

responsible for the introduction of the Bill and certainly a reflection upon the House. The only inference to be drawn is that which could be drawn without the new clause, but if we accept the new clause, we shall be passing something we do not understand. In order to protect ourselves we are asked to agree to a clause that nothing shall be repealed by implication. The Bill is either right or wrong. If we go to the extent of providing that another Act is not repealed by implication, we shall merely be showing the need for reform. It is a silly clause and I refuse to be a party to legislation of that kind.

Hon. J. CORNELL: I agree with Mr. Duffell and Mr. Holmes that the new clause is an extraordinary one. Nature has endowed the Minister with a large bump of generosity—

The Minister for Education: It is not that at all.

Hon. J. CORNELL: And he is anxious to meet the wishes of some members. If 19 of us went to the department for an opinion, each could get the opinion he wanted.

Hon. J. J. Holmes: Can an Act be repealed by implication? I thought it took both Houses to repeal an Act?

Hon. J. CORNELL: This measure needs no adornment by way of piety at the end.

Hon. J. NICHOLSON: Mr. Cornell has overlooked the point. The statute passed in 1921 limits the scope to certain things within the United Kingdom, and the object of that Bill is to extend the scope of the Act so that its provisions may be made use of in cases where the provisions of the Interstate Destitute Persons Relief Act may not be so applicable. If we insert the new clause, it will be competent for persons to avail themselves of whichever Act they consider the better. Mr. Lovekin yesterday suggested that where an order was obtained under the 1912 Act, it might be argued that Act was repealed by this measure. To remove any doubt, the new clause is essential. It will provide two strings to the bow.

Hon. J. Cornell: And add greater uncertainty to the law.

Hon. J. NICHOLSON: But the Act is in force.

Hon. J. J. Holmes: Is it necessary to add the words "by implication"?

Hon. J. NICHOLSON: It is wise to add them.

Hon. J. Cornell: How would you, as a lawyer, construe the new clause?

Hon. J. NICHOLSON: The point mentioned by Mr. Lovekin might be taken by a lawyer in the Eastern States. If an order were obtained under the 1912 Act, the first plea to be raised would be that the Destitute Persons Relief Act had been repealed by implication.

Hon. J. J. Holmes: Does this Bill repeal it or does it not?

Hon. J. NICHOLSON: It is open to anyone to raise such a plea, and to prevent that being done, the new clause should be inserted.

Hon. J. Cornell: Could not that plea be raised even if the new clause were inserted?

Hon. J. NICHOLSON: No.

Progress reported.

House adjourned at 6.15 p.m.

Legislative Assembly,

Wednesday, 26th September, 1923.

	PAGE
Questions: Midland Workshops, employees ...	859
Weights and Measures Act ...	859
Bills: Public Service Appeal Board Act Amend-	
ment, 1R. ...	860
Inspection of Scaffolding, 3A. ...	860
Inspection of Machinery Act Amendment, 2R.,	
Com. report ...	860
Motions: Sandalwood tenders ...	860
Soldier Settlement, Royal Commission's recom-	
mendations ...	872
Empire G.M. Syndicate, to inquire by Royal	
Commission ...	872
Gosnells Estate, to inquire by Royal Commis-	
sion ...	872

The SPEAKER took the Chair at 7.30 p.m., and read prayers.

QUESTION—MIDLAND, WORKSHOPS, EMPLOYEES.

Mr. DAVIES asked the Minister for Railways: 1, What was the number of employees engaged in the Midland Junction Workshops at the 30th June, 1923? 2, What was the number engaged at the same date in the years 1918, 1919, 1920, 1921, and 1922?

The MINISTER FOR RAILWAYS replied: 1, Including the shops at West Midland, 1,281. 2, Including the shops at West Midland, 30/6/1918, 1,101; 30/6/1919, 1,243; 30/6/1920, 1,384; 30/6/1921, 1,493; 30/6/1922, 1,351.

QUESTION—WEIGHTS AND MEASURES ACT, PROCLAMATION.

Capt. CARTER asked the Minister for Mines: 1, Was a Weights and Measures Act passed in 1915 or thereabouts? 2, If so, why has such Act not been proclaimed? 3, Is it the intention of the Government to proclaim it; and, if so, when? 4, Is it the intention of the Government to follow the lead given by New South Wales in this matter? 5, Do the Government know that New South Wales is further amending their Act so as to tighten up matters in connection with weights and

measures? 6, Do the Government know that certain machines or instruments are being placed on the market here which would be precluded if the Act were working in uniformity with New South Wales?

The MINISTER FOR MINES replied: 1, Yes, in 1915. 2, Because standards had to be obtained before the Act could be proclaimed, and while these are now available, special accommodation is necessary, but this has not so far been procured. 3, Yes, when a suitable building can be provided, and this is now receiving attention. 4, Yes. 5, No. 6, Yes.

BILL — PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Introduced by Capt. Carter, and read a first time.

BILL—INSPECTION OF SCAFFOLDING.

Read a third time, and transmitted to the Council.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th September.

The MINISTER FOR MINES (Hon. J. Scaddan—Albany) [7.40]: The Bill, introduced by the member for Collie (Mr. Wilson), provides that no person under the age of 21, except such as are at the passing of the Act, engaged in the charge of lifts, shall be eligible for such employment in the future. The object of the hon. member is to open the way for returned soldiers who are unfit for work of an arduous nature, to obtain employment of this kind. I have no objection to the measure. This is a class of work it is undesirable that boys should be engaged in, not only from the point of view of the safety of the public, but from the point of view of the boys themselves. A boy in his teens ought to be engaged in some class of work that will give him an opportunity to earn his livelihood when he reaches manhood. I concur with the hon. member in his desire to amend the Inspection of Machinery Act.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

MOTION—SANDALWOOD TENDERS.

Debate resumed from the 29th August on the motion by Hon. P. Collier—

“That in the opinion of this House no tender conferring the sole right to pull and

remove sandalwood from Crown lands or to deal with sandalwood under the grant of a monopoly should be accepted by the Government until Parliament has had an opportunity to approve or otherwise of the tender or tenders. And in the meantime, to enable members to inform themselves of the nature of all tenders submitted, that all such tenders and all papers relating thereto be laid on the Table of the House.”

Mr. PICKERING (Sussex) [7.47]: In referring to the subject under discussion, we find a great diversity in the opinions expressed by the different speakers. It may justly be said that the diversity of views actuating members of this Assembly is in the main due to an earnest desire to ensure that justice shall be done to the sandalwood cutter and to the State. The divergence of opinion relates mainly to what is the best means of dealing with the problem. It would be well, I think, to draw the attention of hon. members to the finding of the Forests Commission on this subject—

34. Sandalwood. This timber has its habitat over a very wide area of this State, but owing to its commercial value has become practically extinct within the reach of handling to profit. Its value lies mainly in its demand in China, and in the oil which is extracted therefrom. Experiments have been and are being made for its reforestation. Unfortunately the earlier experiments were destroyed by settlement, and the later ones are too recent to afford any reliable data. Sandalwood is a parasite, and has to be grown in association with hosts. The cutting of this timber for marketing purposes has been practically uncontrolled, and the State has never realised its fair proportion of export value. The firms mainly operating in sandalwood have been more or less intimately associated with Chinese and Singapore firms, and have only been interested in the margin between export value and price realised by sales in the East. The result of such operations has been disastrous to the State and to the industry. The position, so far as it is ascertainable, is that the market is over-supplied, with the consequent reduction in local values. If the State desires to perpetuate this valuable industry, it appears to your Commission that the whole method of dealing with sandalwood will need to be changed. The control of the industry should be vested in the Forestry Department. This department could then handle the export sandalwood up to such stage as the Government deemed expedient, ensuring sandalwood cutters the maximum value for their labours, and to the State its just share of the profits which accrue therefrom. The history of sandalwood is much too extensive to be dealt with in this report, but the conclusion arrived at seems to be such as would arise from impartial consideration of its history, and in the best interests of the State.

That decision of the Commission was unanimous. The Commissioners took all the evidence they could possibly get to enable them to arrive at what they considered a sound decision.

Hon. P. Collier: Of course two members of the Commission were very inexperienced in the matter of forestry.

Mr. PICKERING: That may be, but if I can draw any inference from the remarks made here, ignorance seems to be one of the chief advantages in dealing with subjects in this House.

Hon. P. Collier: Do you gather that from your speeches?

Mr. PICKERING: Also from those of the Leader of the Opposition. I trust hon. members will believe that the Commission did as well as the time and opportunities at their disposal permitted them. Given the fact that there was one member of the Commission who had some knowledge of the subject, the further fact that the other two Commissioners were unanimous with him, shows that his knowledge was made available. Shortly after the publication of this report, the Forests Department took into consideration the question of dealing with sandalwood. *

Hon. P. Collier: That is not quite so. The department had taken similar steps nearly three years before.

Mr. PICKERING: I am dealing with the matter from my point of view. The Leader of the Opposition will have an opportunity later of stating his views on this point. I certainly desire to say what I believe to be right in any matter, so long as I hold my place in this Chamber. Shortly after the publication of the report tenders were, as a matter of fact, called, and as a consequence there was a stampede, if I may so call it, of members of this House, representing every phase of thought, to the Minister for Forests to protest against the calling of tenders. The "West Australian" on that occasion did me the honour to ask my views on the subject, and they were published on the 28th March, 1923. I will read from the report—

I was rather inclined to think there was some justice in the complaints made by the sandalwood cutters, but after carefully going into the matter with the Conservator of Forests (Mr. Kessell) I am satisfied there are only two courses open—either the starting of a fresh State enterprise, or the suggestion made by the Forestry Department. In starting a State enterprise of this nature you have to remember that the State, to protect itself, will have to be in a position to hold its sandalwood stocks for a considerable time, and maintain the cutters in their avocations at a false remuneration. After going carefully into this question, I am of opinion that it would involve the capitalisation of the business to the extent of from £100,000 to £200,000, because cutters produce about 5,000 tons a year, at £12 a ton, and this would represent about £60,000; and I estimate that it

would take two years before existing supplies were exhausted. The State would then become a monopolist, and I think would be able to demand practically any price it liked for the commodity. This, of course, would involve the engagement of men thoroughly conversant with the trade, not only in Western Australia, but in Eastern countries, because the merchants controlling the sandalwood trade in the Orient are the most astute dealers in the world. I speak from a knowledge of three and a half years' association with Messrs Guthrie & Co., when they were dealing largely in sandalwood. That means that the Government would have to face the engaging of a special staff to deal with the business. The alternative course is the policy set forth by the Forests Department, which places the control of the sandalwood trade in one firm's hands. It is evident from the foregoing that that firm must eventually realise large profits, but only by preparation for at least two years' conflict with existing interests. The scheme set forth by the Forests Department would guarantee to the cutters a very much improved price for their labour over a period of five years, and would guarantee to the State an improved royalty which, if properly utilised, should be of considerable service to the maintenance of the industry. I cannot conceive that the handling of the sandalwood trade by one firm would be in any way detrimental to the sandalwood cutter, because the cutters' interests are adequately safeguarded by the conditions of the tender. The policy might militate against sundry small dealers who might not be in a position to tender under the conditions submitted by the Forests Department, but the large dealers would have a fair chance to give a reasonable tender, which would ensure the cutter a decent living and the State a fair division of the profits accruing from the sandalwood industry.

