection was taken to the inclusion of a picture show. Perhaps if I read Mr. Davidson's statement it may save time. I begin at question 5451—

5451. By the Commissioner: The witness can, in answering the question, refer to the period about 1934 or 1935?—I think I can clear the whole position if I make a definite statement as to the facts. Unless I do that, Mr. Hughes will be probing in the dark.

5452. Very well; go ahead?—In 1931 the road board formulated the Town Planning Scheme which fixed certain areas in which people could put up shops and houses, and where they could not put up shops. Thus they divided the district into two classes. That scheme remained, with minor amendments that the growth of the suburb required, for about three years.

5453. By Sir Walter James: At this stage can you put in a copy of that scheme?—Yes.

5454. By the Commissioner: That is the 1931 scheme?—Yes, I shall refer to it as the parent scheme. The particulars appeared in the "Government Gazette."

5455. I understand from you that the scheme separated the Nedlands area into two parts, in one of which shops and residences could be built, and only residences in the other, and that that scheme remained in force for three years?—Yes. On about the 28th July, 1933,

some people proposed to construct an open-air picture theatre, and in front of it to erect some shops. The plans for erection were passed by the road board, which is the constituted authority, and passed by the Works Department, on behalf of the Health Department, which is a mere formality, having reference to fire escapes, and that sort of thing. But the people who were residing in that part of the locality took the point that a picture show was not a "shop," and therefore the proposal was an infringement of the wording of the scheme. Under the Town Planning Act, they had the right to approach the Minister for Town Planning, who was Mr. Troy, and he was empowered to have an inquiry as to whether the proposed buildings really constituted an infringement of the scheme. He held that inquiry, and was assisted by the Crown Solicitor, Mr. Walker, and the other people had their own counsel. I think it was Mr. Virtue. I believe Sir Walter James may have given some advice as well, but I am not sure about that. The result was that the Minister ruled that the erection of the picture show would be an infringement of the scheme, and served notice, prepared by the Crown Solicitor, on the road board, to show that the structure, which was partly put up, was removed.

Practically the Minister had the right of veto?—Yes.

By Mr. Keall: Was there not really an appeal from the Town Planning Commissioner to the Minister?—No, I did not come into it at all. The Town Planning Board was merely the machinery between the board and the Minister. The picture show had been approved for erection in a purely residential area, and for that purpose the road board were willing to amend the scheme. The Town Planning Board, of which I am chairman, refused to send it to the Minister with a favourable recommendation, and we sent it back to the road board. We were then approached by the proprietors of the picture show who asked, "Where can we go?" The road board and the Town Planning Board, believing that the wording of the original scheme meant a proper shopping area, such as applies in Perth, where there are shops, banks, picture shows and other buildings collected together, thought that that would cover picture shows and all sorts of ordinary commercial needs.

By the Commissioner: You refer to the word "shop"?—Yes. I thought then, and I still hold the view, that that was sufficient to cover what was required. We then advised them to purchase some land in the gazetted shopping area, which they did. That was the land upon which these particular buildings to which I have referred were to be erected. When that was followed up and the proprietors had complied with all the by-laws of the local authority and the health regulations, the nearby people who were residing there, took exception to it, and approached the Minister, by virtue of Section 18 of the Town Planning Act, and requested him to certify whether this was or was not an infringement of the Act. The Minister referred the matter to the Crown Solicitor.

And the Minister ruled in the final result that a picture show premises would not be a shop?—Yes, and the Minister ruled on the advice of the Crown Solicitor, who relied upon English case law with regard to hotels, and thus held that a picture show was not a shop. You will find that on the file. The Minister, following on his decision, served formal notice on the road board to demolish the picture show.

The premises had been partly constructed?—Yes, they are still in the same condition and can be seen to-day. That went back to the road board, the members of which, acting on their own solicitors' advice, refused to take any action. The Minister then had one course open to him, namely, to serve a writ on the board to compel them to take notice of the order. The Minister did not do that, and that, I think, is the period to which Mr. Hughes refers as that during which the Minister did nothing. The road board and the Town Planning Board were always of opinion, although there had been technical objection to the word not including a picture show, that the picture show could be provided there, and if it were not to go there, we would not be following the normal development of an Australian town. Then the road board carried a resolution to amplify and specify the meaning of the word "shopping," and thus turn it into a business area. That changed the character of the scheme, and specified that they might go into the shopping area. In that resolution they did not include the word "hotel." The Town Planning Board, who are the statutory authority to investigate these cases, before putting anything before the Minister, were of the opinion that "hotel" should be included, because if provision were not made for a hotel in the shopping area, it would have to be placed among the industries or amongst the homes, to which we objected. When the road board submitted their proposal, the Town Planning Board referred it back to them, and they said they were not prepared to do anything until it had gone to the Minister. The Town Planning Board then made a recommendation to the Minister, Mr. Troy, that the scheme should be amplified and that it should include the word "hotels." We were of opinion that that would clarify the whole position, and that if a nuisance arose from the picture show, those who were saying to the Minister that it was wrong could take out an injunction in common law and prove it to be a nuisance. Mr. Troy was not prepared to accept our recommendation, because it would be a reversal of his previous decision. At the same time he went to the place with me and inspected the site. In order to meet the situation that had arisen—he wanted to keep his promise and, at the same time, meet the wishes of the constituted authorities—he said, "Wipe out that part between the two sites where the hotel and the picture show were from the business area, and leave that in the shopping area where only shops can go." I conveyed that proposal in writing to the road board, and reported back to the Minister the next day that the road board would not agree. So there was a stalemate and that continued for a long while. About the end of 1934 the question of two hotel sites came up before the Licensing

Court, and it became a matter of a battle of sites, which were on either side of the road and within a few chains of each other. One of the sites belonged to Mr. Johnston, so I have since ascertained, and the other to a Mr. Dolan. I know nothing about that, as the matter did not come before me in any way; it was a Licensing Court matter. At the same time I inquired of the Licensing Court as to whether any decision had been arrived at regarding the respective sites, because if the court had chosen a site, it was my bounden duty to bring it before the Minister, Mr. Troy, and to tell him of it. The chairman informed me that the court had already decided on Johnston's site next to the picture show. I conveyed that to my Minister, and he merely initialled it and passed it back. There the matter rested. Apparently at this time the people controlling the licensed hotel site beside the picture show prepared plans to go ahead with the building, and in due course put those plans before the road board. The road board said they could not pass the plans until they knew whether the hotel was an infringement of the shopping area.

By the Commissioner: Did that amendment embrace the two things, the picture show and the hotel?—Yes, amongst them.

The ruling originally being that the picture show was not a shop. Then the amendment was put forward to permit the two things in the shopping area—(a) the picture show, and (b) the hotel. About the same time an application had been made to the Licensing Court by two individuals, of whom Johnston was the successful applicant. It was put in writing and your Minister merely minuted it and the document was kept as a record?—Yes. Then the road board wrote to the Minister for Lands asking whether he ruled that a hotel was not a shop. The Minister then referred the letter to me. I gave him an opinion and pointed out the law as I read it. I pointed out that in my opinion a hotel was a shop, but at the same time that he was not called upon to answer a hypothetical question of that nature, because the Act provides that only when a building infringes the law can the Minister hold an inquiry. The Minister, after consulting with the Crown Law Department, then wrote to the road board pointing out that he did not feel called upon to give any decision in regard to the hotel as the matter was not before them under the Act. That was the advice he had received from the two parties concerned. There the matter rested. I knew no more about that matter, not in any sense nor in any shape or form, because the files had been kept by the Minister following on his inquiry. Beyond one or two minor matters arising from the scheme, I had no proper record. But on the 5th March, 1935, Mr. McCallum, who had been acting Premier up to a few weeks previously, wrote to me and drew my attention to Executive Council minute No. 259, dated the 20th February, 1935, whereby the administration of town planning was transferred from Mr. Troy to Mr. McCallum. In his minute, after pointing out that I had been transferred to him, the Minister said that the chairman of the road board had been pressing him for a decision in regard

to the amplification of the scheme. The Minister for Works was then the Minister for Local Government.

On what date did Mr. McCallum write and advise you of the transfer?—On the 5th March, 1935.

I have here an extract from the "Government Gazette" dated the 8th March?—We are coming to that. First of all, the transfer was made by the Executive Council on the 20th February, 1935.

The Commissioner: If I lose control of a fact, it will take me half an hour to pick it up again.

Yes, I admit the Commissioner was not too good at picking up facts. The Commissioner continued—

On the 20th February, 1935, there had been a transfer from the Minister for Lands to the Minister for Works.

Sir Walter James: Cabinet approval.

By the Commissioner: Yes, I see. That would require publication in the "Gazette"?—On the 5th March the Minister for Works sent me that minute, inviting my attention to the Executive Council minute.

What was the date of the Executive Council minute No. 259?—It was the 20th February, 1935. You will find it immediately under that minute on the file.

Sir Walter James: There is no need to gazette that minute, Sir, to make it effective.

By the Commissioner: No, I see. Very well?—In the minute it was pointed out to me that the chairman of the road board was very anxious to clarify the position.

By Sir Walter James: Have you read this?—I could give you an epitome of it.

By the Commissioner: That was to include both picture shows and hotels?—Yes, and banks, and so on.

What is puzzling me is that this seems to be slightly inconsistent in itself. In it the Minister says that Executive Council minute No. 259 transfers the control of the Town Planning Board to his department. The Minister goes on to say that he is aware that certain protests had been made against the proposal of the local authority, and intimates that he was not disposed to override the local authority unless under exceptional circumstances. Then we come to these words, which seem to me a little inconsistent, "If there is a little grievance, that should be fought out locally without the Minister being brought into it." And the Minister goes on to say that the proposal of the Nedlands Road Board, together with the amendment made by the Town Planning Board, should be given effect to. What did the Minister mean by saying that if there was a local grievance, it should be fought out locally?—I think he meant that if there was a difference locally, an election should be held. The Minister meant that they should have democratic control in a local sense.

By Mr. Hughes: What was that date, the 30th July?—That was the date of the recommendation of the Town Planning Board.

The Commissioner: The witness believed that the Minister was wrong in saying that they

could not have a picture show in a shopping area. The road board was putting forward a scheme, and the witness made a suggestion that a hotel should be included as well as a picture show. The amendment was suggested on the 10 July, 1934.

Mr. Hughes: That was the one that Mr. Troy would not approve of.

By the Commissioner: Mr. Troy first ruled that the picture show was not a shop, and therefore he gave the necessary direction to have the partially-picture show pulled down. Then the witness found that the Licensing Court had granted a provisional license for this area next to the picture show. He scratched his head and said, "If a picture show is not permissible, can a hotel be permitted?"—That is the precise position. It is borne out by the signed minute on the file.

Note how the Commissioner put the answer into the witness's mouth.

Sir Walter James: Might we not read that letter.

The Commissioner: Yes, it is on pages 64 and 65.

Mr. Hughes: The material point is that, had that regulation that was proposed to be promulgated in July, 1934, been approved, they could forthwith have constructed that hotel, but they could not do so, and therefore it took a regulation which was published on the 5th March to do it.

That is the real gist of it. Had the regulation been approved in July, 1934, they could have constructed the hotel immediately they got the license, but they could not do so, and therefore it took a regulation, which was published on the 5th March, to do it.

Sir Walter James: We do not admit that.

By the Commissioner: On what date was the recommendation approved?—The 5th March, 1935. It is the same thing, only it was approved by a different Minister on a different date.

Mr. Keall: It includes offices, banks, hotels, theatre, hall, club or place of amusement.

The Commissioner: Then the Minister says in his minute, "My recommendation will be found on page 65."

The witness: In other words, the Minister for Works, on the recommendation of the Town Planning Board, and at the request of the road board, approved of the amplification of the scheme that the Minister for Lands found himself unable to approve of.

By the Commissioner: The date of the minute which you received from the Minister for Works was the 5th March, 1935. In that communication he referred to the fact that he had signed an approval or recommendation. The recommendation was in July, and the approval was given on the 5th March, 1935?—Yes.

The recommendation to which assent was given is to be found on pages 64 and 65 of the correspondence?—Yes.

Sir Walter James: I submit copies of pages 64 and 65.

The witness: That closes the matter so far as I am concerned, except that when the Minister approved I put it in the "Government Gazette," and according to the Act it had the force of law.

By the Commissioner: Am I to understand that your attitude from beginning to end has not wavered or changed?—It has not changed one iota.

You thought with deepest respect that your Minister was wrong in ruling that you could not have a picture theatre in a shopping area?—I thought he was wrongly instructed by the Crown Solicitor.

You thought it was desirable that if a hotel was to be put anywhere, it should be put in the shopping area?—Yes.

So when the road board suggested certain alterations for approval to the Minister, you contemporaneously added a further suggestion, namely, that hotels should be specified as being possible in shopping areas?—That is right.

You did that after you had learned that the licensing court had granted a provisional license for a site next door to the picture show?—No, not that the court had granted it, but might be called upon to grant it. The petitions only were in circulation at that time.

The first time any regulation was promulgated to allow of the construction of this hotel, was after the petitions were being circulated.

The Commissioner: On what is the license based, the requirements of the people in and through the area?

Sir Walter James: Yes, and other things.

By Mr. Hughes: Was it necessary on the 10th July, 1934, to promulgate fresh regulations to allow a hotel or a theatre to be built in that area? There were objections from various residents?—No one objected to a hotel.

Did they object to a picture show?—Yes.

On the 10th July, 1934, the road board made a recommendation, and you added something to it?—The road board resolved to amplify and amend their scheme. It was the road board's scheme primarily; it did not come from the Minister, and could not come from the Town Planning Board. We then published the proposal in the Press and in the "Government Gazette" for three weeks, and invited objections. That minute is a vital one. Following the appearance of those proposals in the Press, we received no objections except to a picture show, which was the same picture show that had already been objected to. The Town Planning Board then visited all the metropolitan picture shows of a similar type, and by inquiry established that there was no objection or complaint on the score of a picture theatre being a nuisance. When we had completed our inquiry we recommended the Minister for Lands to approve of the amplification, which would have meant reversing his previous decision.

