

# Legislative Assembly.

Wednesday, 29th September, 1909.

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

## PAPERS PRESENTED.

By the Premier: Report of proceedings by the Registrar of Friendly Societies for 1908-9.

By the Minister for Railways: Report on Government Railways and Roebourne-Cossack Tramway for 1908-9.

By the Minister for Mines: Papers relating to applications for Prospecting Areas 392N and 393N (Garden Gully). (Ordered on motion by Mr. Holman.)

## QUESTION—PUBLIC SERVANTS' REPRESENTATIONS.

Mr. JOHNSON asked the Premier: Has the committee appointed at the recent mass meeting of the civil servants yet waited on him? If so, with what result?

The PREMIER replied: At the time of the question, No; but the committee waited on me this morning, and discussed several matters of interest to the public service.

## QUESTION—LAND SPECULATION, CONDITIONAL PURCHASE BLOCKS.

Mr. BATH asked the Minister for Lands: 1. Has his attention been directed to the following advertisement appearing in the "Houses and Land for Sale" column of the *West Australian* of Monday, September 27th?

### WONGAN HILLS

(Near Dowerin and Goomalling).

### BARGAINS

In

### C.P. FARMING LAND.

Eighteen Months' Rent Paid. Land taken

up under Section 56 (non-residential) at 10s. per acre (first-class).

Proposed Railway about four miles from Land.

Blocks surveyed, viz., Acres,—200, 240, 340, 360, 400, 600, 1,000. Timbered by gimlet, morrell, salmon, York, and ti-tree.

W. SCHRUTH,

Beaufort Arms Hotel, Perth.

2, Have the prescribed conditions which are necessary before transfer can be effected been fulfilled in regard to this area?  
3, What steps are being taken to prevent speculation in C.P. lands affected by the projected railway policy of the State?

The PREMIER (for the Minister for Lands) replied: 1, Yes. 2, No report on the improvements of these blocks has been made and no transfers have been lodged, but an inspection will be made when an officer is next in the locality. 3, The Minister has to be satisfied that the conditions required by the Act have been carried out before transfers are approved.

## QUESTION—TITLES OFFICE DELAYS.

Mr. BATH asked the Minister for Lands: 1, Has the attention of the Minister for Lands been drawn to a paragraph in the *Kalgoorlie Miner* of Tuesday, September 21st, setting forward a complaint by Councillor Paton, of the Kalgoorlie Municipal Council, as to the delays occasioned by the change in the method of dealing with the transfer of titles, as follows:—

"The transfer of Conveyancing Work.

—Cr. Paton inquired at the Kalgoorlie Council meeting last night if anything had been received from the Minister for Lands about dealing with titles at the local lands office, instead of sending them to Perth. Six weeks ago a residence area in Kalgoorlie was sold, but he had not received the transfer yet. Cr. Cutbush suggested that, as the subject had been referred to the conference of local bodies, and all available testimony was to be taken to strengthen the case to have transfers done locally as hitherto. Cr. Paton might as well supply a portion of that evidence. Cr. Paton proceeded to state that the money had been put in *escrow* in the National Bank. Three weeks ago the manager wrote to him asking that he should write to Perth to urge

on the transfer. A week after that the vendor called at the bank for the money, whereupon he rang up the speaker, and he (Cr. Paton) suggested to him that he (the manager) should get the head office to go to the Titles Office and see if there were any transfer of the lease. The head office did so, and they said the transfer had been completed and the necessary document would be drawn up in a day or two. The manager then rang him (Cr. Paton) up to say the transfer was in order and that there was no *caveat*. He (Cr. Paton) had then, on the strength of the bank's word, told them to pay the money over, for the unfortunate vendor had been waiting all that time for it. Up to the present moment he (Cr. Paton) had not got the title back."

2. What action is being taken to obviate the irritating results of the change?

The PREMIER (for the Minister for Lands) replied: 1, Yes; but the information given is not sufficient to enable this particular transaction to be traced at the head office. 2, Additional hands have been put on to clear off arrears of work and to obviate delays.

#### QUESTION—NATIVE PRISONERS' EMPLOYMENT.

Mr. UNDERWOOD asked the Premier: 1, Is it a fact that native prisoners are employed making a private tennis court at Roebourne? 2, Does the Minister approve of prisoners being so employed?

The PREMIER replied: 1 and 2, No; native prisoners are employed at the request of the municipal council in making the tennis court, the council paying salary of the warden in charge, as is the usual practice.

#### QUESTION—BUNKER COAL SUPPLY.

Mr. ANGWIN asked the Premier: Is the Premier aware that the steamship owners, or coal companies, or both, trading in Western Australia in Newcastle coal, enforce such conditions of contract on other steamship companies requiring coal at the ports of this State, that prohibit such steamship companies from purchasing more than a limited supply of Collie coal? 2, Will the Premier make

inquiries regarding the sale and supply of bunker coal to steamship companies, particularly those oversea steamship companies that trade regularly to this State and the other States of the Commonwealth, and take such action required to protect the Collie coal trade from unfair conditions?