The report continues—

Asked which of the alternative schemes he favoured, Mr. Pickering said: "I am not wedded to State enterprises, but if State enterprise is justified at all, it is surely justified in the exploitation of our indigenous products." He added that the action of the Government in seeking to place the sandalwood industry under control bore out fully the recommendations of the Forestry Commission.

Hon. P. Collier: Now will you read the reply that the member for Forrest (Mr. O'Loughlen) made to that statement of yours?

Mr. PICKERING: I will leave that to the Leader of the Opposition. I am not putting up a reply to the member for Forrest. I am putting up the case of the member for Sussex.

Hon. P. Collier: Your statement was blown to ribbons by the member of the Commission who knew something about the business.

Mr. A. Thomson: That is a matter of opinion.

Mr. PICKERING: According to the Leader of the Opposition, very few members of this House are gifted with any intelligence at all.

Hon. P. Collier: I have not said anything of the sort. I say that that statement of yours was knocked clean out by the member for Forrest. I admire your modesty in reading out a long statement by yourself.

Mr. PICKERING: I am pleased to have the hon. member's admiration. I think it can be fairly said that the forecast I gave in the course of that interview has been borne out by the event. In fact, the statements made by the Minister for Forests in dealing with this subject show definitely, that such is the case. It seems to me there is only one interest which can gain by a diversity of interests in the control of the sandalwood trade, and that is the Chinese. I have a vivid recollection of seeing, three years ago, at the Queen's Hall, a picture called "The Iron Claw."

Hon. P. Collier: Iron jaw, did you say?

Mr. PICKERING: I am sorry my articulation is so indistinct. The first picture showed an attenuated hand with elongated fingers—a Chinese hand. To my mind the Chinese hand is a hand that reaches very far. From what little experience I have had of the Chinese, and from what I have read of them, I am satisfied that they are a very capable and subtle race, and that their hand is, in fact, very far-reaching. When hearing arguments which, after all, can only tend to promote a policy detrimental to the best interests of the sandalwood cutter and of the State, I often wonder whether those arguments spring from Chinese influence subtly applied. That is my idea of the influence behind the movement to cheapen the price of sandalwood. I do not need to dilate on the value of the commodity, because that aspect has been fairly set forth. Sandalwood has really only one value, and that is its value in the Chinese market. The value of the oil extracted from the wood is very small as compared with the value obtained by exporting the wood itself. I am satisfied that influence is being exercised in this country to undermine what is a determined effort on the part of the Forests Department to establish the sandalwood industry on a basis which will operate in the best interests of the cutter and in the best interests of the State. After all, what is it the contract sets out to do? Three things, I take it, or, at any rate, two. One is to improve the position of the sandalwood cutter. Who is the sandalwood cutter? He is almost one of our pioneers; he goes out into the remote parts of the State, taking his life in his hands almost, and pursuing an arduous occupation for a reward which, up to date, has been but small. If we realise that the cutter is worthy of a better return, then I venture to say we must realise that the system of one contract only is going to help the cutter to obtain the utmost possible from his labour. Under the system of one con-

tract we set out to get that just return to which the State is entitled. Nobody will contend that Western Australia should not take advantage to the fullest extent of any avenues for benefiting the community generally. After all, from whom is the money for the sandalwood to come? Not from our own people, but from the people who want the sandalwood. The State is entitled to extract the utmost farthing from those people, who would do their utmost to exploit this country if they could. In my opinion they have been exploiting and are still exploiting to the utmost of their power this commodity of sandalwood. Any system evolved which will enable Western Australia to exploit the Chinese instead of allowing the State to be exploited by them should receive the support of this House. If there is to be any loss, it should not be sustained by the people of Western Australia, but by those who are buyers of sandalwood for various purposes. It has been suggested that the same results would be obtained if the Government fixed a minimum price that the cutters should receive and a minimum to be paid as royalty to the State. How were these big prices obtained? It was by the Government advertising for a contract which everyone knew must be a monopoly. Anyone putting in a tender under those conditions would do so, knowing he would have full control of the sandalwood business. He would know that he would be free from competitors and so he would put in a higher price than he would have done if he thought others would be in the field against him. Had tenders been called on the basis suggested by critics, such a high price as indicated by the Minister for Forests would not have been received. We have had no definite statement as to who the companies concerned in this question really are. I am going on hearsay. I have no personal knowledge of them, but I have been told that several firms put in tenders. I have been told that one man put in a tender 5s. higher than any other tender submitted to the Tender Board.

Mr. A. Thomson: That is commercial integrity!

Mr. PICKERING: That is the position. I believe that that individual is the man who has been doing all the advertising regarding sandalwood recently.

Mr. Latham: Do you know that as a fact?

Mr. PICKERING: No, but I believe it is so. If that is the position, what sort of a tender is that to be put in? What sort of a position arises if the Government are asked to accept a tender from a man who says he will give 5s. per ton extra to the sandalwood cutter and 5s. more in royalty than any other tenderer? That is not the type of tender that should be accepted. It is also said that co-operative companies submitted tenders. It is said of one of those companies, that the shares numbered between 10,000 and 11,000, and that seven or eight shareholders held between 10,250 and 10,700 of those shares. If the Government are to retain the right to control the industry so as to

assure that a certain amount of sandalwood is cut annually in accordance with results in previous years, assuring a price to the cutter such as he has not received before, and to the State a royalty amounting to a figure not formerly obtained, what reason is there for withholding consent from the acceptance by the Government of the most favourable tender? Why should we withhold the opportunity from the tenderer to recoup himself in the market. It would be a difficult matter indeed for the Government of the most favourable tender? my knowledge of the industry only the most astute men thoroughly conversant with the ramifications of the trade, are able to carry on the business at a profit. If one company were in control the price of shipping would be reduced, for there would be no competition such as would obtain if there were many companies operating. This would be the result, together with a big price to the cutter and a larger royalty to the State. If the views of critics were to obtain, the only one who would suffer in the end would be the cutter. I believe the provisions of the contract include one setting out that if there is any appreciable rise in the value of the dollar, the Minister retains the right to secure a certain proportion of any increase in price for the State and for the cutter.

Hon. P. Collier: Was that in the original tender, or in a subsequent one?

Mr. PICKERING: I cannot say. I only heard these things in discussing the question with various people. If this is not so, it should be the business of the Government to see that that particular clause is inserted in the contract.

Mr. Money: What about the buyer?

Mr. PICKERING: The buyer has to take a risk regarding prices. He has had years of experience in the business. I am concerned only as to the profit the State is to get and the price to the cutter. I am not worrying about people who like to exploit the sandalwood industry, for they have to take a business risk. If it is possible to get an advantage in favour of the State, it is right that we should secure it. I notice in the Press an advertisement inserted by the Forests Department regarding the form issued for the use of applicants for sandalwood orders. The advertisement sets out that the cutter has to fill in a form, giving various particulars. I take it this form has been issued by the Government to ascertain who are sandalwood cutters, what quantity of sandalwood they are cutting or have cut, where they get it and what plant they have been using. Unfortunately, the Minister for Forests has spoken on this motion and he cannot reply to the points I am raising. However, I take it that this form has been issued with the object of securing data to assure that no sandalwood cutter will be overlooked and that orders are given in proportions which will be in direct ratio to what has been cut in the past. I commend the Government for their action in endeavouring to secure these particulars and I hope that will be the attitude of the Govern-

ment if they accept the tender most favourable to the sandalwood cutter and to the State. This is an important question. Unless steps are taken for the regeneration of sandalwood, the State has not many years of exploitation of this timber to look forward to. We have lost hundreds of thousands of pounds through neglect in the past and that loss has been in the interests of an alien nation. It is time that more serious consideration was given to this question.

Mr. Money: What about the companies?

Mr. PICKERING: The companies may have made money out of the industry, but the cutters and the State have suffered. The proposal submitted by the Government is a good, sound business proposition, no matter how we may look at it. It is the best and most feasible that has been advanced. The only alternative is to start a fresh State enterprise hedged round with difficulties and astuteness on the part of those people who come into contact with the industry. If such an enterprise were commenced, operations would have to be conducted outside the State, particularly in the Far East. There would have to be management established in overseas countries and the State would have to employ experts in every part of the world where their services were required. This would involve the State in huge expenditure in an enterprise the success of which would be doubtful. To date our experience of State enterprises has not been favourable and I certainly recommend to the House the desirability of the Government accepting a contract which will assure a better return to those people we most desire to help.

Mr. Johnston: Will there not be less employment?

Mr. PICKERING: There is no question of loss of employment under the one contract. That question might arise if there were a multiplicity of people engaged in the business as buyers and sellers. In such circumstances it would be almost impossible to control the allocation of orders to cutters, and that would be a serious feature. I have no interest in this business and have not a farthing invested in it. I know, however, that it is a dangerous business for inexperienced people to tackle. If we have a firm of repute prepared to take up a contract and carry out the full obligations involved to the sandalwood cutters and to the State, the best course is for the Government to accept the tender.

Mr. A. THOMSON (Katanning) [8.12]: I regret that the Leader of the Opposition saw fit to move a motion such as we have before us this evening. To my mind it constitutes interference with what might be termed the functions of Government. We have heard repeatedly from the Opposition side of the House that we should trust the Government, and when the Government, after mature consideration based on information supplied to them by a Royal Commission, decided that in the interests of the State it was advisable that tenders should be called for

the sole right to deal in sandalwood, one is somewhat surprised at the action taken in this Chamber.

Mr. Corboy: You have never heard us advocate the creation of any monopoly.

Mr. A. THOMSON: Yes, I have.

Mr. Corboy: Not for any private person or firm.

Mr. A. THOMSON: The unions to-day are the greatest monopolists that I know of.

Hon. T. Walker: That is piffle.

Mr. A. THOMSON: They will permit no man to earn his bread and butter unless he has a union ticket.

Mr. Corboy: Neither will the doctors nor the barristers.

Mr. A. THOMSON: If that is not a monopoly I do not know what is.

Mr. Corboy: Will architects, barristers, or doctors permit that?

