

Legislative Assembly, Wednesday, 30th November, 1910.

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

QUESTION—MINES REGULATION AMENDMENT.

Mr. HEITMANN asked the Minister for Mines: 1, What was the result of the conferences between officers of the Mines Department and interested parties on the question of freeing ore passes? 2, Who recommended Regulation No. 40, laid on the Table of the House and adopted during this year, dealing with "shrinkage system" passes? 3, Will the hon. Minister explain the difference between this regulation and the one objected to in the House last session, which he agreed to withdraw?

The MINISTER FOR MINES replied: 1, The conference sat at Kalgoorlie on the 30th November, 1909, and there were present the State Mining Engineer, two inspectors of mines, two representatives of the Chamber of Mines, and two representatives of the Federated Miners' Union. The question of amending Regulation 4, Rule 39, under the Mines Regulation Act, 1906, was very fully discussed, and it was eventually agreed to fall in with the union's wish, except in the case of flat passes inclined at angles of less than 45 degrees from the horizontal where-in all agreed that it would often be necessary for men to enter to shovel the dirt in order to make it move at all. 2, The State Mining Engineer. 3, The old rule permitted men to go into blocked passes, under certain restrictions, for the purpose

of freeing them. The new rules prohibit men from entering the passes to free them when the inclination of the pass is over 45 degrees from the horizontal, or where the shrinkage system is adopted, when they may enter the pass under special restrictions.

QUESTION—FREEZING WORKS FOR ALBANY.

Mr. PRICE asked the Minister for Agriculture: 1, Will he inform the House when it is proposed to commence the erection of freezing works at Albany? 2, In view of the fact that the fruit export season is now approaching, will he redeem his promise, made last February, that such freezing works shall be completed in time to deal with the coming season's exports?

The MINISTER FOR AGRICULTURE replied: 1, Difficulty was experienced in securing a suitable site. After one was selected further delay was occasioned by the fact that the Public Works Department found it necessary to sink trial holes to test the subsoil before plans could be prepared on the basis of the expenditure allowed for the works. Working plans are now in hand, and contracts will be advertised in a few weeks. 2, On account of this unforeseen delay it is hardly possible that the works will be ready in time for this season's business.

Mr. JACOBY: Arising out of this question I ask the Minister—In view of the fact that after considerable experience of pre-cooling prior to export in two of the Eastern States the recent Australasian Conference of Fruit Growers' unanimously decided that such pre-cooling was neither necessary or advisable, is it the intention of the Minister to proceed with erecting refrigerators at Fremantle and Albany for this purpose?

The MINISTER FOR AGRICULTURE: Yes, I consider it necessary.

Mr. JACOBY: I do not think the Minister properly understood me. I want to know whether it is his intention to erect refrigerators for the purpose of pre-cooling fruit at Albany and Fremantle?

The MINISTER FOR AGRICULTURE: Works will be erected at Fre-

mantle and Albany for pre-cooling if it is so desired and for other purposes.

QUESTION—WAGIN COURTHOUSE.

Mr. COLLIER (for Mr. Bath) asked the Attorney General: 1, Has a site been selected for the courthouse and lands office at Wagin? 2, If not, what is the cause of the delay? 3, Has a report been received from officers sent up to inspect suggested sites? 4, Was a reserve set apart for this purpose? 5, Is it proposed to select a site other than this reserve? 6, If so, for what reason? 7, What rent is being paid for premises at present used? 8, Are these suitable for the purpose?

The ATTORNEY GENERAL replied: 1, Yes. 2, See No. 1. 3, Yes. 4, Yes, site reserved being Reserve 5730, Uplands Street—*Vide Gazette*, 26th November, 1910. 5, No. 6, See answers 4 and 5. 7, £50 per year. 8, No.

QUESTION—CASE OF MR. J. G. HAY.

Mr. COLLIER (for Mr. Bath) asked the Premier: 1, Is the Premier aware that his predecessor made a promise to inquire into the claim of Mr. J. G. Hay, ex-employee of the Government Labour Bureau? 2, Has any action been taken in the matter? 3, If so, with what result? 4, If no action has yet been taken will the Premier have the inquiry made as promised?

The PREMIER replied: 1, I find that my predecessor promised on September 9th that Mr. Hay's claim would receive consideration. 2, 3, and 4, The matter is now being further inquired into.

QUESTION—ARGENTINE IMMI-GRANTS.

Mr. ANGWIN asked the Minister for Lands: 1, Has the Minister's attention been drawn to the following paragraph published in the *West Australian newspaper* on Tuesday last, 22nd November:

Argentine Settlers.—The Midland Railway Company report that they have disposed of 11 blocks of land in

Berkshire Valley to a colony of seven settlers from the province of Patagonia, in the Argentine Republic. These men are described as a sturdy lot of farmers who bring with them a ripe experience, a fair amount of capital, machinery, etcetera, and will number in all, with their wives and families, nearly 40 souls. Had they not succeeded in obtaining land from the Midland Company their intention was to leave for Queensland.

2, Were any applications made to the Lands Department by the persons referred to, for land? 3, Could not the Lands Department supply suitable land out of the large areas stated to be open for selection? 4, If so, can the Minister state for what reason these persons would have left the State if they did not get land from the Midland Company?

The MINISTER FOR LANDS replied: 1, Yes. 2, No; they made inquiries and were given passes to inspect land but did not lodge any applications. 3, Yes. 4, No.

BILL.—TRANSFER OF LAND ACT AMENDMENT.

Introduced by Mr. HUDSON and read a first time.

MOTION—RAILWAY PROJECT, ESPERANCE-NORSEMAN.

As to Postponement.

Notice of motion read for Mr. Hudson to move: "That in the opinion of this House the early construction of the railway between Esperance and Norseman, on the route already surveyed, is necessary in order to develop to the best advantage the agricultural, pastoral, and mining resources of the south-east portion of the State."

Mr. HUDSON: I move—

That the notice of motion be postponed.

The PREMIER (Hon. Frank Wilson): This notice of motion has been on the Notice Paper for many weeks past and it has been postponed time after time. I am of opinion that it should be

moved or struck off the Notice Paper. I hope the hon. member will see the propriety of doing one or the other. I hope he will move the motion, or let it lapse and bring it on at a later stage if he so desires.

Mr. HUDSON: It is the action of the Premier that has prevented this motion being dealt with. Last July a deputation from the goldfields waited on the late Premier (Sir Newton Moore) and asked for an answer in regard to their request that a railway should be built to Esperance, and Sir Newton Moore said that he would consider the matter, and that the advisory board would be sent to make a further inspection of the land. He said that the board would go as soon as possible and make a report, and that he would give his answer within at any rate two months. Shortly afterwards this notice of motion was given by me, and the notice has remained on the Notice Paper in order to allow me to get that advisory board's report before dealing with it; but the visit of the advisory board to the district has been deliberately delayed by the present Premier, and it was not until last week that the board went down. I understand they returned yesterday, and I now ask the Premier whether he will give me the opportunity of moving this motion during the present session, and whether he will place on the Table within a reasonable time the report of the advisory board?

The PREMIER: If this motion depends upon the report of the advisory board—

Mr. Johnson: Certainly it does.

Mr. Hudson: What would you say if I moved it without the report?

The PREMIER: Then why did you wish to move it before getting the report? The hon. member will have time enough to move his motion when he gets the report of the board. My predecessor fulfilled his promise. He directed the board to inspect the country at the earliest possible opportunity.

Mr. O'Loughlen: He promised it last July.

The PREMIER: They cannot go out on a moment's notice. They made a preliminary inspection and they needed to have the land classified before they could make a full inspection. The ex-Premier certainly carried out his promise, and the advisory board is now in that district inspecting the land.

The Minister for Lands: They came back yesterday.

The PREMIER: The hon. member knows full well that as soon as the report is in my hands it will be laid on the Table of the House, as any other report that has been received has been laid upon the Table. There has been no delay that he can charge the Government with, and it is no fault of the Government. Why did he table the motion before he was ready to go on with it?

Mr. Johnson: Because he thought you would go on with your promise.

The PREMIER: There is time enough for the hon. member to complain when we refuse to put the report on the Table when it is furnished. I maintain the hon. member was going on with this motion without the report of the advisory board when he gave notice of it.

Mr. Hudson: I had no such intention.

The PREMIER: Well, we cannot have a motion postponed indefinitely; it ought either to be moved and carried, or rejected, or it ought to leave the Notice Paper. That is my reading of the rule of Parliamentary procedure. I may say at once I am quite prepared to give the hon. member an opportunity of discussing the report of the advisory board when it comes.

Mr. HUDSON: I will accept that. In view of the Premier's remarks, I propose to persist in asking that this motion be postponed.

The Premier: Let it lapse.

Mr. HUDSON: No. I ask that it be postponed. Then when the advisory board's report comes down the motion can be moved without further formality.

Question put and passed: motion postponed.

PAPERS—PERTH TRAMWAY TROUBLE.

Police Services.

Mr. JOHNSON (Guildford) moved—

That all the papers relating to the manning of tram-cars by the police during the recent industrial trouble, and the subsequent application for payment to the Perth Tramway Company for this special police service, and the company's reply thereto, be laid upon the Table of the House.

He said: I am not in a position to know whether the Government are going to object to the motion.

The Attorney General: There is one inseparable objection in that there are no papers to lay upon the Table.

Mr. JOHNSON: The object I have in moving this motion is to find out whether the taxpayers of the State supplied the police protection to individuals during the recent tramway trouble, or whether that police protection was paid for by the individuals who used the police. I know from experience if you want a policeman for any special service, if you are holding, say, a special picnic and think it would be advisable to have a policeman there to keep order, you make an application to the Police Department for that protection, and you are asked to contribute 8s. a day while the policeman is so engaged. It is looked upon as a special service, under special conditions, and consequently is charged for. I remember an industrial trouble in connection with the construction of the Kalgoorlie Post Office, long before the passage of the Arbitration Act. If the Premier were in his place he would remember the occurrence, because I think he was interested in the contract. And it was characteristic of the Premier that an effort should have been made to erect the building at a low rate of wages, with the result that the workmen protested, and eventually went on strike. An iron wall was put round the site, and men were brought from Perth and other places to complete the building, while, in order to keep the union secretaries from interviewing these men, a policeman was placed at each of the gates. I was told by the officer-in-charge at Kalgoorlie at the time

that the contractors were paying for that special police service. There we have a case under exactly the same conditions as prevailed in respect to the tramway trouble. The contractor wanted protection for the men who were working as "black-legs." Exactly the same condition prevailed in connection with the tramway trouble when the men were working under conditions which were not regarded by the unionists as satisfactory. These "blacklegs" intimated to the company that they would not work unless the motor-men and the conductors each had a policeman beside him. In consequence, the tramway company were supplied with special constables, special men having been engaged for the purpose. By this the State was put to considerable expense over and above the ordinary expenditure for police protection.

Mr. Heitmann: They were more than eight-shillings-a-day men.

Mr. JOHNSON: Yes. I made inquiries, and was informed that the Commissioner of Police was under the impression that the services of these policemen would be paid for; and that at the expiration of a given period an account was sent in for payment. But it seems the tramway company refused to pay, whereupon the present Government wrote off the account. So it would appear the tramway company did not pay for the special services rendered, and in consequence the cost of those services was transferred to the general taxpayer. The Consolidated Revenue Fund had to pay for these special services rendered to the tramway company. If on all occasions the Government are going to apply this principle one cannot seriously complain, but if they are going to make a special case of this we have every reason to complain and to expect and demand a full explanation by the Attorney General. Failing that, the papers should be made available.

The Attorney General: There are no papers.

Mr. JOHNSON: I am not prepared to accept that statement. There must be papers in the possession of the Commissioner of Police in regard to this matter. It is improbable that all this business was

done over the telephone, and by way of interviews between the manager of the tramway company and the Attorney General.

The Attorney General: It does not concern me. I had nothing to do with it.

Mr. JOHNSON: The hon. gentleman seems to know a great deal about it.

The Attorney General: The Colonial Secretary is not here, so I am dealing with it on his behalf.

Mr. JOHNSON: I decline to accept the statement that there are no papers. There must be papers. The commissioner would have to get authority to enrol special constables for special service. Again, I know that the commissioner expected payment for the special service, and I am informed that he made application for that payment.

Mr. Bolton: That was shown in reply to a question asked in the House.

Mr. JOHNSON: There must be papers in connection with the matter, otherwise how could the application for payment have been made?

Mr. Horan: The Minister replied to my question on the subject.

Mr. JOHNSON: Consequently there is, at all events, a file containing the questions asked in the House, and the replies given.

The Attorney General: That is subsequent.

Mr. JOHNSON: How did you get the replies to the questions? You must have got that information from the departmental files. It is useless for the Attorney General to say there are no papers; there must be papers, and consequently I move in the terms of my motion that they be laid on the Table of the House.

The ATTORNEY GENERAL (Hon. J. L. Nanson): On the hon. member giving notice of this motion the Colonial Secretary requested the Commissioner of Police to forward any papers, in order that they might be placed on the Table. The reply he received was that the commissioner was not aware of the existence of any papers on the subject mentioned. It appears that in regard to manning the trams on the occasion referred to no application either verbal or otherwise was

made by the tramway company to the Police Department for the provision of this protection for the company's cars.

Mr. O'Loughlin: Who sent the police there?

The ATTORNEY GENERAL: As soon as it was decided to run the cars by the loyalists—

Mr. Holman: By the "scabs."

The ATTORNEY GENERAL: I am not prepared to accept that term; I prefer to term them "loyalists."

Mr. O'Loughlin: Heroes.

The ATTORNEY GENERAL: Yes, if you like. However, I decline to enter upon any further discussion as to the names by which these workers should be known. I desire to say that as soon as it was decided to run the cars without the assistance of union labour it was apparent to the Commissioner of Police and, I think, to other persons also, that considerable trouble might be caused, and that there might be an appreciable amount of damage done to the cars, and possibly to the persons travelling on those cars. That was the opinion at which the Commissioner of Police arrived, and hon. members will admit that under circumstances such as these a considerable amount of responsibility is placed on the shoulders of the head of the police. On the one hand, if he takes measures that may, to some hon. members, seem to err on the side of caution, he is liable to be severely criticised by those hon. members, some of whom are not always too nice in the language they use on such occasions. On the other hand, if the commissioner does not take action, and if persons, either members of the public or non-unionists, are injured by strikers or their sympathisers, naturally complaints are made that the Commissioner of Police has been neglectful of his duty in safeguarding the general public.

Mr. Underwood: You recognise a close season for strike-breakers.

The ATTORNEY GENERAL: I recognise that whom the hon. member calls a strike-breaker is just as much entitled to protection as any other member of the community so long as he is going about his business, and his business is lawful.

The commissioner arrived at the conclusion that it was necessary to take some precaution, and subsequent events proved the justification of his action. Because I believe it is a fact that eggs and other missiles were repeatedly thrown at the motor-men and conductors, and occasionally these missiles hit members of the general public, possibly sympathisers with the strikers. And not only were comparatively innocuous weapons in the form of soft eggs used, but also dynamite and percussion caps were placed on the tramway track.

Mr. Troy: Who put them there?

The ATTORNEY GENERAL: I cannot say; I wish I could.

Mr. Johnson: Can you swear that they were found?

The ATTORNEY GENERAL: I have no reason to doubt it. I cannot swear, because I did not find them myself. As to by whom they were placed on the track, I have no knowledge. The Government offered a reward in an endeavour to ascertain the identity of the persons who placed them there, but unfortunately no discovery was made. The Commissioner is convinced that greater damage and violence would probably have ensued had the precaution referred to not been taken at the time, and had he not taken it, the consequent blame for his laxity would have been cast upon him and his officers. As regards any request for payment for the services of the police, it is true that a verbal communication was sent to the manager of the tramway company that the usual charges would be made, but the manager on receiving this verbal request declined to pay anything at all. In other words he placed the responsibility of withdrawing these police from the trams on the shoulders of the Commissioner. He said "I decline to pay anything; withdraw the police if you wish." But it was clearly understood that if the police were withdrawn and any injury were done to the passengers on the trams or to the non-unionists working on them, a serious burden of responsibility would rest upon the shoulders of the Commissioner in withdrawing those police. Subsequently an interview took place between the Com-

missioner and Mr. Somerset, and at that interview Mr. Somerset said that he would like the constables to remain on the cars; and on consideration of the position as then set forth the commissioner decided to accede to the request and not to enforce the charge.

Mr. Underwood: Where was the interview held?

The ATTORNEY GENERAL: I am not instructed where it was held. Possibly it was at the tramway office and possibly at the commissioner's office.

Mr. Underwood: Possibly in the Palace hotel.

The ATTORNEY GENERAL: Even if it were held in the Palace hotel I do not think there would be anything very wrong. The obstacle of the non-existence of the papers is an unsurmountable one. I cannot call papers from the vasty deep or from the clouds. The commissioner realised that it was imperatively necessary not only for the protection of property, but also for the safety of the travelling public that this police protection should be continued, and I submit that the commissioner took a perfectly correct view of his responsibilities. As to what the hon. member said was done at Kalgoorlie I do not remember the circumstances myself—I do not know whether I was in the State at the time—but if the circumstances were such as prevailed at the time of the tramway strike, I should say unhesitatingly that the non-unionists were entitled to the same protection as any citizen is entitled to in the pursuit of his lawful occupation. I would be the last to admit that because a person is not a unionist he is to be denied police protection unless someone else pays for it. That is tantamount to placing a man who is not a unionist outside the protection of the law. If there was danger to an hon. member he would receive the same police protection as any other individual.

Mr. Bolton: If he pays for it.