By the Commissioner: On what date did he give his previous decision?—On the 31st May,

1934, the Minister served notice on the Netherlands Road Board calling upon that body to pull down the building.

That was the genesis of the 10th July alteration?—The road board authorities were then trying to force the Minister to agree to their wish, but the Town Planning Board intervened to hold an inquiry.

One member of the Town Planning Board always supporting the road board authority?—The whole of the Town Planning Board.

By Mr. Hughes: Mr. Troy refused in July, 1934, to promulgate the necessary regulations?—He did not refuse; he ignored the road board resolution, and took no notice of our recommendation on the file.

By the Commissioner: Is there no minute on that recommendation of the 10th July?—No, the Minister for Lands took no notice of it, as he had a perfect right to do.

Is there any evidence that the communication of the 10th July went before the Minister?—I handed it to him personally. Mr. Troy took no action, and so there is no minute.

But you told me he put his initials on the document touching the matter of the two hotels?—That was a three-sheet statement which was an independent matter.

Still, he put his initials on it, and you told me that it was to record that he had seen it?—I do not know what his motive was.

I do not know whether a Minister does or does not initial everything he sees?—That is a matter of personal practice. He might initial one thing and might hold the file.

There are no initials, but you personally handed the document to him?—Yes, there can be no question about that.

By Mr. Hughes: Is there any difference between the regulations promulgated on the 5th March, 1935, and the proposals put forward on the 10th July, 1934?—There is no difference between the board's recommendations to the Minister for Lands in July, and the approval of the Minister for Works in March of the following year.

After you made that recommendation to Mr. Troy he did not give you any instructions at all?—Nothing whatsoever.

Did the matter of the July recommendation come before Mr. Troy again?—Only when the board wrote to Mr. Troy and asked him for a ruling whether the proposed hotel, for which plans were before the board, would be an infringement of the scheme, having in mind the previous advice of the Crown Law Department and the ruling of the Minister. The Minister refused to be drawn, on the advice of the Crown Solicitor and the Town Planning Board.

By the Commissioner: On the ground that his jurisdiction arose for the first time when it was necessary to say to these people "Put the matter right"?—Yes.

Mr. Hughes: After the 10th July did you ask the Minister for any further instruction regarding this recommendation?—No, I could not do so. The matter was out of my hands.

You did not ask for further instructions? At the 10th July, 1934, there were no hotels

authorised either provisional or final?—No, I think petitions were being circulated.

Were the hotels to be in the shopping area? Was not one hotel on the opposite side of the street?—That was within the shopping area.

That hotel was covered by the area mentioned here?—Yes. The Town Planning Board would not make any distinctions; it would deal with each case on its merits.

So that it did not matter which was granted?—No.

You say that you made inquiries about whether a hotel license had been granted?—Yes, sometime after that.

By the Commissioner: Will you not have the date on your file?—Yes, the 28th August, 1934, the Minister for Lands in company with his Town Planning Commissioner, visited the site of the picture show and hotel, as I stated earlier. The Minister was concerned in his mind about removing the conflict between the local people and the road board, and the road board and himself. He then instructed me to remove those two things between Florence-street and Stanley-street and put them on the other side of the road, and allow that land to be used for shops and for shops alone.

Do you mean to say that the Minister said, "Move those into the shopping area" when they were already in the shopping area?—That was the Crown Solicitor's opinion upon which the Minister relied, and it was that the picture show was not in the shopping area, and therefore could not go there. Then the Minister said he would approve of the amplification. He was anxious to meet the road board, and at the same time he did not want to break his promise to the residents. He was trying to do the Solomon act.

It had been held by the Minister properly or improperly, that the picture show could not go into the shopping area. That was the ruling of the Crown Law Department, but if you transferred it to the other side of the road without any alteration in the scheme you would be met by the same difficulty?—The Minister told me to put his proposal in writing and take it personally to the road board and explain his viewpoints.

That is to say that he gave a ruling as to one side of the road and not to the other?—(No. answer.)

The next question is No. 5524.

The Premier: How much more are you going to read?

Mr. HUGHES: I am going to read the evidence. I have no doubt the Premier has read it all before. This is what took place, according to the evidence. In May, 1934, the Minister had propounded a scheme which did not allow of a picture show or any other business like a hotel going in to that area. Shortly afterwards, the then Minister for Works, Mr. McCallum, approached Senator Johnston and asked him, if he could get a hotel license for a block of land there, would he (Senator Johnston) find the money with which to build the hotel. The conditions

were that the £50 deposit which Mr. McCallum had paid on the block was to be refunded to him, and, if the license failed, he was to find a certain portion of the other moneys. There had previously been a petition circulated on behalf of another applicant. An agreement was entered into between the Minister for Works and Senator Johnston on behalf of Senator Johnston's wife, that there should be refunded to Mr. McCallum the £50 that he had paid on the block of land, that they should put up a dummy to apply for the license, and that if the license were granted Mr. McCallum would be half-owner of the hotel subject to an encumbrance made up of the money to be advanced by Senator Johnston. Strangely enough, we come to the first coincidence. A set of regulations was promulgated from the Town Planning Commissioner's office, which made provision for an alteration to cover hotels. On the 10th July, 1934, these regulations were presented to the Minister in charge of Town Planning—the Minister for Lands—for his approval, but the Minister did not approve of them. The petition proceeded and in due course, towards the end of August, the application of Mr. McCallum and Senator Johnston was successful over that of the other applicant. That is coincidence No. 2. Mr. McCallum was not called upon to pay anything, as he would have had to do if the license had failed. That was in August, 1934. Again the file was sent to the Minister for Lands so that he might approve of the regulations that would permit of the erection of this hotel. The Minister, however, sat on the file and did nothing about it. Approximately on the 1st August the then Premier, Hon. P. Collier, went to New Zealand on a health trip and Mr. McCallum became Acting Premier. Soon after that the town planning file dealing with this matter was lost. The Minister for Lands swore on oath that he did not have the file during that period, that he did not know where it was. The Town Planning Commissioner also swore that he did not have the file and did not know where it was. Some time after August, 1934, and up to the 5th March, 1935, the town planning file dealing with this question was lost. Neither the Minister for Lands nor the Town Planning Commissioner knew where it was.

The Minister for Lands: That is not to say it was lost. It was in the department.

Hon. C. G. Latham: It was like Paddy's sovereign when it dropped overboard.

Mr. HUGHES: At all events, the file was lost to the Minister for Lands and to the Town Planning Commissioner.

The Minister for Lands: No, it was amongst other files.

Mr. HUGHES: The Minister was not able to tell the Royal Commissioner where it was, but now he does know where it was.

The Minister for Lands: There are hundreds of files the whereabouts of which I do not know.

Mr. HUGHES: He knows now where the file was. Why did you not tell the Royal Commissioner where it was when he asked you?

Mr. SPEAKER: Order! The hon. member must address the Chair.

Mr. HUGHES: I think all three of us knew that it was in the possession of the Deputy Premier, Mr. McCallum. After August, 1934, the file was mislaid, and nothing more was heard about this business for the time being. Here we have poor unfortunate Senator Johnston, who has spent a lifetime supplying the people of this State with food and refreshment, held up with his hotel at Nedlands. He could not go on with it because the regulations prevented it. He was not going to risk putting up a hotel and having the Minister for Lands ordering him to knock it down again. He has made too much money to be silly enough to do that. Senator Johnston, therefore, was unable to do anything for the remaining part of 1934. On the 3rd or 4th January, 1935, a mining strike occurred. Members representing mining constituencies had to go through their districts a good deal. The Minister for Lands represents a mining constituency that was in the throes of the strike. While he was away in the mining areas in connection with the strike, on the 20th February, 1935, a Cabinet meeting was held at which he was not present. Between the 2nd and the 20th February, 1935, the member for Boulder (Hon. P. Collier), who was then Premier, had returned to the State, and it had been decided that Mr. McCallum was to retire from public life and take a position as Chairman of the Agricultural Bank Commissioners. On the 20th February, when Mr. McCallum had his position with the Agricultural Bank already arranged and when he was shortly to retire from public life, at the Cabinet meeting at which the Minister for Lands was not present, a minute was passed transferring the

administration of the Town Planning Department from the Minister for Lands (Hon. M. F. Troy), to the Minister for Works (Hon. A. McCallum).

The Minister for Lands: There is no evidence of that at all.

Mr. HUGHES: Yes.

The Minister for Lands: No, there is not.

Mr. HUGHES: Davidson says that.

The Minister for Lands: Where?

Mr. HUGHES: In his evidence. In his evidence, the Minister for Lands himself said he was not present at the Cabinet meeting.

The Minister for Lands: There were many Cabinet meetings.

Mr. HUGHES: If the Minister for Lands looks at Davidson's evidence, he will see that Mr. McCallum drew his attention to Minute 250, passed at a Cabinet meeting on the 20th February, 1935.

The Premier: That was at an Executive Council meeting.

The Minister for Lands: Not at a Cabinet meeting.

Mr. HUGHES: In the course of the inquiry, the Minister for Lands was asked if he was present, and he replied, "No, I was away in the mining country in connection with the strike."

The Minister for Lands: That is all right.

Mr. HUGHES: It may have been done at the Executive Council meeting, but the Minister will notice the interjection by Sir Walter James, who said, "But it had Cabinet approval." After all, Sir Walter James was the solicitor for members of the Government, who were instructing him. Therefore, on the 20th February—I do not care whether it was done in the bar of the Nedlands Hotel or anywhere else—we find that, behind Mr. Troy's back, when he was away in the mining country, a resolution was passed transferring the Town Planning Department from Mr. Troy to Mr. McCallum.

The Minister for Lands: What evidence of that is there?

Mr. HUGHES: This is the first time that the sworn testimony of Mr. Davidson has been challenged.

The Minister for Lands: No.

The Premier: So the hon. member says.

Mr. HUGHES: The Premier heard the sworn evidence; he was there. However, nothing took place for a few days.

The Minister for Lands: I will be able to tell you all the facts.

Mr. SPEAKER: Order!

Mr. HUGHES: Then, on the 5th March, 1935, Davidson received an intimation from Mr. McCallum that the Town Planning Department had previously been transferred from Mr. Troy to Mr. McCallum on the 20th February, and he received instructions to insert a notice in the "Government Gazette" transferring the portfolio. He also received instructions to insert a notice in the "Gazette" promulgating the regulations that allowed the hotel to be built in that area. On the 5th March, 1935, the missing file turned up again from Mr. McCallum's possession. Mr. Davidson had the file again after three or four months. When the file turned up, instructions were given to Davidson to publish the notice in the "Gazette" regarding the change of Ministers, and the promulgations of regulations that allowed the hotel to be constructed. That was on the 5th March, 1935, which was a few days before Mr. McCallum was to retire from public life. A few days later, the Minister for Lands (Mr. Troy) returned to Perth, and at the railway station was met by a "West Australian" reporter, Mr. Richards, who informed the Minister that he had lost the Town Planning portfolio.

Hon. C. G. Latham: Is that how the Minister got to know of it?

Mr. HUGHES: In the sworn testimony, it is stated that Mr. Richards said he had lost the Town Planning portfolio.

The Minister for Lands: There is no Town Planning portfolio.

Mr. HUGHES: I suppose Mr. Richards thought the Minister should be informed of that. On his own sworn testimony, the Minister got his first intimation from a "West Australian" reporter. Possibly he was down there to get instructions as to how he was to act. At any rate, the Minister was so incensed at the change, that he rushed to the Premier and tendered his resignation. That is the Minister's own sworn evidence, not what I say.

Hon. P. Collier: No.

Mr. HUGHES: Yes, that is his sworn testimony. I will turn the evidence up for the hon. member. Is that not right?

Hon. P. Collier: Not quite.

The Minister for Lands: I will give you the facts later on.

Mr. HUGHES: I will give the Minister what he said on oath.

The Minister for Lands: I will give you the facts.

Mr. HUGHES: If the Minister tells us now that it was not so, then that is all right.

The Minister for Lands: Where did I say that I rushed to the Premier's Office?

Hon. C. G. Latham: You could not get round fast enough.

Mr. HUGHES: Let us see how very annoyed was the Minister. Let us see what he did say in his evidence. The report of the evidence shows that in the examination of the Minister for Lands by the Commissioner there was the following:—

5775. And the first you knew that the transfer was an accomplished fact was when you saw the "Gazette"?—Yes. It was shown to me by Mr. Richards, a reporter on the "West Australian."

So there is the Minister's own sworn statement. Then the evidence continues:—

5787. That was your own definite ruling?—That was my own, but the Crown Law Department felt that I was too particular about it, that I was giving myself unnecessary trouble.

5788. The Commissioner: Too conscientious.

5789. By Mr. Hughes: Too obstinate?—Probably.

5790. When you saw Mr. Collier, did you explain to him all about the controversy that had been raging?—No. When Mr. Richards showed me the "Gazette" I was very annoyed. It was on a Friday, I think, the day on which the "Gazette" comes out, and on the Saturday or the Monday I saw Mr. Collier and told him that I proposed to resign since he had removed the administration of this branch from me.

The Minister for Lands: But you said I rushed round to the Premier.

Mr. HUGHES: Yes, and told the Premier that you were going to resign.

Hon. C. G. Latham: It would have saved us a lot of trouble if he had resigned.