Mr. SPEAKER: Order! The motion is one dealing with sandalwood.

Mr. A. THOMSON: I was only replying to an interjection.

Mr. SPEAKER: Interjections are disorderly.

Hon. M. F. Troy: It is puerile and piffling.

Mr. A. THOMSON: That is my point of view, at any rate. I have photographs which I am prepared to show the House indicating the enormous stacks of sandalwood which are being built at Fremantle. This illustrates the fact that those who are interested in the business to-day are fully alive to the advantages they may derive through the delay in the acceptance of this tender. We have here enormous stacks of sandalwood, greater than have ever been in the State before.

Hon. W. C. Angwin: That is not so.

Mr. A. THOMSON: Sandalwood is being rushed down to the coast as fast as possible. There are at least 50 trucks of sandalwood between here and Kalgoorlie to-night. It is being stacked at all sidings to which sandalwood is usually brought.

Mr. Corboy: For sale after the tenders are accepted.

Mr. A. THOMSON: No, to avoid the payment of royalty. The State will be losing a considerable amount in this way, in fact, it has lost £50,000 already through the delay. Yesterday I asked in the House the following questions—

How many tons of sandalwood have been exported since tenders for permits were opened on the 15th September, 1923, upon how many tons has royalty been paid, and what is the total amount of such royalty? The reply given by the Minister for Mines was that approximately 4,000 tons had been shipped during May, June, July and August, and in addition considerable stocks were held at Fremantle. The Minister added—

Royalty returns for the same period show that £7,900 has been received, which represents royalty on 3,950 tons. I also asked—

Is it a fact that a royalty exceeding 300 per cent. above the present rate of royalty was offered.

To this the Minister replied "Yes." If members will multiply that by six, they will find that on that amount alone the State has lost £23,700. If we have a valuable commodity and can derive from it a greater revenue than we are receiving to-day; if also the sandalwood getter will collect a higher remuneration for his labour, I cannot understand why those in Opposition should support delay. If the proposed monopoly were going to be injurious to the workers of Western Australia, I would not agree with it. But the Minister for Mines said the State was losing £50,000 per annum through the non-acceptance of a tender.

Hon. W. C. Angwin: There was no need to delay the raising of the royalty.

Mr. A. THOMSON: The Minister also said the cutters would receive higher remuneration than ever before. He added that the Government had no knowledge of the value of sandalwood until the tenders were received. One of the tenderers made it clear that he was prepared to pay 5s. more in royalty than the highest tenderer offered.

Hon. P. Collier: How do you know that? The tenders have not been disclosed.

Mr. A. THOMSON: It is common report in the House. I believe the Minister made that statement.

Hon. W. C. Angwin: We don't go to the officers and ask for information.

Mr. A. THOMSON: I have not discussed this with any officer. I have based my calculations mainly upon the able speech made by the Minister for Mines.

Hon. P. Collier: Able in evading the point.

Mr. A. THOMSON: If we cannot trust the Government—

Hon. P. Collier: Why this sudden confidence in the Government?

Mr. A. THOMSON: Surely we can trust the Government to do the best for the State. God knows, we want money badly. Why, in the name of Heaven, should this House debar the State from receiving an extra £50,000, which will be paid by the Chinese?

Hon. P. Collier: You showed last week that you had no confidence in the Government.

Mr. A. THOMSON: I have not much confidence in the Leader of the Opposition when he moves such a motion as this. Just fancy moving that before tenders are accepted they shall be laid on the Table of the House! It is merely to give unsuccessful tenderers an opportunity to intrigue, to further their own interests, to try to beat the successful tenderer. Such a tender as that alleged to have been submitted by a certain firm is financially immoral. If a building contractor were to submit a similar tender to a reputable architect, that architect would never again open a tender from that contractor. Yet, evidently, we have members supporting gentlemen of that calibre.

Hon. P. Collier: Who is doing that?

Mr. A. THOMSON: I said "evidently."

Mr. Cunningham: You are the only one who might know how to support them.

Mr. A. THOMSON: It is the function, not of Parliament, but of the Government, to deal with these tenders, and it is the duty of the Government to see that the interests involved are properly protected. It is obviously unfair that these tenders should be placed on the Table.

Hon. P. Collier: You are reading a brief, all right.

Mr. A. THOMSON: It is my own brief.

Hon. P. Collier: Is it typewritten?

Mr. A. THOMSON: Surely I am permitted to have my notes typewritten! Tenders closed on the 27th April. We are now in the closing days of September, and on the statement of the Minister for Mines we have lost £50,000 by the delay. I trust the House will not agree to the motion moved by the Leader of the Opposition. At one time the Leader of the Opposition suggested that the royalty should be reduced to £1.

Hon. P. Collier: When was that?

Mr. A. THOMSON: In September, 1921, when the hon. member attended a deputation to the Minister for Forests.

Hon. P. Collier: I did no such thing.

Mr. Cunningham: Where did you get that information?

Mr. A. THOMSON: At the place where the hon. member got it.

Mr. Cunningham: But I have not got it.

Hon. M. F. Troy: He got it from Jackie Scaddan.

Mr. A. THOMSON: No, I did not.

Hon. P. Collier: Who else was present at the deputation?

Mr. A. THOMSON: You were present, and ought to know.

Hon. P. Collier: You have been to the officers again. It is your usual practice.

Mr. A. THOMSON: That is a tender subject with you.

Hon. P. Collier: It is not correct to say I suggested a reduction of the royalty to £1. I ask for a withdrawal.

Mr. SPEAKER: The member for Boulder has taken exception to the statement.

Mr. A. THOMSON: Then, according to the rules of the House, I must withdraw. I withdraw. I trust the debate will be finished to-night and that thereupon the Government will immediately accept the highest tender. We find that 10,995 shares in the W.A. Co-operative Sandalwood Company have been taken up. In considering a co-operative company, one naturally assumes that it is composed of a large number of small shareholders. However, in this instance we find that the great bulk of the shares are held by Pilgrim, Joyce, Watkins, Texas Green, M.H.R., and Faulding. Apart from the shares held by those gentlemen, there is a balance of only 245 held by sandalwood pullers and agents. So, while to an extent the company may be co-operative, it certainly is not co-operative to the extent one usually associates with such companies. If it be at all

possible to keep the industry in the hands of people who will give the State good value, I am not prepared to accord any consideration at all to a Chinese firm. On the statement of the Minister for Mines, the sandalwood getters are protected and provision is made for prospectors to go out and get sandalwood; indeed every precaution has been taken to protect the interests both of the getters and of the State. I am quite prepared to hand these photographs to the Leader of the Opposition.

Hon. P. Collier: Who is the photographer?

Mr. A. THOMSON: There is no fake about them; they demonstrate the large stacks. One has only to go to Fremantle to see them.

Hon. W. C. Angwin: Eight months ago there was another large stack near the Harbour Trust office.

Mr. A. THOMSON: According to the Minister's reply to my question yesterday, we have received £7,900 royalty on 3,950 tons of sandalwood. This being so, we can well imagine that the loss to the State on the various stacks shown could easily have been hundreds of thousands of pounds. We can realise, too, the wonderful value of this commodity that in the past has produced very little revenue for the State. An individual is prepared to pay a royalty 300 per cent. higher than that now existing. This matter should receive early attention in order that the interests of the State may be conserved.

Hon. W. C. Angwin: To conserve the interests of one party!

Mr. A. THOMSON: I do not know who are the highest or the lowest tenderers. The Minister definitely stated that we were losing £50,000 a year by not accepting the highest tender.

Hon. M. F. Troy: Who would know the tenders?

Mr. A. THOMSON: The Minister.

Hon. M. F. Troy: Would anybody else know them?

Mr. A. THOMSON: I am dealing with the information given us by the Minister.

Hon. M. F. Troy: Some firms know them.

Mr. A. THOMSON: It would be criminal if we forbade the acceptance of a tender that would give such an excellent return to the State. A firm is prepared to give a guarantee to pay royalty amounting to £50,000 a year for five years, whereas to date the State is receiving merely a nominal sum. I can only regret that Ministers did not shoulder their responsibilities and accept the highest tender. I hope the motion will not be agreed to but that the Leader of the Opposition, before replying to the debate will look at these photographs. I can guarantee they are correct, and the statements I have made are substantially correct.

Hon. P. Collier: I know of my own knowledge that considerable quantities of sandalwood are being accumulated.

Mr. A. THOMSON: And that it is being rushed down as fast as possible to avoid payment of the increased royalty.

Hon. P. Collier: It is like the flowers that bloom in the spring; it has nothing to do with the case.

Mr. A. THOMSON: It shows that the State is losing a considerable sum of money.

Mr. CHESSON (Cue) [8.35]: There is ample justification for the tabling of the papers asked for. We have read the controversy in the newspapers; the Minister's statements have been denied. A statement was published in the Press by one person that if he could get a monopoly, he could immediately obtain £100,000 for the goodwill. This shows what money there is in sandalwood. I see no reason why the whole of those engaged in the industry should not be permitted to continue as at present. The Minister could fix the amount of royalty payable and the amount to be paid to the pullers. The buyers would then know for what they were liable. Suppose they were required to pay £6 a ton to the State and £15 a ton to the cutter, a tenderer would know he was starting on the basis of £21. Men with small capital would probably engage in the industry, and we would perhaps have half a dozen reputable buyers purchasing sandalwood. When there is a number of buyers, it ensures a better deal to the puller.

The Premier: He has had a pretty bad deal.

Mr. CHESSON: If one firm had a monopoly, it would condemn a lot of wood that otherwise would not be condemned. With a number of buyers, there would be less chance of wood being condemned.

Mr. Mann: What benefit would there be to the purchaser to have it condemned?

Mr. CHESSON: That applies in other industries.

Hon. M. F. Troy: What about condemned sleepers?

Mr. CHESSON: The purchaser would probably get the condemned wood at a lower price. The Minister told us that China had three years' stocks, and that whoever undertook the business must be prepared to stand a siege for a time.

Mr. A. Thomson: Why worry about him, so long as we can make £50,000 a year?

Mr. CHESSON: The "Daily News" of the 15th September published a statement giving the quantity of sandalwood exported each year, which showed that the Minister's statement was not correct. The Minister said that 19,000 tons had been sent away in one year, that the market had been glutted, and that anyone undertaking the business would have to stand a siege. The report published as an advertisement in the newspaper—

The Premier: I would believe the Minister rather than the advertisement.