The ATTORNEY GENERAL: Not necessarily. In this tramway strike the trams were running in the public streets, and there were not merely tramway drivers and conductors who wanted protection, but also members of the general public. I

can understand that members opposite, who wished this tramway strike to succeed and to prevent the trams running, objected to the police being placed on the trams, because undoubtedly, but for the presence of the plain clothes constables, the public would not have had the sense of security that they did feel. On one occasion when I was travelling on these trams I had an ocular demonstration of how necessary it was to have these constables. Somebody on the tram at the time commenced to cause trouble, and a stalwart gentleman, evidently a constable in plain clothes, moved down from the front of the car to the back to interview the rowdy individual, who however immediately vanished. We have had a similar instance since the strike when an attack was made on a non-unionist, and on it being shown that the man was in a position to protect himself his assailant vanished. In this case there was ample justification for the action of the police. In regard to the production of the papers I can only repeat that there are really no papers to lay on the Table. The papers I hold in my hand are entirely subsequent to the motion. There is first of all a minute to the Commissioner of Police—

Will you please forward the papers referred to above, with any remarks you may desire to make.

To this the Commissioner replied—

I am not aware of the existence of any papers on the subject mentioned. And then in reply to a request for further information the commissioner submitted a report which I have here and which I have availed myself of in replying to the hon. member. These, so far as my advice goes, are all the papers that are in existence dealing with the subject matter of the motion.

Mr. HOLMAN (Murchison): It comes as a revelation to members to know that important business is carried on by the Commissioner of Police without keeping any records of it at all. It seems astounding to me that business such as the administration of the police can be conducted without any records. So far as I am personally concerned I consider that the statements made are absolutely incorrect. It would be im-

possible for the commissioner to issue instructions to his officers without giving them in writing, and they should be produced in this House when a demand is made for them. I am satisfied that there are records in existence, and if these records cannot be produced we can only draw our own conclusions from that fact. Not only were the tram cars manned with police but police constables were stationed at almost every corner of the streets in which trams were running, and nearly the whole of them were in plain clothes and practically disguised. Many, who I knew myself, were in old clothes, and standing about with bicycles and practically disguised, and they could not go on duty of that nature without having received written instructions. If that is the method of doing business in the Police Department then I can only say, as I said before, that it is absolutely rotten. I do not call men noble heroes who were taking the bread out of the mouths of starving men and their wives and children, and who would take the billets of other men who were fighting for a just thing. If that is heroism as the Attorney General calls it, it is heroism on a par with his own, and the standard is a very low one indeed. If these verbal instructions were issued by the Commissioner of Police can the Attorney General tell us whether the instructions were issued in the Commissioner's office, the tramway office, the Weld Club, or the Palace Hotel, because I am satisfied that a great deal of the police business in Western Australia has been transacted in some of the clubs in this city. A good many decisions which have affected large numbers of men have been discussed in these institutions. We are told by the Attorney General that the question of engaging special constables and manning the cars week after week was a matter of verbal arrangement. I know that men were stationed at various street corners, because I saw them myself, and now we are informed that there is no decent record of this business kept at all. Did the Commissioner of Police instruct these men verbally when he sent out mounted constables with swords in order to cut down the poor unionists and workmen who went to have a look at the

scabs? Were not written instructions given to those men who rode the people off the footpaths? I say this, that had the police department, the Attorney General, and the Government, not been ashamed of their action in this matter they would have no hesitation in placing every paper in connection with the tramway trouble on the Table of the House. Now we know that a large number of men were given to the Tramway Company during that trouble.

Mr. JOHNSON: And special constables were sworn in.

Mr. HOLMAN: I did not know that, and that makes it all the worse. How was it possible for the Commissioner to issue instructions for special constables to be sworn in unless there were some papers kept in connection with the business? I am satisfied that my remarks in connection with the Police Department were altogether too mild.

The Attorney General: That is your defect: you are always too mild.

Mr. HOLMAN: Yes. I am always too mild, but I only hope that I will never have the defects of the Attorney General, because if I had I should be sadly wanting in a great many things.

The Attorney General: If you persevere you may get them.

Mr. HOLMAN: If I persevered until "kingdom come," I would never have some of the defects of the Attorney General, political defects I mean. This same matter must have involved the expenditure of hundreds of pounds, because there were mounted police, and they had swords which must have cost something to polish. There were men on every car, there were others stationed at the corners, and in the streets, and others were brought down from far out back in the country to do special duty, and although instructions must have been issued to the country stations to send men in to do this work we have the word of the Attorney General that no such instructions were given.

The Attorney General: In regard to the manning of the tram cars.

Mr. HOLMAN: Could these cars have been manned if these special constables had not been brought in? The wording of the motion would cover the whole of the

trouble, and it is only a mere quibble and a subterfuge when we are told that the papers in connection with the manning of the tram cars are not in existence. I ask the Attorney General this: Are the instructions given to the members of the police force written or verbal? And the Attorney General knows full well that it is absolutely compulsory when a constable is placed on special duty on a tramcar for that constable to make a written report. The statement given in the House is in keeping with a great number of statements that we receive from the Government side, absolutely no information and denials that there are papers in existence. I say that if there are no papers at the present time in connection with the motion which has been moved, the papers did exist, but they have been destroyed. In matters like this if no records are kept the only object is to cover up the evil deeds of those in power. We know full well that we are given absolutely incorrect information here, and we know that business could not have been carried on without papers of some kind coming into existence, and it is flouting Parliament when the Commissioner of Police allows his business to be carried on in this way. If this is the system that the Commissioner adopts the sooner we get rid of him or the sooner we give him an opportunity of fraternising with the Chinese of the Weld Club or somewhere else the better it will be for the State. The position of the Police Department is by no means satisfactory, but in regard to this matter, from what I know, I say that there must be papers in existence in connection with the manning of these tramcars.

Mr. BOLTON (North Fremantle): I feel certain that there has been a mistake in the way the motion has been worded. I notice the Attorney General has not denied that there are papers in existence with regard to supplying police protection to those who are employed in the trams.

The Attorney General: I neither denied nor affirmed.

Mr. BOLTON: It is more than probable there are papers in existence but because the member for Guildford in submitting his motion referred to "manning" of the cars, this can be interpreted to mean man-

ing them with motormen or conductors. The Commissioner puts his tongue in his cheek and the Colonial Secretary also puts his tongue in his cheek and agrees with the Commissioner that they will bluff the hon. member by saying that there are no papers in connection with the manning of the cars. It may be perfectly true that there are no papers in connection with the application of the Commissioner for payment and the reply of the company thereto, but if the hon. member will move for the papers in connection with the supply of police protection for the cars and at the car barn he will get a different reply altogether and the Commissioner will not be allowed to give such a written answer, because I suppose technically in the present case he is right, and the Attorney General will see that the Commissioner supplies the information to members on this side of the Chamber. It should not be satisfactory to the Colonial Secretary or to the Attorney General who represents the Colonial Secretary to give such information as this to the House because the wording of the motion refers to the "manning" of the cars. My opinion is that the Commissioner has got out of the production of the file because the motion is wrongly worded.

Mr. Johnson: It is not wrongly worded.

Mr. BOLTON: I understand in connection with the "manning" of a locomotive or a boat or a car, that this refers to those who are employed in moving and working it; there is no such thing as "manning" a car by the police, the police were there during the tramway trouble for the protection of the men on the cars, and I think if the hon. member will move for the papers in connection with the supplying of police protection he will find that there are papers in existence and that he will get the information he desires. As the motion is worded at present I say that the hon. member has been bluffed by the Commissioner, and the Colonial Secretary has allowed the bluffing to take place.

Mr. UNDERWOOD (Pilbara): I do not agree with the speaker who has just sat down that if the motion were altered we would get different results. I have stated here before that we cannot possibly

get results from the Colonial Secretary's Department nor from any other branch of it. It seems to me it is absolutely absurd to think that the Commissioner of Police is allowed to pretend that he transacts business of this description in the saloon bar of a pub or the drinking bar of a club. It is a fact that he supplied police to protect the workmen on the tramcars and it would necessarily follow that there would be an understanding as to whether the company would pay for the services of those police or not. I am certain that there must have been communications in writing between the Tramway Company and the Police Department, but of course the whole of the Colonial Secretary's Department including the Colonial Secretary himself have seen fit for some considerable time—and in fact I do not think the Colonial Secretary has the capacity to do otherwise—to treat this House and everyone who disagree with him with contempt.

The Premier: That is not correct.

Mr. UNDERWOOD: It is absolutely correct. I say again that I have never known the Colonial Secretary to do anything: he is the most incompetent Minister who ever held a portfolio.

The Premier: I do not think you are capable of judging.

Mr. UNDERWOOD: And I will add that he has a most incompetent set of officers under him, from his under secretary down.

Mr. Hudson: He is only an instrument in their hands.

Mr. UNDERWOOD: The whole department is conducted by the heads. The hon. member says the Colonial Secretary is only an instrument in the hands of his officers. I can scarcely give him that dignified title; he is a positive nonentity in the administration of that department and of course the Police Department including the Commissioner.

Mr. Heitmann: The captain.

Mr. UNDERWOOD: Yes, the captain can afford to treat members on this side of the House with contempt, and of course he is doing it. I presume that we shall have to submit to this treatment until the next general elections. After

the elections it is my opinion that there will be a vacancy for a commissioner and that there will be several other vacancies in the Colonial Secretary's department as well, as soon as there is a change of Government in this State.

Mr. Bolton: It is badly needed, too.

Mr. ANGWIN (East Fremantle): Some members appear to think that the motion moved by the member for Guildford does not go far enough. I am quite in accord with that. My opinion is that the action of those in charge of our police at the time of the tramway trouble had a tendency to lead to serious consequences. For that reason it is my intention to move the following amendment—

That in line 6 after the word "thereto" the following words be inserted:—

"Also all papers dealing with the police and instructions issued to the police during the tramway trouble."

Mr. Bolton: Hear, hear! That is what is wanted.

Mr. ANGWIN: I think that many of the instructions issued to the police came from responsible Ministers. I am loth to believe that any person holding the position of Commissioner of Police would take it upon himself to issue instructions—without first consulting the Minister or the Under-Secretary of his department—to bring out a body of men armed to the teeth, as the saying goes, on a mere rumour. During the trouble a number of men intended to come up from Fremantle for the purpose of attending a football match. These men had nothing whatever to do with the trouble, but owing to the instructions issued with regard to these men, in consequence of the rumours floating about, there might have been loss of life if the police had attacked these men, and the danger might have extended not only to the police but to the general public. I think it is necessary that not only hon. members, but the people throughout the State should know what instructions were issued to the police at that time. There is no doubt to my mind that this kind of thing will lead to disturbances in connection with industrial troubles, in fact, difficulties are always brought about by the police carrying out the instructions

of those who are placed over them by the people. There is no doubt to my mind that in this case the police were carrying out the instructions from those over them. I remember not long ago having to wait to see a Minister, and while waiting found that he was closeted with a gentleman who at that time had a close connection with an industrial trouble; in fact there were two men with the Minister, and I found that instructions were issued to the police to take certain action in connection with the trouble.

Mr. Walker: What trouble was that?

Mr. ANGWIN: The timber trouble. I only mention that to show that I base my statements on the fact that after what took place apparently as the result of a conversation between these two gentlemen and the Minister, there was the possibility of the same thing occurring with regard to the tramway trouble. I am loth to believe that the Commissioner, although I realise sometimes he might lose his head, would take the responsibility of doing what was done on that occasion, on his own shoulders. I think he carried out the instructions that were issued to him. If some other Minister issued the instructions and not the Colonial Secretary, then that other Minister was in the position of responsible Minister of the Colonial Secretary's department, and it shows clearly to me that the Colonial Secretary did not have the confidence of the head of the Government. My reason for moving the amendment is that we may find out on whom the blame should be placed. If the words I have suggested are inserted we might before the end of the session know by whom the instructions were given, and if there were no written instructions, then there is more reason why we should take action on the Estimates.

Mr. JOHNSON (on amendment): I have no objection to the amendment because it only makes the motion broader, at the same time I am not prepared to admit that the wording of the motion does not convey exactly the desire I have in getting the papers relating to the policemen who manued the cars. There is no use in reading into the motion a limi-

tation. What was the position? There was a plain clothes constable put on each car with the conductor. It is no use the Attorney General saying he was there to protect the passengers, for in most cases there were no passengers to protect. There was a policeman on the back seat watching the conductor, and there was another policeman in the front of the car with the motorman.

The Premier: Should they not be protected then?

Mr. JOHNSON: I will let that argument go for the moment. I refuse to allow the Attorney General to say that the policemen were there for the protection of the public.

The Attorney General: They were there for the protection of the public, and the men.

Mr. JOHNSON: But there were no public to protect. The public were never interfered with in any shape or form during the trouble. I deny the public were interfered with, or struck with bad eggs, or rotten eggs, except to this extent that those sitting or standing on the footpaths may have been struck. The people on the footpaths, and not riding in the cars, may have got rotten eggs which were thrown at the policemen or the motormen. It is no use saying the public asked for this protection.

Mr. Heitmann: They were protecting "scabs" against the public.

Mr. JOHNSON: Exactly. We get to this position: special service was rendered to the tramway company to protect their individual employees. The Attorney General turns round and says, "Why not protect them." I have no objection to these individuals being protected provided the Attorney General will protect unionists, and unionists' affairs free of charge, the same as was done in connection with non-unionists and blacklegs. The Attorney General in answer to a question by the member for Yilgarn said that on special occasions when special services were required a special charge was made, and if a mounted constable was required five shillings extra was charged. There is no question that the tramway company requested special protection. They not only requested special protection for the

blacklegs on the cars, but they requested special protection by mounted men for the car-barn. We are in a position to know that. Application was made verbally, by arrangement, and I want to say right here that I am of opinion that either there was collusion between the Colonial Secretary and the tramway company or the Commissioner of Police and the tramway company, because they knew they were doing an illegal thing, doing something wrong, and to cover up that wrong, between themselves it was arranged to have a telephone conversation or a private verbal agreement so that it would not be made official and placed on the departmental files. I want to know from the Attorney General if the taxpayer has to pay for these things that are arranged verbally, or whether members are going to be told exactly what transpired between the Government of the day and the tramway company, or the Commissioner of Police who is a servant after all of the people of the State. Are we to take it as final that the Commissioner of Police did his work verbally, that he covered himself up so that the public and members of Parliament, who are the protectors of the general public, should not know what was done in connection with this trouble.

Mr. Hudson: The Attorney General said that he neither admitted nor denied.

Mr. JOHNSON: The Attorney General admits there was a verbal conversation, and the most amusing part of it, if one can look at it from an amusing side, the most amusing part was that the application for payment was made verbally. He sent the bill in by telephone as it were. Just let us inquire for a little while whether this was an occurrence of an ordinary nature. Here we had a matter affecting the general public, and the service of the general public, a matter that existed for some seven weeks, and during the whole of these seven weeks, although columns had been written in the newspapers and disturbance created by the action of the police, and a deputation of members of Parliament had waited on the Minister and besought the Minister to interfere so that the public should not be molested—all this happened. and yet

there are no papers. It is a most extraordinary thing. I say this advisedly that there must have been papers in connection with this trouble, papers relating to the trouble, and which would be covered by my motion, and if there are no papers to-day then I say these papers have been destroyed. They must have been destroyed. You cannot get me to believe that the Commissioner has so far forgotten himself and the responsibility of his office as to make application for payment verbally. I agree with the member for Murchison that if application was made verbally then the Commissioner of Police is totally incompetent to fill the position which he occupies to-day. The member for Boulder reminds me that in connection with the trial of Peter Bowling the Government got out of the difficulty in the same way. Possibly the authorities here had read exactly the same information that we read in the newspapers and said, "Wade has got out of his difficulty by destroying the papers, we will do the same thing." And perhaps they did the same thing. This is a most extraordinary position. If the amendment will bring in papers that will give us any clue to the action of the Government and the Commissioner of Police in regard to the swearing-in of special constables to do special duty for the tramway company, then I welcome the amendment, and I trust as a result of the motion that we shall get the information, and that the public will get the information and learn all about the services rendered to the tramway company.

The PREMIER (Hon. Frank Wilson): I hope the House is not going to pass the motion. I think it would be a most improper thing to do after the speeches which have been made on this matter. It seems inexplicable that a demand of this sort should be made, that the whole of the records of the department in connection with some trouble should be placed on the Table, and without a word of justification being put up. It is a fishing expedition.

Mr. Price: To hide.

The PREMIER: The member for Albany and others may grope among the

papers to find something against the Commissioner, and against the Government. It is obvious to members what the idea is—we are going to have a row about this matter and charges brought against the Commissioner.

Mr. O'Loughlen: Or the Government.

The PREMIER: Or the Government, or the Minister. I hope the House is not going to countenance this. If members were in the position that Ministers are in to-day they would resent a fishing expedition of this kind.

Mr. Johnson: They would make the tramway people pay like other people.

The PREMIER: They would not do anything of the sort. I have yet to learn that citizens of the State whether unionists or non-unionists are to be refused the protection of the police to which they contribute. According to members opposite, the non-unionists who are termed by these offensive names, blackleg or "scab," have no right of citizenship and must be denied the protection they are taxed to provide.

Mr. Price: Who suggests that?

The PREMIER: That is the position, and I resent it.

Mr. Price: But who suggested that?

The PREMIER: The members who have addressed the House.

Mr. Price: But, name them!

The PREMIER: There is the member for Guildford for one, and the member for Murchison for another.

Mr. Holman: I ask that the hon. member should withdraw that remark. I have never said one word against non-unionists getting protection.

The PREMIER: It was "scabs" you said.

Mr. Holman: A non-unionist is totally different from a blackleg or a "scab," and I ask that the statement made by the Premier be withdrawn.

Mr. Johnson: As far as I am concerned I want the Minister to withdraw the statement made concerning me. I said that if non-unionists were to be protected, then unionists and their gatherings should be protected also.

The PREMIER: There is only one inference to be drawn from what the hon. member said.

Mr. Holman: I ask that the statement made by the Premier in connection with myself be withdrawn—that I had said non-unionists should not be protected.

The PREMIER: I withdraw the statement if the hon. member says he did not make it.

Mr. Holman: The Premier has made a statement that I had said a certain thing.

Mr. SPEAKER: The hon. member has withdrawn the statement.