Mr. HUGHES: Of course, Mr. Speaker, there is one inference only to be drawn from that resignation. A Minister does not fly off the handle and threaten to resign because a small department is taken away from him. The only inference to be drawn from such a resignation is that the Minister knew what was going on and was determined to prevent it, but had been forestalled. He was so annoyed that he was going to resign. The inference there is that he knew all the time that all was not well with regard to the hotel position. Would the Minister resign because a small department was taken away from his jurisdiction? Then he went on to

say that the Premier soothed his feelings by telling him that he had previously asked to be relieved of that department. I can quite imagine the member for Boulder (Hon. P. Collier) saying in his most diplomatic style, "Why, you asked me!" We are asked to believe—Mr. Hart, of course, believed it, but I do not know that there is anyone else in Queensland who would have believed it—that so incensed was the Minister for Lands that he quite forgot his own request to be relieved of the department. He tells us that after he had seen Mr. Collier, he realised that he had told his colleague previously that he would like to be relieved of this department. I do not know if there is one, even the most rabid supporter of the Government, who would believe a story like that. That is one of those stories that if, one had the temerity to advance it in the criminal court, the Chief Justice would say, "You don't expect me to believe a cock and bull story like that!" The Minister for Lands had asked to be relieved of the department, and when he was relieved of it, he was so incensed that he was going to resign, but then suddenly remembered he had asked to be relieved of that department. I do not think the Minister would expect anyone to believe that story—except, of course, Mr. Hart for one thousand guineas! So the Minister for Lands did not do anything further. About six days later Mr. McCallum retired from public life and took up his position as Chairman of the Commissioners of the Agricultural Bank, and Mrs. Johnston proceeded with the building of the hotel. When the Royal Commission sat, Sir Walter James, as counsel for these people, knew the truth, because if Sir Walter James, who had acted right through for Mr. McCallum and is still acting for his estate, did not know the truth of the matter at the time he was appearing for them, and conspired to suborn sworn testimony before the Commission, there was only one honourable course open to him as a legal practitioner of the Supreme Court of Western Australia who was engaged to assist Mr. McCallum and to appear before the arbitrators to fight for Mr. McCallum's estate to secure their share in this transaction. If he had not known previously, and that was the first time it had come to his knowledge, there was only one course open to him, and that was to say, "I cannot take this brief because I have appeared before a public tribunal and argued that this was not true."

Hon. P. Collier: Do you say Sir Walter James conspired?

Mr. HUGHES: Yes, he was the worst man of the whole lot.

Hon. P. Collier: Then that is quite in order.

Mr. HUGHES: I cannot understand the member for Boulder and his colleagues briefing the Chairman of the National Party to defend him.

Hon. P. Collier: And you say Sir Walter James is a man who would conspire?

Mr. HUGHES: He would, and he would have done the decent thing, if he did not know the truth direct, by dropping the brief.

Hon. P. Collier: He has not reached the stage you have reached in law.

The Minister for Lands: Or will reach.

Mr. HUGHES: According to your junior colleague, I am the most highly paid member of this Parliament. Previously he said that the member for Nedlands (Hon. N. Keenan) earned four times as much as any Minister, so I must be earning at least £6,000 a year.

Hon. P. Collier: It is as well to have on record that you say Sir Walter James is capable of conspiring.

Mr. HUGHES: Not only capable, but did so.

Hon. P. Collier: That is what you say.

Mr. SPEAKER: Order! The hon. member will address the Chair.

Hon. P. Collier: We will have that on record, that Sir Walter conspired.

Mr. HUGHES: Yes, he conspired to suborn testimony of witnesses before the Royal Commissioner regarding that which he knew to be untrue.

Hon. P. Collier: And that is Sir Walter James.

Mr. HUGHES: He is the gentleman.

Hon. P. Collier: Very well!

Mr. HUGHES: He is the gentleman who appeared for the member for Boulder and his colleagues.

Mr. SPEAKER: Order! The hon. member cannot reflect upon members of this House, whatever he may say about Sir Walter James.

Mr. HUGHES: If Sir Walter James did not know at the time he had that brief that it was false, when he was engaged to appear at the recent arbitration the only course open to him was to refuse the brief because he had previously acted on the other side.

Hon. P. Collier: But he conspired. Let us get that well into "Hansard."

Mr. SPEAKER: The hon. member will keep order!

Mr. HUGHES: And when he did so he was briefed by the member for Boulder and his colleagues. Let us get that also into "Hansard." Sir Walter James appeared for a Minister of the Crown, the Hon. P. Collier.

Hon. P. Collier: His character will stand well against yours.

Mr. HUGHES: So you see, having completed the transaction, and the Minister of the Crown having promulgated regulations that gave himself the hotel, he went out from public life. If it had not been for the legal proceedings between his estate and Mrs. Johnston over a share in the hotel, this would never have come to light. Notwithstanding the member for Boulder and Sir Walter James, I have no doubt that the public of Western Australia, if the Government like to have an impartial inquiry, will find out that what I say about Mr. McCallum claiming an interest in this hotel is absolutely true.

Mr. Styants: McCallum is not here to defend himself.

Mr. HUGHES: But I am here to defend myself.

Mr. SPEAKER: Order! If there is not better order kept under the gallery I shall be compelled to clear it.

Mr. HUGHES: When the late Mr. McCallum passed on, the kindly thing, the best thing to have done was to let this pass into the limbo of forgotten things. But there are other people alive; I am alive. And when a member of the Government, knowing full well that this disclosure had been made, comes into the House, and accuses me of being a liar, a cheat and a thief, knowing well that the lying, the cheating and the thieving were on the other side, I do not think the grave should stand between me and a just vindication. Mr. Collier was in the witness box and, according to the report of the evidence, he was asked, "Are you interested in any hotel?" He said he declined to answer that question. Here we were having an inquiry for the purpose of ascertaining whether Ministers of the Crown were using their influence with the Licensing Board, and the very people who had possession of the testimony were put on oath and they refused to answer. And the Commissioner upheld the refusal. Then when Mr. Collier was asked, "Are you in partnership with

Senator Johnston in hotels?" he again declined to answer and again he was upheld by the Commissioner. Personally I think Mr. Collier would have given a much better answer from his own point of view if he had said, "Yes, I am," for everybody believed that he did not answer because he was in partnership. He has left himself in the awkward position that everybody thinks his refusal to answer was because he could not deny on oath that he was associated with Senator Johnston. He has himself to blame for that inference. So it might be said that the Licensing Board was not influenced in any way, and the Commissioner from Queensland was very specific:—"No circumstantial evidence at this inquiry. You must have your direct evidence." Of course that is ridiculous, because if people could be convicted only on direct evidence 90 per cent. of the offenders would escape and go free. Circumstantial evidence very often is more convincing than is direct evidence. Here we have the Licensing Board, carefully hand-picked—not open to all sections of the community but picked from the anointed inner circle of the Labour movement, from amongst those holding high positions in the Labour movement. Unfortunately those men have only a three years appointment; they can be appointed only for three years, and they are in a terrible position when it comes to granting licenses in which Cabinet Ministers are interested; because if they do not grant the license they will probably finish their job at the end of three years. That is a big test to put on any man. There is one irresistible inference to be drawn from the hotel at Nedlands. That inference is that a Minister of the Crown did not contribute a penny to the capital of the hotel. Yet he was to get a half share in that hotel. What for? What was his consideration for a half share in that hotel? The only consideration he could give was his influence with the Licensing Board. That is the only possible consideration he could give for his half share of the hotel. Why would Senator Johnston give away a half share estimated at the value of £10,000 for nothing? Why should Senator Johnston give away that to his hated enemies? The member for Northam the other night talked about strange alliances and about my association with the Leader of the Opposition. He ought to look to the future by looking backwards. If he knew as much about the

Parliamentary life of this State as I do, he would see some strange political realignments. Senator Johnston was in partnership with the then Deputy Premier. We do not know whether he was in partnership with the Premier, but the Premier would not deny it on oath, so the inference is that he was. In 1917 the member for Boulder was a member of the Seaddan Labour Government. On a no-confidence motion moved by the late Mr. Frank Wilson, then Leader of the Opposition, four supporters of the Labour Party, including E. B. Johnston, then member for Narrogin, crossed the floor and turned out the Government. Mr. Wilson took over the reins of office as Premier and appointed Mr. Johnston as Speaker. Senator Johnston, as he now is, held an inglorious reign of 14 days as Speaker. During that term the House was in a state of disorder. Mr. Johnston was accused by Mr. Collier and his colleagues of having given his vote to turn out the Seaddan Labour Government in consideration of getting the Speakership. And the late Mr. Thomas Walker moved a motion that Mr. Johnston was not a fit and proper person to occupy the Speaker's Chair. On the 28th March, after a series of sittings in which the House was in pandemonium and accusations were made against Mr. Johnston—

The Minister for Lands: All this is circumstantial evidence.

Mr. HUGHES: No, it is all from "Hunsard" of the 1917 volume. On the 28th March the disaster culminated. Mr. Johnston had ordered one of the members of the Assembly, Mr. Holman, to leave the House. This was what the "West Australian" reported—

Mr. Collier, Mr. Walker, Mr. Mullany, Mr. Lambert, and others clustered around Mr. Holman in a protective attitude.

And Mr. Lambert took it upon himself to lock that door (indicated) so that Mr. Johnston could not have Mr. Holman ejected.

Hon. P. Collier: In which year was that?

Mr. HUGHES: In 1917, when the member for Boulder was more youthful and more boisterous than he was later, with his matured and diplomatic touch.

Hon. P. Collier: Before I knew you and recommended you for East Perth.

Mr. HUGHES: You did not recommend me for East Perth. You came to me and

took me out of a good job in the Public Service because you could not find anyone else who could win that seat.

Hon. P. Collier: No, you asked me.

Mr. SPEAKER: Order! This has nothing to do with the motion.

Mr. HUGHES: So the member for Northam need not get alarmed at political alliances, because in 1917 they said that Mr. Johnston was not to occupy the Chair, yet 20 years later they are his partners in a hotel racket. One never knows what will happen in this political game and one requires to be careful about talking of alliances. The future might see the member for Northam and me in alliance as manufacturers of vanity boxes, and Mrs. Cardell-Oliver and Mr. Millington in partnership as starting price bookmakers, with Mr. Raphael and Mr. Latham in some other line of partnership.

Hon. C. G. Latham: No fear, you won't.

Mr. HUGHES: I am not the only member of the House that has protested about the Licensing Board. The member for Marchison on several occasions has moved for an inquiry into the affairs of the board—and it cannot be said that he has any prejudice against the Government. Within the last month the member for Victoria Park in this House moved to delete the whole of the salaries of the Licensing Board.

Hon. C. G. Latham: Why did he not go on with it?

Mr. HUGHES: I think he did press it to a division. So I am not the only one questioning the Licensing Board. If I were to go through the other charges I made one by one, I could show where the Royal Commissioner rejected evidence that would have proved what I said. I can show this House that he would not allow questions to be asked and would not permit evidence to be called. But of course that would have been a waste of time because, as I have already said, I am satisfied that, as far as the decision was concerned, I could defend my attitude anywhere. But that is the position. With regard to the Captain Stirling hotel and the hotel at Inglewood I should like to have an investigation to show who is the holding trustee, at any rate in respect of the Inglewood hotel. Regarding that hotel and the Captain Stirling hotel Senator Johnston was the last in on both occasions and the first home. He was the first home

because he was in partnership through his wife with a Minister of the Crown. That is why he was first home. The inference is irresistible. Notwithstanding the fact that one unfortunate man is not with us, he had the opportunity to give evidence before the Royal Commission. As a member of the Government he knew what was going on, and that what had taken place had been condoned. A man was brought from the Eastern States to inquire into the charges, but he saw to it that the evidence to prove the charges was not admitted. When any Government is prepared to go to that length to cover up the transactions of its Ministers, that may be considered loyalty. No loyalty, however, should have demanded from the Government the suppression of true facts from the Royal Commission. The Government is guilty of condoning the charges and guilty of using its position to brand someone else who is telling the truth as an untruthful person. Ministers went to great lengths to make out that I was telling untruths, and on top of that they have the audacity to say that I am a liar, a cheat and a thief. I hurl back the epithet in their teeth, and as far as the Captain Stirling hotel is concerned the allegation is automatically answered. On the facts that I have submitted, if there are liars, cheats or thieves, they are over there on the Government benches from which the accusation was made against me. Holding that view, I declare that the Government is no longer fit to occupy the Treasury benches. I do not condemn all the members on the other side of the House, because I know very well that a lot of those members did not know what was going on and would not believe it when they were told. They did not believe it was possible.

The Premier: Is it only when you occupy the Treasury benches that you become dishonourable?

Mr. HUGHES: No, when you know that something is going on, instead of being decent about it you use your position to cover it up, and to brand someone as untruthful when you know that that person is telling the truth. That is the dishonourable part of it, and then you have the audacity to come in and pursue that man, not having the decency to let the matter die in peace. I am sorry, Mr. Speaker, that I have taken up such a long time. I had quite a number of other matters to reply to, but I suppose I will get another opportunity. I have dealt

with the questions to which I have referred, firstly because they were matters of public interest, and secondly because of the administrative conduct of the Government as disclosed by the Captain Stirling hotel transaction. I say that if the House wishes to preserve one atom of public dignity or public respect, or preserve one vestige of honour, it can no longer allow the present Government to remain in charge of the affairs of the State.