The PREMIER replied: 1, I am not aware. 2, Inquiries will be made, and the interests of the trade protected as far as possible.

#### QUESTION — PUBLIC SERVANTS' RETIRING ALLOWANCES.

Mr. BATH (without notice) asked the Premier: Whether it is a fact that discrimination has been made in regard to the payment of retiring allowances to those civil servants included in the land settlement scheme; if so, what is the reason for the discrimination?

The PREMIER replied: I am not aware of any discrimination, but I will have inquiries made.

#### BILL — PUBLIC EDUCATION ENDOWMENT.

Report of Committee adopted.

#### MOTION — PRISON TRADE INSTRUCTOR (F. M. BEHAN), TO REINSTATE.

Mr. DAGLISH (Subiaco) moved—

*That in the opinion of this House Mr. F. M. Behan, formerly trade instructor at the Fremantle Prison, should receive reinstatement in the public service, or compensation for wrongful dismissal, having been exonerated by the Public Service Commissioner after a proper investigation upon oath into the circumstances of his case.*

In submitting the motion for consideration he did not propose to go at any great length into a discussion of the case. The facts of the case were simple and seemed to him to speak for themselves. The circumstances had arisen first of all in 1903, during the month of March. Mr. Behan who was then a trade instructor

at the Fremantle prison was accused by the wife of a prisoner of offering to convey a letter from her to her husband. This offer was alleged to have been made in the course of private conversation. It was not accepted. The charge made was that the officer of the gaol had declared his willingness to commit a breach of the regulations; no breach of the regulations was committed, but information was given to the Sheriff by the person concerned. Mrs. Hillyar. Mr. Behan was called before the Sheriff, when he denied the accusation. The matter was then determined to be one calling for an inquiry, and the Minister of the day, Mr. Kingsmill, arranged for such inquiry. In the first place it was proposed that the Commissioner of Police or the Superintendent of Police should conduct the inquiry, the head of the Prison Department being unwilling to do so. Both the Commissioner and the Superintendent had engagements which prevented them from carrying out the inquiry. The matter was then referred to Mr. Roe, P.M., and he also had so much work on his hands at the time that he requested to be relieved of the inquiry. Mr. Fairbairn was the next to be called upon, but he too found that he had no opportunity of conducting the inquiry. At the request of the Minister Mr. Fairbairn selected Mr. Lilly, a justice of the peace for the Fremantle district. The so-called inquiry was held; it consisted first of all of taking a statement from the accuser in the absence of the accused. The evidence given was not on oath. Subsequently the accused was called in and made a statement, also not on oath, and in the absence of the accuser. Mr. Lilly then reported that he had held the inquiry, that the statements were contradictory, and that for his part he believed the accuser. On the strength of that, Mr. Behan was called upon to resign from the service or to be dismissed. He, Mr. Daglish, desired to emphasise the fact that the inquiry was utterly valueless. First of all because there had been no opportunity of cross-examination by either side, and that with a marked difference between the two statements made, the

justice had to be guided solely by his own opinion. Yet on the strength of that a man's livelihood had been taken away, and that man had been forced out of the public service with a stigma on his character. He (Mr. Daglish) had brought the matter under the notice of Mr. Kingsmill at the time, and in the letter which he had then written the facts were so clearly set out that he would take the liberty of reading it to the House. It was as follows:—

“I have been interviewed by Mr. F. M. Behan, formerly trade instructor at the Fremantle prison, in regard to his removal from that position. I find that a charge was made against him by the wife of a prisoner, to the effect that he offered to convey a letter secretly to her husband. From a perusal of the papers—which you were good enough to place at my disposal—it appears that no complaint was made against Behan until a considerable time after the offer was alleged to have been made. When finally the matter was reported, a sort of inquiry was held by Mr. Lilly, J.P., who simply took the statements of accuser and accused. No oath was administered, nor was any cross-examination allowed. Mr. Lilly reported that the two statements were in direct contradiction to each other, but that he believed the charge. A gentleman with the extended magisterial experience which Mr. Lilly possesses usually acquires in court work a leaning towards the prosecution from the fact that he hears so many manufactured defences. But in a case like that of Mr. Behan, where both parties are equally reputable, it seems a very arbitrary proceeding to take away a man's livelihood because Mr. Lilly, J.P., thinks the accuser is telling the truth. Possibly the opinion of another justice who heard the same statements would lead to his accepting the story of the accused. I am unable to fathom any motive that would induce a reputable man like Mr. Behan to offer, unasked, to convey a letter to a prisoner. The question of his oppor-

tunity to do so—a vital point in any proper inquiry—seems to have escaped the attention of Mr. Lilly. In my opinion a grave injustice has been made in the summary punishment of Mr. Behan after a so-called inquiry, which proves nothing. I would very strongly urge that a proper inquiry upon oath be made before some independent tribunal at which both accuser and accused can be represented. But until that is done, the hostile opinion of one man—even though he be a justice of the peace—is not sufficient ground for the dismissal of a public servant. Mr. Behan's resignation upon compulsion at a moment's notice cannot be regarded as anything but dismissal."