Mr. CHESSON: The advertisement was published over a signature, and I have as much faith in its accuracy as in the statement of the Minister. Particulars of the tender are worth reading—

Tenders endorsed "Tender No. 15/23," addressed to the Conservator of Forests, Perth, in accordance with conditions set out hereunder, will be received up to 3 p.m. on Thursday, 29th March, 1923, for a permit for the pulling and removal of sandalwood from unalienated Crown land in that portion of the State south of the 26th parallel of south latitude, delineated on a plan deposited and open to inspection at the Forests Department, Perth. Maximum output, 500 tons per month. Minimum output 250 tons per month. Upset royalty £2 per ton. According to the Minister's statement, the maximum output was to be 6,000 tons a year, or 500 tons a month, and the minimum 5,000 tons a year, or 400 tons a month. There is a big discrepancy between those figures.

Minimum payment for cutters employed by the permit holder to be at the rate of £10 per ton on trucks, Fremantle, free of royalty. Alternative tenders for a five and ten year permit respectively are invited. All tenders to state royalty offered, and minimum payment free of royalty on trucks, Fremantle, to be offered to cutters, but any special condition included will not render the tender informal. All tenders to be accompanied by a deposit of £50. Successful tenderer, before issue of permit, will be required to provide a deposit of £1,000, or bond with approved securities. Full particulars and form of permit are obtainable from the Forests Department, Perth. The highest or any tender will not necessarily be accepted. S. L. Kessell, Conservator of Forests.

The statement that accompanied the tender continued—

You will notice that a deposit of £1,000 is asked for. Clause 20 of the permit reads:—"As security for the due observance and performance by the permit holder of his obligations under this permit, he has lodged with the Forests Department a deposit of £1,000 to be retained until the expiration or sooner determination of this permit, or a bond with approved securities for the payment of £1,000." I would point out that this is no guarantee at all, as a permit holder may discontinue buying or pulling operations at any time, and the Government would be compelled to hand back the £1,000.

I have quoted the public tender and there is no getting away from it. The Minister made a statement that 750 tons were reserved for the Mines Department for prospectors. I was pleased to get that statement, as it will be the means of keeping a lot of genuine prospectors going. If we can secure some assistance for the men who are opening up the resources of the State, I am prepared to support any efforts to that end. Some time ago I received several letters from prospectors who have been refused a license because they had no permit on the 30th June. I am pleased to know that the prospector will get some chance. Fully 75 per cent. of the sandalwood that is pulled on the outer goldfields will not be up to the regulation standard. Last ses-

sion the member for Menzies (Mr. Mullany) moved that the regulations should be disallowed. It is said that these disallowed regulations have been inserted in the conditions of this contract, namely, that only wood that is 14 inches in circumference and 16 inches from the ground can be pulled. In the stony regions and dry areas of the State most of the sandalwood does not come up to this requirement. Lately I have seen a lot of wood going to Fremantle and have inspected it there. Quite a lot of it is below the standard set up by the regulations. If we are going to stop the pulling of this class of sandalwood, what is the use of the Minister saying he is going to allow 750 tons to prospectors? The wood that these people would get is of the type that is below this requirement.

Mr. Lutey: It would not do the prospector any good to be allowed 5,000 tons of that class of wood.

Mr. CHESSON: We know that the handling of the sandalwood business has not been satisfactory. In 1920 the royalty was 5s. a ton, but after that the Government decided to increase it to £2. This has been the means of bringing in a large amount of revenue. Probably the Government could get an even bigger royalty, and they could certainly allow all the buyers to exist without putting them out of the industry. I cannot see why all these people should not obtain licenses. This would assist the puller and be beneficial to him, because there would be more purchasers for his wood. Further, there would not be as much likelihood of his wood being discarded. The Minister said that 95 per cent. of the sandalwood sent to China came from Western Australia. If that is so there is no reason why, if a monopoly is wanted, the Government should not create one themselves.

Mr. Mann: Would you object to a Government monopoly?

Mr. CHESSON: No. If the puller was not getting satisfaction he could, under a Government monopoly, have the matter brought before the House by the member for his district. I am opposed to the granting of a monopoly to one individual. That would not be in the interests either of the pullers or the State. A lot of buyers have been purchasing sandalwood as a side line, and this has proved a fairly remunerative business. We should not put the people out of the trade. In view of the remarks that have appeared in the Press, there is every justification for all the papers connected with the matter being laid on the Table of the House, so that we may have the opportunity to peruse them. The tenders have been called, and it would not interfere with the letting of the contract if the papers were laid before us. If everything is fair and above board, there is no reason why we should not have an opportunity of looking into the matter ourselves. I hope the motion will be carried.

Capt. CARTER (Leederville) [8.50]: I have been drawn to my feet by a remark of the previous speaker. I am sure that had he

been left to his own devices he would not have made it. I refer to a remark put into his mouth as a result of an interjection from members supporting him. This was to the effect that the Government had considered only the pullers in their proposals for a contract, by calling for tenders, in the hope that such consideration would assist in the safe passage through this House of their proposal to make such contract.

Hon. P. Collier: Who made the interjection?

Capt. CARTER: It came from two or three members. I am not prepared to name them.

Mr. Wilson: I did not hear it.

Capt. CARTER: If no other member made the interjection, the last speaker must be responsible for it himself. I had thought better of him than that.

Hon. P. Collier: I ask for a withdrawal of that remark. I made no such interjection.

Capt. CARTER: I have not mentioned the Leader of the Opposition.

The SPEAKER: The member for Leederville has not accused the member for Boulder of anything.

Capt. CARTER: I have not mentioned him. He is super-sensitive to-night.

Hon. P. Collier: I thought the hon. member said I was responsible for it.

Capt. CARTER: I said the last speaker must have been responsible for it. I am sorry to say this, because I had a higher opinion of the member for Cue (Mr. Chesson) than to think he would impugn the Government.

Mr. Wilson: You said two or three members had made the interjection.

Capt. CARTER: I still say so.

Mr. Wilson: I did not hear it. I think you ought to name them.

Capt. CARTER: I am not prepared to name them. I am not able to do so. The hon. member made his statement as if prompted by these interjections. I resent the statement, being a follower of the Government, and I think the House, too, should resent imputations cast in such a manner. If one is to believe the statement of the Minister for Forests, one must recognise that the principal interests at stake have been safeguarded in the proposal of the Government to let a contract after calling for tenders. The principal interests are those of the people of the State, the owners of these great Crown rights that they possess, and the interests of the pullers. The State possesses an asset found in no other part of the world, except in Mysore, where certain limited quantities of sandalwood have been available in the past, but where the supplies are now practically extinct. These interests have been conserved in the proposals of the Government, and I am therefore at a loss to understand why the Government have hesitated in the way they have done. Only last week I visited Fremantle and saw what the member for Katanning (Mr. A. Thomson) referred to,

namely the huge stacks of sandalwood that have been amassed there during the past few months. There are probably half a dozen stacks extending from North Fremantle to the South Mole, and over the various spots that are used for such purposes. One can see mountains of sandalwood stacked there, ready for export at the proper time. Tenders were called on the 27th April. It is now the 26th September, and five months have passed. It is, therefore, safe to assume that at least 6,000 tons of sandalwood have been brought to Fremantle within this period. I have asked Fremantle people this question, and feel on safe ground in making this statement. This works out at a little more than 1,000 tons a month. My opinion and that of others is that a safe estimate of the quantity of sandalwood in Fremantle would be 10,000 tons. The Government have received a royalty of £2 a ton on this wood. Supposing the figure to be 6,000 tons, we have received during the five months a sum of £12,000. Had a contract been let by the Government, and if instead of the royalty being £2 it had been £8 a ton, as we are led to believe it would have been from the information at our disposal, the revenue would have been £48,000 instead of £12,000. This means that the State has gone to the bad, supposing there are only 6,000 tons of wood at Fremantle, to the extent of £36,000 in five months. When one considers that the principal interests at stake have been conserved, and that the principal source of agitation has come from private business people and companies, one is astonished to hear such a sane legislator as the Leader of the Opposition taking up the case of the individual as against that of the State.

Hon. P. Collier: I am taking up the case of a number of individuals as against one.

Capt. CARTER: I do not believe that is the case. The interests of the State and the pullers are the principal factors. The latter factor has been considered by the hon. member and his colleagues, just as it has been by members on this side of the House. On several occasions during past years members opposite have put very forcibly before the Government the case of the pullers. Now that their desire has been effected and the puller is being protected in such a way that has never before been the case, and that he is being given an opportunity to get on his feet such as he has never had before, one would have thought the Leader of the Opposition and his followers would have been satisfied with this achievement, and would have been glad to see that the interests of the State were also being conserved.

Hon. P. Collier: My action was taken to protect the interests of the State, and also those of a number of traders, as against the monopolistic actions of one set of individuals.

Capt. CARTER: It amounts to a question whether the House is prepared to accept the view of the Leader of the Opposition that the interests of one, three, or fifteen firms

are paramount, or whether the interests of the State should first be considered.

Hon. P. Collier: The interests of the State are preserved in my motion.

Capt. CARTER: We are here as the representatives of the people, to legislate for the people, and to conserve the interests and the rights of the people.

Hon. P. Collier: Hear, hear!

Capt. CARTER: We are here to see that this is done to the best of our knowledge and ability. I believe that the interests of the State will be conserved, as well as those of the people, in the action that the Government proposed to take. The proposals provide full and adequate protection for the employee in the sandalwood industry, as well as for the owners of this gift of the gods now growing in our wilds. I refer to the State. I cannot understand why this motion has been brought before the House. I blame the Government because they have had all these facts before them for many months. The Minister has put a thoroughly business-like proposition before members, but the Government have been in possession of these facts ever since the 27th April. They have been wilfully losing money in the interim, because they have not accepted any of these tenders and gone on with the business. I believe that every individual who tendered for this contract had in view the fact that if he were successful he would be the sole operator of sandalwood in Western Australia.

Mr. Mann: He would have been satisfied with the conditions.

Capt. CARTER: They probably led him to tender a price far in excess of that which he would have been prepared to offer in open competition with his fellow traders. Taking that further fact into consideration, I see no force in the contentions of the Leader of the Opposition. Anyhow, I am convinced that if the people of the State elect a Government, and the Government are given a mandate to carry out their policy, which has been approved by the people—

Hon. P. Collier: This particular policy has never been approved by the people.

Capt. CARTER: If the Government are worth their salt, they will go ahead and carry out their policy in a straightforward and open manner. I do not believe that the imputation suggested by the last speaker is worthy of him or of this House.

Mr. Chesson: I am not much concerned about your opinion.

Capt. CARTER: I am very much concerned for the hon. member, because I have a very high opinion of him. I am afraid that the words were put into his mouth, and I do not think that they were really in his book. However that may be, I do not think the hon. member would seriously impugn the motives of the Government in making a proposal to let a contract for the sale of our sandalwood products in connection with which every legitimate interest has been conserved, including that of the sandalwood oil industry, which is an important and

growing secondary industry of Western Australia. Furthermore, the whole arrangement is bound up in a time clause, which gives the contractor a tenure of only five years.