Mr. Holman: The Premier did not deny it because he qualified it afterwards.

The PREMIER: I freely withdraw anything I said that the hon. member says he did not say.

Mr. Holman: Withdraw your own statement. Do it like a man.

The PREMIER: I withdraw what the hon. member said I said which he says he did not say.

Mr. Price: Is a member, even the Premier, allowed to qualify a withdrawal?

Mr. SPEAKER: The hon. member knows that no distinction whatever is made. The Premier distinctly stated that if the member denies the statement he would withdraw it. Listening to the speech of the Premier I was under the impression that the hon. member did use the words.

Opposition members: You were wrong.

Mr. SPEAKER: I may have been wrong, but I was under the impression myself.

Mr. Holman: Any impression from the other side is all right.

Mr. SPEAKER: That is a reflection and the hon. member must withdraw it. Withdraw those words which are offensive to me, or I will order the hon. member to leave the Chamber.

Mr. Holman: According to the rules of the House I must withdraw.

Mr. SPEAKER: You withdraw, I am satisfied.

Mr. Johnson: I want a withdrawal. The Premier said that I had stated certain things. The remark I made was that if non-unionists were protected—and if you followed the debates so closely, Mr.

Speaker, you will know that I refer to the fact that if non-unionists were protected free, unionists and their gatherings should also be protected free. Consequently I made it perfectly clear in my case and I want a withdrawal.

The PREMIER: The hon. member forgets what he said. He says there was no one travelling in the tram cars, but there was a man placed on the back of the cars to protect a "scab" conductor, and there was a man placed on the front of the car to protect the driver, and that they should not be protected, and that if they were given that protection the company should pay for it. Is that not so?

Mr. Johnson: Exactly.

The PREMIER: Does not that mean that these non-unionists should not have police protection?

Mr. Johnson: The Premier is trying to make me say that the non-unionists should not be protected and that the unionists should be protected. I say if we have to pay for protection for the unionists, these people should have to pay for protection for the non-unionists; or that if the non-unionist is protected free, the unionist should be protected free. Consequently I regret the inference of the Premier and I want a withdrawal.

The PREMIER: What is it you want withdrawn?

Mr. Johnson: The Premier said he resented my statement that non-unionists should not be protected. I never said it, and I want a withdrawal.

The PREMIER: If the hon. member said he never said it I withdraw that portion of my remarks, but I do say that he inferred that these men should not receive protection.

Mr. Johnson: Free of charge?

The PREMIER: Free of charge? Yes.

Mr. Johnson: And why, seeing you charge unionists?

The PREMIER: Never!

Mr. Johnson: Yes, you do.

The PREMIER: No one inquires into a man's career, or into his profession, or into his connection with a union or a church. If he belongs to a union, as long as his life is threatened or endangered he can call on the police for protection.

Mr. Johnson: And pay for it.

The PREMIER: That is preposterous, and that is where the hon. member gets out of his depth. Of course when a service is rendered by the Police Department at the request of a private individual, where there is no attack on that individual anticipated by the authorities, the individual must pay for the service.

Mr. Hudson: That is clever.

The PREMIER: It is nothing of the sort, it is common sense. It is the common experience of the matter. If I am in command of a commercial undertaking, as I have been for many years here, and I am sending money from one portion of my business premises to another some distance off, and I want a policeman to protect my pay clerk and his bag, I have to pay for the service of that policeman.

Mr. Hudson: You are anticipating trouble.

The PREMIER: Exactly. I am anticipating it, but the Police Department are not. The Police Department say, "We provide the usual protection of police officers here and there, and if that is not sufficient in your opinion and you want extra protection you must pay for it." But when the police have intimation as they had in one case so far as I was concerned, that there was to be a raid upon my office and my safe, that my safe was to be taken away presumably because the pay was in it—and the safe was ultimately taken away I may say—when they had this intimation they sent police officers and detectives to watch my office to try to get the people who were to perpetrate that outrage. I may say that the safe was taken to Mt. Lawley and was broken up, but the thieves only got £3 2s. 1d., instead of the £1,300 they thought they would get. I want to disabuse the minds of hon. members of this fact, that the Government would be guilty of refusing ordinary police protection or special police protection to men because they belong to any union or trades organisation.

Mr. Walker: I believe you would object.

The PREMIER: Then I want to disabuse the hon. member's mind of that. It is a very wrong belief.

Mr. Walker: Were any of the representatives of the company asked to pay?

The PREMIER: They were evidently asked to pay from what the Attorney General says, and they said "No." I do not think that they should have been asked to pay. I think it is the duty of the Government to provide protection when in the opinion of the Commissioner of Police and his officers that protection is necessary for any citizen either for his life or his property.

Mr. Hudson: The recommendation should be on the papers.

The PREMIER: There is no question of recommendation at all. If the hon. member's life is in danger, if the hon. member has been threatened and someone is dodging him round to get a shot at him with a revolver, he would be perfectly justified in asking the Commissioner of Police to protect him with a guard. I think hon. members are taking the wrong view of this matter, and surely it would be undermining all the authority and the proper disciplining and control of the Police Department if every instruction the Commissioner had to issue from his office had to be laid bare on the Table of this House for publication. Hon. members must know that there are all sorts of confidential communications that go on the files in the Police Department, and it would be the worst business the House could do to make them public.

Mr. O'Loughlin: Pressmen can go and get access to these files.

The PREMIER: No, they cannot. It would certainly be against all discipline in that department if we laid down the principle that any instructions or papers in connection with a dispute of this sort were to be made public property.

Mr. Johnson: Do you believe in doing the work verbally?

The PREMIER: I am not discussing that.

Mr. Walker: Most of this was done on the telephone.

The PREMIER: Probably in a time of disturbance and excitement it has to be done. The officer in command does not always give his commands in writing when he is taking control of a disturbance of this character.

Mr. Holman: You cannot get a special constable by telephone in two minutes.

The PREMIER: Yes, I think so. In a time of extreme danger special constables ought to be sworn in without any writing at the moment. Order must be maintained, and maintained at any cost.

Mr. Holman: It is a pity you did not keep the police in order.

The PREMIER: That is the hon. member's view. I regret exceedingly that he takes that warped view. I am confident that 10 per cent. of the public would not agree with him.

Mr. Holman: I will bring 500 witnesses to prove it.

The PREMIER: That would not be 10 per cent. I do not think it is conducive to law and order nor in keeping with the dignity of the House to have hon. members getting up and using these terms of "blackleg" and "scab." And this talk of innocent unionists! I know a great majority of those men who suffered during the strike are good fellows and sterling fellows, but they did not take part in these disturbances. The police are not out to catch the ordinary unionist as long as he does not break the law. They are out to catch the evil-doer. Will hon. members deny that outrages were committed? What about the men who set the cars going through the gates at the barn?

Mr. Johnson: Were they unionists?

The PREMIER: They were either unionists or sympathisers with unionists. An hon. member complained about mounted police going to the car barn. Were they not justified in being there to prevent that sort of thing? What about the bombs that were placed on the line?

Mr. Walker: That might be manufactured evidence to injure the unionists. It has been done.

The PREMIER: Well, it has not been done here. I scorn the imputation. Let the hon. member prove it.

Mr. Holman: It has been proved that some of the "blacklegs" have let their cars go since the strike, because they could not manage them.

The PREMIER: That is an accident, a different thing altogether. The hon. member knows that when these cars are

stowed away in the barn, they are disconnected, the lever is taken down and not connected with the wire, and the steering gear is stopped; but apparently when these cars were started next morning away they went. I like this innocent business about it, and I like this expression of opinion that the public were not attacked in any shape or form. Why, members of my own family were in the cars on that occasion when they were hooted at as they got into the cars and as they got out of them, hooted at by an angry mob! Does the hon. member ask me to believe that the mob were not hooting at the people using the cars just as much as at the conductors and drivers? Do not hon. members say that they were all blacklegs, the people who used the cars equally with those who were driving them?

Mr. Heitmann: If I did not say it then, I say it now.

The PREMIER: I do like this attitude. I hope we are not going to permit this sort of thing in the House, and that we will reject the motion unless there is some just cause shown. The hon. member in his opening remarks said he wanted to find out whether these people had been asked to pay this account for police protection and whether they had refused, and the hon. member has got the answer from the Minister—that these people were verbally asked by the Commissioner of Police, that they refused, and that the department considered that they were not entitled to press for payment. The Government take a responsibility of that kind, the responsibility of not pressing for payment, because they consider that the police were engaged in protecting the lives and property of citizens generally. But I do not care if it were citizens specifically; they would be equally entitled to use the police for that purpose. Again, let me say I do not care whether a man is a trades unionist or a socialist, or a non-unionist or a free labourer, as I prefer to call these people: if he is in risk of molestation from those who disagree with him and who should give him the same freedom and the same right to labour as they claim for themselves and their members, then I say

that he is entitled to have the protection of the police force of this State, the same as any other individual. I hope that neither the amendment nor the motion will be carried.

Mr. Walker: You do not believe in unionism at all.

The PREMIER: Yes, I do. The hon. member is quite mistaken. I believe in unionism getting its legitimate dues.

Mr. Johnson: That is why you fought it so many years in England, and got ruined and had to come out here.

The PREMIER: I fought the trades unionists in England for some three years because they were trying to ruin me, and ultimately succeeded to some extent. At least they did not ruin me, but they closed down the works. I fought them because they wanted to control the works, and they were demanding what were generally considered to be unjust terms. I have just the same right, absolutely the same right as the hon. member, to say that I consider a man's demands something unfair or unjust, as he has to say that a man's demands are something which is fair and just.

Mr. Holman: We say that the tramway men's demands were just.

The PREMIER: I am not giving an opinion whether they were unjust or not; I have never entered into the merits of the dispute; but I say the men who attempted to use force and coercion to prevent others working on the trams were committing a breach of the law, and so far as I am able to do it I will always attempt to put a stop to that sort of thing.

Mr. COLLIER (Boulder): A good deal of the debate has drifted somewhat wide of the mark, and has resolved itself into a discussion of the merits of unionism and non-unionism, and of the Premier's views on unionism and of the manner in which he conducted his business in the old country some years ago. I do not think we need concern ourselves at all as to whether the protection afforded to these tramway employees was justified or not. That is not the question. We can allow hon. members to hold what opinions they like in regard to that matter. What the motion asks for is that the papers dealing with

the matter shall be laid on the Table, and in discussing this motion we need not concern ourselves at the moment as to whether the police protection was merited or not, or as to whether it should not have been granted. The question is whether there is any reason why the House should not be in possession of the papers. We are informed by the Premier of a position which to my mind is most extraordinary, that the Commissioner of Police made a verbal application for payment for this service. So by that action alone we are shown that the Commissioner of Police, at any rate, thought that the services should be paid for. If the commissioner made an application he must have been refused. To whom did the matter then go; who decided that the request of the commissioner should be pressed or set aside?

The Attorney General: The commissioner on reconsideration decided that it should not be pressed. He discussed the matter with the manager of the tramway company who declared that the charge was unreasonable, and the commissioner agreed that no charge should be made.

Mr. COLLIER: Well, we are asked to believe that the commissioner makes a request in a casual manner like this for payment for these services, and that the person to whom he makes the request points out that it is an unreasonable one and that he ought not to be made to pay, after which the commissioner agrees with that person and says "I will waive the claim absolutely." I cannot believe there are no papers in connection with the matter. Surely it is altogether an unusual practice for Government officers in high positions such as the Commissioner of Police to make a request for payment to the Crown of a considerable sum, without putting the matter in writing; and that after a conversation over the matter he should agree that Mr. Somerset was right, and that payment ought not to be made. If that is so—and it is declared to be correct—and there are no papers on the subject, it only shows the very great need existing for reform in that department. It is an unheard-of practice that Government officers should carry on Government business

in this fashion. But there are other papers which must exist in connection with this matter. The man immediately in charge of the police at the central station did not provide these special constables without instructions. These instructions must have come down from the commissioner through the usual channel to the sergeant in charge. There must be papers in connection with the matter showing whether the instructions for the special police protection emanated from the Colonial Secretary, the Commissioner of Police, the sub-inspector, or the sergeant in charge at the station, and is there no reason why this House should not be in possession of the actual facts of the case.

Mr. Angwin: They could not pay the men without papers.

Mr. COLLIER: The affair created considerable interest and excitement, not only in Perth but over the whole of the State, and surely the members of the House should be informed of the actual facts, and as to who issued the instructions.

The Attorney General: The Government take full responsibility for the instructions.

Mr. COLLIER: Yes, indirectly the Government have to take full responsibility for the actions of all their officers.

The Attorney General: We endorse those actions.

Mr. COLLIER: Even though the Government take the responsibility and endorse the action, is that any reason why the House should not be placed in possession of the papers? Why, that argument could be urged against every motion moved in the House for papers connected with any business whatever. The Government could say in connection with those papers on the Table dealing with land transfers "We take every responsibility." We know that, but it does not absolve them from the duty of laying before the House the information asked for. Apart altogether from the merits of the services rendered to the tramway company, whatever papers there are in connection with it members should be placed in possession of them, and if there are no papers it shows a state of things existing in the Police Department which should be reme-

died at the earliest opportunity. I think there are papers existing somewhere, and that there is some motive for withholding them from the House. If this is not so, then the commissioner should be instructed not to conduct his business from bars or private residences and without any record of any kind.

Mr. WALKER (Kanowna): The question before the House has little to do with the merits of the actions and responsibilities of the Government during that lamentable period when the tram strike was on. The question is, are the Government screening themselves now by not laying upon the Table of the House, or by excuses for not so doing, any papers that may possibly exist in reference to this matter?

The Attorney General: No.

Mr. WALKER: I am sure the Attorney General will not seriously tell the House there is not a scrap of record of this transaction; I am quite convinced the Attorney General would not tell the House that this was even a possibility. There must be some means by which a record of matters of importance are kept for future reference; we must have some documents in writing if it is only in regard to the paying of the special constables employed at the time. There must be some receipts and there must be some instructions somewhere to employ special constables. There must be a record of these and there must be instructions on the record as to how these special constables were to act, what was the limit of their duties, what was the character generally of their duties. These things are not done on the spur of the moment, in thin air. If they are, it is time we altered the management. We should have records of all things of this kind. There must have been some relationship between the officials and the Government on the occasion. I am convinced the police would not have taken it upon themselves, without consultation with the responsible Minister, the actions that were exhibited in Hay-street during these times, when the police constables ran in members of Parliament and ran up here with writs. There must have been some communication be-

tween the Ministerial heads and the subordinates who carried out this course of action. Instructions were issued from somewhere; surely these instructions are in writing. The Attorney General, I am sure, will not tell the House it is the customary way of running the Government—to do everything on the telephone or viva-voce. Surely he will admit if there is a system of that kind in vogue it is most detrimental to the interests of the State and is just such as will help a body of men to govern the people and avoid all responsibility for it. The object of placing things in writing is to fix the responsibility in the proper form, to know what instructions are given, and afterwards to be able to judge as to whether those instructions have been carried out or exceeded. Without written instructions in cases of this kind we can never know who has exceeded his duty and who has failed to perform it. If this is the state of affairs the Attorney General wishes us to believe exists at the present time, the sooner we change it the better.

The Attorney General: You make the Government responsible for administrative acts.

Mr. WALKER: But that is not enough; we want to have some matters upon record by which we can make the Government responsible. They come here and excuse themselves, saying, "The thing was written in pencil; the slate has been cleaned; we cannot read anything on it; we do not know what orders were given." That is the answer of the Government—"We are absolutely ignorant, we do not know who demanded payment or who refused it."

The Attorney General: Mr. Somerset refused it to the commissioner.

Mr. WALKER: How, upon what terms, upon what grounds?

The Attorney General: Verbally.

Mr. WALKER: Was it not telephonic?

The Attorney General: I understand it was at a subsequent interview.

Mr. WALKER: But there were telephonic communications and demands. Here is the fix we are in—we have no knowledge of the terms in which the re-

quest for payment was couched. The hon. member knows that a refusal may be justified because of the terms in which the request is made; that the substance of the request might be admitted, but the way in which it is put, or the reason for putting it, is open to dispute, and the refusal may arise out of that cause alone. And as we have to review these actions we want to know how the request for payment was couched, what were the terms of the demand? Is it possible that the commissioner in the discharge of a duty asking for payment for important services makes the request only by telephone or interview, and the person replying responds by telephone and interview, and there is not a record in the whole department of that interview and no communication to the Minister in regard to it? Is the Minister also acting per telephone, and does the whole matter rest there, without a shred of record? Is that the way in which the country is being run? Is it common or is it peculiar to this department? I am sure there is no defence whatever which the Minister can offer which would justify such a state of affairs. The Minister now tells us the Government endorse what the commissioner did; but they cannot tell us what the commissioner did or why he did it.

The Attorney General: He made a request for payment, which was refused.

Mr. WALKER: Refused on what ground?

The Attorney General: That it was not reasonable.

Mr. WALKER: Then why did he make it? He should be brought to task for having made it. By making an unreasonable demand he affronted a citizen. It is an outrageous piece of conduct.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WALKER: I was showing that it is extraordinary that there should have been no record whatsoever of the transactions in connection with the subject matter of this motion, more especially as the attention particularly of the Attorney General was expressly drawn to the matter by some questions asked him in the

House so late as the 7th of September last. The member for Yilgarn placed upon the Notice Paper a number of questions, and they were answered upon the 7th of September last, at which time the trouble had not yet terminated. The first question was—

Is it a fact that the extra police services rendered to banks, companies, or private individuals have always been paid for by those persons concerned to the Police Department?

The Attorney General replied—

Yes, when applied for, vide Regulation 544:—Police Regulation No. 544: "A sufficient number of police will be in attendance at all places of public resort where their services are likely to be required to preserve the public peace or prevent the commission of offences. When, however, the conductors of race meetings or other sports gatherings, or the managers of theatres, concerts, or other public gatherings require the services of members of the force to keep the grounds clear, maintain order during performances, or fulfil similar functions not properly belonging to the police, a charge will be made for the services of members of the force supplied for such purposes."