That letter was written in May, 1903, and was brought by the Colonial Secretary under the notice of the then Premier, Mr. (now Sir Walter) James, who wrote the following minute:—

"Please reply that Mr. Lilly is satisfied as to the justice of his finding, and that as he could watch the demeanour of the parties he was in a better position than one who only reads the written statements. State also that the Inspector of Prisons agrees with Mr. Lilly, and that the matter cannot be reopened. . . In any case I think that in inquiries of this nature the parties should be brought face to face, and that the inspector should act himself. I do not believe in the responsible head avoiding responsibility in such cases."

The important point was that the then Premier while refusing to allow the matter to be reopened expressed the same opinion as that in his (Mr. Daglish's) letter, that the parties should have been brought face to face, and that there should have been an opportunity for investigation and cross-examination. The Premier's refusal to reopen the case was solely to prevent any further trouble which might lead to the reinstatement of a man who, apparently, was unfavourably regarded by the Sheriff, and for certain reasons by the Superintendent of the gaol. Later on the matter came before another Colonial Secretary in the

person of Mr. Drew, who wrote the following minute in June, 1905:—

"I have devoted some time to a study of the file and I am astounded that any man in the public service should, on such flimsy and uncorroborated testimony, be forced out of his position. The only statements taken, so far as the file shows, are those of the accuser and accused. If the bare word of one person against that of another is to be accepted at the whim of a J.P., who may or may not be competent to draw deductions from a demeanour, no one's liberty from a Minister's down would be safe for a single moment."

The opinion expressed was an unbiassed one by a Minister who had perused all the papers.

Mr. Walker: Is there not something from Mr. Sayer on the subject?

Mr. DAGLISH: Yes, that letter would be referred to directly. In 1907 he (Mr. Daglish) proposed to ask for a select committee to investigate the matter, but on receiving an assurance from the Premier that the Public Service Commissioner would inquire into the whole question, the motion was withdrawn, and on behalf of Behan he had agreed to accept as final the decision of the Public Service Commissioner, whatever it might be. A Commission was accordingly issued to Mr. Jull authorising him to try the case, to hear witnesses pro and con, and carry out the inquiry in the fashion in which commissions usually were conducted. Mr. Jull took evidence, but unfortunately the accusing witness was not available, having left the State. At the outset of the case it was announced that within 12 days the witness would not be available, that time representing the period before Mr. Lilly's inquiry was held. Behan and the solicitor who represented him made strenuous efforts to bring over the witness from New South Wales. They made every endeavour to induce her to come here, even to the extent of guaranteeing the cost of the trip. It was clear, therefore, that the man who was really the appellant was keenly desirous that both sides, including the one opposed to him, should give their

testimony. It was impossible, however, to get that witness. In the meantime, one or two new witnesses had been discovered who were to corroborate Behan, not so much concerning the charges themselves, but to show that his statements were truthful. That evidence cast considerable doubt upon the statements made by Behan's accuser. These witnesses were available to the Commission, and Mr. Jull also took the evidence of a large number of witnesses for the accusation as well as the defence. For the former there were the heads of departments, the chaplain of the prison, and the gentleman who was then acting as medical officer for the gaol. After having taken a volume of testimony, the Commissioner reported:—

"Your Commissioner is therefore of opinion that the charges made against Mr. Behan are not only unsustained but are probably also untrue. Your Excellency's Commission directs your Commissioner to investigate fully into the causes and circumstances surrounding the retirement from the Public Service of ex-warder F. M. Behan. He therefore begs to state that in his opinion the inquiry held by the late Mr. Lilly, J.P., the result of which was that Behan was compelled to leave the service, was a most inadequate one and that it was inevitable that it should be questioned if the nature of it became known."

The result of the inquiry was an entire vindication of Mr. Behan and the finding was a very strong one. Following that, no action having been taken by the Government and the man interested and his solicitor being kept, so far as official notice was concerned, in entire ignorance of the report, a petition of right was framed and submitted to the Crown in the usual fashion. On that petition the Solicitor General was called upon to report. He made a very lengthy report in which he discussed the justification for the Public Service Commissioner making the report he had. He (Mr. Daglish) had no intention to refer to that report for it was not his business to do so. Seeing that the Government had selected the tribunal and that the decision had been given, the

matter should have been at an end for all time. The man who was accused had no possible opportunity of reopening the case, and had to abide by the decision, consequently the Crown should not be put in any better or different position. Mr. Sayer made a very long statement, but he would not refer to it page by page and paragraph by paragraph, as that would be unfair to the House.