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [9.6]: I do not propose to say very much regarding what the member for East Perth has taken so long to say. He has said the same things in this House previously and he has spoken of matters that have no relevancy to the question whether the Government does or does not possess the confidence of the House. Apparently the member for East Perth arranged for a gallery to be here at 7.30, and because the gallery could not get here at the time the motion was first called on, he proceeded to waste the time of the House for an hour and a half. In presenting the motion he attached a dragnet sentence to it, "And for other reasons the Government no longer possesses the confidence of the House." That is just his usual style and it was his attitude before the Royal Commission of inquiry to which he has referred. He made all sorts of allegations but never brought any evidence forward to support his charges, and because he missed on that occasion he adopts similar tactics to-night. His attitude is that possibly something will come out in the course of the debate, possibly someone may say something which might be construed in the unscrupulous way usually adopted by him to piece together remarks from which he would draw conclusions. He has spoken about what the Government should do in respect to legislation. The Government is quite competent to do its own business in its own way, and will continue to carry on the affairs of the State in the way it thinks best. We do not want, nor do we desire, to have any hints or instructions or suggestions from the member for East Perth. He spoke about taxation that had been levied from the poorer section of the community. Before the present Government came into power, however, every section of the community paid emergency taxation, but as soon as the Government took office

that was altered. Before we came into power the tax was 4½d. in the pound on everybody. The present Government, however, shifted the burden on the people better able to pay it, and removed it from those who were on sustenance. The tax was increased to 9d. in the pound, and last session, so that the burden should fall on the right shoulders, the Government increased the tax to 1s. in the pound on those who were well able to carry the additional load. I admit candidly that when the previous Government occupied the Treasury bench I moved that this amount of money that was to be raised by the emergency tax should be used for employment purposes, because at that stage there were between 8,000 and 10,000 on sustenance, and it was our desire to do something in the direction of providing employment for those people. The position then was entirely different from what it is to-day. We have now only 500 people on sustenance as against 10,000 at that time. The conditions to-day are immeasurably improved. They have improved vastly since the present Government came into power. In fact, I think we can successfully claim that the condition of the people both on sustenance and on relief work is infinitely better in Western Australia than it is in any other part of Australia, and that the burden of taxation, instead of being kept on the people on a low scale of remuneration, has been taken off them and by three steps successfully placed on those better able to pay. I can hardly be astonished at anything the member for East Perth would do, but I am surprised that he should accuse Sir Walter James, Mr. Keall, Mr. Wolff and the Royal Commissioner, Mr. Hart, of having conspired. Has anything more ludicrous ever been heard? Can we imagine that those four gentlemen, holding the reputation that they do, and who had never previously been associated, should get together and conspire to do something? It is too ridiculous. Sir Walter James, who has rendered life-long service to this State, is held in the highest respect by everybody. Mr. Keall likewise has had a long and honourable career in Western Australia. Mr. Wolff is a comparatively young man, and no one can ever say anything detrimental to his character or his honour. Mr. Hart, the Royal Commissioner, I do not suppose was known to any of the other gentlemen before he came to Western Australia. Mr. Hart has had an

honourable public career in Queensland. The Government did not set out to get Mr. Hart. An attempt was made to secure the services of a judge in any one of the Eastern States. First of all we approached the Commonwealth Government.

Mr. Hughes: A High Court judge would have permitted the evidence to be admitted that Mr. Hart refused to accept.

The PREMIER: The Government was unable to secure the services of a High Court judge and then in turn appealed to the Governments of New South Wales, Victoria, South Australia, Tasmania and Queensland, for the services of a judge. It was found impossible to obtain the services of a judge, and we were recommended to appoint Mr. Hart from Queensland. Now it is seriously suggested by the hon. member—no, I mean, the member for East Perth—that the Government knew what sort of a man Mr. Hart was, that we knew that he was susceptible to conspiracy, and that we could get three of the most honourable members of the legal profession in Western Australia to join the Royal Commissioner in a conspiracy. What an astounding assertion to make! Would anyone in the wide world who had not the fertile imagination of the member for East Perth ever dream of making such an assertion? That a man could be brought from 5,000 miles away—I do not know whether he knew any of the other gentlemen here—and after an honourable career of 30 or 40 years at the Queensland Bar be induced to enter into a conspiracy with honourable members of the Western Australian Bar! It is absolutely absurd and ridiculous. Yet in all seriousness the member for East Perth alleges that. He tells the House that that was so, on the assumption of a conspiracy among honourable men. I do not know what can be done to answer arguments of that kind. I do not know whether on a question of the confidence of the House in the Government we should presuppose that such a thing could be done, and would be done if it could be done. The member for East Perth built up a speech with evidence read from the report of the Royal Commission. I am astonished at his speech. I know that I should not be astonished at anything the member for East Perth does. The only thing I should be astonished at would be his doing or saying anything creditable to or about anybody. I never knew him to do such a thing as that. If by chance he did slip in that way, I would

indeed be astonished. But in this instance I am more than surprised—I am astounded—that he should be so despicable as to follow an honourable man beyond the grave for the purpose of besmirching his character, merely in order to gain a political advantage. That seems the last word in infamy. Generally when people die and go beyond the grave there is a feeling of sympathy with the relatives who are left behind, and the dead past is left to bury its dead. While the hon. member excuses himself for doing that, the fact remains that he has done it. If there is anything which must cause a feeling of abhorrence in the minds of respectable, decent citizens, it is to think that in order to gain a political advantage the member for East Perth is prepared to besmirch the character of one who is dead and whose memory is held in esteem by everyone in the State.

Hon. C. G. Latham: The Minister for Employment the other night attacked the member for East Perth.

The PREMIER: The member for East Perth might take on a live Minister, someone alive and able to defend himself. But the member for East Perth besmirches the character of one—well, I will not draw a comparison between the character of the member for East Perth and that of the late Mr. McCallum, because the contrast is too great. Then, again, there is the thought of a woman who has lost her husband, the most tragic happening that can occur to a woman. She is to be distressed by happenings in this House besmirching the character of one who is gone. If that is the kind of tactics necessary to prove that the Government does not possess the confidence of the House, we had better shut up Parliament altogether. For myself and the Government I have no complaint whatever to make. This action of the member for East Perth is only typical of the actions taken by him ever since he first entered this Chamber. His present action is similar to actions that he took 12 or 13 years ago, just after a licensing court had been established—with a different personnel. I had to take him to task in this House then for dishonourable conduct. I then detailed to hon. members for half an hour the many things for which the member had been responsible and of which no honourable man would be proud. I detailed the circumstances under which he came to my house and stood on my verandah and led companions of his to threaten my life because

I as a Minister would not do something he wanted me to do. The newer members of the House do not remember these things. However, they will find them all recorded in "Hansard" for 1926 from page 367 onwards—pages and pages. I do not want to reiterate these events, which older members of the House know all about. The member made charges about people being liars. I told the House on that occasion what sort of character the member was. We all knew him in those days just as well as we know him in these days. We knew his type of mind, and what he does and thinks. In this Chamber he confessed 12 months ago that the world is divided into two classes of people—people who agree with him, and people who do not agree with him and who are all paranoiacs and mad. That is the hon. member's psychology and philosophy. He says, "Those people who agree with me are all right, but anybody who holds a different opinion is a paranoiac and mad and ought not to be listened to." He said that in this House only about 12 months ago. That is the member's type of mind, and he comes here and asks the House to take serious notice of things he says and does! One meets some very funny people as one goes through life; it is all part of the experience that one goes through to arrive at a proper appreciation of the abnormalities which may be floating around the world. The Royal Commissioner disagreed with him, and the Royal Commissioner is a paranoiac. Sir Walter James is a paranoiac and mad.

Hon. P. Collier: No; dishonest.

The PREMIER: Not only dishonest, but a conspirator. Sir Walter James conspires with three or four honourable men. They all conspire to do something. The only thing the member could think of in that regard is that they must be mad and must be conspirators because they disagreed with him.

Hon. P. Collier: He did not say mad, but dishonest.

Mr. SPEAKER: Order!

The PREMIER: I do not want to take up much of the time of the House by reading from "Hansard," as the hon. member read from the Royal Commission evidence. I did feel inclined to quote to hon. members something of what I had said concerning the member about 12 years ago. It is all on record in "Hansard." I will not bother about it, except to say that on that occasion, as well as on this occasion, I pointed

out that the member never agrees with anybody. His whole life, right back to the time when he was a kiddy almost, when he was playing football, everybody else was bad and wrong, and he was the only right person. When he got into the Labour movement, he wanted to be a Minister after he had been in the House about seven or eight months. Because he was not given a portfolio he got raucous and vindictive, and accused everybody of everything. He implied then that he was the only person who could properly interpret the Labour movement. He alone! Everybody was wrong except himself. The only thing he ever did that I can agree with was on that occasion when he defeated a member who had left the Labour Party.

Hon. C. G. Latham: He made a mistake that time.

The PREMIER: Unfortunately we found that we had backed the wrong horse, because the member himself left the Labour Party.

Hon. C. G. Latham: I think you had something to do with putting him out of the Labour movement.

The PREMIER: No. He went out of the Labour Party because we were all paranoiacs and he could not be associated with mad people. So there was no place in the Labour movement for him. What he was 12 years ago, and what he was 12 months ago, and what he is now are all the same thing. He does the same things and says the same things all along. Throughout his life he will run true to form, doing the same things and saying the same things. Unquestionably there is a silver bullet waiting for all of us in political life, but I believe the silver bullet will reach the member for East Perth much sooner than most members of this Chamber. I only mention the debate of 12 years ago because people thought 12 or 18 months ago that a new star had risen in the political firmament—a new and brilliant star. But it was the same star as rose 12 or 15 years ago, a star that proved not to be of great magnitude but a little bit of a meteorite which disintegrated easily before it fell to earth, and that is what happened with regard to the member for East Perth when he got into the House years ago. I thought that perhaps the member might reform, that there was a possibility, though I could hardly imagine it, of his recovering a place in public opinion. However, the leopard does not change its spots. The member is the same as he was 12 months

ago and 12 years ago. But I think he has reached a greater depth of infamy on this occasion in not only making allegations against living people but in resting almost the whole of his case on besmirching the character of a man who is dead, and who has been dead politically for two and a half years. That is the way in which the hon. member bolsters up his case. Everything he has said amounts to a charge of absolute dishonesty against one whom I say the whole of the people of Western Australia respected. The hon. member reminds me somewhat of a crocodile. The crocodile is a reptile which will not eat its food when fresh and wholesome, but buries it in the mud until it becomes absolutely putrid before consuming it. That seems to be the type of mind which the member has. That is the food for thought he has. He cannot have wholesome thoughts. He cannot have thoughts in his mind unless they are like a crocodile's food, and have become unfit for use. I do not mind if he calls me a paranoiac, or anything else. I do not see what there has been in the whole speech he has made. From what I can see from reading the report of the Commission, the questions to which he referred were never asked, nor did he charge the late Mr. McCallum with having an interest in hotels. He never asked Mr. McCallum to be called to the Commission to be questioned about this matter. That was not the subject of inquiry at all. There was nothing in the charges made concerning the fact that Mr. McCallum owned an hotel; nothing in the charges dealt with that aspect at all. Yet to-night we have the member reading pages of evidence, not about that matter at all because that was never under consideration; it was never the subject of an inquiry. If the member for East Perth had had some idea in his mind that the facts were as stated, and he wanted to charge Mr. McCallum, he had every opportunity to do so. He had the right, which he exercised, to say what he desired to say, but he said nothing in regard to Mr. McCallum owning an hotel, and he did not see fit to have Mr. McCallum called to ask him about the matter. Getting back to the time to which I referred when he brought a crowd of people to my house and stood by while they threatened my life, I said on that occasion the same as I say now, "Go for your life; I am not a bit afraid of you."

Hon. P. Collier: They went from my house to yours on that occasion.

The PREMIER: But the member for Boulder did not happen to be in. I am approachable to anyone at any time, if people have something legitimate to talk about, but I do not think it was legitimate to come and say to me, "If you do not take the police off the wharves, we will settle them and then settle you." That is what the member for East Perth heard those people say. I do not want to refer to the matter any further, but it is acts of that kind that show what type of man he is.

Hon. P. Collier: It was a threat made to force us to take the police off the wharves at Fremantle.

The PREMIER: It was a threat to the effect that I should lose my life. But I did not do what was wanted. On another occasion the member for East Perth labelled me in a newspaper. I took no action. I wonder at my own tolerance and generosity after all these years, but I and this Government have reached the limit of our tolerance and generosity with respect to anything the member for East Perth does or says in the House in the future. For anything that he does in the House in the future, no matter what it is, he will take full responsibility. Let him understand that what he says—whether he calls it privileged or not—he will have to answer for to this House. If he persists in the dishonourable tactics he has adopted since he has been in the House on this occasion, so far as we are concerned as a Government, anything he does or says he will have to take full responsibility for, and make answer to the House.

Mr. Hughes: Your threat leaves me cold.

The PREMIER: Just the same as yours left me cold years ago, and other threats have left me cold since. There is an adage, "The opportunity to do evil things makes evil things done," and there is a section of people, from whom I do not exclude the member for East Perth, who are continually searching out opportunities to do evil things to other people. They never want to do anything right or correct, or anything that will be creditable or honourable. But if there is an evil thing that an evil mind can imagine, it is done. Most of the charges referred to must have sprung from the hon. member's imagination, because when asked to bring some evidence forward to prove some of the things he said, he submitted

no evidence. Then when he thought there was an opportunity to discredit the Government, the fact that in doing so he must besmirch the character of an honourable man who is dead, did not deter him at all. He said, "I am going to bring the matter up, whether the man concerned is here or gone to the Great Beyond." He decides to bring the matter up in order to prove something, and to some extent rehabilitate himself in regard to the ridiculous charges that were not proved on the last occasion. Parliament should not allow this kind of thing to go on. It is derogatory to the dignity and prestige of Parliament to allow a member to come here and make baseless charges, and to strive to lower the prestige of public men and other people holding honourable positions in the State. When members of the Government and others in public life reach honourable positions, no matter what they do, although all their actions may be honourable, he imagines there is something wrong, and endeavours to drag into the dirt anybody occupying a position of prominence in public life. That sort of thing is lowering the prestige and dignity not only of members of this House and members of the Bar, but is generally lowering the prestige and character of the whole of the people of the State. If that kind of thing is encouraged and successfully got away with time after time, we shall be responsible for directly conniving at the lowering of the prestige of Parliament, and Parliament should consent to it no longer. Notwithstanding that the hon. member says my threat leaves him cold, this Parliament will be failing in its duty if, after a full and complete inquiry into the charges made by the member having been held, we allow the imaginings of a morbid mind—what he calls circumstantial evidence, and it is very circumstantial indeed—to be aired in this House we shall be open to censure. This Parliament will be failing in its duty if it allows the morbid imaginings of a man with the psychology of the member for East Perth to be continually aired in public. To continue to permit it would be for Parliament to be deserving of censure. I thought that when we had given the member for East Perth an opportunity to have a Royal Commission, and when his charges had been disposed of, he would retract. Instead of

that he endeavours to besmirch the character of a dead man in order to make some political capital. If Mr. McCallum chose to invest his money in an hotel, he was no worse nor better than anyone else that chooses to do so. But whatever he did—and I need not express an opinion about the matter, except to say that I profoundly disagree with the member for East Perth—it was an entirely personal matter. It was a matter not known to me or to any member of the Government, so far as I am aware. It was not known to any of us what Mr. McCallum's interests, if any, were in the hotel. We were not aware, but we have the word of the member for East Perth for it now, what investments or interests Mr. McCallum had in any hotel. Yet the member implies that this was a deep-laid conspiracy amongst all the members of the Government at that time, and of course he says that other members of the Government who have come in since are not worthy of confidence either. This, however, he says, was a deep-laid scheme about which everybody knew. That is ridiculous and absurd. I do not suppose the hon. member would take my word. I think he reciprocates the feeling I have for him; I do not take his word on anything he says now. But I can assure the House that personally, and I think I can say the same for every other hon. member on the front bench, if Mr. McCallum did have some interest in the hotel—although I do not disagree with his having that interest if he so chose—that fact was not known to any of us, and it was a matter entirely personal to the late Mr. McCallum. When a few months ago something was alleged against Mr. J. H. Thomas, of the British Government, the matter was treated as personal and as affecting the Minister himself. The course he took was one that he felt he should take, but it had nothing to do with the Government.