That is the answer to the first question, and I think the Attorney General will admit that riding in tram-cars is not the ordinary duty of a policeman. It is exceptional duty, and I think the Attorney General will also admit that this special service was applied for in some form or other, and that in compliance with the reasons given verbally or by telephone, or in some other way, the request was granted, and the police were utilised accordingly. The second question was—

What scale of charges has it been customary to impose in such cases?

The Attorney General quite frankly answered—

Under Police Regulation 545: For every constable for a full day and night, 13s. For every constable engaged for any shorter period, 1s. per hour. In the case of mounted constables and additional charge of 5s. per day or portion of a day will be made for each police horse. Where transport expenses are

incurred these are charged in addition. Now, the question arises, was the request made under this regulation 545, and was the request granted accordingly, and was the money demanded in payment for a whole day's service, or at so much per hour? The Attorney General cannot say that these matters are unimportant. The State has a right to know how much is being asked of a debtor, and on what basis services are rendered.

The Attorney General: The Government take the view that this is not a service that should be charged for.

Mr. WALKER: Supposing we admit that. It nevertheless remains a fact that the first impression was that it was a service that should be paid for.

The Attorney General: Possibly by the commissioner.

Mr. WALKER: Possibly, but the very fact that the Attorney General now uses the word "possibly" shows that there is no means of getting at the truth. Things are done in the dark; the public can make no inspection; we can get at no truth in regard to the matter. The fact that a responsible Minister here says "possibly" a servant in the high official position of the Commissioner of Police made a request, he does not know, is not sure, only guesses, and surmises, is evidence of the utterly loose way in which the affairs of this department are conducted.

The Attorney General: It is open as the day. I think this service should not be paid for, and you think it should. You can talk all night, and it will make no difference.

Mr. WALKER: The hon. Minister should not be insulting. That is not the way for a Minister of the Crown to answer a question which a member has a right to ask. It is this feature that we cannot get at the facts that I am complaining of, and it is a position of affairs not to be tolerated for a moment longer, that things should be done and no Minister should be able to say why they were done, how they were done, or by whom they were done. That is not governing the State. The management of the department can be done behind the scenes, and nobody in the State can get to know

the real facts. Where shall we end if this sort of loose conduct is going to be tolerated? The fact remains that there was a demand, a refusal by the company, a consideration of the matter, and an endorsement of what was done, and yet there is not one word of record by means of which we can judge the rightfulness or wrongfulness of the action that was taken. Apart altogether from the nature of the case, and the fact that it was an industrial struggle, if it had been any other struggle the same complaint could be made. This ought to be on record, and we should know who did this and why it was done, and it should be open to inspection not only for to-day but for others who may come after us, for in the future this will have an historical interest. I offer my protest, and I am going to vote for the amendment because it will probably lead us to the place where there are records. The Commissioner of Police may have no records, but there may be records in some Ministerial department, and wherever the papers are, disclosing the real facts of this incident, they shall be produced for the inspection of the members of the Assembly.

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

Ayes	..	..	..	16
Noes	..	..	..	20

Majority against .. 4

AYES.

Mr. Angwin	Mr. Swan
Mr. Bolton	Mr. Taylor
Mr. Collier	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Horan	Mr. Walker
Mr. Hudson	Mr. A. A. Wilson
Mr. Johnson	Mr. Heilmann
Mr. McDowall	(Teller).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Sir N. J. Moore
Mr. Cowcher	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Gordon
Mr. Jacoby	(Teller).
Mr. Layman	

Amendment thus negatived.

Question put and negatived.

MOTIONS. TO CONTINUE—WORKERS' COMPENSATION BILL.

The PREMIER moved—

That motions be continued.

Mr. HUDSON: Would the Premier state whether an opportunity would be given for the discussion of the Workers' Compensation Bill. Opportunities had been afforded but only for a short space of time. It was well known that the Bill had been before the House for a long time. The matters for discussion were limited to small items, and surely the recommendations of the select committee should be considered.

The MINISTER FOR MINES: The hon. member had arranged to confer with him (the Minister) on the matter of certain amendments, and that might be done before the consideration of the Bill was resumed.

Mr. HUDSON: There had been left over for consideration only minor details, and some of these minor details had been recommended by the select committee. A good deal of expense had been incurred by the select committee and the recommendations should receive some consideration.

Mr. COLLIER: The select committee was appointed at the request of the Government to obtain necessary information and after considerable delay it had reported, and now the Minister for Mines said that in order to further consider the matter he hoped the hon. member in charge would meet him and confer.

The Minister for Mines: Not at all.

Mr. COLLIER: It was time something was done in the matter. We were within two or three weeks of Christmas, and the Bill had been hung up for some considerable time, and now the Minister wanted the member for Dundas to meet him to consider the Bill. The member for Dundas should not meet the Minister or any one else. The House should deal with the Bill one way or the other. If we adjourned it from one day to another the result would be that the suggested conference would not take place and the Bill would be among the slaughtered innocents. The House should deal with it

and hon. members should take the responsibility.

Motion put and passed.

BILL — SOUTHERN CROSS - BULLFINCH RAILWAY APPROPRIATION.

Returned from the Legislative Council without amendment.

BILLS (2)—FIRST READING.

1, Fisheries Act Amendment.

2, Aborigines Act Amendment.

Received from the Legislative Council and read a first time.

RETURN—GOVERNMENT ADVERTISEMENTS.

Mr. HOLMAN (Murchison) moved—

That a return be laid on the Table showing the amount received by newspapers circulating in Western Australia, the Eastern States, and New Zealand during financial years 1908-9 1909-10, and quarter ended September 30, 1910; rate per inch paid for advertisements during above periods; also showing cost of advertising in Great Britain for the period September 30, 1908, to September 30, 1910, and cost of advertising by the Melbourne Agency in the Eastern States, September 30, 1908, to September 30, 1910.

The matter was dealt with some time ago and the motion was now similarly worded as on the previous occasion when it was amended at the instance of the Treasurer, the Minister for Works, and the Attorney General.

The Premier: I have never seen the motion before.

Mr. HOLMAN: It was similar to a motion moved two years ago. It was brought forward again in a form in which it had passed after the united wisdom of the three Ministers and the mover had been brought to bear on it, and in that way the Treasurer admitted it could be adopted. The reason the return was asked for was at that time a promise was given that certain reforms would be made in the advertising. It was pointed out

that a great deal of unnecessary advertising was done in newspapers which did not reach quarters from which it was expected the greatest good would follow. Promises were made that these matters would be looked into and the desire now was to see whether the reforms had been brought about. In many cases unnecessary advertisements had been put in newspapers when no good could result. For instance there was the advertising in Perth of blocks at Wiluna. Then again the Government advertised in country newspapers certain things which did not reach the quarters that were interested. In some instances also local advertising was not carried out in local newspapers. The desire was that advertising should be distributed in the way in which it would do most good.

The PREMIER: While not being able to say that this motion was exactly similar to the one introduced a few years ago he would accept the hon. member's statement to that effect. At the same time it should be pointed out that the preparation of this return would entail a great amount of work and time. It would take at least ten days or a fortnight's overtime to prepare the return, at least so he was advised. When it was considered that over 76 papers had to be included in the return and that all the ledgers had to be dissected in order to get at the broken periods, an idea of the labour entailed would be obtained. Although there was no desire to oppose the motion it should be pointed out that in the direction of economy hon. members should not press for these returns unless there was some justification for them. The advertising department was under the control of a very estimable officer, and the matter of advertising was left almost entirely to him. This officer recognised that the Minister had power to override his recommendations, but it was seldom that that course was followed. The department was run exceedingly well and the expense had been reduced to one-third. In almost every case the advertising was given on the recommendation of this independent officer who weighed the value of it before he allowed an advertisement to appear

in a newspaper. The motion would not be opposed, but from the point of view of economy hon. members should not press motions of this character.

Mr. Holman: There is not much work in it. I could get it out in a few hours.

The PREMIER: It would take ten or twelve evenings to prepare. At any rate the return would be prepared.

Mr. HOLMAN (in reply): If it would take the time the Premier mentioned to prepare the return there must be a poor system of book-keeping in the department. He could get a similar return out in a few hours.

Question put and passed.

PAPERS—MINING LEASES, WILUNA.

Mr. HOLMAN (Murchison): I beg to move—

That all papers relating to application for forfeiture, also granting of protection, exemption, and concentration of labour on leases A and B, Wiluna, be laid on the Table.

My reason for moving the motion is to draw attention to the fact that the administration of the Mines Department in certain directions is doing a great deal to retard mining in this State. Unfortunately I have been in the position to see clearly that the prospectors are not receiving the consideration which they should receive, and I am able to show that men of great influence are always in a position to command better consideration from the Minister than the ordinary prospector. I desire to draw attention to this in connection with the reduction of the gold yield in Western Australia. Take our past year in Western Australia, the total reduction amounts to £2,500,000 in the one year. Seeing that the total reduction in the gold yield is 30 per cent. per year in seven or eight years, I would draw attention to the fact that a great deal of this has been brought about by the indiscriminate exemptions which have been granted. Our most prosperous years in Western Australia were during the time the Minister for Mines was a strong ad-

vocate with members on this side of democratic principles. At that time there was no man in Western Australia more strong in advocating good terms for prospectors and in opposing exemptions and he protested against any advantage being given to boodlers. The Minister for Mines shakes his head as if it were a dreadful thing to refer to boodlers. To show that the Minister has changed I will quote a statement by the same Minister for Mines when he was a democrat. In speaking in the House in 1901 he said as follows—

In fact, I find, simply through the want of knowledge of my predecessor, that it was not the legitimate man who was getting any assistance by this principle of exemption: it was the boodler. These were the Minister's own words. He goes on to say—

the man who would take up a large area of ground, obtain exemption from the Crown, go to the London market, and try to foist it on the English capitalist, thus doing an injury not only to the latter but to the good fame of this country.

Had I made that statement to the House I would have been criticised from one end of the country to the other, probably by every member on the Ministerial side. These were the words of the Minister for Mines himself. He stated it was not the legitimate man who was getting assistance by this principle of exemption, and the same thing exists to-day. The Minister said it was the boodler who was getting assistance. These are the Minister's remarks. I quote this to show that the ideas of the Minister to-day have very materially changed. I was referring to the fact of the position of mining development at the present time and the assistance given to prospectors. It has been stated that the action of labour in the country prevents capital coming into the State; that is altogether wrong. The only desire we have is to protect the legitimate investor, in seeing that the State itself is protected and that the prospector has a fair and reasonable show. In those years when the Minister was a strong advocate in the

way we are now the gold yield was increasing. In 1905 when the views of the Minister changed and he threw over those who were with him, the gold yield dropped down; and this has all been due to the large amount of exemption, amalgamation and concentration which has been granted and these have been granted in Perth without the knowledge of those interested on the goldfields. Applications are made either through the front door or the back door of the Minister's office and exemptions are granted for months on end. We have them granted every day. I know the Minister will say that it is not exemption but protection, but when protection is strung on for month after month it really amounts to exemption and it is the worst form of protection. The reason I refer to these particular papers is that there are hundreds of acres of the best gold land in Western Australia locked up under exemption and which would be worked by the legitimate prospector if he were able to work them.

The Minister for Mines: Tell me the date of that statement which you read.

Mr. HOLMAN: The date was the 8th November, 1901, and it is reported in *Hansard* on page 2047; it was on the no-confidence debate. The gold yield went up every year while the Minister adopted that attitude. There have been no leases forfeited which are held by companies or big influential men, but on every occasion when the opportunity occurs, despite the recommendations of the wardens, the Minister forfeits the leases held by prospectors, and declines to forfeit those held by companies. The case I have mentioned occurred at Wiluna. The lease was taken up and held for years without any work being done. Application was made for the forfeiture of the lease, and there was a recommendation by the warden; a very strong one indeed. The case is as follows:—

Mr. Warden Clifton dealt with a case of unusual interest to mining men on July 25th, when Edgar J. O'Donnell applied for the forfeiture of a couple of leases at Wiluna, held by Claude de Bernales, of Kalgoorlie.

Everybody in the mining world knows who de Bernales is.

The evidence adduced was to the effect that both leases had been practically abandoned for two years, in so far as the employment of labour was concerned. At the close of the case Mr. Clifton said: "There is altogether too much land locked up in the district, the result of which is not only detrimental to the industry, but decidedly unfair to the prospectors and people interested in the field. Such practices should be abolished, and legitimate prospecting encouraged. I have not the slightest hesitation in recommending the forfeiture of the leases.

No stronger recommendation could come from a warden who had been in the district for a number of years. I may inform members that grave complaints were made in connection with the leases held by Claude de Bernales, and I am safe in saying the lease was not worked for eight or nine years. The information I have received is as follows:—

Replying to your wire *re* the forfeiture of gold mining leases 162 and 163 requesting fuller particulars. De Bernales, the present holder of the leases, has not spent a penny on the leases referred to since his taking over the same, about seven years ago, and the only work done is by one set of tributers, namely, Peppard, Hall, Curran, Gibbs, and party; their tribute ended about September, 1907. Since then absolutely no work of any sort has been done, and several tributes have been refused. A further tribute was asked for by Peppard and Hall's party and refused, by A. Berry, the then caretaker of the Age W.A. leases. On another occasion C. Benson asked for a tribute and was refused by Mayne, the then manager of the Age, Moonlight, W.A., and other leases. A few months ago Beresford, acting for de Bernales, called tenders for the letting of the W.A. leases by tribute, there was no response to that notice as others had asked before for tributes and had been refused. Please find out by search on what day of the month was the rent paid on Leases 162

and 163. The rent was due on 15th June. On 16th I wired to the department asking if rent had been paid and did not get a reply until 21st June saying rent had been paid.

It is a strange thing, and I believe the wire was reply paid, still five or six days were allowed to go by before a reply was received.

The Minister for Mines: That would not have made any difference as far as he was concerned.

Mr. HOLMAN: Yes, but this man was looking for information to see if he could have a double chance. The letter goes on to say—

Also ask what exemption or protection has been given on the W.A. lease since the hearing of same. If they do not work these leases I will await my chance and again make application for the forfeiture. I may be more successful next time. Hoping you will do what you can for me in the interests of the country.

After this case was decided, and after the Minister had overthrown the recommendation of the warden, they tried to dilly dally with the leases again. Mr. O'Donnell was anxious to work the leases and would have worked them because de Bernales only held them to try and float them on the London market, thus keeping the legitimate workers from the leases. After the case had been decided O'Donnell sent the following wire to the Under Secretary for Mines and Warden Clifton:—

Please note I object to further protection leases 4J and 5J, Wiluna, unless heard in open court.

On that occasion no opportunity was given to oppose the exemption, and protection was granted after that. He states further—

I may mention these leases are about being transferred to the Wiluna Gold Mine, Ltd., principal owners Messrs. Urquhart, de Bernales, and Strauss, and application is now being made for exemption by concentration of labour on the Bulletin mine, which is about half a mile from them. I am objecting to the application, and considering the leases have not been worked for about

three years I object to any protection as I am prepared to work them at once. Further, I think I can safely say Mr. de Bernales has not expended a shilling in labour on the leases, and there can be little doubt that this transfer to the Wiluna Gold Mine, Ltd., is merely to obtain exemption and avoid the labour conditions.

In the face of that I am surprised at the action of the Minister in flouting the recommendation of the warden, especially after the warden had strongly recommended the forfeiture of the leases, and the Minister for Mines had upset the warden's recommendation. That puts me in mind of a case which occurred previously. I drew the attention of the House to what occurred some time ago when on a similar occasion Warden Troy, of the Murchison goldfields, dealt with a case in connection with the Legacy leases, which were discovered by two prospectors on the Murchison. They went out to this place and discovered the Legacy leases.

Mr. Troy: Who were they?

Mr. HOLMAN. The Errols leases. There were two Mr. Parkers and Mr. Monks. They worked the leases some time and spent probably £500 of their money besides labour, but were forced to go away and work to obtain more money so that they could get back to work the leases. An application was made by a speculator named Thomson—a man I term a hoodler, because he gives nothing back to the State and gets all he can from it—for the forfeiture of the leases. Warden Troy made the following remarks on the application:—

In consideration of the facts that the defendants were (1) the pioneers of the Barrambie district, (2) that they are genuine prospectors, and (3) that they were starved out of the district and were unable to pay rent to obtain exemption through want of means, and (4) that I am satisfied that they strove to raise money for the purpose of enabling them to work G.M. lease No. 1473, I recommend that in lieu of forfeiture of the lease, a fine of £25 be imposed on the lessees, conditional on their paying the

rent and fine due thereon for the year 1906 forthwith.

These prospectors were starved off the lease. The warden said he was satisfied, and he gave them a chance, and recommended the lease be not forfeited. What did the Minister for Mines do?

Mr. Heitmann: What did Thomson do?

Mr. HOLMAN: In the first place Thomson took strong action through his solicitors. He instructed his solicitors to go to the Mines Department, and they were sufficiently strong to get the Minister to turn round and flout the warden's recommendation and starve these men out and cause them to go somewhere else to get a means of living. I read these papers, and there was a statement from Mr. Thomson's lawyer actually demanding that the Minister for Mines and his officers should wire instructions to Warden Troy, as if the Minister was a mere office boy for Thomson, and not a responsible Minister. It would appear from the correspondence that the Minister was there to be dictated to by any Tom, Dick, or Harry who came to his office.

The Minister for Mines: Your experience has been very different.

Mr. HOLMAN: The Minister will admit that many times I have gone to him and the department, and I have never asked for anything unfair.

The Minister for Mines: I never suggested that you did; but you suggested that I acted as an office boy.

Mr. HOLMAN: No; I say that it would appear they thought you were in that position. Had I been Minister and received some of the wires I would have taken stronger action than the Minister took.

The Minister for Mines: I have not the papers with me, and I do not know.