Hon. P. Collier: Either five or ten.

Capt. CARTER: I am going on the Minister's statement, which I understand to be five years. If at the end of five years this arrangement has been found to be anomalous or wrong, then the Government of the day, whoever they may be, can change the policy. A maximum and a minimum are fixed for the quantity of sandalwood to be exported each year. Careful consideration has on that account been given to the registration of cutters working at present, and the registration of more cutters in future. So far as I can understand the King's English, the Minister's very lucid statement leads me to the conclusion that no harm can result from carrying out the Government's proposal, but that every interest which should be conserved will be conserved by the letting of the proposed contract.

Mr. CUNNINGHAM (Kalgoorlie) [9.5]: In supporting the motion of the Leader of the Opposition, I agree that the trader should receive the full price for sandalwood, and that the puller should receive the full value of his labour. At the same time we should secure for the State by way of royalty as high a rate as is obtainable. When it comes to the question of a monopoly, however, it is necessary to have the full facts submitted to the House before the State makes a contract conferring on one person or one firm full rights over the export of sandalwood. It was pointed out a week or two ago by the member for Hannans (Mr. Munsie) that one provision of the contract, with respect to the size of wood, would make a great difference to the puller. The member for Katanning (Mr. A. Thomson) referred to the huge stacks of sandalwood at Fremantle, but he did not go far enough, because he did not mention the size of the wood he saw. He might very well have informed the House that in the event of that particular provision of the proposed contract becoming operative, great hardship will be cast upon the puller, who will have to cover miles of country to secure anything like the quantity of wood he can obtain under present conditions. The puller will then have to pass tree after tree that is now pulled, brought into the siding, and transported to Fremantle. All such trees will then have to remain in the bush. We are told, however, that from the present policy of the Forests Department great improvement will accrue to the puller. In that connection we must bear in mind the stipulation as to the size of wood to be taken by the successful tenderer.

Mr. Mann: Is the 14 inches in the bark, or after trimming?

Mr. CUNNINGHAM: After trimming.

Mr. Mann: Are you sure?

Mr. CUNNINGHAM: Suppose it is in the bark; what is going to be the diameter of the wood after it has been trimmed? One

need only go to a railway station or see a few trains from the country districts passing on their way to Fremantle in order to gather the position for oneself. Any member can by that means acquaint himself with the size of sandalwood coming down. Not 50 per cent. of the wood sent to Fremantle during the last 12 months would pass the standard under the proposed contract. When replying to the Opposition Leader, the Minister for Forests referred to the enormous loss of revenue sustained by the State since the receipt of the information that Western Australian traders had not been getting anything like the price which should obtain for sandalwood. After all, though, the position is entirely in the Minister's hands. If we are losing £50,000 per annum in royalty, the Government are to blame. They have known the position. The Minister for Forests has been better situated than any other member of this Chamber to know the true position regarding the price of sandalwood.

Mr. A. Thomson: He made a statement that the Government did not know the value of sandalwood until they called tenders.

Mr. CUNNINGHAM: The Government knew the value of sandalwood some three years ago, when a course of action exactly similar to that now proposed was under consideration.

Mr. Lutey: The value of sandalwood was certainly known. Mr. Green in 1918 made a long speech on the subject in this Chamber.

Mr. CUNNINGHAM: Yes; and that speech is in "Hansard." However, it is not necessary to refer to Mr. Green's statements at all. We know that about three years ago the Minister for Forests proposed to grant a monopoly for the pulling, purchase, and transport of sandalwood. He was then in possession of the information he has to-day.

Mr. Davies: The Government had not the prices then.

Mr. CUNNINGHAM: The Government were about to call tenders, and they knew the prices ruling overseas, in China. It was then proposed to call tenders for a monopoly in the sale of sandalwood from Western Australia. But public opinion at that time was too strong for the Minister for Forests, and the proposal was dropped.

Mr. Mann: People are more educated to-day.

Mr. CUNNINGHAM: That is what we want to find out. The Premier knows very well that the Minister for Forests can fix not only the rate of royalty, but also the price to be paid to the puller. The Minister could have done those things during the last three years. The position now obtaining is that the pullers are being underpaid and that the State is not receiving the proper royalty. The position is well known to the Government, but no action has been taken except to call tenders for handing over the control of the whole industry.

The Premier: The pullers are getting a better price to-day than they have had for years.

Mr. CUNNINGHAM: They are not getting to-day the price they were getting 3½ years ago.

The Premier: Oh, I think so.

Mr. CUNNINGHAM: I am pretty positive they are not.

The Premier: What price were the cutters getting 3½ years ago?

Mr. CUNNINGHAM: Up to £16 and £17 per ton.

The Premier: Just temporarily.

Mr. CUNNINGHAM: It was a price, and, therefore, they are not now getting a higher price than 3½ years ago.

Mr. Mann: Under the proposed contract they will get a good price all the time.

Mr. CUNNINGHAM: We supply 95 per cent. of the sandalwood that goes to China. Therefore we hold the key to the position. We can fix the price for the puller, and we can fix the royalty, and we can enable the people now trading in sandalwood to continue doing so. The Minister for Forests, in replying to the Opposition Leader, said that when coming across the Transcontinental Railway he met a puller some miles out on the Nullarbor Plain. The puller wanted some information respecting the position created by the action of the Government in proposing to grant a monopoly. The Minister said he explained the position to the puller. He asked the puller what he was being paid. The puller replied that he was getting some £12 per ton. The Minister thereupon asked him what he would do in the event of being offered an additional £2 10s. per ton. The puller said, "Let me have it." Where is the trader in Western Australia or in any other country who, if offered an increased price for his commodity, would refuse it?

Hon. P. Collier: That was an imaginary puller. I know the Minister.

Mr. CUNNINGHAM: I have analysed the remarks of the Minister, and I fail to see that he made his point, or what point he wished to make.

Hon. P. Collier: It is very easy to invent a puller for the sake of argument.

Mr. CUNNINGHAM: The Minister stated that the contract provided for the issue of licenses to worn-out miners and prospectors. When he made that statement, there was an interjection from this side of the House that it was an afterthought.

Hon. P. Collier: It is a fact, too. It was an afterthought. That was inserted at the last minute, long after tenders had closed and just before the matter came to this House. Therefore I was justified in saying that that was an afterthought to help the thing through. Every little helps.

Mr. CUNNINGHAM: I propose to prove that it was an afterthought.

Hon. P. Collier: It was a very late afterthought at that.

Mr. CUNNINGHAM: It has been stated, and it is well known, that tenders closed on the 27th April. On the 1st August I asked the Minister the following question:—

1. Is it a fact that the Forests Department refuse to issue permits for sandal-

wood pulling to men engaged in and those desirous of engaging in that industry? 2. If so, what reasons actuated the department in initiating such policy, and for what period is it to continue?

This was the reply by the Minister—

The issue of licenses for the pulling of sandalwood from Crown lands south of the 26th parallel of latitude has been suspended pending a decision of the Government, who, subject to a determination of the dollar exchange values, intend to accept the most favourable tender, to operate as from the 1st September next, after which date all British born or naturalised British subjects, who were holders of licenses as at the 30th June last, will be registered and employed as at present.

That was the decision. It was not a question of worn-out miners or prospectors. It was only a matter of those who were holders of licenses as at the 30th June last. That shows that it was an afterthought so far as the Minister was concerned. As to the enormous stacks of sandalwood at Fremantle, there is nothing illegal about that. I am not acquainted with the firms operating in this business, and it is not a matter with which I am concerned. In carrying on their business they have not been acting illegally. If they were doing something in the nature of robbery, would not the law be brought into operation? These firms have been carrying on business legitimately. It is no fault of those engaged in the industry that we have been losing such a lot of revenue as has been suggested. Rather is it the fault of the Government. In order to secure proper control over the industry and a reasonable price to the puller and to the State, it is not necessary to hand over the industry to one firm and thus create a monopoly.

Mr. Mann: Do you think you would get as much from several competitors, as you would get from one firm?

Hon. P. Collier: You can get what you fix.

Mr. Mann: You might make it impossible to trade.

Hon. P. Collier: It can only be sent through to China.

Mr. CUNNINGHAM: This has been established. It has been stated that the highest tenderer is not likely to be the successful tenderer. That should be cleared up.

Mr. Mann: Who suggested that?

Mr. CUNNINGHAM: The hon. member knows as well as I do that the statements have been made in the newspapers and in the street.

Mr. A. Thomson: Are you advocating the claim of the man who is offering 5s. above the highest tenderer?

Mr. CUNNINGHAM: Nothing of the kind. My point is that it is not right to hand over the control of the sandalwood industry to one particular firm and thus create a monopoly.

The Premier: It is a monopoly in the hands of four people now.

Mr. CUNNINGHAM: It is not.

The Premier: Of course it is.

Mr. CUNNINGHAM: In the event of that tender being accepted, one firm will be operating for five years. Under present conditions, there is nothing to stop other firms operating.

The Premier: Some came in and went out quick and lively too.

Mr. CUNNINGHAM: The Premier knows that at present there is no monopoly. To-day there is no bar against other traders coming into the field. It seems to be in the mind of the member for Katanning (Mr. A. Thomson) that the Opposition are acting in collusion with people who believe themselves the unsuccessful tenderers and that we have thus been doing something dishonourable.

Mr. A. Thomson: I did not say that. Don't put words into my mouth!

Mr. CUNNINGHAM: You said you were surprised.

Mr. A. Thomson: So I was.

Mr. CUNNINGHAM: What were you surprised at?

Mr. A. Thomson: At this motion being moved.

Mr. CUNNINGHAM: Perhaps it is merely a question of intelligence. The motion moved by the Leader of the Opposition is clear and definite and the purpose is to know the full facts in connection with the contracts for a monopoly. I am not satisfied with the position. I do not know the conditions of the tender. In order that I may carry out my duty to my constituents, I want to be in a position to know whether the contract to be entered into, is in the best interests of the State.

The Premier: That is the point.

Mr. CUNNINGHAM: That is the information the Leader of the Opposition is seeking. All we are asking is that the papers shall be placed on the Table of the House.

The Minister for Mines: You are not! You are asking for the tenders.

Mr. CUNNINGHAM: We want to know the position. We have been told that members can see the papers in confidence. What is the use of seeing the papers unless we are in a position to voice our objections regarding any portion of the contract? This is a matter of importance, not only to the sandalwood pullers, but also to those seeking to assist them to get a livelihood. When it is pointed out that some of the unsuccessful tenderers are desirous of creating as much trouble as possible, it must be recognised that there is no other alternative. They are putting their heads together. The pistol was held at their heads. They are engaged in a business legitimately and if the monopoly is granted they will lose that business.