Hon. C. G. Latham: The Government had an inquiry immediately.

The PREMIER: But it had nothing to do with the Government possessing the confidence of the House.

Hon. C. G. Latham: If he had remained in the Government the Government might have had to take some action.

Hon. P. Collier: You make a charge yourself. Do not stand behind an independent like the coward you are.

Hon. C. G. Latham: So that is where we are getting.

Mr. SPEAKER: Order!

Hon. P. Collier: You go ahead.

Mr. SPEAKER: Order!

The PREMIER: Let me go ahead, Mr. Speaker. I am not going to detain the House long.

Hon. P. D. Ferguson: They are all waking up at last.

Mr. SPEAKER: It is your turn now, Mr. Premier.

The PREMIER: I am going ahead. So far as this town planning business is concerned—I am not too conversant with the facts and circumstances, but the Minister for Lands knows all about it and may feel inclined to give particulars of the real position—I understand that the town planning scheme did not prevent the erection of a hotel, which was a shop for the purposes of the Act, and it could have built at any time and no alteration was necessary to enable it to be done. That is the position as I understand it and I think that is the position as a matter of fact. The Royal Commissioner stated that in his opinion it was unnecessary to alter this scheme to permit of the erection of a picture show. However, as the member for East Perth considers that the Royal Commissioner was a conspirator, it is of not much use to reply to him by quoting what the Royal Commissioner said. I say that the moving of this no-confidence motion is just the effort of a discredited man. I do not know how a man could not be discredited who had made charges to the extent of those made by the hon. member. I think there were 27 charges, all of which were proved to be without foundation. The hon. member made the charges outside, and when he came to Parliament he made them in this House. He won the election by a campaign of calumny, abuse and extravagant charges. In Parliament he followed up the charges and the Government appointed a Royal Commission of inquiry.

[A woman interjected from the public gallery.]

Mr. SPEAKER: Constable, remove the lady.

Hon. P. Collier: Give notice of the question.

Mr. SPEAKER: Order!

The PREMIER: The outcome of the Royal Commissioner's inquiry is well known to everybody. The findings of the Commis-

sioner have been laid on the Table and given publicity in every possible way. The hon. member was accorded every opportunity to substantiate his charges before an impartial and skilled Commissioner. Before the inquiry had proceeded far, the hon. member realised the impossibility of proving the charges and looked for a soft spot on which to fall. He wanted to save his face. When the inquiry was half way through, on some trumped-up grievance and pleading privilege, he withdrew from the basis of the whole of the charges he had made. Even after that, the investigation of the charges was proceeded with, and anyone who knew anything of the matters enumerated was at liberty to give evidence. But nobody appeared before the Commission, and the Commissioner's findings were a complete vindication of the Government in respect to the charges levelled by the hon. member. Since the report was issued the hon. member has been like a pricked balloon. He had a chance to prove his charges. He failed to do so. The general elections are looming, and I suppose he wishes to rehabilitate himself to some extent and endeavour to make a decent showing, and so he brings up the matter here and abuses the character of a dead man to support his charges.

Mr. Stubbs: There was a charge against the Licensing Board.

The PREMIER: The hon. member had an opportunity to prove his charges against the Licensing Board. If he had known of anything or if he had known of anybody who could produce evidence, he had every opportunity to present it to the Commission. In fact, I was present at the inquiry with the idea of elucidating every possible point involved in the matters in which I was concerned, and I must say that I never saw a Commissioner who went out of his way to assist what might be termed the prosecutor, as did the Commissioner on that occasion. He was more than fair; he was absolutely generous in allowing the hon. member every latitude. In a court of law not half the latitude would have been allowed him as the Commissioner allowed. If he thinks now or thought then that members of the Licensing Board had been guilty of corruption or had done something dishonourable, or was subject to undue influence, or if he knew of anyone that could produce evidence to that effect, he could have called such evi-

dence and could have had the whole matter ventilated. He did not do so. He did not call any witnesses. Yet ten months afterwards—

Mr. Hughes: Did not I call Phil Collier?

The PREMIER: Did he call anyone who had any idea of the charge of corruption against the Licensing Court?

Mr. Hughes: Did not I call Phil Collier?

Hon. P. Collier: Yes, I was there.

Mr. Hughes: And you made no answer.

The PREMIER: The hon. member did not get any evidence from that gentleman that would tend to support any allegation made in regard to corruption.

Mr. Hughes: I could not ask the questions.

Hon. P. Collier: You were cowardly and ran away from the case.

Mr. SPEAKER: Order!

The PREMIER: Even if the member for Boulder had answered, that would not have supported the charge of corruption that the hon. member has repeated here. Everyone in the wide world is corrupt that does not agree with the member for East Perth. The Licensing Court, members of the Government, the legal profession—all are corrupt and dishonourable men, conspiring to do something that he considers wrong. When something regarding the late Mr. McCallum being interested in a hotel comes forward, the hon. member considers it an opportunity to rehabilitate himself to some extent regarding the charges he made, but I do not think he gets anywhere with it, and so far as the Government not possessing the confidence of the House is concerned, my reply is that no member of the Government knew anything about it. Yet the hon. member uses that matter in order to bring forward a charge of no confidence against the Government. The hon. member has not made the slightest accusation against any member of the present Government. How the Government could have forfeited the confidence of the House or of anyone else because of something of which they had not the slightest knowledge is beyond my comprehension. I do not know what justification the hon. member advanced for moving the motion. Boiled down the hon. member contended that the Government did not possess the confidence of the House because somebody had an interest in a hotel two or three years ago. I regard the hon. member's action as an attack in order to try to regain his standing amongst the people. I

do not propose to waste the time of the House further in dealing with the subject matter of the motion. I have long, long ago given up trying to understand the malevolent workings of the hon. member's mind, and I am pleased to-night, as I always am, to be in violent disagreement with him. He glories on an occasion like this. I think that he to some extent has been responsible for bringing so many people here to-night by introducing matters in the endeavour to impugn the honour and integrity of the Government. He glories in doing something that most people would despise. For my part I despise tactics of this kind and I think the House should treat the matter with the contempt it deserves and reject the motion summarily.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [9.55]: The member for East Perth has been good enough to introduce my name in his remarks to-night and has quoted from administrative acts of mine in order to convey to this House and the country opinions that are entirely contrary to fact. The House has listened to a very garbled statement of the administration of the Town Planning Act, and so I propose to give the facts. The hon. member was compelled to state that my administration had been beyond reproach; it was only because he could not have said otherwise. The facts are on the file. The hon. member had opportunities to see all the facts on the files and, but for that, God knows what he would have said about me in this House and in the country. When facts are not on the file respecting what occurred between the member for Boulder and myself, the hon. member puts his own base construction upon them. He does not put on them the construction of a decent man; he does not put on them the construction of an honourable or reasonable man; he says this is the construction I want to convey, and endeavours to have that view accepted. The member for East Perth does not know what passed. He never had any opportunity to know what passed, but he is prepared to tell the House and the country that he knows all about it. No other member in this House would make such a statement. It is possible to entertain suspicions about a man. One can hear tittle-tattle about hundreds of men. During my public life of 34 years I have heard many things about men in public life.

I have heard hundreds of statements made in the country, and I can testify that 99 per cent. of what I was told for a fact was not a fact at all. I was told when the inquiry was on that a member of a former Government—a National-Country Party Government—had taken a bribe of £500. I was told that by a gentleman whose authority I thought could not be questioned. He said, "A certain Minister took £500."

Hon. C. G. Latham: Did he mention the name of the Minister?

The MINISTER FOR LANDS: Yes.

Hon. C. G. Latham: I wish you would mention the name of that Minister now.

The MINISTER FOR LANDS: I am going to clear the matter up. When the inquiry was being held, inasmuch as venom had been imported into the subject matter of the inquiry, I said to that man, "You told me that a certain Minister had taken £500 as a bribe. Have you the facts?" He replied, "No, the man who told me is dead."

Hon. C. G. Latham: And then you repeat it here.

The MINISTER FOR LANDS: I said, "There you are. I thought you would entertain nothing but an authentic statement." He replied, "I could not prove it, but the man who told me believed it was correct and he is dead now. That is what happens. My experience of public life is that many people outside are apt to think that Ministers holding power can do all sorts of corrupt things and do them. That is one section. There is a big section also who would do corrupt things and who say that if Ministers do not do them, they are damn fools for not doing them. That is the attitude of a lot of people. And there are many people with their mouths wide open to take in the statements of such as the member for East Perth. They want to believe what he says; they are pleased to believe it. So long as people want to believe things there will always be someone ready to tell them these things. I do not expect there will be any time when there will not be someone in the community prepared to believe the worst of men, because they are of that type. What is the position in regard to the Nedlands town planning scheme? I have the facts on the file, and they were sworn to. The member for East Perth said the file was missing. It was never missing. I was asked if the

file was in my possession, and I replied in the negative. The Town Planning Commissioner was asked the same thing and replied in the negative. That was not to say the file was missing. Some 50 or 60 files pass through the hands of the Minister every day. They are then sent out and he does not know where they are until he wants them again, when he sends for them.

Hon. C. G. Latham: They are in the records office, if they are in their proper place.

The MINISTER FOR LANDS: Yes. As I did not want the file and no one else wanted it it was not called for. I had finished with the town planning scheme. A deadlock had been reached, and I had no reason to see the file. I do not peruse files except for a purpose; they would be files I would require to see. The important thing about it is that every transaction that took place is on the file. Every act of mine, every act of the Town Planning Commissioner, and every act of Mr. McCallum—all are on the file. It does not matter where the file was. Every transaction is on it, and cannot be questioned by anyone. When the Town Planning Act was passed, as it dealt with local authorities, it was administered by the Minister controlling local authorities, namely, the Minister for Works. This was a matter concerning local authorities only, and it was administered by the Minister for Works. When the Mitchell-Latham Government came into office the administration passed into the hands of the then Minister for Lands, now the Leader of the Opposition. That is how it became my responsibility. It was in the wrong department, because the Minister for Lands did not deal with any local government matter. When the administration went back to the Public Works Department it went back to the proper department.

Hon. C. G. Latham: Why did you get cross about it?

The MINISTER FOR LANDS: That is another matter, which I could have concealed.

Hon. C. G. Latham: Knowing you as I do, I do not think you could.

The MINISTER FOR LANDS: I did not conceal it; I told the facts. I could have said I did not get annoyed at all. I gave my evidence openly, and I gave my evidence openly in respect to the town planning transaction. The Nedlands town plan-

ning scheme was gazetted on the 31st March, 1931. The portion of the Nedlands Road Board area surrounding Stirling-highway was reserved for the erection of shops and residences, and for no other purpose. Apparently Messrs. Stewart & Davies desired to erect a picture show at the corner of Stanley-street and Stirling-highway within the gazetted shop area. On the 25th November, 1933, H. L. Fowler wrote to the Town Planning Commissioner informing him that 120 residents of Nedlands had lodged an objection to the proposed picture show, an open air cinema, at the corner of Stanley-street and Stirling-highway. On the 11th December, 1933, the Town Planning Commissioner wrote to Mr. Fowler informing him that the corner of Stanley-street, where it was proposed to erect the theatre, was within the gazetted shopping area. The Commissioner said there was no opposition to the shopping area, and he thought it would be distinctly inequitable to oppose the erection of a picture show at the corner of Stanley-street. The Commissioner told Mr. Fowler, who objected to the picture theatre, which the road board proposed to allow, that it was unfair to oppose it. Right through the whole business, the Commissioner, who was the responsible authority, and the Nedlands Road Board, were in favour of the picture theatre, and had opposed the ruling I had given on the advice of the Crown Solicitor. The Town Planning Commissioner stated that the only way to prevent an open air theatre in Stanley-street was by some local resident taking out an injunction after the theatre had been erected on the ground that it was a nuisance, and the nuisance had become evident. He also said that if such action were taken the Town Planning Board would have no option but to support the owners of the picture theatre. He added, "I trust that the opposition to the picture theatre being close to the corner of Stanley-street will be withdrawn."

Hon. C. G. Latham: No injunction could be started until after the picture theatre had been erected?

The MINISTER FOR LANDS: That was the Town Planning Commissioner's opinion. He sent a similar communication to the Nedlands Road Board. A start was made with the building of the theatre on the site proposed, and the plans were approved by

both the Commissioner and the road board. Mr. Davidson tells us he even helped to draw up the plans. The opponents of the proposition waited upon me by way of appeal, and stated that the local authority had contravened the provisions of the Town Planning Act and the Nedlands town planning scheme by allowing a picture show in that area. Subsection 3 of Section 10 of the Town Planning Act provides that if a local authority contravenes any section of the Act the people have a right to appeal to the Minister as the arbitrator. Only then does the Minister come in, when acting as arbitrator between the people and the local authority. I received a deputation from those opposed to the theatre. Acting on the advice of the Crown Solicitor, I ruled that a picture show was not a shop.

Hon. C. G. Latham: He drafted the regulations.