Mr. HOLMAN: I had the papers on the Table. I am not exaggerating the position one iota. I drew the attention of the Minister to it at the time. When I go to the Mines Department I generally try to make sure of my case before I request the Minister to take action. I like to be sure, and I like to give the Minister every opportunity.

The Minister for Mines: And we give it to you.

Mr. HOLMAN: On many occasions I have received fair consideration from the Mines Department. I am not one of those who deny a thing when it is done. Many of the requests I have made have been readily granted, and I think many of them have turned out very well for the department and the State. In this connection, when I went to the Minister the file was handed to me as was done on previous occasions, but the papers the Minister has in his department did not show the case as fully as it should have been shown. They did not give the case clearly, and that is why I desire to draw attention to the actual facts to show that the fact that exemptions have been granted on these Wiluna leases since the application for forfeiture was refused is detrimental to the mining industry. And I draw the attention of the Minister to the need for adopting different methods to prevent as far as he can the same class of men getting the better of the prospector as they do every time. The Minister may not be in a position to judge on every occasion the position of cases that come before him; but from my knowledge of the two cases I have mentioned, and from my knowledge of the wardens who dealt with these cases, I maintain it was an unfair decision of the Mines Department to go against the recommendations of the wardens and on the other hand starve out these prospectors from their properties, while on the other hand declining to forfeit when the warden recommended forfeiture, apparently showing that the Minister is every time prepared to give his support to the speculators against the prospectors. There was nothing in the papers, however, to show the Minister that his decision should have been altered; but I maintain the wardens are the best able to judge of what should be done with these leases. Even in this case, to show that some of these men think they can do with the Mines Department what they like, Mr. de Benales wired the Minister that he was coming down. I think it is on the file where the Minister declined to meet him, and said that if Mr. de Benales

had anything further to say it could be sent down in the ordinary way. The Minister did the right thing, but it only goes to show that these men consider, right or wrong, that they have influence which the prospectors cannot use if a recommendation goes against them. It is manifestly unfair, when prospectors go out and open up the country and the wardens endeavour to let them have another chance to get some further money, that the wardens' recommendations are not carried out; or in the other case, where the leases were shut up and not worked for a number of years, it was unfair that the Minister should not allow these men to get the leases when they desired to work them right off. I trust in future, so that the mining industry will be given the same chance as it had previously, the indiscriminate granting of exemptions for concentration of labour will be curtailed as much as possible. So long as the country is held up, so long will speculators come along and hold these leases, as many as they can, not to work them but to sell them at the first opportunity. The Minister probably knows Mr. de Benaes better than I do; but I say wherever he has been he does not bear the best of names as regards assistance given to the industry. Many of the men assisted by him with machinery have found themselves in toils out of which it is very difficult to get. He is out for all he can get out of the industry, and is making every post a winning post. From his point of view that is probably right, but I protest against the department giving him, wittingly or unwittingly, so much assistance as was given in the recent case. People at Wiluna are desirous of working the leases, but they cannot do so. I hope in the future the Minister will have more consideration for the recommendations of wardens in such cases as this, and will decline to give the speculator any further advantage over the prospector. The case I have brought forward is a genuine one, and one that has a very important bearing on the mining industry. As soon as we realise that the better.

The Minister for Mines: It is a point upon which we disagree.

Mr. HOLMAN: The Minister has seen fit in recent years to change his opinions.

The Minister for Mines: Not during the past seven years.

Mr. HOLMAN: I still hold the opinion that I heard the Minister for Mines express in those days when I believe he was conscientiously working in the best interests of the mining industry of the State. I still follow the example that he followed in those days endeavouring to protect the prospector and refusing on every occasion to give the speculator any advantage over the prospector. I am sorry if the Minister will now admit he is taking opposite views to those he expressed in those days. The mining industry is one that, like every other industry, is above party. When I speak of the mining industry I endeavour to use what little knowledge I have to push it forward, knowing that the welfare of the State is wrapped up in it. In fact mining has made Western Australia what it is, and I hope that all the efforts of the Minister and his officers, and of members of this Assembly, will tend to make the mining industry what it was seven years ago; because since then the yield has decreased by 30 per cent, meaning a decline in the annual output of £2,500,000.

THE MINISTER FOR MINES (Hon. H. Gregory): I have no intention of opposing the motion, but, of course, it would be impossible for me to allow the remarks made by the hon. member to pass without some comment on my part. I am pleased indeed—and I feel it is the desire of all members opposite, even if we may disagree on the methods adopted—we all recognise the great influence the mining industry has with regard to the other industries of the State and the great advantages that follow opening big gold mines. We also recognise the great development the industry gives to the country and the people it induces to come here, and its value more especially towards agricultural settlement. And I am quite sure that every member would seriously consider any action that would in the slightest sense injure the progress of the industry. The hon. member referred to some remarks I made in 1901. What

was in my mind when I spoke in 1901 was the great demand then made by the Lands Department for areas in and around Kalgoolie. A large number of leases had been held by individuals and different companies, and undue protection had been granted upon these leases. Applications had been made for the conditional surrender of these leases and a great number of them were conditionally surrendered, as I pointed out at the time illegally, and crown grants in fee simple were given away for the conditional surrender of these leases. To my credit, I think, since I took office I have stopped that method of conditional surrender, and from that time to the present there has not been a case where a conditional surrender of a gold mining lease has been approved and the fee simple of Crown lands given for the conditional surrender of a lease. I remember one company in publishing their annual report stated they had surface areas of land which they valued at £30,000—I am speaking from memory. They thought that if they surrendered their leases to the Crown they would get in exchange the fee simple of land that would be worth £30,000, and I looked upon this as being something dishonest. But the condition of things is entirely different now. Hon. members know what my ideas in connection with the mining industry have been. It will be well remembered that when I introduced the Mining Bill of 1904 I made special provision for the absolute right of any person who provided labour or capital in a gold mining lease to demand exemption on his property to protect him for a certain period; and I remember the hours and hours I had to fight those in opposition because they thought I was doing something which would be injurious to the industry. I do not think there is now one member on the Opposition benches who would move that these sections be repealed. I speak of the sections which give to any person after the expenditure of labour or capital, according to the value thereof, the absolute right, not to go cap in hand, as previously, to the warden or Minister for protection, but to go to the court and prove he has expended in labour or capital so much to justify

him in having his lease protected for a certain period. I believe now we could well extend the period and give greater protection and induce more people to come forward and assist in the development of the industry. There is no industry in all creation which is more speculative than that of mining. It carries a greater risk than that in any other industry. No matter what a man had expended on a mining proposition, if it happened to be left unworked for a single day, unless the Minister protected the property it could be forfeited.

Mr. Holman: Why did you not give Parker Bros. a little consideration?

The MINISTER FOR MINES: I will deal with that presently. I had no idea that the matter was being brought up and I will have to speak from memory. I wish to point out that if we could give people greater inducement to come here and assist in building up the industry, if we could give them greater protection when they put their capital into a venture, we would have thousands more men employed than we have to-day.

Mr. Heitmann: How could you employ them if you give exemption?

The MINISTER FOR MINES: I mean if with the expenditure of certain labour or capital we gave the right for greater exemption than applies to-day we would induce more to go into the industry.

Mr. Heitmann: They are always ready to take advantage of whatever exemption is to be given, but how would it be employing more men?

The MINISTER FOR MINES: Because you would have more money going into the industry. It is only when they have no money coming out of the mine that they have exemption. When a mine is profitable we never get an application for exemption.

Mr. Holman: There has been nothing done on the leases in question. They have been protected for years and no money has been expended on them at all.

The MINISTER FOR MINES: I will deal with that directly, when we will go by the files. As I was saying, as the result of long administration of the department I have felt and recognised the diffi-

culty we have in getting capital here to help build up a mining venture. I have recognised the speculative nature of the industry. It would pay us if we gave a better title than that which exists to-day. In 1904 I tried to make the conditions better, and if I were amending the Mining Act again to-morrow I would ask the House to agree with me in giving better conditions than apply at the present time. So far as these particular cases are concerned I think I can best explain them by reading a minute placed on the file when it was decided to forfeit the leases. The minute reads—

In dealing with this case it does not appear to me that the partial failure of the lessee to comply with the covenants merits the penalty of forfeiture.

I would like to say that under the Mining Act there are three things Ministerial, namely applications for lease, exemption for lease, and forfeiture of lease. In regard to applications for leases I consider it merely a question of evidence and I have always and will always follow the warden's recommendation, that being purely a matter of evidence. When it comes to a question of exemption or forfeiture I treat it as a case of policy, and I always take the responsibility of granting the exemption or forfeiting the lease. I throw no responsibility on the warden other than that he takes the evidence and on that evidence sends in his recommendation to me. I have always adopted this practice. If no appeal is made to me I accept the warden's recommendation. If an appeal is made I then go into the case and deal with it as I deem fit. The minute continues—

It appears that an option had been taken over these properties by the Oroya Black Range Company and that covering this option concentration over the whole of the leases was applied for. The concentration which allowed the temporary amalgamation of a number of separate leases should not have been approved except under special circumstances, and I presume the special reason which induced the warden to so recommend was on account of the option, and to enable the holders to con-

centrate their work on certain of the leases.

Hon. members will recognise that when an option is taken in order to get time in which to carry out their work they ask for concentration of labour on one or two leases. The minute proceeds—

The warden holds that good cause for forfeiture is shown by the fact that for two years no work has been done on the two leases for which forfeiture is applied, but these objections were equally good as against concentration, as they must have been so held for some time prior to the application for forfeiture with the warden's approval. Certainly had I noticed the last application for concentration which included the two Southern leases, since abandoned, I would have questioned it, but in view of the warden's recommendation I treated the papers as formal. Perusal of the file shows that to comply with the covenants 37 men should have been employed, but that Leases 31 and 32 had been abandoned, and were in fact forfeited prior to the hearing for forfeiture. Had these two leases been legally surrendered 29 men would have sufficed to comply with the covenants, but the lessee failed to surrender, merely allowing the title to expire by forfeiture for non-payment of rent. On the date of the plaint the covenants were not fully complied with, 32 men only being employed instead of 37, and the fault apparently lies with the lessees in not employing the necessary number of men or making application for the surrender of the two leases since abandoned by them. To forfeit under these circumstances would be a most harsh proceeding, and it is idle to charge the lessee with not having done any work on certain of the leases when he had the department's authority to concentrate labour, but I do not think the mere payment of costs is sufficient penalty in a case of this sort, as considerable trouble and expense have been incurred, not only by the applicant but also by the Crown, due entirely to at least the remissness of the lessee. Moreover, I want to

mark my disapproval of the part acted by Mr. de Bernales in this matter. In connection with a previous and similar case I had to inform him that I declined to see him on matters pertaining to a forfeiture, and instructed him to send in his facts, supported by a sworn declaration. Again he was so advised, and again he fails to do so. Fortunately for him the facts on the file show that forfeiture would not be advisable, as I certainly would not have given consideration to his letter. Please prepare Ex. Co. papers providing for a fine of £20 in each case, or £40 in all; applicant for forfeiture to receive half to cover his expenses. If the fine is not paid within the usual time, the leases to be forfeited with preferential right to the applicant for forfeiture.

There is the case in a nutshell. The Oroya Black Range Company had, I believe, taken an option over a certain number of leases. They asked for a concentration of labour. That was recommended by the warden and approved. The Oroya Black Range Company, I suppose, not finding the values to be up to what they thought justified them in giving the price asked, threw up their option, and these people, I suppose, had to carry on the work which had been carried on by the company. Two were leases at some distance South and detached from the other leases. The lessees stated they had no desire to pay the rent on these blocks, and desired to forfeit them.

Mr. Holman: Can you give us the dates the rents were paid.

The MINISTER FOR MINES: I cannot give the dates from memory, but they could be looked up. At the time the application for forfeiture was made they should have been employing 37 men. When the case was heard by the warden these leases had been forfeited, so equitably they were really employing more men than was necessary to comply with the labour covenants. Legally they had not surrendered the leases.

Mr. Holman: It was far better for them to forfeit the two leases.

The MINISTER FOR MINES: In any case I want the hon. member to understand we had approved the concen-

tration of labour, and these people had to employ 37 men. I do not consider the case one for a fine when men are legitimately spending money and paying the wages of 32 men, and I would consider very seriously indeed before forfeiting a holding because they were only employing 32 men instead of 37.

Mr. Holman: But it was a totally different mine altogether.

The MINISTER FOR MINES: The hon. member will see that the warden should have remembered that he had granted concentration of labour and recommended it; and if for two years no work had been done on these two detached leases that should have been brought out by the warden when hearing the case in respect to the concentration. That is the case as I find it.

Mr. Holman: You hardly treat the warden fairly.

The MINISTER FOR MINES: The hon. member is quoting the warden. I thought so much of the matter that I put the whole thing on the file and I presume the warden was advised in regard to that matter. I take the whole of the responsibility in questions of forfeiture, and taking that responsibility it is essential that I should protect myself. And I want the warden to feel that in these matters the responsibility is mine: it has been thrown upon me under the Mining Act. I cannot see, therefore, in connection with this matter, that I could have acted differently. True, 37 men should have been employed; but these people allowed two of the leases to be forfeited for non-payment of rent, and at the time 29 men could have held the property. Under the circumstances I thought a fine would meet the case and I made it a very stiff one, namely £40, on account of the action of the lessee in simply wiring to me and not following up the instructions I issued.

Mr. Holman: Then you immediately granted further protection.

The MINISTER FOR MINES: I wanted the case to go before the court so that I would be able to see the evidence. Unless good grounds are shown me it is my intention not to allow that concentration. The concentration on these two

leases is not warranted. Unless very special reasons can be shown it is my intention not to allow it. Now, in connection with the other cases, I do not think the hon. member was justified in saying that I always refused to forfeit a lease in the case of mining companies and that I always forfeit in the case of a prospector. Of course, one cannot take any one case to prove the rule. It would be very interesting to get a return of all leases forfeited during the last three or four years, and I would be pleased to provide such a return if it were asked for, showing whether the leases forfeited were held by mining companies or by prospectors.

Mr. Holman: You might state in this case whether they were defended or not. I have quoted several cases, the Star of the East and others.

The MINISTER FOR MINES: The hon. member has quoted two cases. I cannot remember the names of the parties, but I remember the instance. In the first case certain persons took up an area and after working it for some time left the district.

Mr. Heitmann: They did not go far.

The MINISTER FOR MINES: They went to Black Range.

Mr. Holman: That was the nearest centre to which they could go.

The MINISTER FOR MINES: It is about 60 miles away, at any rate, and they made no application to us to protect their property for them.

Mr. Heitmann: Exactly the same as this company already dealt with.

The MINISTER FOR MINES: These men after doing a certain amount of work cleared off the ground and left it altogether. Nobody there knew anything at all about them. This Mr. Thomson—I do not know whether he was the owner of the Legacy Leases—took up a certain area under lease, and after doing some work proved the existence of an ore chute, which was running into these leases which had been apparently abandoned for over seven months.

Mr. Holman: They were unable to pay the fees.

The MINISTER FOR MINES: But I would have protected their holding for them.

Mr. Holman: The warden went into the whole matter and you will see that he recommended that the leases be not forfeited.

The MINISTER FOR MINES: It is four years since I saw the papers and as far as my memory serves me the property was absolutely abandoned. I agreed that if I accepted the warden's recommendation I would have no reasonable excuse for forfeiture in any case that came before me. Am I to consider for a single moment whether the man who owns the lease is a poor man or a rich man? Is not the same justice to be given to the poor man and to the rich corporation?

Mr. Holman: That is all we ask for.

The MINISTER FOR MINES: And that is what I am giving. Where a property is abandoned for seven months, are we going to allow our sympathy to go so far as to say that in such a case forfeiture should not follow when no application has been made to the department to protect the property? If we did that, I am satisfied that in no circumstances whatever could we forfeit a lease for non-fulfilment of the conditions. If there was not sufficient ground for forfeiture in this case then all the areas in the out-back country could be shepherded and the same argument could be raised in every case as was brought forward in this case.

Mr. Heitmann: The argument was successful in the case of Wiluna.

The MINISTER FOR MINES: But they were employing 32 men. Concentration of labour had been granted on a number of leases, over 10, I think, and the owners were given the right under the mining laws to concentrate the labour on one lease. In a case where people are employing only 32 men instead of 37, I would not forfeit the properties; I would fine the owners. I want to justify people in the belief that there is some security in mining ventures. If in that case I had forfeited these leases and the facts went home to the old country, there would have been very little money coming into

the State at the present time for mining investment. If we are going to strain our conditions so harshly as to forfeit because people employ only 32 instead of the required 37 men, we would give a very big set-back to mining investment. When I first came to this State and took up a mining lease I found that I had to employ four men in the first year and eight in the second year, and I came to the conclusion that I or no other poor man could afford to hold a lease. The conditions in this State to-day are very generous, but the very moment we increase these covenants and make them incumbent on the holder of a lease, we say at once that only large companies and rich people can afford to hold a mining lease. In the circumstances I hold that so far as this case at Wiluna is concerned, I was justified in the action I took, and I have not the slightest objection to these papers being laid on the Table.

Mr. HEITMANN (Cue): I have not very much to say on the question, but I wish to speak in regard to the policy adopted by the Minister. I have heard for a long time from the Minister for Mines that he desired to throw off a good deal of the responsibility of his position so far as regards reviewing the decisions of wardens. I have heard him state in the House, and I have also read in the newspapers, that he wanted to place more responsibility on the warden.

The Minister for Mines: I amended the Act for that purpose, but at the present time the responsibility is entirely mine.

Mr. HEITMANN: Since the hon. Minister made that statement he has had two or three years to put it into force, but instead of him placing more responsibility on the heads of the wardens we find him admitting that the warden is not competent to carry that authority.

The Minister for Mines: No, I did not.

Mr. HEITMANN: In effect that is what the Minister said. The warden hears the case, goes into it thoroughly, learns the full history of the case, and gives a certain decision, and the Min-

ister should fix some other tribunal and not leave it to himself to review the decision of the warden.

The Minister for Mines: My intention was to appoint an appeal board.