Mr. Walker: Is not that statement the gravamen of the whole thing? Does not Mr. Sayer say there was no real inquiry by the Commissioner?

Mr. DAGLISH: The Solicitor General complained of the inquiry, but after all it was a Government inquiry; the Crown selected and created the Commission, and if that inquiry was unsatisfactory what inquiry was proposed to be substituted? Was there to be another inquiry, and because the Solicitor General was not satisfied with the finding, could the matter be shelved for all time? If in such cases as this an inquiry by the Public Service Commissioner was not to be final and binding on both parties, what sort of an inquiry should be held? The inquiry would have been binding on the accused man, for he agreed that the whole question should be settled by the determination of the Public Service Commissioner whether it went against him or not. It was now alleged, practically, either that the Public Service Commissioner was incompetent, or that he was a partisan. It would be interesting to know precisely which objection was taken by the Government to that gentleman. If he were alleged to be a partisan his reputation at once refuted the charge, while if he were incompetent to take such an inquiry, why was he appointed? It rested not with him (Mr. Daglish) to justify the finding of the Commissioner, to reply to Mr. Sayer's arguments, but it rested with the Government to explain why the Commission was appointed if the finding must be regarded as null and void. Also if the Public Service Commissioner were incompetent, why was he selected to hold the Commission? The facts on which he relied in bringing forward the motion were, that an accusation was made against Behan

solely for offering to do something contrary to the regulations, that the accusation was never satisfactorily established, that the so-called inquiry by Mr. Lilly was admitted by the then Premier to be unsatisfactory, and of a partial nature, and that subsequently an impartial inquiry was held, and a verdict was given strongly in favour of Mr. Behan; consequently he was asking that Behan should get the full benefit of the decision. Referring to Mr. Sayer's report a very important part of that report was devoted to dealing with the relative value of the statements made at the original inquiry, and in order to have some further account of the attack upon Behan, Mrs. Hillyar, who had refused to give evidence was written to and asked, virtually, to traverse the statements made, although Behan himself could get no information. Yet information with regard to this enquiry was communicated to the other side and the following letter is very largely relied on by Mr. Sayer:—

"In answer to your note dated the 11th inst. I may say that the statement made by Mr. Behan at the second inquiry and introduced in your letter is absolutely untrue. The whole time I travelled from Perth to Fremantle, I never once got in at East Fremantle. . . . My statement made at the first inquiry was absolutely true. . . . I refused to go to W.A. to give evidence because for some months I have been very unwell and my doctor would not allow me to travel."

That letter was used largely as the basis of the Crown Solicitor's attack upon the finding of the Commission. Hon. members should give full consideration to the circumstances of this case, a case which was believed to be unique in the West Australian Public Service, and having regard to the fact that the Commission was issued by the Government and an enquiry held, that enquiry vindicated, absolutely, the man who had been dismissed, the House would feel justified in agreeing to the motion which had been submitted. Hon. members who desired further information could obtain it from the file of papers which had been laid on

the table, and which was most complete, and anyone with an unbiassed mind on referring to those papers must come to the conclusion that the man who had been dismissed had been grievously wronged, and those wrongs the House was justified in taking into consideration; nay, more, they were wrongs which cried aloud for redress at the hands of this, the supreme body for administering justice in the State.

The ATTORNEY GENERAL (Hon. J. L. Nanson): The hon. member for Subiaco in dealing with this matter had told hon. members that the enquiry held by the Royal Commissioner, Mr. Jull, was an entire vindication of Behan. If we were to regard that finding as a satisfactory one, there could of course be no doubt that it might be so regarded, but we were entitled, and particularly the House was entitled, when asked to review the decision, to ask what were the facts upon which the finding was based? If he (Mr. Nanson) was able to show that the Royal Commissioner although desiring, as everyone must recognise, to arrive at a correct conclusion in this case, if it were shown, owing probably to inexperience in weighing evidence, that he arrived at a conclusion altogether unsupported by evidence that was before him, hon. members would then scarcely go so far as to contend that that finding was altogether a satisfactory one. The Solicitor General who appeared at the enquiry on behalf of the Crown went very fully into the case and he pointed out what was believed to be a fact, that had there been an appeal to a court of law the finding would have been reversed on the ground that it was against the weight of evidence. It was manifest that if members were to come to a decision upon the question as to whether that finding should stand and whether the Government should act upon it, they would have to enquire and scrutinise the evidence very much more closely than they had had an opportunity of doing. One recognised the desire of members to deal impartially with questions of this sort, but one could not at the same time but recognise that Parlia-

ment was not the best tribunal to go into difficult questions of fact, and to weigh the testimony of witnesses, but the hon. member for Subiaco had appealed to Parliament, and it was necessary, therefore, to go at some length into the reasons that had weighed with the Government in deciding up to the present, not to conform with the decision, and not to pay Behan any compensation. The matter arose long before he (Mr. Nanson) joined the Government, and he thus approached it without preconceived ideas as to the merits of the case, either on one side or the other, and having read the evidence very carefully he found himself altogether at a loss to understand how the Commissioner could have arrived at the conclusion he came to.