The MINISTER FOR LANDS: I do not know who drafted them. The Solicitor General gave me his opinion that a picture show was not a shop. I made that decision, and conveyed it to the local authority. As a result of my decision, Mr. Virtue, solicitor for the opponent to the picture show, wrote to the road board referring to my decision, and asking the board to discharge its duty under the Act. He urged that the structure in course of erection should be removed. On the 2nd May the secretary of the Nedlands Road Board wrote to Mr. Virtue stating that his board was not prepared to have the structure removed. On the 4th May Mr. Virtue wrote to the Under Secretary for Lands informing him of the board's refusal, and stating that clients had asked him to make representations to the effect that the road board should be ordered to do all things necessary to enforce observance of the Act. The Crown Law Department advised me to hold an inquiry under the Act. The inquiry was held in my office on the 23rd May, 1934. All parties were represented, the opponents, the road board, the Town Planning Commissioner, and the persons who desired to have the picture show. As a result of the inquiry I instructed the Nedlands Road Board to do all things necessary to enforce the observance of the Nedlands Town Planning scheme. On my instructions the road board wrote to Messrs. Stewart & Davies asking them to remove the structure within a month. The builders took no action and ignored the instruction. On the 24th July the road board wrote to me and

asked me to hold the matter up, because they were consulting with the Town Planning Board with a view to an amplification of the Nedlands Town Planning scheme. On the 1st August I notified the board I was prepared to withhold the order until Tuesday, the 14th August. In the meantime the Nedlands Road Board had forwarded the amplified scheme to the Town Planning Board, and the board approved of it. This included everything, picture shows, hotels, etc., because it was desired to get over the ruling I had given that a picture show was not a shop. I was aware that a large number of people were opposed to a picture show at the corner of Stanley-street and the Stirling-highway. I, therefore, tried to effect a compromise. I instructed the Town Planning Commissioner to attend a meeting of the Nedlands Road Board, and tell the local authority I would agree to an amplification of the scheme if it had the picture theatre removed down a block. The hotel, by the way, did not ever come before me. If the picture show was moved a whole block away from the original site, those who were opposing its erection would, I thought, raise no further objection. The road board refused to do that. I told the board I would agree to the amplified scheme if what I requested was done. It was still permissible, if I agreed to the amplified scheme, that shops and residences could be erected in the area now occupied by the hotel. The Crown Solicitor advised me the hotel was a shop. If the hotel matter had come before me by way of appeal that is what I would have ruled. There was no necessity for Mr. McCallum to secure the town planning administration in order that the hotel might be erected. That is the evidence I gave, and Mr. Wolff's opinion is on the file. In his report the Royal Commissioner stated that the Minister for Lands had acted wisely, consistently, and honourably, but that the advice given by the Crown Solicitor was wrong. The Assistant Crown Solicitor advised that, in a limited sense, a picture show might not be a shop, but, in dealing with this matter in its larger aspect, it included everything—shops, hotels, theatres, garages, etc. The member for East Perth says that was wrong, but the Royal Commission supported the advice that was given me by Mr. Wolff, the Assistant Crown Solicitor, to the effect that a hotel was a shop and could be properly constructed in the area

objected to, as could also the picture theatre. So, in order to get past me, as the member for East Perth said, Mr. McCallum did not need to amend the town planning scheme, because there was no objection to the hotel nor was any such objection submitted to me. There was no necessity at all for the town planning administration to be taken from me and given to Mr. McCallum, in order that he might do something that I would not agree to, inasmuch as I did not at any time oppose the question of the erection of a hotel in that particular area. The hotel matter did not come before me by way of appeal at any time in any way. It could only come before me in my capacity as an arbitrator. On the 4th February, 1935, the secretary of the Nedlands Road Board wrote informing me that the board had received plans and specifications with an application for the erection of a hotel on lots 16, 17 and 18 at the corner of Stirling Highway and Florence-road in that suburb, which was on the site next to that on which the proposed picture theatre was to be erected, and the board asked me to advise whether the erection of the hotel had the approval of the Town Planning Commissioner. That communication was sent to the Town Planning Commissioner and to the Crown Law Department. Mr. Davidson, the Town Planning Commissioner, advised me that the hotel did not contravene the town planning scheme, but the Crown Law Department advised me not to be mixed up in the matter at all because it might come before me subsequently in my capacity as an arbitrator. The Crown Law authorities pointed out that it would be wrong for me to give an opinion on the matter at that stage, seeing that later on the people of the district might raise objections and the question might be referred to me for arbitration purposes. In reply to the road board, I wrote that the Town Planning Act provided that such a matter would only be referred to the Minister if some of the ratepayers in the area complained that the local authority had contravened the town planning scheme. Thus I gave no opinion at all then. It would have been improper for me to have done so. The only way in which the matter could have come before me would have been by way of an appeal from the ratepayers, and it never came before me in that form. Thus at no time did I oppose the erection of the

hotel at Nedlands. The member for East Perth insinuated that, because I opposed the granting of the hotel, the administration of the Town Planning Act was transferred from me to Mr. McCallum. I say that I never opposed the granting of the hotel, but that if the matter had been referred to me I would have ruled, on the advice of the Crown Law Department, that a hotel was a shop and that the site proposed was a proper place for a hotel. That attitude had been supported all along by the Town Planning Commissioner and by the Nedlands Road Board. The two authorities were always in favour of the hotel and the picture theatre being erected in that particular area. In those circumstances, any Minister would have been justified in acting on the Crown Law Department's opinion that the hotel was a shop and could be erected in that particular area, for he would have had the support and authority of the road board and the Town Planning Board as well. I find, Mr. Speaker, that this is the charge made in Parliament by the member for East Perth—

There was a hotel at Nedlands. There was trouble about the license. It was desired to have a picture show at Nedlands. A friend of the head of the Agricultural Bank, Mr. Alec. McCallum, wanted to run pictures; but the Town Planning Commission would not give him permission to make the area a business area.

That is a lie. The Town Planning Commissioner never refused to give him permission.

Mr. Hughes: You should read the file.

The MINISTER FOR LANDS: The Town Planning Commissioner insisted all through that the picture theatre should be in that area. Even though I had acted contrary to his advice on the first occasion, the Town Planning Commissioner always insisted that a picture theatre was a shop.

Mr. Hughes: Have a look at the file.

The MINISTER FOR LANDS: The facts are on the file.

Mr. Hughes: Have a look at the minute.

The MINISTER FOR LANDS: It is a lie to say otherwise. The Town Planning Commissioner never refused permission. On the contrary, he always supported the establishment of a picture show in that particular area. That was one statement made by the member for East Perth in this House that was referred to the Royal Commissioner. I say now, on the advice of the Assistant Crown Solicitor, re-

garding the question of the hotel site, that had it been referred to me as Minister controlling the Town Planning Act, I would have ruled that a hotel was a shop and could properly be erected where it is now. What a danger I would have run in the light of what has since happened. If I had ruled out the picture show, on the advice of the Solicitor General, and ruled in favour of the hotel on the advice of the Assistant Crown Solicitor, the member for East Perth would have said, "Troy is in with the hotel; the ruling is convincing proof of that. He refused the picture show but when it came to the hotel he was in it and he let it go through." Now, at this late hour, the member for East Perth has discovered that Mr. McCallum had an interest in the hotel. He would just as easily have said that, although I opposed the picture show, I had agreed to the erection of the hotel because my Ministerial colleague was interested in the hotel. He would have regarded it as circumstantial evidence. Again I say I had a very narrow escape.

Mr. Hughes: They did not allow you to do it.

The MINISTER FOR LANDS: He would have regarded it as circumstantial evidence against me, and that is what he builds on when he makes these attacks. He is that type and as I had rejected the picture show and would have agreed to the hotel, he would have regarded that as complete circumstantial evidence against me, and would have said I had allowed the hotel because my then colleague had an interest in it and that I knew it all the time." That would be his circumstantial evidence. That is what he relies on, and so I emphasise that I had indeed a very narrow escape. I do not regard all people as dishonest. I endeavour to keep clear of that sort of thing. If I had to carry out my public duties with the thought in my head that every man was dishonest and dishonourable, it would be a perfectly miserable life for me. I think of every man doing as I myself do. I do not look at everyone's action in search of circumstantial evidence in order that I may say that this man is a thief and that man a scoundrel. And so, as, in view of the advice tendered to me, I would have ruled as I have indicated, there was no necessity for me to do as has been stated. The member for East Perth talked about the missing file. It was never missing. I did not want the

file. It went back to the records branch. I did not see it for some time, nor did I want to see it. It does not matter where it went. Files are not left heaped up in a Minister's room, but are removed after they are dealt with. The important thing is that records of everything that took place regarding the matter appear on the file. The member for East Perth said that up to this time I, as Minister, had been perfectly honest and honourable and had done the right thing, but up to that time there is a record of what happened. There is no escape from that. But he threw some doubt on the discussion that took place between Mr. Collier and myself. He talked about my being tired of the department. I was heartily sick of the town planning business, which had reached a deadlock regarding the picture theatre. It was by accepting a ruling of the Solicitor General, that the deadlock was reached, and nothing could be done. That had gone on for nearly two years, and naturally it was about time that the business was finalised. I did not want to bother any more about the Town Planning Act, which was really not my business. When I discussed the matter with Mr. Collier on my return from the country, I said, "Such legislation deals with the local authorities and should go to the department concerned; it is not my business." We did not come to any particular decision at that meeting. I could have misled people by saying, "Yes, I knew all about it." As a matter of fact, I did not know anything about the actual transfer. The first time it was brought under my notice was when Mr. Richards showed me the "Gazette" notice in my office. I did not rush round to the Premier's office; I did not go there until the following Monday. It took me three days to walk the 50 yards. In the meantime I looked into the matter and I asked Mr. Shapcott about it. He told me that he asked the Premier, "Shall I notify Mr. Troy?" and the Premier at first replied in the affirmative. Later on he said, "No, I will tell him myself." That is Mr. Shapcott's statement to me. As I have pointed out, I was away on the goldfields during the miners' strike and when I came back I had forgotten the conversation between Mr. Collier and myself that had taken place some time previously. I was annoyed, not that I objected to the transfer of the administration of the Act to

another Minister—I would not object to that any more than I would object to the administration of the Insect Pests Act being transferred to another Minister. I was hurt that I had not been advised. When I spoke to Mr. Collier about it he said, "You once discussed that with me and you said you would like to be relieved of the administration of the Act." I replied to Mr. Collier, "Yes, but I should have been told." Mr. Collier said, "Yes, I admit that I should have told you." That is what happened. The member for East Perth was not there, and he knows nothing about it. Nevertheless he comes to this House and says that he knows everything about what took place. He attempted to tell something as facts that could not have been known to him at all. They existed in his own mind. He asserted as facts when he could not know the facts any more than I would know what occurred in the home of the member for East Perth last week or even yesterday.

Mr. Hughes: You took it on yourself to make a few comments on my home life.

**THE MINISTER FOR LANDS:** There is something supernatural about the member for East Perth. He could tell everyone what occurred. He knew all about it. He asked why was I annoyed. But there are things that occur in an office, conversations that I do not remember. There is no member of this House who, on oath, could repeat a conversation he had yesterday. Many conversations I fail to remember because I deal with a hundred different things in my office, and then carry on business in this House also. I need not have told the Commissioner I was annoyed. I could simply have said that the administration went out of my hands, and I did not want it. But I told the Commissioner the facts, and now the member for East Perth says he knew all that happened. But how could he know? This man had the right to go before the Commissioner and give evidence. What was the honourable thing for him to have done? To have gone to the Royal Commissioner and told the Commissioner that he knew and stated the facts. But he was not game to go into the witness-box.

Mr. Hughes: Yes, he was in the witness-box.

**THE MINISTER FOR LANDS:** And he ran away. He could have gone into the witness-box and said, "I know this for a fact." Then the Commissioner probably

would have said, "Mr. Hughes, how do you know?" Then Mr. Hughes would have been bankrupt; he could not have been otherwise. The Commissioner would have said to him, "Where is your evidence, and how do you know?" But he would have been bankrupt because he did not know and could not know. When Mr. Hughes first raised the question in this House that Mr. McCallum had agreed to the scheme of town planning supported by the Town Planning Commission in the area referred to in my speech, I was concerned that Mr. McCallum had done that of his own initiative. But Mr. Bulley, the chairman of the Nedlands Road Board, swore in evidence that after a deputation he told Mr. McCallum about the deadlock. Did the hon. member quote that evidence to the House to-night? Of course not. But Mr. Bulley has sworn in evidence that after the deputation he went to Mr. McCallum's office, told him about the trouble and asked him to agree to the scheme to help the local authority out of a difficulty. Then Mr. McCallum agreed to what the road board wanted done, what the Town Planning Commissioner wanted done, and what the Royal Commissioner said was right.

Hon. C. G. Latham: Was that on the day on which he took over the department?

The MINISTER FOR LANDS: No, it was some time afterwards. Mr. McCallum took over at about the end of February, and on the 5th March he approved the town planning scheme. I think those are the facts. I think now, in view of all that I have heard and the discussions I have had with others, that I was wrong in the first place in ruling that a picture theatre was not a shop; because, as the Royal Commissioner pointed out, the word "shop" was not to be regarded in its strictly limited sense, but was to be regarded as applying to a town planning scheme, and therefore in that sense a shop could include a hotel, a picture show, a garage, or any other place of business. Mr. McCallum did what he was asked to do by the Town Planning Commissioner, and by the local authority. That is the whole position regarding the Nedlands Road Board controversy. When I think of the circumstantial evidence that might have been raised against me by the member for East Perth, I see that I had a very narrow escape indeed. The member for East Perth

has said that it was a Cabinet decision to carry out the transfer of that Act. It was not a Cabinet decision at all; it was a decision of the Executive Council to transfer the Act from the Minister for Lands to the Minister for Works. That was on the 20th February, and Mr. McCallum did not agree to the amended scheme until the 5th March.

Hon. C. G. Latham: What are you quoting from now?

The MINISTER FOR LANDS: From the Executive Council minutes, dated the 20th February, 1935.

Hon. C. G. Latham: That is not the one that was gazetted.