Mr. A. Thomson: Do you think it is a fair way to put in a tender, by offering 5s. more than the highest tenderer?

Mr. CUNNINGHAM: I know nothing about that.

Mr. A. Thomson: That statement has been made in this House.

Mr. CUNNINGHAM: I have heard the hon. member make the statement, but I am not prepared to believe it.

Mr. A. Thomson: The statement appeared in the Press, and the Minister made the statement.

Mr. CUNNINGHAM: What has that to do with the issue before the Chair, I am dealing with the principle, and object to the monopoly.

The Minister for Mines: It is only a selling monopoly.

Mr. CUNNINGHAM: What does that mean?

The Minister for Mines: We are doing it every day.

Mr. CUNNINGHAM: As to the regulations regarding sandalwood, are we to have first, second, and third class wood and are we to hand over the right to the contractor to reject sandalwood? These are matters that should be made clear.

The Minister for Mines: So they will be.

Mr. CUNNINGHAM: They have not been made clear yet.

The Minister for Mines: Yes, they have.

Mr. CUNNINGHAM: The Minister should make it clear whether he is prepared to spread the sandalwood cutters over the country, making them pass tree after tree.

The Minister for Mines: That is a matter for regulations.

Mr. CUNNINGHAM: The Minister stated definitely that the size of the wood is mentioned in the contract.

The Minister for Mines: That, again, is a matter for regulation.

Mr. CUNNINGHAM: But the Minister has already provided for it. That is one of the matters I oppose. I got that information from the Minister himself. I do not think it is possible for the pullers to do as well as has been suggested here, if that provision is to obtain.

The Minister for Mines: They are doing it now.

Mr. CUNNINGHAM: All the wood will not be up to standard. Fifty per cent. pulled is below it now.

The Minister for Mines: I do not know that that is so.

Mr. CUNNINGHAM: It is well known that the larger wood is stacked on the outside of the trucks. If one watches the trucks being unloaded, one then sees the smaller wood and realises what the pullers are up against.

The Minister for Mines: The regulations can be amended at any time.

Mr. CUNNINGHAM: I hope the House will agree to the papers being tabled.

The Minister for Mines: I will agree to the conditions of the permits being tabled but not the tenders. That would be an immoral thing to do.

Mr. CUNNINGHAM: It has been stated that the highest tender will not be accepted.

The Premier: Are you referring to the tender 5s. above the highest tender?

Mr. CUNNINGHAM: I gave the Premier more credit than to think that he would be

content to repeat, parrot like, the remarks of the member for Katanning.

The Premier: Is that the one you refer to?

The Minister for Mines: Is that the highest tender?

Mr. CUNNINGHAM: I want more information about this matter, and it is essential that the motion should be agreed to.

On motion by Mr. Teesdale, debate adjourned.

MOTION—SOLDIER SETTLEMENT.

Royal Commission's Recommendations.

Order of the Day read for the resumption from 5th September of the debate on the following motion by Mr. Wilson:—

That in the opinion of this House immediate effect should be given by the Government to the recommendations of the Royal Commission on repatriated soldiers of the A.I.F. under "The Discharged Soldier Settlement Act, 1918."

Question put and passed.

The Premier: It is not worth the paper it is written on.

Mr. Wilson: That is not quite fair. You should not say that.

MOTION—EMPIRE GOLD MINING SYNDICATE.

To Inquire by Royal Commission.

Debate resumed from 12th September on the following motion by Hon. M. F. Troy:—

That in the opinion of this House, it is in the interests of the State in general and of the mining industry in particular, that a Royal Commission be appointed to investigate the affairs of the Empire Gold Mining Syndicate with a view to ascertaining: 1, Who were the original members of the syndicate. 2, The manner in which assays were made and who was responsible for declaring the assayed samples, alleged to have been taken from the syndicate's leases at Hancock's, Sandstone, to be worth from 2 ozs. to 7 ozs. per ton when in reality the stone from which they were taken proved to be worth only so many pennyweights. 3, Who was responsible for the publication in the newspapers of frequent reports of the discovery of high values in the leases held by the Empire Syndicate, values which it was afterwards shown never existed. And that the Commission have power to examine persons and papers and also the banking accounts of all the people responsible for the formation of the syndicate.

The MINISTER FOR MINES (Hon. J. Scaddan—Albany) [9.30]: I wish to explain to the hon. member who moved the motion that I have obtained a statement from those more directly interested in this matter, and have submitted it to the Premier, with

the recommendation that he should have it looked into by the Crown Law Department. I agree with the hon. member that if there was something wrong, then in the interests of the industry we ought to know where that wrong was, and who was responsible for it. If, on the other hand, it is because of a person or persons being aggrieved, and there are no means by which the law can be put in motion, I doubt whether it is really the province of Parliament to appoint a Royal Commission to relieve citizens of their rights under the civil law. For the moment I am not able to say whether such is the case, but if the hon. member will agree to the question being adjourned for another week I will then have the report of the Crown Law Department. I think the matter is of sufficient importance to warrant an inquiry of some kind, even if not by Royal Commission. Therefore, I ask the hon. member to agree to an adjournment in order that I may get the advice of the Crown Law Department.

On motion by Mr. Marshall, debate adjourned.

MOTION—GOSNELLS ESTATE.

To inquire by Royal Commission.

Debate resumed from 12th September on the following motion by Mr. Mann:—

That in the opinion of this House, a Royal Commission, consisting of a judge of the Supreme Court, should be appointed to investigate the affairs of the Gosnells Estate Company before and after the appointment of a receiver, and more particularly the transactions connected with the sale of the company's lands and the failure to provide a title on completion of the terms of contract by the purchaser."

The PREMIER (Hon. Sir James Mitchell—Northam) [9.43]: The House might very well hesitate to appoint so many select committees and Royal Commissions to inquire into what are really private transactions. It is true that a large number of people are concerned in the affairs of this estate, and that perhaps they are not in a position to carry proceedings further. The troubles of those unfortunate people have lasted so long that the hon. member has been constrained to move his motion. On this occasion I do not object very strongly to the appointment of a Royal Commission, but I think the House ought to consider whether it is really the business of Parliament to inquire into private transactions, particularly when the law of the land ought to be sufficient to protect those concerned.

Hon. P. Collier: They have already a civil action, have they not?

The PREMIER: I understand they have brought more than one action, without result. It is wrong to substitute Parliament for a judge of the Supreme Court. In this case there is some need for investigation, but it

cannot be made by a Supreme Court judge, because the case may still have to come before the Supreme Court for decision. The finding of the Commission will not assist the position very materially, because such finding will not have the force of law.

Mr. Clydesdale: But it may afford those people some relief.

The PREMIER: It may do that, but it will not have the force of law. Those people must themselves invoke the law.

Mr. Mann: They have not the means to do so.

The PREMIER: I do not know that that is the whole point. It would cost the State a great deal more to inquire into the case by means of a Royal Commission than it would cost to take the case into the Supreme Court.

Mr. Hughes: Might not a Royal Commission show where the law is inadequate to protect people in such transactions?

The PREMIER: Of course, if the House had never passed any laws at all it would be perfectly right for everybody to come to the House for protection. But we have passed laws, and the House has no right to override those laws, except by amending legislation.

Mr. Chesson: The people should have the titles to their land.

The PREMIER: Of course they should.

Mr. Mann: The Royal Commission could assist them.

Hon. P. Collier: It could not give them their titles.

The PREMIER: We are too ready to appoint Royal Commissions. It is not the duty of the House to inquire into private transactions.

Mr. Mann: This is beyond private transactions.

The PREMIER: It may be, because of the large number of people involved. It is a very unfortunate case, possessing unusual features. Even if we grant this inquiry, it ought not to become the practice of the House to inquire into private transactions.

Mr. Lambert: This is an exceptional case.

The PREMIER: I do not know much about the details, although I know some of the people concerned. If the House should decide to appoint the Royal Commission asked for, the Commissioner cannot be a judge of the Supreme Court. I hope the motion will be amended by the striking out of the reference to a judge of the Supreme Court.

Mr. A. THOMSON (Katanning) [9.40]: The member for Perth (Mr. Mann) when moving the motion made a definite charge of fraud against Mr. Andrews, who was in control of the estate. I have here a statement presented to me by Mr. Andrews, and I propose to read it to the House without prejudice, so that the House may judge whether the appointment of a Commission is justified. Unfortunately, when a charge of fraud is made in this House against a man he is not in a position to reply.

The Premier: But was that charge made?

Mr. A. THOMSON: Yes, in the House.

Mr. Teesdale: And in the public Press.

Mr. A. THOMSON: The Press does not concern me so much.

The Premier: I am sorry if that charge was made.

Mr. A. THOMSON: I knew Mr. Andrews 26 years ago when he was secretary to the Cottesloe Beach road board. I always found him to be honest and upright, and I have no reason to doubt his statement. With the Leader of the Opposition, I am afraid the proposed Royal Commission will not give the men who purchased this land the assistance they desire.

Mr. Mann: It would give them some assistance.

Mr. A. THOMSON: I am afraid it could not give them their titles. This is the statement I have received from Mr. Andrews—

Following on my brief interview with you last week touching the matter of a Royal Commission to inquire into the affairs of the Gosnells Estate, at which interview you were kind enough to permit me to address you on the subject, I am now doing so in order to give you certain essential details so that you and other members of the Legislative Assembly may be more enlightened as to the scandal that has arisen in this unfortunate business.

Point of Order.

Hon. M. F. Troy: Whose statement is this? Yours or Mr. Andrews?

Mr. A. Thomson: I am justified in reading this statement.

Hon. M. F. Troy: I want to know whether this is the hon. member's own speech or somebody else's statement.

Mr. Speaker: It is a statement by Mr. Andrews.

Hon. M. F. Troy: Mr. Andrews cannot make a statement here.

Mr. Speaker: It is a statement made to the hon. member, and he is reading it to the House.

Hon. M. F. Troy: He has told us he is reading Mr. Andrews' statement.

Hon. P. Collier: And that he takes no responsibility for it.

Hon. M. F. Troy: He cannot read this statement.

Mr. Money: It has been done before.

Hon. M. F. Troy: It has not. An hon. member once attempted to get in a statement from some temperance organisation, but it was disallowed.

Mr. Money: It was done by the member for Leederville.

Hon. M. F. Troy: But it cannot be allowed.

Mr. Speaker: The hon. member said he had a statement made to him by Mr. Andrews, and that he wished to read it to the House to enable the House to judge whether the appointment of a Royal Commission was justified.

Hon. M. F. Troy: He said Mr. Andrews had asked him to read it.