Mr. Walker: Was the evidence on the file?

The ATTORNEY GENERAL: Yes. When the Government decided to reopen this matter and make it a subject of investigation by a Royal Commission the case put forward by the Crown for that Commission was, that for reasons best known to himself, Mr. Behan was accused by Mrs. Hillyar of having followed her about and of having thrust his attentions upon her. Mrs. Hillyar put up with this for some little time and was under the belief that Behan was a detective whose object was to connect her with certain letters which were appearing in the press at that time, and were reflecting on the management of the Fremantle gaol. Mrs. Hillyar further said that in order to ingratiate himself with her, Behan offered to be a means of conveying a letter from her to her husband who was a prisoner, which of course, hon. members need not be told involved a gross breach of the regulations on the part of the officer. That was the case briefly, put forward on behalf of the Crown. On the other hand the case put forward on behalf of Behan was that the superintendent of the gaol (Mr. George) did not get on well with Behan and consequently wished to get Behan out of the service, and with that desire went to the length of conspiring with Mrs. Hillyar with a

view to trumping up charges against Behan, and then in consequence of those charges getting Behan dismissed from the service. That of course, was a most serious charge to make, and one would have thought that Behan in making it would have had some evidence with which to back it up. However, the Commissioner after hearing the evidence came to the conclusion that neither the case for the Crown, nor the case for Behan had been proved to his satisfaction, and absolutely departing from the evidence given either by one side or the other, he formulated a little theory of his own in order to account for these proceedings. He came to the conclusion that Mrs. Hillyar was perfectly honest in the charges she had made; that she thoroughly believed in their truth, and then he went on to say that Mrs. Hillyar was acting under a delusion; that she had imagined being accosted by Behan and making overtures. That theory recommended itself to the Commissioner, but it was a matter that should have been supported by some amount of evidence, and the evidence on the file showed nothing to support the ingenious theory that Mrs. Hillyar was acting under a delusion.

Mr. Troy: What was the verdict of the Commissioner?

The ATTORNEY GENERAL: That Mrs. Hillyar was subject to a delusion, and that these overtures had not been made by Behan. At least that was the effect of the finding. The first evidence put in at the inquiry was that of Mrs. Hillyar. Every effort had been made by the Crown to get Mrs. Hillyar to come over from Sydney, where she was at the time, and give evidence before the Commissioner, but Mrs. Hillyar had not been persuaded to come over. Members would probably have no difficulty in realising how Mrs. Hillyar felt in the matter.

Mr. Bath: She even refused to give evidence on Commission.

The ATTORNEY GENERAL: Mrs. Hillyar's evidence given before the original inquiry was, however, put in. One did not know whether members were prepared to maintain that Mrs. Hillyar was

not speaking the truth, and that there was some form of conspiracy, but they should endeavour to suspend their judgment in that matter. Mrs. Hillyar naturally felt that she had done all that was her duty in the matter. She would have preferred not to lay any charges, but finding that she could not free herself from this form of persecution she first complained to her friends, and afterwards made a formal complaint. According to her evidence she was employed in the *Daily News* office at Fremantle, and at the time of the happening of these events had been employed there for nine months. She lived in Perth and travelled daily to Fremantle, generally leaving by the 9.15 a.m. train and returning by the 5.5 p.m. train; and the occasion on which Mr. Behan addressed her she was in a railway carriage while travelling between Fremantle and Perth. There were apparently several interviews. At the inquiry Mrs. Hillyar said she had been worried by Behan, not merely on one occasion, but constantly, and that she had even got the manager of her office to accompany her so that she might avoid meeting with the attentions of Behan. At that time Mrs. Hillyar said she had been worried by Behan, this gentleman, and it was only when she happened to be on one of her visits to the gaol to see her husband that she saw Mr. Behan at the gaol and identified him as the man who had accosted her in the railway carriage on the journeys between Perth and Fremantle. But before she knew who her accoster was she had complained to her friends, Dr. and Mrs. Hussey, that a man whom she did not know and who she believed to be a detective, had accosted her. Mr. Behan had admitted in his evidence before Mr. Lilly, at the original inquiry, that in the early part of February he was returning as usual after his work and in the compartment which he entered a lady was sitting opposite. That was the first occasion on which those two persons were supposed to have met. The statement thus made by Mr. Behan was taken down in writing by Mr. Lilly, and not only was it signed by Mr. Behan, but the sentence in which he had admitted that in the compartment

which he entered a lady was sitting was actually initialled by him. At the later inquiry before the Commissioner Mr. Behan declared that the lady was not sitting opposite him in the compartment at the time, but that she followed him into the carriage. There was here a very serious discrepancy, Mr. Behan making one statement before Mr. Lilly, a statement which he had the opportunity of seeing and which he initialled.