The MINISTER FOR LANDS: No, I see I have made a mistake. I am looking at the wrong file.

Hon. C. G. Latham: It was on the 8th March, page 613.

The MINISTER FOR LANDS: Here is a copy of the minute on the Town Planning file, No. 113/30, vol. 2, page 103. This copy was given me by my clerk to-day. It can be seen on the Town Planning file. It was transferred on the 20th February, 1935, and Mr. McCallum did not agree to the amended scheme until the 5th March, nearly two weeks afterwards. That is the position. I propose now to deal with the charges made by the member for East Perth. He said that when speaking about the dead, he had to think of the living. He said he had hurled the lie back in their teeth. It cannot be said by the member for East Perth that he was circumscribed or gagged by the Royal Commissioner. Tongues were everywhere wagging about the remarkable license that he was getting. The hon. member never made a charge in this House, or anywhere else, that the late Mr. McCallum was interested in an hotel. He never made any such charge in this House, and so the Royal Commissioner could not inquire into something about which no charge had been made. The hon. member did say that the Licensing Board was in a terrible position because of the influence of Ministers, but he made no charge that Mr. McCallum was interested in an hotel. When the hon. member got before the Royal Commissioner, he was simply fishing. He never produced a witness on any charge, nor did he produce any corroboration of his charges. He claimed privilege. The first thing he said was that he claimed

privilege under some old Act of about a hundred years ago. He did ask Mr. Collier if he were interested in an hotel, but the Commissioner promptly said it was not a fair question, because no charge of that character had been made. The member might have asked me had I divorced my wife. He was continually fishing to get something, but for himself he had nothing. He admitted that it was all circumstantial or based on suspicion. So he never was entitled to ask that question, because he had made no charge. The Royal Commissioner rightly did not permit him to put that question. If he had made a direct charge in this House that Mr. McCallum was interested in an hotel it would have become a subject of an inquiry. He said to-night that my administration was quite all right but that I wanted to protect the Ministry. He asked me about the hotel when I was giving evidence. I think it was in regard to the Agricultural Bank. In Question 5271 he asked me—

Would you have still appointed McCallum had you known that he was in the habit of applying for hotel licenses in the names of other persons?—I do not know anything at all about Mr. McCallum's habits.

5272. Would it have made any difference had you known?—It was not in my mind. I made the appointment on the facts known to me.

5273. But had you known other facts?—I do not know other facts now.

5274. You know that he applied for a hotel license?—I have never known it.

5275. Did you not know that he was one of the persons that applied; can you deny that?—I do deny it; I have no knowledge of it.

On my oath, I never knew about it. I never at any time knew that Mr. McCallum was interested in hotels. When Mr. Hughes asked me that question, I gave him the proper answer, which was that I did not know. I know nothing about this transaction except what I have heard from the member's lips to-night. Even now I do not know the facts, although he says he knows them. I am sure that no man could put a few hundred pounds into an hotel investment and get £10,000 out of it in a short time. I presume if the value represents money raised on mortgage which must be paid to the bank it may be a horse of another colour. When I said that I did not know, I did not know. I can say now that except for what I was told, I did not know. The mem-

ber for East Perth has discovered that Mr. McCallum had some interest in a hotel at Nedlands. What is to be assumed from that? The member for East Perth's claim is that Mr. McCallum improperly went to the Licensing Court. What are the facts? The Chairman of the Licensing Bench gave evidence before the Royal Commission and he showed that the block in respect to which the license had been granted had a majority of 501 signatures over the other block. Moreover it was the more suitable block and it was for that reason that the license was granted. The member for East Perth also stated that the Minister could influence the Licensing Court. If I went to the Chairman of the Licensing Court and endeavoured to induce him to grant me a hotel license, would I not be putting myself in his hands? Could he not afterwards say that I had tried to coerce him? Is that not the last thing that any man would do? Of course the member for East Perth is sure that that was done, but no decent man would dare approach any member of the Licensing Court; he would not be so foolish as to run the risk of what might follow such a course. The member for East Perth also spoke about another hotel and in fact he made a lot of charges in connection with the granting of hotel licenses. But he never succeeded in one of them. Now, because it has been discovered that Mr. McCallum was interested in a hotel, he is endeavouring to show that the Royal Commissioner was wrong in the decision that he arrived at. At the time the member for East Perth never made an accusation that any Minister of the Crown was interested in an hotel. He never said that Mr. McCallum had any interest in an hotel. He did not know; he tried to get information by fishing. What are his charges essentially? Here is something he said about the granting of hotel licenses—I must quote him correctly—that seven applications were made for licenses and each application contained the required number of signatures. He added that all the applications were rejected until Senator Johnston came along and put in his application which was granted. What are the facts: The member for East Perth said that there were seven applications made. It was proved to the Royal Commissioner that not seven, but two applications were made, that five never reached the court at all. His statement was that seven were

made. Was that not lying? In truth therefore, one application only was rejected in 1930 and five petitions never got to the court at all. They were rejected by the electoral officer because they were not in order. But the member for East Perth said that seven went to the court whereas there were only two, and one of those two applications was made in 1930, the depression year. The other was made in 1935, and that was the one that was granted. The petition for this one had amongst its signatures those of T. J. Hughes and his wife. It would be impertinence here to say that the application he signed was not a proper one. The Royal Commission decided that the license was properly granted and now the member for East Perth says there was corruption. With regard to the petition, the member for East Perth said that a man came along for his signature and he just signed it. Does not a man usually take the responsibility for what he signs? When he signed his name of course he suggested it was right and proper that the hotel should be in that particular place and that it was justified. Did the member for East Perth when he appeared before the Royal Commission say that he was in possession of the facts, and that he would prove his charges. He had no facts and he was not able to prove anything. Is it not proper when a man makes charges that he should have some knowledge of the facts, that he should go into the witness box and say, "Here are the facts and here are my witnesses. But he had none. Then with regard to Mr. Gray, his charge was that that gentleman went to the Trades Hall and he and his colleague took unlawfully £721 out of the funds of the industrial unionists of the State to pay for Mr. Gray's legal transgressions.

Hon. C. G. Latham: That was not mentioned to-night.

The MINISTER FOR LANDS: The member for East Perth said that never was money more fraudulently obtained, that it was plain misappropriation of funds. Yet he never produced a witness to support his charge before the Royal Commission and the Royal Commission decided that there was no fraudulent use of funds. This man did not go into the box; he was never on his oath, and he was not on his oath to-night.

Hon. P. Collier: It is William and Mary to-night.

The MINISTER FOR LANDS: He never produced a single witness and of course he

failed signally. He said that Mr. McCallum had the Premier of the State in an unfortunate position in which he could blackmail the Premier into doing anything he wanted; that the Premier was in the unfortunate position that he had to leave the State, but when he returned the gun was put at his head by Mr. McCallum, that Mr. McCallum forced the Premier to take certain action because he had the Premier, who had been his colleague for years, at his mercy, and so he demanded from the Premier the job for which he had absolutely no qualification at all at £2,000 a year. That was the charge that he made against Mr. McCallum, but he never went into the box to prove a word of it. He gave no evidence in support of it and did not produce a witness. All he could do was to talk about circumstantial evidence. When the Commissioners said there was no truth in that charge, the member for East Perth could not hurl that back. The facts are that it was I who made the appointment. I made the recommendation and the appointment. There is no shame in a man who can concoct a story like that and does not attempt to produce any evidence in support of it. He knew he could not because he had no evidence. The member for East Perth is a lawyer to-day and he will be associated with a lot of circumstantial evidence of this type in the courts. He made a definite charge with regard to the Agricultural Bank appointment without any evidence at all to support it. I was the only man that could have told the truth, and I told the truth to the Royal Commissioner who believed it. Yet we have this man concocting stories on what he calls circumstantial evidence. No man's reputation is safe where he is concerned. He speaks of improper influence, but when I was Minister for Mines he came to me and insisted that I should support a friend of his for a magisterial appointment. In fact, he said, "You will have to make this man a magistrate."

Mr. Hughes: What nonsense! Who is the man. Tell us his name.

The MINISTER FOR LANDS: He asked me also to help his friend and partner to a magisterial appointment, and I said no.

Mr. Hughes: I had no partner. Tell us his name.

The MINISTER FOR LANDS: I do not suppose he is a partner any longer. Everyone quarrels with the member for East Perth.

Hon. P. Collier: No, he has no partners now.

Mr. Hughes: Tell us the man's name.

The MINISTER FOR LANDS: For the man whom he wanted me to make a magistrate there is nothing too bitter in his mouth now.

Mr. Hughes: Who is the man?

The MINISTER FOR LANDS: I will not give the name here, but I give the facts.

Mr. Hughes: Tell us who the man is.

The MINISTER FOR LANDS: It is not necessary to mention the man's name.

Mr. Hughes: You cannot tell it.

The MINISTER FOR LANDS: And then the hon. member talks about improper practices! I do not want to mention the man's name in this House. He has not done anything for which I want to attack him. The member for East Perth talks about his "royal progress." I call it a rotten progress. Every associate he has ever had he has quarrelled with. That is the trouble with his public life. If he is defied, he never forgets. He pursues an opponent even beyond the grave. The member for East Perth said that Mr. Willecock had put justice on the auction block for sale. That was a serious statement to make, but he never gave a tittle of evidence in support of the statement. The evidence proved that Mr. Willecock never put justice on the auction block for sale. The Commissioner decided against the member for East Perth. The member never had a witness in support of the charge, and he himself was not prepared to support it on oath. He made it here under privilege. Naturally the Commissioner ruled against it. Who would not rule against a man that was not game to go into the box and support his charge on oath? The charge could only be supported by circumstantial evidence concocted in some bad and vicious mind. In the East Perth election the member mixed up Clydesdale and Crosthwaite. He said, "Crosthwaite is a friend of Jack Wren. Jack Wren is a friend of Clydesdale's. All are rich people." What was the member's complaint against Clydesdale? What had Clydesdale done against him? To-night the member said the Government would not fight the Upper House, and then he spoke about Clydesdale again, saying he was a director of an insurance company. Did Mr. Clydesdale vote against the State Government Insurance Office Bill? No. He did his duty.

He was not influenced by being a director of an insurance company.

Mr. Hughes: Clydesdale has dug his own political grave. Just wait until March!

The MINISTER FOR LANDS: I have said before that John Norton of New South Wales was a very clever and capable man with a newspaper supporting him, and that when I was a lad in New South Wales Norton attacked honourable men until they were afraid of him and his vicious tongue and his newspaper. Honest people in New South Wales believed John Norton to be an honest man and a purifying angel, whereas he was in fact one of the worst characters that ever lived. I was a follower of his in New South Wales, but I heard him here for the first time in the Theatre Royal and was absolutely disgusted with the way he played down to the community. He made money in New South Wales by vilifying and abusing honourable people.

Hon. C. G. Latham: Do not forget that that man also has passed over the Great Divide.

The MINISTER FOR LANDS: That is all right. I am merely drawing an analogy. John Norton went too far; and after he had been discovered his enemies posted all his crimes, gave a whole list of crimes which even included murder. For years in New South Wales John Norton never gave any public man any rest. He vilified every one of them, and he was not fit to black their boots. The member for East Perth has made a lot of charges, but has not stood up to one of them. He has not proved even one of them. To-night he revealed that Mr. McCallum had had some interest in a hotel at Nedlands. He says that all this combination of the town planning scheme and its administration point to that fact. I ask him how did he come to the conclusion that Mr. McCallum pointed a gun at Mr. Collier's head and forced Mr. Collier to make him general manager of the Agricultural Bank? What evidence did he offer in support of that? He had none. Now he thinks he has a chance of showing that the Commissioner was wrong in everything. He said he was not allowed by the Commissioner to ask questions about hotels. But he had made no charges about hotels. Why did he not make such a charge? Why did he not say, "Mr. McCallum has an interest in hotels and has influenced the Licensing Court"? Why

did he not make the charge about other Ministers being interested in hotels? He did not do it. At the Royal Commission he was not allowed to go fishing. The whole of his campaign before the Royal Commission was a fishing campaign in the hope that he might drop on something. As regards all these charges, the member for East Perth has not stood up to one of them. To complete it all, he was put in the box. All the statements submitted to the Commissioner for investigation were statements not made on oath. When he was put on oath and was under cross examination to prove his charges, what did he do? He ran away from them. He claimed privilege. He said, "Yes, I made that speech, but I won't say what it was." After that exhibition he disappeared. Now he thinks, "I can reinstate myself because Alec McCallum had some share in a hotel at Nedlands." He cannot say that the hotel was not warranted at Nedlands. He does not say that the Licensing Court would have given the license for any site in another position. Certainly a hotel license was refused to the site opposite this one, but the two applications were heard together. The one petition had a majority of 500 signatures, and referred to a better block. If I had been the Licensing Court myself, I would have given the license to that block. But what is the charge against the Government? The member for East Perth says the Government does not possess the confidence of the House. Mr. McCallum had not been in Parliament for two and a-half years. He was never a member of the Willcock Government. The Willcock Government knows nothing about his transactions and had no hand or part in them. Is the member for East Perth prepared to charge the present Government? He says, "Because Mr. McCallum was a member of a former Government the present Government is responsible." We do not know that there is any guilt on the part of Mr. McCallum. His action may have been unwise, but there is no evidence that it was not fair and square. However, Mr. McCallum has gone past being defended here. Therefore the member for East Perth is hard put to it to make his charge against the present Government. If he takes the risk and goes on his oath to prove that this Government is not deserving of the confidence of the House because of some maladministration

or misconduct of a Minister let him make the statement. He has had generous treatment in the past. He could have been bundled out because he has made gross mis-statements on the platform, in the Press, and in this Chamber. However, he was not bundled out.

Hon. C. G. Latham: He would have come back if he had been.

The MINISTER FOR LANDS: That does not matter.

Hon. C. G. Latham: That is a jolly sight worse!