Mr. HEITMANN: And the Minister has had a number of years to do it. I have asked for a long time for something in that line, but I would prefer mining boards as in Victoria.

Mr. Hudson: A mining court is what we want.

Mr. HEITMANN: The Minister would be doing a great amount of good if he would enact that the warden should have power to say that the verdict shall be a certain way and not allow people to make ex parte statements and to have his decisions reversed. Those are the circumstances in connection with the Thomson case.

The Minister for Mines: Oh, no.

Mr. HEITMANN: I have the full history of the case, and I say that Thomson and his kind have done more harm to the mining industry than all the refusals of exemption that the Minister might make during the next ten years. It is not the laws of the country that are doing injury to mining. The more liberal we make the mining laws the more people we will have like Thomson, who come here, take up leases, and make people in the old country or in Perth pay. That was the occupation of this individual, and he never to my knowledge did any genuine mining work. The Minister should bear that in mind before he listens to gentlemen of that character. Either Thomson saw the Minister or sent somebody to interview him, for it must have been on the application of this party that the Minister reversed the decision of the warden. I am at one with the Minister in giving more power to the warden, because the wardens I have met in this State have, through their long association with the mining industry, become really part of the industry itself. So far as our own warden on the Murchison is concerned, if I had an application to make I would prefer to be heard by him rather than by any man I

know. He is looked upon as a thoroughly honourable man.

The Minister for Mines: But you would not give him power to forfeit any property?

Mr. HEITMANN: Yes, with special leave to appeal. There might be a possibility of something fresh being brought forward and we all like a second chance. Another thing I wish to refer to is the oft-repeated statement of the Minister, which I have heard him urge in and out of season when seeking to justify his desire to give greater security to mining leaseholders. He practically stated that he desired to give an even further period of exemption in cases where a certain amount of money had been spent, and he stated—and I give him credit for being honest in the opinion—that if we have more liberal laws and are more ready to consider the claims of mine-owners for exemption, we will have a far greater number of men employed in the mining industry. Take one particular liberalisation of the mining laws. I do not know how many years it is since we altered the Mining Act to allow concentration of labour.

The Minister for Mines: That was in the 1895 Act.

Mr. HEITMANN: Well, it has not been adopted to a great extent until lately.

Mr. Holman: Leases had to be adjoining them.

Mr. HEITMANN: At any rate, no one can say that by allowing concentration of labour we have more hands employed. I am opposed to concentration of labour to the extent that it is allowed in this State. Under this clause the Great Boulder mine is working I suppose about 10 or 12 acres on the surface.

The Minister for Mines: Thirty-six acres. I do not think there is any concentration of labour on the Kalgoorlie field at all.

Mr. HEITMANN: The Great Boulder mine I suppose employ about 800 men?

The Minister for Mines: They have 650 men.

[The Deputy Speaker took the Chair.]

Mr. HEITMANN: The Great Fingall mine had in their employment about 800 men, and they had practically the whole of Day Dawn. No one else could get anywhere near the belt of country they were working. I feel positive the more liberal you make the laws the fewer men you will have working, because there are always men ready to take advantage of those who are not genuine investors, but who are pure speekers. I am with the member for Murchison and to some extent with the Minister for Mines who both express the desire to do as much as possible for the mining industry, but I would impress upon the Minister for Mines that of the two to be considered the first one should be the prospector. It is the prospector who deserves the greatest consideration. Without the prospector you could not have the big mining company.

The Minister for Mines: Not when you are dealing with the question of titles.

Mr. HEITMANN: We had the case of Griffiths referred to by the member for Boulder, and there was another case where a poor man had no chance against what the member for Murchison would term the hoodlars. At all events I am of the opinion that greater care should be taken, and I think the Minister would be wise if he appointed a board to deal only with appeals and allow the wardens to deal with the cases.

Mr. TROY (Mt. Magnet): When I was at Lake Way last March I had brought under my notice these very leases in connection with which the member for Murchison has called for papers. I met there quite a number of genuine prospectors who were desirous of getting the opportunity of working these leases. In fact Lake Way, which should be one of the most promising mining districts in the State, is at present in a parlous condition and essentially owing to the fact that too much exemption has been granted to mining companies there. It may of course be the policy of the Minister to give what he calls this liberal treatment with a view

to assisting the industry by the expenditure of a greater amount of capital, but if our gold-mining experience goes for anything it proves conclusively that wherever unlimited exemption is given it gives the opportunity for speculators to take up properties, expend a few pounds upon them, and then hold these properties up from development to the detriment of the whole country and the industry. I can remember well when the Minister for Mines did not hold this opinion, and I can only hope that his change of views is not the result of environment in a conservative atmosphere, but that it is due to more enlightened experience. I am afraid however that his change of views is due to the first circumstance, because any person with a knowledge of mining conditions knows that the policy which the Minister condemned five or six years ago, when I first heard him speak on the policy of giving unlimited exemption, is not in the best interests of the mining industry. What has been the Minister's experience? A good deal of capital is being introduced to-day. Is it unlimited exemption which is responsible for the introduction of capital? I say no. It is due to the fact that new localities are opened up by the prospectors which give the investors the possibility of getting a quick return. The investor is not looking for exemption, he is looking for a return for the money which he is investing. At Bullfinch, people are getting unlimited exemption, and that is not going to assist the industry. The more development work that is done the better it will be, because if it results in anything good being found outside the Bullfinch Proprietary it will do good for the industry by encouraging the investment of capital. The curse of the industry has been unlimited exemption, and if the people in those localities who are anxious to make a living are given the opportunity of applying their labour on these properties, undoubtedly it will result in the mining industry being made more productive, and by being made more productive the investment of capital will be encouraged. The Minister furthermore justifies himself on this policy of giving exemptions on the score that mining companies have spent thousands of pounds,

and because of the expenditure of thousands of pounds they are entitled to a degree of consideration. Admitting that the Mining Act allows that consideration to be given, yet there are some people who are able to come to Perth to interview the Minister and get still further consideration. I want to point out that the prospector by the expenditure of his few pounds is making just the same sacrifice, if not a greater sacrifice, than the investors who are spending thousands.

The Minister for Mines: Does he not get the same protection?

Mr. TROY: Take the case of Parker at Errols. I remember the case very well, and there is no getting away from the fact that Mr. Thomson, who was only a speculator and who lived on the industry, by some influence he possessed, he was able to float mines and was also directly responsible for Parker and his mate losing their property. This man brought his influence to bear on the Minister, and as a result the Warden's recommendation was ignored. It must be remembered, and the Minister knows very well, that Parker and his mate could not work that property, because after hanging on to it for months, they became impoverished and they went to the nearest locality, some 60 miles away in order to get employment, and in this way save a few pounds so that they might make another start on their property, and after having saved a few pounds they went back again.

The Minister for Mines: On the adjoining lease.

Mr. TROY: It is of little consequence. Warden Troy heard the application for forfeiture. It will not be denied that if there is one man in this country whose integrity no one will question in mining centres it is Warden Troy.

The Minister for Mines: They are all good men.

Mr. TROY: I will admit that, but no one on the Murchison or indeed any place in Western Australia where Warden Troy has resided for many years will question this officer's integrity. Warden Troy had the full particulars at his finger's ends; he knew the parties, was resident in the locality, and was more in a position to deal with such a dispute than anyone

else. His recommendation I know for a fact was supported by all right thinking men on the Murchison, and they got a severe shock when they found that the Minister had ignored the Warden's recommendation. That is one instance in which the prospector, although he makes as much sacrifice by the expenditure of his few pounds as the investor with his thousands, does not get the same consideration. Let us see if this so-called liberal treatment is best for the industry. I hold the opinion that it is far better and it would be a wiser course to throw all mineral leases open to whoever would be prepared to take them provided that they worked them within a reasonable time, and when they ceased to work them, they should be handed over to some other person who would work them.

The Minister for Mines: What would you call a reasonable time?

Mr. TROY: The Mining Act to-day gives a reasonable time, but the Minister does not comply with the Mining Act because he allows persons to come down and influence him. Rather than see this fixity of tenure which the Minister speaks about frequently I would prefer to see the mining laws altered and not one penny charged for leases provided that the people who held them worked them. Then there would be such development which would eclipse any previous development in the State.

The Minister for Mines: What about the abandoned leases you referred to a little while ago?

Mr. TROY: I spoke of leases which are held by mining companies, and to all intents and purposes abandoned, and on which no one is employed, and no work is being done. The policy they are adopting is detrimental to the industry. This return, which I secured from the Mines Department, dealing with the very leases discussed by the member for Murchison, shows that considerable exemption has been given to these two leases and other leases held by the same company. In 1909 a period of 10 months and 18 days exemption was given.

The Minister for Mines: For concentration.

Mr. TROY: And if you go over the whole of this list you will find the same policy obtained. In 1910 six months' exemption was given. This was for concentration; the 10 months and 18 days was not for concentration. That is what I disagree with. Later on these people came down to Perth and in March secured 14 days' exemption; immediately afterwards they got another 14 days, and immediately afterwards still a third 14 days. And these consecutive exemptions were given by the Mines Department in Perth and not by the Warden; the matter was taken out of the warden's hands. The responsible party came to Perth, got the ear of the Minister, and secured these continual exemptions. Let me give another instance to show the pernicious policy of the Mines Department. The member for Murchison spoke of the action of de Bernales on the various mining ventures, and I do not think any person can justify the general conduct of de Bernales.

The Minister for Mines: There is no need to be personal about the matter.

Mr. TROY: I do not desire to be personal, I merely desire to be truthful; but when we are dealing with a matter in which the gentleman is vitally concerned we cannot well avoid mentioning his name. If I find a gentleman carrying on a policy detrimental to the interests of the industry, my duty is to speak of it, in order that it might be brought to the notice of the Minister. At Gullewa considerable hankypanky work was being exercised in regard to the old Phoenix mine, known to-day as the Pericles. I saw the Minister frequently about it. Considerable exemption was given, and it was alleged that a transfer had been made from the Phoenix to the Victory United.

The Minister for Mines: Was it not only 14 days?

Mr. TROY: Several periods of 14 days were given to enable the transfer to be made. I am not objecting to that, because the Minister did what I myself would have done in the same circumstances; he believed the transfer would be accomplished, but I am doubtful if it had been completed to-day. I know the transaction was very fishy

indeed. The transfer was not made and I doubt if it has yet been made; but on those allegations this party was appealing to the Minister and receiving special treatment. As I say, had the same facts been brought under my notice and I happened to be Minister I should have adopted the same policy. But this is what I condemn: the alleged transfer was not made, de Bernales took over the property and started to work it. This was after it had been idle for a considerable time. The miners on that property worked for four weeks, after which naturally, they asked for their pay. They were told the pay was not to hand and, therefore, they could not get it. Consequently, they gave a week's notice. They said that unless at the expiration of five weeks they were to receive their money they would not work another day. I do not blame them, nor could anyone else. These men worked for the five weeks and knocked off. They had given a week's notice and there was plenty of time for de Bernales to send the money along. They were then kept waiting another week for their money. In the meantime de Bernales came to Perth and saw someone in the department as a result of which he secured 14 days' exemption on the score that there was no labour available in the district; yet these men had been working for him for five weeks and were prepared to work on if their money was assured. But the 14 day's exemption was given on the score that there was no labour available. These people, it seems, have the right to come down to Perth and see the Minister, and put forward what are untrue statements, and on the strength of those statements secure exemptions to the detriment of the men engaged and of the industry also.

THE DEPUTY SPEAKER: Is the matter being discussed by the hon. member covered by the motion?

Mr. TROY: Yes.

THE DEPUTY SPEAKER: The hon. member has not mentioned the leases at Wiluna. The hon. member has been very far away from Wiluna.

Mr. TROY: Mr. de Bernales is connected with these leases, and his name has been drawn in during the whole of

the discussion. Moreover, am I not to be allowed the same privilege as has been granted to other members who have discussed this?

THE DEPUTY SPEAKER: I was not in the Chamber while others were discussing it; however, I have no intention to restrict the privilege of the hon. member.

Mr. TROY: In conclusion, because I was concluding when I was interrupted, I want to say the Minister for Mines should have made some inquiries into this case, as in other cases. If he had so desired he could have telegraphed to the mining registrar at Yalgoo, and asked him whether the statement made by the Pericles people was a true one. All this, I say, is the sort of thing that is doing a considerable amount of harm, that makes Lake Way to-day almost an abandoned district: although I believe its possibilities are equal to if not greater than those of any other district I have seen.

Mr. HOLMAN (in reply): There is one matter always to be deplored, namely, the fact that when mining questions are being discussed in the House very few of the members on that (Ministerial) side of the House remain in to hear what is being said, while when it comes to a question of voting they flock in and vote with the Minister. The Minister admitted there was great remissness on the part of de Bernales, and that he disapproved of the action of de Bernales entirely in this matter, but did not think the evidence was serious enough to warrant the forfeiture of the lease. The Minister should know that a little over two years ago the industry at Wiluna received a great fillip, and the prospects of the place looked splendid on account of the good discoveries in the Gwalia Consolidated. As soon as that was known de Bernales and others rushed out and secured all the leases they could. As the Minister has admitted, they had 10 leases, amounting to nearly 200 acres. The Bulletin, on which the labour has been concentrated, is an old mining property, and so as to effect the conditions some arrangement was come to with the proprietors of the Bulletin.

The Minister for Mines: They took an option over it.

Mr. HOLMAN: And then they locked up the whole of the land and held it under exemption, or concentration, which means the same. The Minister should most emphatically protest against that policy being carried on in the goldfields, because it means that de Bernales, through taking an option for a small amount of money over the Bulletin property, could lock up 200 acres of gold-bearing country, with the intention of trying to float those leases on the market, purely for speculative purposes, while if he could not get rid of all the leases the option would not come off. And whilst the place is going ahead prospectors who have been there for years find they cannot get a lease; and although knowing that no work has been done on the lease for two years the Minister upset the warden's recommendation and refused to forfeit the lease. Then the warden granted concentration from those leases on to the Bulletin for six months. In all probability the warden himself, knowing the position of affairs in Wiluna, knowing that business was pending, gave that syndicate every latitude; afterwards when he found they were holding those leases purely for speculative purposes, he realised he had been misled to a great extent, and recommended the forfeiture. Here for two whole years not a penny had been spent on those leases and he recommended the forfeiture, but the Minister refused to adopt the recommendation. In connection with the Legacy Lease, the Minister took up an entirely different view. The Parker Brothers and Mr. Monks were the prospectors out there, and had the Reward claim. They spent all they had on it and were forced to go away and look for work. They left the place and the other prospectors round about refused to jump those leases, knowing the position as they did. The Minister knows full well that a petition was sent down, signed by every leaseholder at Errols, protesting against those leases being forfeited.

The Minister for Mines: It was strange that they should send in objections, ask-

ing not to forfeit on the warden's recommendation.

Mr. HOLMAN: But in this instance, after the warden's recommendation, in my opinion undue influence was used by Thompson and Parker to get the Minister to change his opinion; because a wire from Mr. Thomson appeared on the file, and Stawell & Cowle, solicitors, made a point of calling at the Minister's office, and swore certain affidavits which, in my opinion, were not correct. They used all the influence they could, and the Minister, on their *ex parte* statement flouted the recommendation of the warden and forfeited the lease. This is a copy of a letter which Stawell & Cowle wrote to the department.

The Minister for Mines: It is nearly four years ago, and I have not had a chance of looking into this.

Mr. HOLMAN: Now, this is a letter sent by Messrs. Stawell & Cowle, a firm of solicitors, to the Mines Department, and it shows what power they may have thought they had over that department—

We have the honour to request that immediately upon the issue of the *Gazette* you will be kind enough to send a telegram to the warden at Cue instructing him to post the notice in his office of such forfeiture.

That shows what power they think they have when a firm of solicitors have the impudence to address a communication like that to the department. In connection with the other case the Minister knows he received a wire from Mr. de Bernales asking him to hold the matter over until he came down and discussed it with him. According to the papers the Minister acted rightly and said he would not meet de Bernales, but that if he had any other evidence he would have to give it on affidavit. Of course we do not know what other action Mr. de Bernales took, and it would be interesting to know when the rent was paid on that lease.

The Minister for Mines: It is in the files.

Mr. HOLMAN: The Minister for Mines had promised that he would not grant any more exemptions on these leases unless a much stronger case is brought for-

ward. I do not think that any stronger case can be brought forward because no work has been done, and there has been no money expended on these leases at all. They have been held purely for speculative purposes, and I trust the Minister will carry out his promise to give no more concentration. If they desire to develop this land let them work it for a couple of years or else throw the leases up and allow someone else to work them. The sooner the Minister returns to the policy he advocated seven or eight years ago the sooner will the mining industry improve and the better will it be for the State, and I hope after what he has heard tonight, that when the warden has sent in his recommendation, the Minister will not always give his decision in favour of the speculator as against the prospector.

The Minister for Mines: I do not do so.

Mr. HOLMAN: I defy any committee or any independent body to go into this case and uphold the Minister's action. I know from speaking to some other prospectors in the district that they would have liked to have taken up the lease themselves, but they would not do it. They said that "Poor old Jack" has gone away to earn a few more "bob," or try to get a few pounds to endeavour to work his lease again, and they did not want the lease if the original owners could manage to work it at any time at all. One man said that had he known that a speculator like Mr. Thomson intended to jump the leases he would have jumped them. In connection with Wiluna it is a well-known fact that the party hold these leases for speculative purposes. The Minister, dealing with an exactly similar case in 1901, said—

Then there is the question of exemptions. When I took office I found the labour covenants on the goldfields were simply farcical. The warden had a special power to grant one month's exemption, and the Minister to grant six months. We found there were cases where even up to two and a-half years' continuous exemption had been granted, and not a pick put into the ground the whole time. This was not in one case but in dozens.