Mr. Speaker: I did not hear the hon. member say that. He said the statement was

made to him by Mr. Andrews, and that if permitted he would read the statement to the House. If that be so, the hon. member is in order in reading the statement to the House.

Mr. A. Thomson: The statement you are making is correct.

Mr. Speaker: If that is so the hon. member is in order in reading the statement.

Hon. M. F. Troy: The hon. member is entitled to speak in this House for himself and for no one else. He is not entitled to read a defence of someone outside the House. He is here to make remarks of his own, and not the remarks of someone else. It has been so ruled; When I was Speaker I ruled it, after a most thorough inquiry. If this sort of thing is permitted, it may lead to abuse, because any member may say, "I am reading a statement without prejudice; I take no responsibility for it." An hon. member cannot do that. He is here to make his own remarks and take the responsibility for them.

The Premier: He is not permitted to read his own remarks.

Hon. M. F. Troy: Quite so. I take exception to the hon. member's action.

Hon. T. Walker: While I do not object to anybody getting his case before the House, it is strictly against our rules to allow a person, regarding whom it is proposed to have an inquiry, to use an hon. member to make a statement for him. It is admitted that this is a statement by an outsider, and an outsider has no audience in this House. The hon. member dissociates himself from it and declares he takes no responsibility for it, thus emphatically proving it is a statement not of his own but of another person, a person using his voice to address this House. Such a procedure is foreign to our practice and if permitted would lead to every possible kind of danger in the deliberations of the House. Mr. Andrews is, in a sense, on trial. He cannot make a statement in this form because no one could cross-examine him or rebut his statement. Those persons accused in the statement have no chance of finding another voice to answer it, and the irregularity and injustice of the procedure must be apparent. It is a point to be tried and investigated if a Commission be appointed. If the House decides upon a Commission, the gentleman making use of the member for Katanning would be a witness, and other witnesses would be called in juxtaposition. If there is not to be an inquiry, he has no right to use this House in such a way as to prejudice the public in his favour when others concerned have not an equal opportunity. This is the principle that should guide us. The statement is portion of the investigation itself, and no member can be permitted to bring here the statements of another. Such a thing has been disallowed repeatedly; it is not only against the rules of the House but is opposed to common sense, fair play, and justice. This House is not a tribunal to decide these things. The question is whether we shall have a Royal

Commission to inquire. If we have a Royal Commission, the statement can be made there. If we do not have a Royal Commission we must not hear portion of the evidence and prejudice the public mind.

Mr. Speaker: I regret I cannot see eye to eye with members who argue that the member for Katanning is not in order in reading from a document given to him by somebody who has been accused in this House of fraud. The mover of the motion has quoted from files and referred to court cases. The person accused of fraud has a conversation with a member of Parliament and says, "These are the facts." We do not yet know what the facts are. The hon. member says he will read them without prejudice. He said, "These are the facts, as stated by Mr. Andrews, which I think will assist the House to decide whether a Royal Commission should be appointed." There is no authority I can think of for the moment to justify me in disallowing the reading of the document.

Hon. M. F. Troy: Then I take the point that the hon. member told the House he had a statement given to him by Mr. Andrews, a statement that he wanted to read without prejudice, and for which he accepted no responsibility. He did not say that since the discussion had taken place he had gleaned from his own observation or knowledge certain facts which he would now give the House. Had he done that he would have been in order. He does not propose to do that.

Mr. Speaker: Do you dissent from my ruling?

Hon. M. F. Troy: I intend to. The hon. member proposed to read a statement from somebody else to this House and for it he accepts no responsibility.

Mr. A. Thomson: I shall accept the responsibility if that will satisfy you.

Hon. M. F. Troy: Provided it is within your own knowledge.

Mr. A. Thomson: It is not within my own knowledge, but believe the statement is correct.

Hon. M. F. Troy: If you, Mr. Speaker, have no knowledge of a ruling on this point, I have.

Mr. Speaker: I should like you to quote your authority.

Hon. M. F. Troy: I have sent for it. I looked it up when the member for Williams-Narrogin tried to present some temperance views to the House on the liquor Bill. I take the point that unless the hon. member says these are facts to his own knowledge and takes the responsibility for them, he is not in order in reading them. If we allow people to use members as their mouthpiece, we shall be laying ourselves open to abuses. If the hon. member says these are facts to his own knowledge, I shall be satisfied.

Mr. A. Thomson: This gentleman interviewed me and his statement was so lengthy that it was quite impossible for me to remember it. Therefore I asked him to prepare a statement, so that I could deal with

it. When the member for Perth moved the motion for a Royal Commission, he quoted extensively from files and documents. I could not deal adequately with this gentleman's case unless I had a statement before me. I hope the House will accept the statement.

Mr. Speaker: The hon. member may proceed.

Debate resumed.

Mr. A. THOMSON: The statement continues—

I have no complaint to make respecting the motion introduced by Mr. Harry Mann, excepting the resurrection of details and matters which are the result of continued persecution, and which have all been adjudicated upon by the courts, the local court and the Supreme Court, and now again I am made the object of scurrilous and unfair criticism—all emanating from one source. I do not blame Mr. Mann, but rather do I say that he has been misled as to the true facts and which have, as I said before, been adjudicated upon by the courts. Please take it from me that I am not against or opposed to an inquiry by a Royal Commission; rather on the other hand I have desired some such inquiry for the past seven years and have endeavoured, as I can prove to you, in every way to bring such a result about. As far back as the 19th April, 1918, a letter appeared in the "West Australian" newspaper, a copy of which I attach, in which I publicly stated, *inter alia*:—"I have and still court the fullest publicity and shall be much relieved when I am permitted to make a full statement concerning the affairs of the Gosnells estate." At the invitation of the editor of the "West Australian" newspaper, and with the permission and advice of my solicitors, I wrote a long letter, which was published in the issue of the 30th May, 1918. This letter in brief (although occupying a column) fairly set out the position as it was then and is still. You will pardon my here referring to the last paragraph of that letter, which reads as follows:—"It may surprise those interested to know that, without any invitation or suggestion from anyone, during the past month or five weeks, I have been in conference with the Auditor General, to whom I offered to verify every schedule made by me respecting the funds of the estate, and suggested that he should be the final arbiter in the matter. Could I do more? And this under a bond of £200." That letter spoke for itself and was not replied to; nor was its accuracy questioned. Shortly after the decision in the local court of the first case tried, I happened to interview the local magistrate and, although in that case he gave his reserved decision in my favour, I asked his permission to write him a letter as I felt sure (although his decision was based on the evidence produced in that case) he did

not then fully know all the circumstances. The magistrate gave me his permission and I addressed him a letter dated 28th April, 1919, in which the following words were a part:—"As receiver of that estate I have done my best to bring about a satisfactory settlement, even to the extent of standing down to the tune of over £1,300 until the estate is realised. The bank was made aware of the position of the estate by my solicitor, Mr. C. Baxter Cox, of Messrs. Haynes, Robinson and Cox, in October, 1915, and had I been doing wrong or not carrying out the orders of the Supreme Court, the bank, as mortgagee, was in a position to apply to the court to have me removed. No such action was then taken nor since even to this day, notwithstanding the fact that since that date the bank has, at its own request, been supplied with complete schedules at different dates." A further paragraph in the same letter reads:—"I am sorry to have troubled you to the extent I have in the length of this letter, but I have done all I can to bring matters to a head. I have even offered that the Auditor General shall be the final arbiter in the matter, as evidence of which my letter of the 30th May, 1918, to the "West Australian" newspaper, speaks for itself. I will even go further and say that, providing the whole of the facts are dealt with, I would welcome an inquiry by yourself, providing the bank agrees, pays the expenses, rights the wrongs done and pays whatever you decide is due to me for undrawn salary and commission, which I can show exceeds £1,500, and yet I have offered to settle the whole business for £400." The above are but brief references, but just one more will suffice to show that all along I have never balked an inquiry but have fostered and advocated it, provided it brought about a definite result. In another contemplated action against me, I wrote the solicitor representing the party on the 26th January, 1918, using these words:—"I am willing to assist you and do all that lays in my power to get this unsatisfactory matter brought to a settlement. I would suggest a concerted action by all the clients concerned, and if you can bring about a public open inquiry, you will confer a boon on those who are at present helpless, and it would most likely bring matters to a head and exhibit who is the real lion in the path."

The above portion of a letter was addressed to G. F. Boulton, Esq., Solicitor of Perth. I have given you the above references only to show what my intention and desires have been, and they call for no further comment from me. They speak for themselves, but I can give other instances of a similar nature. At this stage, please let me refer to a motion for a Royal Commission, tabled and discussed in the Legislative Assembly on the 23rd May, 1918. The opinions of the then Attorney General, and also Mr. R. R. Pilkington, K.C., were fully expressed that a Royal

Commission to inquire into the Gosnell Estate, would not have any satisfactory result or determination, as its recommendations would not be binding such as a decision of the Supreme Court would be, and in consequence the House negatived the motion. I wish to express no opinion in the matter, excepting to state that I prefer a decision on the whole facts by the Supreme Court. With this end in view, I have already taken the initial steps which will bring such a decision and finality about in a very short time from now. Certain details and connecting links have to be obtained, and a full statement of facts and records collated of the operations of the estate from its inception. The matter of ways and means has, to a large extent, prevented me. Besides, I had no wish to prejudice any likelihood of a reasonable settlement. But, as such possibility now appears to be remote, I decided last month, and did commence certain proceedings, with this end in view. It would take too long to go into even the briefest fringe of this matter, and it would be much too intricate to deal with it in such an explanation as I am now offering for your information, which you may make what use of you please. But there are two matters of infinite importance to which it is necessary for me to refer before closing. In the first, I made use of the expression "persecution" in the early part of this letter. The persecution referred to relates to the action of a certain solicitor of the Supreme Court, one whom I called a liar in open court. This solicitor commenced proceedings against me personally, and in my capacity as Receiver in an action tried in the Local Court before Mr. A. S. Canning, the then magistrate. Notwithstanding the imputations of fraud and false pretences alleged under the cover and protection of a counsel he gave his reserved decision in my favour with costs. I was put to the expense of over £50 in costs to defend myself, which have never been recouped to me. This was in October, 1918. He then took action against the Gosnell No. 1 Society, which did not defend it. For his costs he seized two of the best blocks, the title being in the name of the society. He sold them under a judgment to the husband of his client for less than one-fifth the value. Shortly after for another client, a somewhat irresponsible and easy-going woman, he applied and obtained an order for the compulsory winding up of that society, and on his recommendation an accountant resident and practising in Kalgoorlie was appointed liquidator of the society. Needless to say it was apparent that the liquidator resident in Kalgoorlie could take little or no part in the liquidation proceedings. He was simply a figure-head. C. J. Le Mesurier, the solicitor referred to, was the real liquidator or tried to be. All the books and records were delivered to him at his office, and he took possession of everything belonging to that society. The