Mr. Horan: Did he put the same construction on it as the Solicitor General and yourself?

The ATTORNEY GENERAL: It was not a question of putting any construction on it; it was merely a question of which was likely to be the more accurate of Mr. Behan's two accounts of the circumstances—the evidence given by him shortly after the occurrence happened, or the evidence taken some years afterwards when the events were no longer so fresh in his mind, when the case was being inquired into by the Commissioner? There was one point on which there was no dispute. Mr. Behan did see the lady, having stated in his evidence before Mr. Lilly that he saw her on two or three occasions; and it was not denied there was a certain amount of conversation between him and the lady. Mrs. Hillyar had no possible object in bringing the charges. In the first place she did not know him. When she first complained to Mrs. Hussey it was not in the sense of any formal complaint against any individual, because she was not aware of the identity of the individual, but it was simply in conversation between one lady and another that Mrs. Hillyar pointed out that she had been subjected to this annoyance. If members were prepared to say that Mrs. Hillyar was not speaking the truth to Mrs. Hussey they were taking a large responsibility on themselves. Mrs. Hussey's evidence was to the effect that Mrs. Hillyar had told her that someone was continually entering her carriage when she went home, and that as her husband was not with her she did not like it. Mrs. Hussey had advised Mrs. Hillyar to go by another train, and Mrs. Hillyar had done so, but told Mrs. Hussey that the



person waited for the later train and asked her what her name was. Mrs. Hussey said that Mrs. Hillyar had seen this individual at the corner of a street and had been told that it was Detective Condon, and Mrs. Hillyar asked Dr. Hussey what Detective Condon was like, and on the doctor describing the detective Mrs. Hillyar said that it was not the man. Mrs. Hillyar said at the time that she was sure this individual was trying to get her husband into further trouble and that she was afraid to snub him in any way. Mrs. Hillyar had also told Mrs. Hussey that one day this individual had told her to write letters and he would give them to her husband in the gaol, and this had made her more frightened, because she thought they were trying to get her husband longer imprisonment. Mrs. Hillyar had not the remotest idea who the person was, so she could not possibly have any bias against him. The complaint was simply what one woman would make to another in seeking advice as to how she would avoid the persecution. Mrs. Hillyar, not content with complaining to Mrs. Hussey, also complained to the Anglican chaplain of the gaol. Mr. O'Halloran, whose testimony was to the effect that Mrs. Hillyar made several complaints to him, not at first against Mr. Behan by name, because Mrs. Hillyar did not know him as Behan, but against someone she thought was a detective. The complaints were against a man she thought to be a detective, but it was only when she had been to the gaol and identified Mr. Behan that Mr. Behan's name came into the matter. It could not be a case of mistaken identity. Behan's story was that he was accosted by Mrs. Hillyar, and if that be true, what object was there for Mrs. Hillyar to follow Behan into a railway carriage, when at any time she could get into communication with him when he was standing outside the office?

Mr. Horan: It is said, for reasons best known to themselves.

The ATTORNEY GENERAL: Mrs. Hussey saw Mrs. Hillyar and heard her story; so did Mr. O'Halloran, the chaplain of the gaol; so did Mr. Fairbairn: so did the Comptroller General of Prisons,

and everyone of these was so impressed by her story as to give credence to it. It was arguable that all these persons were misled by her, but was it likely that they all would be.

Mr. Daglish: Were they not all on friendly terms?

The ATTORNEY GENERAL: Mrs. Hussey was on friendly terms with her, so was the Chaplain of the gaol. The Comptroller was not on friendly terms, or otherwise probably he was unknown to her, and Mr. Fairbairn was very much in the same position. When we come to the case brought forward by Mr. Behan, his evidence was mainly directed to try and support the theory of a conspiracy between the superintendent of the prison and Mrs. Hillyar. It was not necessary to go at great length into that part of the case, because the Commissioner found that the gaol authorities did not conspire with Mrs. Hillyar, so that that portion of the charge entirely broke down. One could not think that Behan's own case would be strengthened when he brought charges of that nature: nor was his reliability strengthened when he brought charges of that kind which were entirely unsupported by evidence. As to the question whether Mrs. Hillyar accosted Mr. Behan, or vice versa, we had a certain amount of independent testimony on which Behan relied to a considerable extent.

Mr. Daglish: Are you not going to read any of the evidence for Behan?