That is the same thing as has obtained during the last few years. On the Star of the East no legitimate work has been done for the last six years, and on the lease to which I have been referring tonight no legitimate work has been done for seven or eight years. The same thing obtains in many parts of Western Australia. The ground has been held for years and not a pick has been driven into it. The Minister for Mines went on to say—

In fact, in one small district I found there were over 20 leases that had been granted over 30 months' exemption. Much in the same way, protection was granted. In one case, as the member for Mt. Margaret (Mr. Taylor) says, protection was granted for seven months continuously on the application for lease; and during the whole of that time, no work whatever was done on that property.

And so on, and if we had compelled these leaseholders at Wiluna to work their properties the position there would be much better than it is at the present time. What obtains there obtains in other centres. I would like to see the Minister giving consideration to legitimate work on any lease, whether by a company or a prospector, but not to sacrifice the prospector to the speculator, as he did in this case, and do a great injustice to the mining industry of this State.

Question put and passed.

PAPERS — JUSTICES OF THE PEACE, NORTHAMPTON AND VICTORIA DISTRICTS.

Mr. TROY (Mt. Magnet) moved—

That all papers relating to the appointment of persons to the commission of the peace, and also those relating to the removal of persons from the commission of the peace, for the Northampton and Victoria Magisterial Districts for the two years ending June, 1910, be laid upon the Table of the House.

He said: If the Attorney General will agree to this motion I shall take very little time in discussing it.

The Attorney General: No.

Mr. TROY: I am amazed at the action of the Attorney General in not agreeing to this motion, because it was to oblige him particularly that I tabled it. Speaking on the Address-in-Reply the Attorney General referred to the attack made by the member for Kanowna, who I believe accused the Attorney General of having for party purposes made numerous appointments of persons in his electorate to the commission of the peace. In fact he also inferred that for the same reason persons had also been removed from the offices they once occupied. Let me quote the remarks of the Attorney General when he spoke on that occasion. He said—

There is one more point to which I wish to refer before I sit down and it is a somewhat unpleasant matter, because it is in the nature of a personal accusation. I have heard so many accusations hurled at me across the floor of this Chamber that I have become somewhat case-hardened. The member for Kanowna made some accusations against the Government for disregarding the nominations of the Opposition side as to the appointment of justices of the peace. He went on to say, in order to give point to his observation that appointments had been made in the Greenough district and that old hands had been swept away, while a large number, an extraordinary number of justices had been appointed there, that a relative of my own had also been appointed, and the hon. member waxing warm said that a whole flood of justices had been appointed. . . . Let the hon. member ask for a return of the number of justices of the peace who have been appointed in the Greenough constituency since I came into office. I do not care a scrap about these charges, but I would like the hon. member to follow them up. . . . The hon. member will still further oblige me if he will ascertain the name of the relative.

The Attorney General: That is not the return you are asking for.

Mr. TROY: Most undoubtedly it is, and while it may do credit to the ingen-

uity of the Attorney General to say that it is not, yet I feel sure that this House will agree that this motion is in keeping with the Attorney General's statement less than two months ago. Necessarily I must express my amazement and surprise that one who waxes so warm at the accusations by members of this House and who pretends to be so sensitive as to his honour, should prevent members from making the inquiries which he challenges them to make. But although the Attorney General refuses to accept this opportunity of clearing himself of the charges made, I expect that I will be able to secure a majority of members to assist me in having that fullest inquiry made which the Attorney General said he desired a short time ago. That an extraordinary number of persons was appointed to the commission of the peace in the Attorney General's electorate is an undoubted fact, and that a number of persons has been removed for reasons that have never been given is also a fact. If this was done for party purposes and to "get home" on old opponents, such an action cannot be too strongly deprecated, and this House, which to some extent is responsible for the appointment of these persons, is entitled to know why on the one hand such a large number was appointed and why on the other hand so many have been struck off. The appointment of justices of the peace is a frequent occurrence in this State, but how it is done apparently only members of the Government know. I know very frequently appointments in my own electorate have been made in regard to which I have never been consulted; but the appointments made in the Attorney General's electorate have undoubtedly been made with the concurrence of the Government of which he is a member, and with the approval of Executive Council. He cannot, therefore, have been other than aware of the reasons for the appointments and the reasons for striking other persons off the commission. Personally I am acquainted with a great many of those persons represented by the Attorney General, who have been appointed to the commission.

Some of them I know are undoubtedly good men, but others have been appointed who I fear cannot live up to what is required in connection with that office, because what that office requires is not only high character, but also the highest qualifications. I regret that in some cases the latter is not sought for. The character may be there, but sometimes it is doubtful, and very often the highest qualifications are not there, and thus an injustice is done to the community. Persons are placed in a position to sit on the bench in judgment upon their fellows, but they have very little knowledge of the law or of any other matter. Because of their environments, their surroundings, and their lack of opportunities, they are warped in intellect and narrow, and consequently are not the fittest persons to whom such appointments should be given. Some appointments are made as a tribute to the persons receiving them, and it is such as to give us cause to inquire what these people have done to justify this high office being conferred upon them. For instance, in the constituency represented by the Attorney General, a member of another place, Mr. Patrick, was recently appointed justice of the peace for the whole State. What has he done for the people of Western Australia that he should be given that office, which I believe has not been given to any man in this House? It is extraordinary how he has been singled out for one of the highest honorary positions that can be offered to any person, and he had done no service I know of to the people of Western Australia entitling him to that position. I have nothing to say deprecating his ability or character; he is a man of considerable ability and the highest character, so far as I know; and I have known him for years; but this office is only conferred upon persons who have done something to warrant it. If Mr. Patrick was one of those people representing the whole of the State, as the Federal senators do, then there would not be the slightest objection, because it would be a compliment to the people; but that is not so; this same office has

been refused to senators of the Federal Parliament, though it has been granted to Mr. Patrick merely because he is a good Government hack. That is the only reason. Several persons have been struck off the commission of the peace, but no reason has been given for it. Probably the Premier may state that it is due to the fact that their conduct has not been such as to entitle them to the high office, but I ask the Attorney General—did the Government strike off the commission of the peace Mr. Learmonth, J.P., who in the East Fremantle election did what was an entirely illegal action which was exposed in the court and showed to his disadvantage? Has his name been struck off? No. He is a supporter of the present Government, and he still holds the commission of the peace. Again, if the fact that people have done something which is against their character is to be considered, what action do the Government intend to take in regard to Mr. McLarty, a member of the Upper House, who has been convicted on two occasions lately in the courts of this State and is still a justice of the peace? He was convicted once and fined for allowing cattle to run on the streets of Pinjarra, and later on he interfered with the returning officer at an election at which he was a candidate. He went in and interfered just like any vulgar larrikin would do, and he was fined £5. It was an indictable offence, the maximum penalty for which was 12 months' imprisonment. On these two occasions he was convicted, but he still remains a justice of the peace.

Mr. Collier: And king of Pinjarra.

Mr. TROY: If the people of Pinjarra are satisfied, of course we have to be satisfied in regard to that; but we are not satisfied in regard to the other matter. If such charges as these are reasonable enough to induce the Government to strike other persons off the commission of the peace, why should not Mr. McLarty's name be struck off also? I am given to understand that another person, Mr. Holmes, J.P., has been fined three times for selling adulterated milk—poisoning the people; killing in-

fants—and still he is a justice of the peace with the approval of the present Government. To my mind the fact that there is such a large number of justices of the peace in the Greenough and Geraldton electorates gives cause for considerable surprise. That they have been appointed by the present Government is a fact; that many of them are incompetent is a fact; that many of them are ignorant is a fact; and that many appointments are made for party purposes is a fact. The Attorney General, with all his boast of purity of intentions, cannot deny it. If he does, why does he now refuse to avail himself of the opportunity he almost craved for here a few months ago when he asked that this motion should be moved? I cannot help thinking that a number of persons have been appointed and struck off the roll as the result of intrigue and personal animus, and it is a thing we should not countenance. If the Government want that stigma removed, they cannot do better than allow the people to know the full particulars, and they cannot do better than place the papers upon the Table of the House to give the public those full particulars. If we are to allow appointments to these positions to be made as the result of intrigue and party animus, we are not going to do service to the State, we are going to do undoubted injury to it, and we are going to drag positions that should be lofty and honoured into the gutter. That must be the natural result if this policy is to be encouraged by members. I will now give the Attorney General the chance of availing himself of the opportunity he craved for a little time ago.

THE ATTORNEY GENERAL (Hon. J. L. Nanson): The hon. member takes it for granted that in the Greenough constituency, which I have the honour to represent, an unusually large number of justices of the peace have been appointed during the last two years that I have represented the constituency after my return from England. It is true that in the debate on the Address-in-Reply I expressed the hope that the hon. member and also, I think, the member for Kan-

owna, would call for a return as to the number of justices appointed during the time I have been member for Greenough, and I still hope that these hon. members, or any hon. member who feels sufficiently interested in the matter, will call for a return as to the number of justices appointed in that part of the State during that period. I am certainly not prepared to accept the *ipse dixit* of the member for Mount Magnet that an unusually large number of justices has been appointed in that particular part of the State. On the contrary, I believe that if a return were called for—and of course there can be no objection to a return of that sort giving the number and the names of gentlemen appointed during the period by the Government of the day—it would be found that, instead of there being a large number appointed, the number is considerably below the number appointed in other districts in similar circumstances. It is essential in any portion of the country where settlement is taking place that, if a demand comes for the appointment of additional justices and a case can be made out, the wishes of the settlers should be as far as possible complied with; and I have no hesitation in saying that in the great majority of cases in my constituency where requests have been made for the appointment of justices those requests have come from settlers who have been living a long distance from a resident justice and who have seriously felt the inconvenience of having to travel long distances when they wished to avail themselves of the services of a justice, more particularly to have documents witnessed in connection with transactions with the Lands Department. The hon. member, instead of availing himself of my invitation to call for a return, has brought forward this motion asking that papers may be laid on the Table. He asks that all papers relating to the appointment of persons to the commission of the peace, and also those relating to the removal of persons from the commission of the peace, for the Northampton and Victoria Magisterial Districts for the two years ending June, 1910, be laid upon the Table. The motion resolves itself into one of those delightful fishing ex-

peditions members opposite are so anxious to bring forward on private members' day. We have already had one of those fishing motions in regard to the action taken by the police at the time of the tramway strike. There the request was for a miscellaneous number of papers, not particularly specified but very generally referred to, to be laid on the Table of the House. We have here a similar request with regard to a fresh number of papers, some of them possibly of a confidential character, some of them which it would be totally unfair to the individuals concerned to place on the Table of the House.

Mr. O'Loughlen: If I went to your office would you let me look at the file?

The ATTORNEY GENERAL: If the hon. member wishes to examine any file dealing with justices of the peace, the proper office to go to is the office of the Premier that deals with all these matters relating to commissions of the peace. It is not a matter under the Crown Law Department. Questions arising out of the appointment of justices of the peace or removal of gentlemen from the commission of the peace are dealt with in the Premier's office; but before a decision is arrived at they are dealt with by Cabinet as a whole. Every care is taken where a recommendation is made that a gentleman be placed upon the commission of the peace, to ascertain whether he would be suitable; and considering the number of justices of the peace in Western Australia, necessarily a high number on account of the extent of our territory, it may be contended that on the whole the discretion vested in the Executive has been well and carefully exercised. It will frequently happen that when a recommendation is made for an appointment to the commission of the peace, reports have to be called for, reports that are of an entirely confidential character. And if it should happen that a person is asked to make a confidential report, and he fears that his report is at any time liable to be brought down and placed on the Table of the House and from there communicated to the public at large, it will be absolutely impossible to obtain

that information which it is very necessary to obtain in regard to these appointments. So far as the appointments in the particular district referred to are concerned, if the member has any objection to make with regard to individual appointments, it is, of course, open to him to take action in the House by way of motion. I note that the only appointment in the district to which he has taken specific exception is the appointment of Mr. Patrick as a justice of the peace for the entire State. I am unable on the spur of the moment to say when Mr. Patrick was appointed or the circumstances under which he was appointed, but in regard to what is the principal matter, namely, Mr. Patrick's qualifications for the position, I have no doubt whatever, and I am perfectly sure that that gentleman is fully capable of acting as a justice of the peace and that the selection is a very admirable one; and if he is good enough to act in the district and it is convenient that he should act for the State as a whole there can be no objection to Mr. Patrick being appointed to act for the entire State. Apparently the objection of the member for Mt. Magnet is with regard to appointments of this kind being made as a compliment. Of course the appointment is, to some extent, a compliment, as it shows that in the opinion of the Executive Mr. Patrick is a gentleman entitled to be entrusted with that responsible and honourable position, and to that extent it is a compliment, but I do not for a moment suppose that the position was bestowed on Mr. Patrick merely in a complimentary sense; it was bestowed because it was recognised that he would be an accession to the bench, and I do not suppose for a moment that there is any substantial or solid ground on which the member for Mount Magnet can take exception to that appointment.

Mr. Collier: Why do you discriminate? Why was not Senator Lynch appointed for the whole State?

The ATTORNEY GENERAL: It is not possible for me to take up individual cases when I have not the papers before me. It is impossible for me to call to

recollection the circumstances relating to the appointment of every gentleman who has been made a justice of the peace in Western Australia or the circumstances attending every case in which a recommendation has not been carried out.

Mr. Johnson: You had no reason for not appointing Senator Lyneh a justice of the peace for the State.

The ATTORNEY GENERAL: I am not at present aware whether I was a member of the Government at the time when Senator Lyneh's name was brought forward. Indeed I was not aware until the hon. member interjected whether Senator Lyneh was a justice of the peace for the State or whether he was not. I am objecting to the motion on the general principle that it is opposed to public policy altogether to lay upon the Table of the House papers of a decidedly confidential character, and it would not be to the public interest that information of that kind should be disclosed. The Government take the responsibility for all appointments of that kind that they make, and they are only made after the fullest examination, and if the Government make a mistake and it can be proved that a mistake has been made, it is open to hon. members to ventilate the matter, and the Government will be ready to give an explanation of any particular case. In regard to the removal of a name from the commission of the peace, it does not necessarily follow because that name is removed that there is a slur cast upon the gentleman whose name is so removed. It may be found that he does not possess those qualifications which are essential in a justice of the peace, and if it be found that a mistake has been made in an appointment then the best thing to do is to remedy the mistake and remove the name from the commission.

Mr. Holman: What are suitable qualifications?

The ATTORNEY GENERAL: I am not going to enlarge upon that for the benefit of the hon. member.

Mr. Troy: Why did you re-appoint Glick after you struck him off?

The ATTORNEY GENERAL: I have no doubt there were excellent reasons.

Mr. Troy: What were the reasons?

The ATTORNEY GENERAL: I know the matter has been considered by Cabinet as a whole, and I feel sure that Cabinet would not have re-appointed that gentleman without good reason. It does not necessarily follow that because a man's name is removed from the commission of the peace that there is any reflection upon his character. There may however be cases where justices have been guilty of improper conduct, and if those cases are brought under the notice of the Government then an impartial inquiry will be made.

Mr. Swan: Something wrong with his political opinions, perhaps.

The ATTORNEY GENERAL: It would be an undesirable state of affairs if, when it became necessary to inquire whether a gentleman should be retained on the commission of the peace or not, the colour of his political opinions should be taken into account. Evil be to him who evil thinks, and I must confess that I have a certain amount of suspicion as to the course of action that hon. members opposite would take if they happened to be in power. Hon. members opposite are always imputing motives, and I am inclined to think sometimes that they measure other people's corn by their own bushel.

Mr. Holman: We are prepared to meet any cases brought forward.

The ATTORNEY GENERAL: I pay the smallest attention to an hon. member like the member for Murchison, because I know that that hon. member has a mind which is absolutely charged to overflowing with suspicion, and the consequences might be most serious to his mental state if occasionally he did not let some of that flood of suspicion loose in this Chamber. We on this side of the House regard that hon. member with a certain amount of pity because of the evil opinion of his fellow creatures, or a considerable section of his fellow creatures, that hon. member has. If it makes him feel any better through occasionally pouring out on this Chamber a flood of suspicion and vituperation, well then, though the spectacle be a nauseous one, we have satisfac-

tion enough in knowing that perhaps the hon. member has cleansed his bosom of some evil matter. I do not know that there is anything more I need say with regard to this matter. I reiterate that the Government have no intention of agreeing to the motion, and it would be in the highest degree inadvisable to lay down a principle that these papers should be produced. If the member for Mount Magnet wants information as to the number of magistrates appointed, and the names and the dates of the appointments, there will be no objection to giving him that information.

[*Mr. Speaker resumed the Chair.*]

Mr. WALKER (Kanowna): I think I am responsible for the action taken by the member for Mt. Magnet. On the Address-in-Reply in August last I drew attention to the fact that an extreme phenomenon had occurred in the electorate of Greenough, in which the Attorney General was reputed to be the principal actor. A number of old justices of the peace had suddenly disappeared from the roll and a number of staunch and recognised supporters of the Attorney General had suddenly filled their places. The matter was mentioned at some length and there was the suspicion then cast upon the Attorney General that he in some manner was responsible for the views of Cabinet, which came to the decision that his particular friends were deserving of that high and distinguished honour. The Attorney General waxed wroth that night, and the venom of his spleen, to quote the language of Shakespeare, bubbled over in frothy condemnatory speech. I then was the object of his unbounded abuse. To-night I am thankful, for the sake of having companionship in such diversity, that he has exhibited the same phase of his character in regard to others. It shows that it is more or less part of his disposition to be abusive when he lacks argument. And then he turns sneeringly upon those opposed to him and, without particular regard to the accuracy of his facts or the justice of his condemnation, he belittles, by sneering, frothy verbiage, those who dare to criticise him. That is his character. On that night he tried to act the

heroic, and he does so repeatedly. He puts his hands in his pockets, or he swings his arms in the air, and he turns to members and to the gallery and says that he defies the Opposition. "Bring forth your motion," he cried, over the return of the justices appointed in Greenough. The member for Mt. Magnet took him at his word and said, "I will move for a return."

The Attorney General: That is not what he has done.

Mr. WALKER: He has done so.