liquidator referred to died a little while after and another nominee of Le Mesurier's was appointed. The liquidator has not had the books or records in his possession at any time since. On the other hand, this solicitor (Le Mesurier) has exploited the securities of the society to the fullest extent, and in a futile action against the Western Australian Bank has caused costs to be incurred to the extent of over £800, which was needless. He (Le Mesurier) having lost the case, both on the hearing and on appeal to the Full Court, not satisfied with this he has for the past five years persecuted and harassed me with various proceedings, and having failed in every one of them I can see his handiwork in the present motion before the House. He has caused me to incur considerable costs which I have no hope of recovering. As recent as the 20th February and the 26th of last April judgments were given against him by Mr. Justice Burnside and afterwards by the Full Court. To C. J. Le Mesurier alone, and no one else, can the blame be put. For the whole of this Gosnell business not being finally settled in 1918 he is solely responsible, for he interfered in pernicious proceedings which no other solicitor in Perth would undertake just at the time when the bank had agreed to make a settlement on certain definite lines. There can be but one conclusion drawn by the action of this solicitor, and that is that he was out to exploit the estate, also for costs in the same way as he has done in the case of the Gosnell No. 1 society. As liquidator or acting on behalf of the liquidator (in name only) the provision of the Companies Act in compulsorily winding up has not in any way been complied with. No account or statement filed in the court during the past five years, as required by that Act, nor have the members of that society been called together or consulted in any of the proceedings he has taken. He has incurred costs for which the society (through the liquidator) is liable. Consequently there is no hope that any of the remaining members of the society will ever get what they are entitled to, and which they would have got but for the proceedings initiated at the instigation of the solicitor named. The above reference is but a brief outline which can be proved by records in the court. The next and last point I wish to trouble you with is the attitude of the bank. My letter in the "West Australian" of the 20th May, 1918, explains the position. I would also refer you to the order of the judge of the Supreme Court under which I was appointed. The difference, therefore, is this: the judge ordered that I should do certain specific things; the bank wanted otherwise. I elected to carry out the order of the court and did so. It is also singular that this trouble first arose in October, 1915, 12 months after the great war had commenced, and when matters financial were at that

particular time in rather straitened conditions with everyone. At that time the court knew, and the banks were also aware that the estate had other debts beside the bank to the extent of about £1,000, which the judge ordered me to pay out of the assets of the estate. This, however, is a matter to be dealt with later when I apply for a final adjudication. I have endeavoured to be as brief and as concise as possible, and in conclusion I can only say that had my desire in 1918, that the Auditor General be the final arbiter (when he had so consented to act) been accepted by the bank, that would have been a definite settlement satisfactory to all and more than sufficient left to pay the bank and leave a surplus. But the estate has since been damned, ruined and depreciated. I trust that in the short time at your disposal you will be able to follow the intricacies of this unfortunate matter. No business man, be he ever so perfect, could have done any more than I have done in the advancement of the estate. As a matter of fact, I was only one of the two partners for about six weeks, and then only in name, I having taken over the share held by a widow who was in delicate health, and who died in the same year as I was appointed Receiver.

That is the statement made by the gentleman who in this House has been accused of fraud. He states quite frankly he has no objection to a Royal Commission. He also draws attention to the fact that in 1918 an application was made by Mr. Nairn, then member for Swan, for a Royal Commission, and it is recorded in "Hansard" that the then Attorney General, Mr. Robinson, and Mr. Pilkington, two of the keenest legal intellects in Perth, stated that a Royal Commission would have no result. I am in accord with the member for Perth (Mr. Mann) in his desire to see that those people who have paid their money are placed in possession of their titles. Mr. Andrews has had his honour assailed in this House. Of course, I have only his statement to go on, but from my personal knowledge of him, when closely associated with him some time ago, I have every confidence in his integrity. I think that when this matter is finally cleared up by the courts he will come out of it with flying colours and clean hands. If that is not so he will have misled me. Some years ago when I knew him well I had every faith and trust in him. No good will come of a Royal Commission. It is purely a matter for the courts to decide. It has been continuously before the courts. Perhaps the services of the Auditor General or the Crown Law Department could be utilised to assist in unravelling the tangle into which this society has got. If this could be done the member for Perth (Mr. Mann) would achieve the result he has in view, namely, that the people who have paid their money receive their titles.

Mr. MONEY (Bunbury) [10.12]: I wish to refer to the discussion that took place on

a similar motion in 1918. At that time the member for Bunbury said that few people seemed to appreciate the duty of the then purchaser when he purchased a block of land. He has the right under the law to make a search. If he does not make a search he buys at his own risk, and must take the consequences. If he does make a search and finds an encumbrance he must ask for the encumbrance to be cleared, or insist on the mortgagee joining in the contract. That is the privilege and the right given to the purchaser by Parliament. Land transactions are simplified for the benefit of the purchaser. He can act for himself without going to the expense of employing a solicitor. Having asked for the right to search at the Titles Office, and having failed to exercise it, surely if he is negligent in this way he has no right to ask Parliament for compensation for his negligence. Had the purchaser exercised the rights he enjoys he would have a good title. That is the root and foundation of all his troubles. People have these plain and simple rights, and have neglected to exercise them. If this House is to be occupied with every dispute arising from land transactions because someone who has paid some money has not obtained what he expected to get, the House will be engaged on nothing else.

Hon. W. C. Angwin: But this case is exceptional.

Mr. MONEY: There is no exception in the negligence. This House has already dealt with the question in 1918, when by 24 votes to 11 it dismissed the subject from consideration.

Mr. Mann: What has happened since 1918?

Mr. MONEY: The only additional argument submitted since 1918 is that the court has appointed a receiver, who, we are told, has not fulfilled his duties. If that is correct, the court has full power to deal with him.

Mr. Mann: That is what we want.

Mr. MONEY: That cannot be done through this House, which has no power to deal with the receiver. The House has already conferred that power on another machine—the Supreme Court of Western Australia. Are we to abrogate the duty of the court in such a matter? The receiver's removal, if justified, can be obtained by a simple application to the court. The rules of the Supreme Court fully lay down what shall happen if a receiver does not fulfil his duties. Apparently there is a dispute. The member for Perth (Mr. Mann) would have us believe that the receiver has absolutely failed to carry out his duties.

Mr. Mann: There is no doubt about that.

Mr. MONEY: The member for Katanning (Mr. A. Thomson) has made statements tending to show that the receiver has absolutely fulfilled his duties. Therefore the court should deal with the question. We are told that the purchasers have not the money to proceed. But there are many of these purchasers, a large number of them are in the same position. How easy it would be

for the number to subscribe in order to bring a test case and have the matter decided!

Mr. Mann: Why object to giving them assistance?

Mr. MONEY: If we give assistance in this case, we must give assistance in thousands of cases.

Mr. Mann: There is not another case similar to this one.

Mr. MONEY: Many cases are similar to this. Whenever a purchaser fails to make a search and there is an encumbrance, the same dispute arises. The mortgagee has his rights because he is registered. Anybody can go and search the position.

Hon. W. C. Angwin: Everybody is not a lawyer.

Mr. MONEY: I wonder at that interjection. When the people of this State asked to be relieved of the lawyers, and the Transfer of Land Act was brought in, the result was to make it simple for the people to do their own work in that respect. Now, when people fail to do the work, the answer given us is that they are not lawyers. The more silly they, say I, not to be protected by lawyers. They say they can do this work for themselves. They say it is as simple as A B C. If they fail to do work which they say they can do, so saving the services of a lawyer, it is right that they should take the consequences.

Mr. Mann: Those are the feelings of a lawyer.

Mr. Marshall: I understand now why there are no land troubles at Bunbury.

The COLONIAL SECRETARY (Hon. R. S. Sampson—Swan) [10.20]: This matter is of very great interest to me as member for Swan. Evidently it is also of some interest to the member for Katanning (Mr. A. Thomson) and the member for Bunbury (Mr. Money). But Katanning and Bunbury are a long way from Gosnells, and those two hon. members cannot be acquainted with the grave position existing there. This question was before the House in 1918, as has been mentioned. Preceding speakers have, however, failed to point out in what way relief is to be secured for the purchasers. The difficulties in regard to the situation have existed for years. Purchasers have paid their instalments, in some cases to the full extent of the purchase money, but find themselves unable to obtain transfers. Now we are told by the member for Bunbury that that is their own fault. I contend it is our duty, so far as our power extends, to give those people relief.

Mr. Money: Are they in possession of their land?

The COLONIAL SECRETARY: Some of them are occupying the land, but occupancy does not confer the full benefit which should be enjoyed by those who have paid the full amount of purchase money. They are unable to sell the land, or to raise a loan on it should they so desire. The local authorities are inconvenienced because of the fact that the rates on this land are not being paid.

The purchasers are, in practically every case, small settlers, and not in a position to find the money to fight this question time after time, as apparently is necessary. Cases have been tried in court, but paucity of funds has prevented a definite result being arrived at. The matter is very complicated.

Mr. Latham: Too complicated for this House to deal with.

Hon. W. C. Angwin: The House is not asked to deal with it.

The COLONIAL SECRETARY: I do not think I am called upon to suggest, nor do I think any other member is called upon to suggest, whether the receiver has used funds wrongly. That is a question for the proposed Royal Commission to look into. But I do contend that all the statements made by the mover of the motion stress the urgency of the need for the appointment of a Royal Commission to straighten out this tangle. After years of effort a solution is no nearer than it was in 1918. The previous member for Swan, Mr. Nairn, was most anxious that the matter should be settled. He had hoped that as the result of the previous discussion something would be done and a Commission appointed. However, there was no appointment of a Commission, and the matter has dragged on right through the long period intervening. As member for Swan I ask the House to support the mover and allow these people the right, which should be theirs, of full ownership of the land for which they have paid. I shall vote for the motion, and I earnestly hope it will be carried.

On motion by Mr. Teesdale, debate adjourned.

House adjourned at 10.25 p.m.

Legislative Council.

Thursday, 27th September, 1923.

	PAGE
Questions: Legislative Council Estimates	879
Public Library	879
Bills: Lunacy Act Amendment, 2A.	879
Reciprocal Enforcement of Maintenance Orders Act Amendment, Com.	882
Local Authorities (Additional Powers), 2A.	884
Electric Light and Power Agreement Act Amendment, 2A.	885
Inspection of Scaffolding, 1A.	886
Supply (No. 2) £1,050,000, 1A.	886
Motion: Metropolitan Water Supply by-law, to disallow	886

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