The ATTORNEY GENERAL: Yes. The Commissioner came to the conclusion that Behan's denial that he ever entered Mrs. Hillyar's compartment was to be accepted, and that it was Mrs. Hillyar who entered Behan's compartment, notwithstanding the statement that in the compartment Behan entered a lady sat beside him. The Commissioner seemed to be uninfluenced by the fact that Mrs. Hillyar's statement had influenced Mrs. Hussey and Mr. O'Halloran, and that her statements spoke for themselves. Mr. Lilley took special care to closely watch the demeanour of both parties as they made their statements, and he felt bound strictly to believe what Mrs. Hill-

yar said, that Mr. Behan tried to force his acquaintance on her, and that was the idea arrived at by a gentleman who had an opportunity of closely watching the demeanour of both parties. Then we had a further fact, the statement made before the Comptroller General of Prisons in the presence of Behan, convinced that official. What really seemed to have weighed with the Commissioner was the evidence of two witnesses, a Mr. Phillips and a Mr. Snell, who were in the habit of travelling between Perth and Fremantle in the same railway carriage as Mr. Behan. The Commissioner said in his report that if Mr. Behan had travelled with Mrs. Hillyar in the first-class end of the train as often as Mrs. Hillyar complained, as constant travelling companions Phillips and Snell would have noticed the departure from his habit. If Phillips and Snell were, at the time of these happenings, in the habit of travelling with Behan, and their evidence was such as to bear out the statement made by Behan, he (the Attorney General) was quite ready to admit that very considerable weight should attach to the evidence of these gentlemen. What the Commissioner apparently overlooked was that Phillips had actually ceased to travel by this train on February 3rd when he was retrenched, and on Mr. Behan's own statement it was not until February 9th that he first met Mrs. Hillyar in the train, so that the value of Phillips' evidence disappeared. The Commissioner overlooked the fact that Phillips was giving evidence on circumstances which arose some six days before Phillips met Behan. On February 3rd Phillips ceased to travel by that train, and it was not until February 5th that Mrs. Hillyar first met Behan, so that Phillips' evidence was entirely outside the question. The Commissioner spoke of Phillips as a man whose evidence appeared to be reliable, and no doubt it was reliable as far as it went. There was no doubt that he was travelling constantly with Behan, but he only travelled in the same carriage with Behan prior to February 3rd, therefore, having ceased to travel by that train five days before at least the earliest day on which Behan met Mrs. Hillyar, his evidence for the purposes of

the inquiry went for nothing. As to the witness Snell, it was true he continually travelled by the train, and no doubt for some time was a constant traveller with Behan, but Behan ceased to travel by the train at the time of his resignation, and it was surely highly improbable that a witness could charge his memory for 4½ years with a date within a month or so, as to when Behan was no longer his travelling companion.

Mr. Bath: They can on account of the special circumstances where he was employed.

The ATTORNEY GENERAL: The witness Phillips, on whom the Commissioner mainly relied, stated that during the last fortnight of his employment he saw a lady in the compartment with Behan, and the Commissioner immediately stated that that was during the fortnight preceding February 3rd. The following is the evidence of Phillips on this point. He was asked, Did you know Mrs. Hillyar? and he replied, "I cannot call the lady's name to mind." The examination continued—

"Have you ever discussed Mrs. Hillyar with Mrs. Behan?—Never.

Do you ever recollect a lady getting into the carriage with Mr. Behan?—I do, on one occasion when I got in at North Fremantle. This was previous to the last fortnight. I remember upon one occasion there was a lady in the compartment with Mr. Behan, but who she was I cannot say. I did not go into the compartment, seeing her with Behan.

That was at North Fremantle?—Yes, and it was previous to the last fortnight of my employment.

Then the lady and Mr. Behan would have got in at the Fremantle Central Station?—Yes, or at East Fremantle."

Then the witness Snell who lived close to Phillips at Subiaco, almost next door, was asked if he could recollect any occasion when a lady came into the compartment in which he travelled with Behan. Witness said only on one occasion. The examination continued—

"About what time was that?—It was some time after Mr. Phillips had stopped coming down. I believe about a

week after Phillips had stopped coming down.

Do you know why Phillips stopped coming down?—His services were dispensed with and he was put off after his contract was finished.

What do you recollect about this lady?—I recollect that Mr. Behan went in first and took his place as usual, and the lady followed him. I got in next and took my usual seat. There were several others in the carriage. The lady took the corner opposite to Mr. Behan on the outside end of the carriage. They were talking rather loudly, and it appeared to me as if the lady was trying to make out that Mr. Behan was a detective, and he was trying to make her believe he was not. I was reading, but when loud talking was going on we naturally listened."