The MINISTER FOR LANDS: Oh no! When I arrived in this country the Forrest Government had been in office for ten years, and everywhere throughout Western Australia men were traducing that Government as corrupt. They said John Forrest and Alec Forrest and others were all boodlers. The Forrest Government remained ten years, and then went out under those charges. Yet there is no one in Western Australia to-day who does not honour the members of the Forrest Government, and there is nobody who bothers about or remembers the people who traduced them. Mr. McCallum may have had his weaknesses. All men have their temptations. No man could walk down the street with his history written on his back. Could the member for East Perth walk down the street with his history written on his back? Will he tell the people how poor old Jim Keighran, a former partner of his, became impoverished and ruined, and how his business was destroyed, and how his home was sold over his head? No! Mr. McCallum may have done things which in the circumstances were unwise. But he is not on trial here. Furthermore, while the member for East Perth might have been returned for East Perth, and may be returned again, what does that matter? If he were returned ten or a dozen times it would only be putting off the day of his defeat. He has spoken about the way in which the Government is treating the unemployed and the workers, and so forth. Mr. McCallum was a trade union secretary and organiser for 30 years and the statute-book is filled with the legislation he introduced for the benefit of the workers.

Miss Holman: Hear, hear!

The MINISTER FOR LANDS: And there is nothing from T. J. Hughes.

Mr. Marshall: And never will be.

The MINISTER FOR LANDS: And never will be. He has talked about what the Government can do with the resources it has. When the party opposite is in office he will say the same to them.

Hon. C. G. Latham: You will not be far behind him if you can get a smack at us, either.

The MINISTER FOR LANDS: If I forget myself and follow your bad example, I will be soothing him on to the Government and destroying the Government. He has to live. He had to promise the electors what he would do. Let members opposite put him into the Government and see what this outstanding character will do. Let them then see what this brilliant mind will accomplish. Let them put him in the Government as Attorney General.

Hon. C. G. Latham: We have plenty to choose from.

The MINISTER FOR LANDS: He will fail lamentably. Mr. McCallum's work for the workers of this country is outstanding. They have the best Workers' Compensation Act in the world and they got it through him, and the member for East Perth had no part in it. They enjoy advantages through the efforts of Mr. McCallum for 30 years, and now he is dead the member for East Perth wants to clear his own character by defaming him and referring to something that Mr. McCallum did, unwisely or wisely, whatever may have been the circumstances. However, this Government is not on its trial. The Government is not on trial unless the member for East Perth makes some accusation against the Government's integrity. When he does so, I make this challenge to him. Let him get into the witness box. Let him go on oath and take risks, and let him have his statements corroborated if he can. But this Government is not now on trial. We know that Mr. McCallum was human, but we know that he did great work for this country, and even the people of East Perth will one day acknowledge it.

HON. C. G. LATHAM (York) [11.19]: I proposed, when the motion was introduced, to be a silent listener. I intended not to take any part in the discussion but, in my capacity as member for York, to adjudicate, as far as I could, and give a decision which I thought fair and just. But the member for Boulder (Hon. P. Collier), by

way of interjection, asked me to lay my own charges, because I happened to interject, and told me not to be a coward. While I am in this House I am not going to sit down and allow anyone to call me a coward. I have nothing to fear. I propose now, as far as I judiciously can, to sum up the situation as it appears to me, and while I have no desire to add very much to the debate, I propose to point out to the House the views that have come to my mind. The first thing I ask myself is, "What is the cause of this motion moved by the member for East Perth?" My reply is, it is a statement made in this House by the member for Northam (Mr. Hawke) the other night, when he made a charge against the member for East Perth (Mr. Hughes) and told him he was a liar, a cheat and a thief. You and I will agree, Mr. Speaker, that that is unparliamentary language. I contend it should not have been allowed. It went unchallenged. The member for East Perth has taken the first opportunity to repudiate that and push it back on to the member for Northam. That seems to me to be the reason for this motion. In connection with the charges made against the Government, I have come to the conclusion that they cannot affect the present Ministry. I am speaking now regarding the charges laid in connection with the Captain Stirling Hotel at Nedlands. With regard to the other charges, they are such as I have repeatedly made in this House, namely, that the Government is not doing all it can for the unemployed. I do not propose to delay members by dealing with that question because I have dealt with it previously. In that direction the member for East Perth must have my support. But I do not see how we can ask the members of the Government to-day to shoulder the charges made by the member for East Perth. I would point this out, however, that the member for East Perth has conclusively demonstrated to the House, and not only the Ministry but every member should take notice of it, that it is unwise and dangerous for one who is a Minister of the Crown to interest himself in a business that is controlled by a board of which he has the appointment. That is a serious position. The member for East Perth has brought under our notice that there was a Minister interested in hotels, and that that Minister, in his capacity as an administrator of this State, had the appointment of the

Licensing Board every three years. He may not have used any undue influence in respect of the position he held, but it is a dangerous thing for any member of a Government to engage in the hotel business when it is a responsibility of the Government to appoint the board which controls that business. This is the only matter of which we need take cognisance now in the remarks of the member for East Perth. I want to put the Minister for Lands right in regard to some of the statements he made. He stated that the transfer the Town Planning Act from the Minister for Lands to the Minister for Public Works took place some time before the promulgation of the amended regulations. I have looked through the "Government Gazette" to ascertain what took place in 1935. I find at page 613 of the "Government Gazette" of 8th March, 1935, this notification:—

Premier's Department,  
Perth, 5th March, 1935.

It is hereby notified, for public information, that His Excellency the Lieut.-Governor in Executive Council has approved of the transfer of the administration of "The Town Planning and Development Act, 1928," from the Hon. the Minister for Lands to the Hon. the Minister for Works and Water Supply.

L. E. SHAPCOTT,  
Secretary Premier's Department.

I turn to page 631 and find this notification:—

#### Nedlands Town Planning Scheme.

The Hon. the Minister for Works, in pursuance of the powers conferred upon him by Section 7 of the Town Planning and Development Act, has approved of the variation and amplification of the Nedlands Road Board Town Planning Scheme as gazetted on the 13th March, 1931, as hereunder:—

#### Business Areas.

(1) The frontages to the respective streets named hereunder only of the following lots may be used for retail shops of approved use and/or residences, subject to any By-laws made under the Road Districts Act or the Town Planning and Development Act:—

Lot 245, Waratah-avenue; Lot 518, Merriwa-street; Lot 65, Langham-street; Lot 71, Aberdare-road; Lot 57, Loch-street; Lot 586, Viewway, and Lot 162, Bruce-street.

(2) The land or lots included in existing shopping areas as defined under the Scheme, excluding the lots referred to in (1), may be used for any of the following purposes:—

This is the area which was originally gazetted as a shopping area and in which the Minister informed the House he would raise

no objection to the erection of a hotel which he regarded as a shop. The amended regulations set out the purposes for which the lots might be used as follows:—

(a) Any use allowed in the residential gazetted area, and subject to any restrictions imposed by By-laws under the Town Planning and Development Act and the Road Districts Act.

(b) A theatre, hall, club, or place of amusement.

(c) Offices, banks, or hotels.

It will be seen that hotels are specially mentioned.

(d) Fire stations, police stations, post offices, or public buildings.

(e) Shops, salerooms or showrooms for the conduct of retail or wholesale businesses.

(f) Workrooms connected with retail business, in which not more than 50 per cent. of the total floor area is devoted to the workroom.

(g) Such other accessories as this local authority may determine, but not including any industry, trade, or manufactory, beyond that specified in the previous clauses hereto.

Notified for public information.

DAVID L. DAVIDSON,  
Chairman Town Planning Board.

That is also dated the 5th March, the date on which the notification of the transfer of the Department took place.

The Premier: Here is a copy of the minute of the Executive Council.

Hon. C. G. LATHAM: I am using a copy of the "Government Gazette." The Premier knows as well as I do that it is not only the passing of an Executive Council minute that is necessary. The regulations must be gazetted. The day he was sworn in as Premier, a "Gazette" had to be published immediately. The two things go together. Immediately these things take place and the fact is gazetted, they become law. They do not become law until they are gazetted. Otherwise regulations might be in force for a long while and the public would be unaware of the fact. To take action against anyone under a law not made public would be wrong in principle and that would not be done even by the present Administration. It may be a coincidence that both these transactions bear the date the 5th March, 1935. Despite the fact that the Minister stated that the ruling he gave on the advice of the Crown Law Department was that a picture garden was not a shop, but that a hotel was, we know very well that the Nedlands Road Board would not grant permission for the erection of a hotel because it was afraid that to do so was beyond its powers under

the by-laws. The matter was held up for a long time. I have here a few facts to prove what I am saying. The first set of regulations was gazetted on 13th March, 1931. A provisional certificate for the Captain Stirling Hotel was granted on the 28th December, 1934; the regulations were amended on 8th March, 1935, and the license for the hotel was granted on 4th December, 1935. So that 12 months passed between the time the provisional licence was granted and the day the licence was actually issued, because the Nedlands Road Board refused permission for the erection of the hotel on the ground that it would be a violation of the Act. Those are absolute facts. I am not personally interested in any way; but it looks as if the member for East Perth has made out a case. I have avoided, as much as possible, bringing in names. I am of the opinion that when a person passes away, if we can say nothing good about him, at least we can leave him alone. Outside of that there is a public duty devolving upon us and that duty is to keep as far as possible the names of our public men free from any suspicion. I know it is impossible to do that with the public in every instance, but we have a perfect right to clean up any misunderstanding that might arise. When the charges were originally made by the member for East Perth I felt it my duty to ask the Government to investigate those charges. I am not going to put myself in the position of judging whether effect was given to it by the Royal Commissioner or not. The Royal Commissioner was appointed to hear the evidence and he gave his findings. The findings might not be satisfactory to me; neither is every decision of the courts satisfactory to me, but I am prepared to accept his findings and, so far as I know, he based his decisions on whatever evidence was presented to him. I had no intention of taking any part in this debate but for the challenge of the member for Boulder (Hon. P. Collier). I wish the hon. member to know that no man in this House is going to charge me with cowardice. I will not permit it; there is no justification for it. Sometimes unpleasant duties devolve upon the Leader of the Opposition, but I have tried to carry out my work as I am expected by the public to do it. I intend to follow that course in future, as in the past. As to the points raised by the member for East Perth, I say that he has merely repeated on one of them what I have frequently said in this House, namely that the Government

could have expended money in a far better manner for the unemployed than has been done. As regards the other statements the evidence, to my mind, is conclusive that it would be better if members refrained from engaging in business, and that it is unwise for Ministers of the Crown to engage in business when they have the appointment or reappointment of the board controlling that business. To do otherwise is very dangerous. It leaves them open to criticism, and that being so, they must expect to be criticised.

**MR. McDONALD (West Perth) [11.33]:** I propose to intervene in this debate for one purpose only, and that is to express regret that the name of Sir Walter James has been introduced into the discussion. The name of Sir Walter James has been associated with the best traditions in the public life of this State, and also with the best traditions in the profession he has followed. I wish to say I am absolutely convinced that in all the matters referred to by the member for East Perth there has been nothing on the part of Sir Walter that has represented any departure from his line of duty.

Question put and negatived.

#### **BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.**

##### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

#### **BILL—INCOME TAX ASSESSMENT.**

##### *Council's Message.*

Message from the Council received and read notifying that it did not insist on its amendment No. 6, but insisted on its amendment No. 3, and had agreed to the further amendment of the Assembly to amendment No. 5, and disagreed to the further amendment of the Assembly to amendment No. 9, and insisted on its original amendment No. 9.

#### **BILLS (4)—RETURNED.**

1, Fremantle Gas and Coke Company's Act Amendment.

With an amendment.

2, Perth Gas Company's Act Amendment.

- 3, Land Tax and Income Tax.  
Without amendment.
- 4, Municipal Corporations Act Amend-  
ment (No. 2).  
With amendments.

### **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

Received from the Council and read a first time.

*House adjourned at 11.37 p.m.*

## **Legislative Council,**

*Wednesday, 8th December, 1937.*

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

### **ASSENT TO BILLS.**

Message from the Lieut.-Governor received and read notifying assent to the undermentioned Bills—

- 1, Air Navigation.
- 2, Supply (No. 2) £1,400,000.
- 3, Judges' Retirement.
- 4, Jury Act Amendment (No. 2).
- 5, Forests Act Amendment Continuance.

### **MOTION—URGENCY.**

*Public Service Classification and  
Mr. Munt's Pension.*

The PRESIDENT: I have received a letter from Mr. Baxter stating that he desires

to move the adjournment of the House on a matter of urgency. The letter reads—

Sir,—I desire to inform you that it is my intention at the sitting of the House on Wednesday, the 8th December, to move the following motion:—“That the House at its rising adjourns until Tuesday the 14th December” for the purpose of debating the following matters of urgency:—

1, The erroneous classification by the Public Service Commissioner, allegedly under the Public Service Act, of positions held by certain public servants.

2, The granting of a pension on the basis of such erroneous classification to a certain one of such public servants.

That letter was sent to me in accordance with Standing Order No. 59, and so that Mr. Baxter may have leave to move the motion, it will be necessary for four members, by rising in their places, to indicate their approval.

Four members having risen,

**HON. C. F. BAXTER** (East) [4.37]: In order to verify certain financial returns, I asked a series of questions in this House last week, and the replies I received to those questions started me off on a thorough investigation of the position, which I found to be very unsatisfactory. At the outset, as I shall be referring to three public servants in very high positions, I want it understood definitely that there is nothing of a personal nature behind any matter that I shall deal with to-day. The gentlemen I refer to are occupying very high positions, and have done so for a long period of years. I have been associated with all three. With two of them I have been associated in my capacity as a Minister of the Crown, and I was in close touch with the other public servant in relation to Cabinet and Executive Council proceedings. I hold the very highest opinion of all three gentlemen, who are public officers of the utmost integrity, fully qualified to carry out their duties, which they have done exceedingly well. That, however, is quite apart from the position to which I desire to draw attention. On Thursday last I asked a number of questions to which the Chief Secretary replied, and I desire to quote both questions and answers for the information of the House. The first question was—

What salary was Mr. C. A. Munt receiving at the time of his retirement from the position of Under Secretary of the Department of Public Works?