The Attorney General: He has moved for papers.

Mr. WALKER: That is the return in all its particulars, in all its details. Does not the hon. member see that it matters little as to the numbers, but it does matter very considerably as to who recommended these justices of the peace and why they were recommended. If the hon. member is responsible for their recommendation it matters much, for it would show a state of politics in this country which was more than suspicious, more than pertaining to that quality so seathingly condemned by the Attorney General in the person of the member for Murchison. Is it true that the member for Greenough recommended these appointments of the justices referred to in Greenough at the time, and just prior to the Address-in-Reply? Can he deny that it was at his instance that these appointments came upon the roll of justices?

The Attorney General: Why do you not specify?

Mr. WALKER: The hon. member wants me to specify, whereas it is his duty to specify. The Government are asked for all those appointed as covered by that motion; and it is more than the returns that is required. The mere names tell nothing. We could find those names without having recourse to this, and the hon. member must know when we speak of returns it means more than the mere supplying of the names to this Assembly.

The Attorney General: Oh, no.

Mr. WALKER: Why not? Because there was an accusation. True, it was not backed up, but it was freely used. It was

that the hon. member had not only been instrumental in obtaining the appointments of justices who favoured him politically, but that there were some among them who were nearer to him than particular friends. And what is the use of merely asking for a return of the names? His challenge to the House was in answer to the accusations, which implied political influence unduly exercised. There was the challenge, and it is repeated to-night in the hon. member's motion; and therefore the answer to it is to show who did recommend those justices. I will readily admit there are confidential communications which this House, I believe, would not ask for.

Mr. Jacoby: You have asked for them.

Mr. WALKER: I know there may be discrimination when the Government knows what is wanted. Surely it can supply so much. Let the Attorney General tell us that the Government will supply the names of those appointed, together with those of the persons who nominated them, and of those who were removed.

The Attorney General: Move for your return, then you can ask for the information.

Mr. WALKER: And by that time we shall be swollen with plum pudding. Christmas will be upon us and we shall be overcome with so much good fellowship that we would be prepared to forgive even the Attorney General.

Mr. Jacoby: And we shall have the Christmas pantomime.

Mr. WALKER: Yes, and Mr. Jacoby will be the clown.

Mr. Jacoby interjected.

Mr. WALKER: Do not try to make it worse. The hon. member knows what we want. Will he give it to us? Will the Government give us that information? If not, I am not going to labour it. If not, the accusations made during the Address-in-Reply stand unanswered, and the Attorney General has practically by his silence to admit that he has been instrumental in getting justices appointed in the Greenough district purely for political reasons.

Mr. HOLMAN (Murchison): After the bitter, I might almost say venomous, attack of the Attorney General on my poor self, I daresay I shall be called upon to defend my past actions. I have been accused of almost every crime under the sun. One thing they can never accuse me of, namely, forsaking my position for gain, or my friends for office, or my principles for emoluments. All these have been done times without number, as many times as opportunity offered; but none can accuse me of having done them, or of having forfeited anything a man should hold dear for an office of profit.

The Premier: You had only one chance I think.

Mr. HOLMAN: I am pleased to know that one of the Premier's colleagues was one of those who did not consider me good enough to sit with, a man whom the Premier has taken as colleague and who forsakes friends and supporters for the sake of office—those are things I would never do. So far as my private and political life is concerned I defy the Attorney General to point to one occasion where I have used my public position for my private or any other gain. I am sorry I cannot say the same about the Attorney General. My want of education has been thrown at me from that side of the House. Unfortunately I had to go underground before I was 13 years of age. I have battled along for myself and others ever since. The Attorney General has done good to himself at the sacrifice of his principles, and at the cost of forsaking his friends.

Mr. SPEAKER: The hon. member is going too far; he must not proceed in that strain. If he does so I shall deal with him.

Mr. HOLMAN: It is unfortunate you were not in a position to deal with the hon. member when he made a most violent and bitter attack upon me.

Mr. SPEAKER: There is a motion before the House, and the hon. member must confine himself to it.

Mr. HOLMAN: I was venomously attacked by the Attorney General.

Mr. SPEAKER: I was not in the Chair at the time.

Mr. HOLMAN: I consider I am entitled to defend myself, and whether I am a member of this Chamber or not I am not going to allow a man like that, or any one else, to attack me without defending myself. And if I am to cease to be a member in order to defend myself I would rather sacrifice my position in Parliament than my manhood. I would like the Attorney General to give an explanation of why Mr. Cornish was appointed a justice for Northampton. Is he a working partner of Elliott's, who is Nanson's brother-in-law? Take the appointment of Fry. Is he a manager for Copley at Cockatea. It has been said he was never in a court house in his life until he was sent for to be sworn in and asked to sit at the criminal sessions. Mr. Teakle and Mr. Jupp were also appointed justices—Mr. Maynard, Mr. Mitchell and Mr. Sewell were other appointees.

The Attorney General: They are all good men.

Mr. HOLMAN: Then why this opposition to placing the papers on the table? Then there is Mr. W. Grant; he has spent a little money in Nanson's elections to secure his return.

The Attorney General: Mr. Grant was not in the State at the time.

Mr. Troy: Grant is a very decent man, and has always been a supporter of the Attorney General.

Mr. HOLMAN: Why was it necessary to make all these appointments in Northampton when in other places we cannot get a single appointment?

Mr. Walker: I can never secure the appointment of a labour man.

Mr. O'Loughlin: I cannot get one, labour or otherwise.

The Premier: Do not say that. You know better than that.

Mr. HOLMAN: Why were McCrief, Brown, and Davis struck off? Was there anything against them?

The Premier: There must have been.

Mr. HOLMAN: There you are; and the Premier said the other night it did not follow that because a man was struck off there was anything against him. When they make these statements in the House they are taking a cowardly action in refusing to allow the papers on the Table.

It is a dastardly, cowardly position to take up. The Premier said there must have been something against them. Why, then, should he not make it known and give them a chance to reply?

The Premier: I said there must be some reason for it.

Mr. HOLMAN: You said there must be something against them. If there is something against Mr. Davis, why, when Davis wrote to the acting Premier, was he reappointed?

The Premier: Then there has been nothing against him.

Mr. HOLMAN: Then give the others the same opportunity.

The Premier: They all have the same opportunity. Mr. Glick was reappointed.

Mr. HOLMAN: Mr. Davis wrote to the acting Premier, so I am informed, and his friends wrote to Mr. Nanson, and he was reappointed.

The Attorney General: Mr. Davis was never struck off.

Mr. HOLMAN: Well, why was he not on?

The Attorney General: By a clerical error, or a typographical error, his name was omitted from the list.

Mr. HOLMAN: In my opinion the main reason why the names were struck off and others substituted was the existence of political errors. It is all very fine to say that because a man gets up in the Chamber and makes statements those statements are not true. In regard to any statements I have made here I defy the Attorney General to disprove them. If he can disprove the statements I made in connection with his department I will leave the Chamber for ever.

The Attorney General: Let me have your statement.

Mr. HOLMAN: That papers from your department have been supplied to the *Sunday Times* after a resolution was carried in the House, in connection with Barry *versus* the Crown, I made a statement before, and the Attorney General knows it, and I want to know how it is the *Sunday Times* can get papers from the Lands Department and the Attorney General's Department, and any other department, when these papers have been ordered to be placed on the Table.

Mr. Troy: That is nothing.

Mr. HOLMAN: I am perfectly satisfied now the Attorney General has refused to give this information there must be something in it. A man is entitled to view with suspicion the operations of a person who in the past has given good grounds to have his actions so viewed. So far as the Attorney General and the appointment of justices are concerned, we know that in a district that did not require new appointments the appointment of a large number of justices was made, while I have made recommendations for the appointment of reputable persons in my district and these recommendations have received no consideration at all. Yet those men were all of good standing. Evil as I am in the opinion of the Attorney General, I defy him to point to one recommendation I have made contrary to honest convictions. Even the Minister for Mines has to admit that every application I have made has been absolutely straightforward and fair. Why is it that these men who have been in the district for years, business men of sound repute, are refused appointments to the commission when any big mining man can get appointed almost on the day he enters the district? It is absolutely unjust. I say there are as good men amongst the workers of the State worthy of being placed on the commission of the peace as there are amongst other classes, and I protest against this policy of making all the appointments from the leisured classes. I protest against the appointment of justices of the peace in the Northampton district, when those appointments have the appearance of a return for favours received, and I resent the imputation cast upon people whose appointments were cancelled by the Premier himself. I hope that he will make the same reparation in those cases as he has made in one or two other cases up to the present time. I have heard criticism of many justices who have been appointed. Mr. Glick has been criticised, and a number of business people have come to me and asked me to inquire into his reappointment. I do not

know anything against him, but I think I can produce men of repute who will express great dissatisfaction with that appointment.

The Premier: Do you know anything against him?

Mr. HOLMAN: I do not know anything against him; if I did I would quickly say so, but I would like to know why he was struck off and then reappointed. I believe that he is one of the most attentive justices in the city, but when a man has been struck off and reappointed I think the people are entitled to some explanation. In regard to these other people, I maintain that it is absolutely unfair to give them no chance of being reinstated. The justices we have in this State are almost, without exception, a class of men who deserve the best thanks of the community; they do their duty honestly and conscientiously, and some of those men who have been struck off are placed in a position which they should not be placed in. It seems to me that the Attorney General is lacking in manly spirit in refusing to table the papers. If there are confidential papers reflecting on a man's character, that person should have an opportunity of defending himself. The defence could be kept private also, but let us give these men, whose reputations have been attacked, an opportunity to defend themselves and not say, as the Premier said this evening, that there must be something against them, or they would not have been struck off.

Mr. O'LOGHLEN (Forrest): I would not have spoken on this motion but for the fact that the Premier pointed out that I was particularly fortunate in having justices appointed in my district.

The Premier: I said that a friend of yours had been appointed.

Mr. O'LOGHLEN: I care not whether he be a friend or foe who is appointed in my district, so long as he fills a public want. Prior to my entering this House there was only one justice of the peace in the whole of my electorate. And the population there is so scattered that people found it very inconvenient to have to

go many miles in order to get documents signed by a justice of the peace. I made application on several occasions for the appointment of another justice, and, eventually, my application was granted after the magistrate had recommended another person. The people of the district recommended the appointment of the storekeeper, a gentleman who had the confidence of everybody there, and was well fitted for the position; but the magistrate recommended another person, and that recommendation was adopted, although later on the storekeeper was also appointed to the commission. I also applied for a justice of the peace in another portion of the district, and my request was refused. For 12 months I kept on asking that this particular gentleman should be appointed, because the whole of the resident population, totalling about 600 people, required a justice of the peace in order to have necessary work transacted. What was the reply? The reply from the Premier's office was that this man could not devote the whole of his time to the work, because he was a foreman benchman in the mill, and, consequently, the Government could not see their way to appoint him.

The Premier: That was not the reason.

Mr. O'LOGHLEN: That was the reply I received from the Premier's office.

The Premier: Was it not that he would not be available for the work?

Mr. O'LOGHLEN: The letter went on to point out that although the Government could not appoint that man, they would appoint another gentleman in the same mill.

The Premier: Because he was available.

Mr. O'LOGHLEN: Was he more available than the other man? As manager he has a big business to attend to, and is out of the district for a large portion of his time. I think it is time that a protest was made against the method of appointing justices throughout the State.

The Premier: Was not your man appointed?

Mr. O'LOGHLEN: Yes; after 12 months' asking. First of all, the manager of the mill was appointed on the recommendation of the warden; and later on the other gentleman was appointed. In that locality we have now two justices, and are well served, but in other districts it is impossible for the people to get a justice at all. I believe that I have three justices in the whole of my electorate, and I do not care whether he be a political foe, or a political supporter, I believe that if the whole of the people recommend a man, and, on inquiry he is found to have nothing against him, but is a fit and proper person, the Government should accept that recommendation. I realise that in political appointments it is possible for a man who is taking an active part in politics to do a considerable amount of good for the party he is supporting. As one who has taken part in two Federal elections, and has travelled over a good portion of the State, I found that in several instances the justices of the peace were actively engaged in canvassing for postal votes on behalf of my opponent. I suppose it is legitimate, but the fact remains that my political opponents had a considerable advantage over me in having the services of those gentlemen.

Mr. Angwin: That shows that the postal vote system is wrong.

Mr. O'LOGHLEN: The whole postal vote system is rotten, and wants reforming from beginning to end. I want to say a word in regard to a remark by the Attorney General, that he supposed that if the present Opposition were to cross the floor of the House, and occupy the Government benches, they would appoint their own supporters throughout the State.

The Attorney General: I said judging from the way you suspected us.

Mr. O'LOGHLEN: They would have to go a long way indeed to get up to the record that has been established by the Government to which the hon. member belongs. During the 12 months that the Daglish Government were in office, I do not suppose that five men with Labour sympathies throughout Western Australia

lia received appointments to the commission of the peace. I am confident there were not five, not even four, throughout the whole of Western Australia, who could claim that they were appointed because perhaps they might occupy a prominent position in the Labour movement. I wish to refer to the discrimination shown between removing Mr. Johns, and the action taken in regard to other justices of the peace. Mr. Johns, a justice of the peace at Collie, refused—and I believe rightly so—to carry out the duties of a coroner without clerical assistance, and he was removed from his position; on the other hand, Mr. Ardagh at Boulder and Mr. Whelan did exactly the same thing, entered their protest that assistance should be rendered, but no action was taken. Again, Mr. Johns was removed from the roster of justices of the peace, and was practically told he was not qualified to hold the position because he refused to fall in with the views of the Attorney General, while a gentleman who has broken the laws on two or three occasions, Mr. McLarty, has his name still on the list. These discriminations should not be shown. It is not fair where men are appointed who are strong political partisans and supporters of the Government. I trust the Government will in their future actions show consideration to the requirements of the people and make appointments where they will serve a public want. I have instances in my own electorate where people have to travel many miles to get documents signed. They do not always like to go to their employers or their masters or the men directly over them as foremen to have documents witnessed. Consequently they ask that some outside persons, apart altogether from their foremen, should be appointed. They require the services of justices of the peace just as much as the settlers in the district represented by the member for Greenough. I trust in future the Government will not discriminate between actions taken by different justices of the peace, also that a little more attention will be given to electorates represented by members of the Opposition, and that some of the recommendations made will be adopted.

Mr. TROY (in reply): The Attorney General cuts a most undignified figure when, in order to escape from the result of his own challenge, he makes most bitter insinuations in regard to the intention of members of the Opposition. We know that when a nomination is made from the electorate of a member of the Opposition no inquiry is made of the member for the district as to whether the person is competent for the position for which he is nominated. I know that nine-tenths of the appointments in my electorate are never referred to me; no inquiry is made of me as to whether they are competent; but I am glad to say in the majority of instances they are persons against whom I can raise no objection. Yet persons have been appointed in the State to whom the strongest exception can be taken; and though I do not want to mention names, there are undoubtedly some appointed by the Attorney General to whose tender mercies no intelligent body of people should be submitted. I referred to Mr. Patrick, but I made no deprecatory remarks in regard to his ability or character; I gave all that in; but I pointed out that it was most extraordinary that Mr. Patrick, who has never done any service in the State I know of worthy of recognition, was appointed justice of the peace for the whole State, while people who represent Western Australia in the Federal Parliament are denied that privilege and honour. How is it that Senator Lynch, one of the finest characters representing this State, one of the ablest men in the State, a man respected by friend and foe alike, is not appointed a justice of the peace for the whole State? He is representative of the whole of the State and is an able and capable man.

Mr. Heitmann: And was at one time a Cabinet Minister, though I do not know whether that is any recommendation.

Mr. TROY: I find that the majority of those who were Cabinet Ministers in this State, except several members of the Labour Government, are justices of the peace for the whole State. I find Mr. McKenzie Grant is a justice of the peace for the whole State. So far as I know he is a

gentleman deserving the honour of a commission of the peace; he is an upright man and an enterprising man, and one who is very intelligent, and against whom nothing can be said; but he has done nothing so far as I know to entitle him to the distinguished honour of being a justice of the peace for the whole State. The Attorney General cannot deny that, although Mr. McKlenzie Grant may have been absent from the State during the last elections, he is one of the Attorney General's strongest supporters.

The Attorney General: I am glad to say he is.

Mr. TROY: The Attorney General says he would have rather Mr. McKenzie Grant's support than mine. He may rest assured there is not the slightest possibility of his getting mine. I regret the Attorney General has not seen fit to accept the challenge he threw out. It stands to his utter discredit that he has not the courage or pluck to stand up and accept that which he invited.

The Attorney General: I have, if you move for the return I suggested.

Mr. TROY: It is an extraordinary thing that a great majority of the justices of the peace appointed have been during the last few years. In the electorates represented by hon. members on the Government side there are four justices of the peace to one in the electorates represented by members of the Opposition, showing undoubtedly the appointments are made for political purposes. I do not deny that some of those appointed are competent men and able men, but I want to know why able men and competent men and intelligent men have been struck off the roll, men against whose character nothing can be said. When such an extraordinary number of appointments have been made by the Minister and by those who follow them, it cannot be otherwise than for party purposes. I intend to push the motion standing in my name.

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

Ayes	..	..	..	16
Noes	..	..	..	19

Majority against .. 3

AYES.

Mr. Angwin	Mr. Swan
Mr. Collier	Mr. Troy
Mr. Gourley	Mr. Underwood
Mr. Heilmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Bolton
Mr. McDowall	(Teller).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Plesse
Mr. Harper	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Layman	(Teller).

Question thus negatived.

House adjourned at 10.53 p.m.

Legislative Council,

Thursday, 1st December, 1910.

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

QUESTIONS — WATER SUPPLY, ORA BANDA.

Hon. J. W. KIRWAN asked the Colonial Secretary: 1, Whether the attention of the Government has been drawn to the reports of very rich and important gold discoveries in the Ora Banda district? 2, Whether the Government is aware that there is now practically a water famine on the field, a famine that is likely to be-