In cross-examination this witness admitted he never knew Behan by name, nor the lady. Members should bear in mind that he was speaking of an occasion some 4½ years ago. A third witness on this point was the ex-station master at East Fremantle named Smith, who stated that he was employed during February and March, 1903. As a matter of fact he was employed from November, 1902, to May, 1903. He fixed no date, but said on one occasion he saw a woman who appeared to him to have had a little too much liquor, get into a second-class carriage, but he did not know her. He asked a man on the opposite platform, whom he did not know and had never seen before or since, and whom he could not identify. He had asked this man who she was. A mysterious individual who never was produced had said that the lady was Mrs. Hillyar. Asked whether he had seen her get into the train more than twice, Smith had said "twice." Asked whether if he knew that reputable people gave her an excellent character he would change his opinion, he had replied. "No." Asked whether if he heard that Mrs. Hussey and the chaplain and her employer all said she was a good woman he would be prepared to alter his opinion, he had said

he would continue to be of the same opinion. Now it could scarcely be contended that that witness was a very un-biassed witness. He did not know Mrs. Hillyar by sight, he did not know who she was. Some man whom he could not describe, whom he had never seen before, whom he had never seen since, had told him it was Mrs. Hillyar. Evidence had been brought to show that Mrs. Hillyar was an absolutely temperate woman, never in the habit of drinking; yet in face of that, Smith had adhered to his testimony. Hon. members could pay very little consideration to testimony of that kind. He thought most of them would come to the conclusion that it could scarcely be considered evidence of a satisfactory character. If hon. members would look at the evidence of Mr. O'Halloran, Mr. Hussey, and Mr. Thiel, who was Mrs. Hillyar's employer, they would find that it was practically impossible to believe that this woman, whom Smith believed to be Mrs. Hillyar, was in fact Mrs. Hillyar.

Mr. Daglish: Are you not getting away from the case? The question is whether this charge was proved against Behan.

The ATTORNEY GENERAL: To come back to the contention that the charge had not been proved, he might summarise his reasons. He would point out that Mrs. Hillyar's complaint was made to her personal, intimate friend, and before she had any reason to have any animus against Behan. He would point out the absence of any motive on Mrs. Hillyar's part to make a false statement, and that her employer, Mr. Thiel, had said that he knew Mrs. Hillyar to be a decent, good woman, who did good work, and behaved herself in an exemplary manner. Mrs. Hussey had said that Mrs. Hillyar was a gentlewoman in every way. Her statements made to Mr. O'Halloran, Mr. Fairbairn, Mr. Lilly, and Mr. Burt—every one of them had gone to suggest that if the woman were fabricating a story against the man, telling it on so many different occasions, she must have varied it in some particulars. Then there had been the fact that Mr. Behan, at any rate, had not appeared in the same light.

When before Mr. Lilly, he had said that he first met Mrs. Hillyar in the compartment; but in a subsequent statement he denied this, and said that Mrs. Hillyar had followed him into the compartment.

Mr. Horan: That is splitting straws.

The ATTORNEY GENERAL: Sometimes a straw was of importance in testing the credibility of a witness. There was, moreover, the improbability of Mrs. Hillyar looking for Detective Hornsby in the railway train, seeing that she passed him every morning outside the "Daily News" office. Then there was Behan's statement that it had been his intention to resign before the Lilly enquiry? Why should he have intended to resign if he were innocent? What would an innocent man be likely to do under the circumstances? Would he not be indignant at the injustice which was being put upon him, and absolutely refuse to resign or take any other formal step which could be construed into a confession of guilt? Was it not significant that only at a later date, when Mrs. Hillyar was outside the State, this matter had been revived?

Mr. Horan: Was it known to Behan that she was outside the State?

The ATTORNEY GENERAL: On that point he had no information. As a matter of fact the later enquiry had not been held until Mrs. Hillyar was out of the State. He did not think that any lady placed in the circumstances in which Mrs. Hillyar found herself, would care to have the whole painful business gone over again, in order that Mr. Behan might have an opportunity of vindicating his character. It was necessary to remember that the lady was convinced, that she had succeeded in impressing quite a number of people with the fact of her honesty in this matter; that her testimony had not been shaken in the slightest degree. In these circumstances she would naturally ask herself why this matter, entailing a recollection of her husband's imprisonment, should be reopened. However, it had been unfortunate that she was out of the State when the second enquiry was held; it had been impossible to bring her forward, and with the consent of both parties the evidence given by her before Mr.

Lilly was put in. He (the Attorney General) was prepared to admit that this was a case in which there was a very serious conflict of testimony. But if the contingent circumstances were taken into account, and the value of the testimony weighed in the light of these circumstances, he did not think it was possible to come to any other conclusion than that the lady had proved her charges. The case had been settled, so far as the Ministry was concerned, before he joined the Government. Ministers had had an opportunity of going through the evidence. They had before them the report of Mr. Sayer; and all hon. members who come into contact with that gentleman knew that if there was any man able to see both sides of a question, it was Mr. Sayer. Having all the facts before them, and having the advice of Mr. Sayer and the advice of the late Attorney General, Cabinet sitting as a court of appeal, so to speak, had come to the conclusion that this matter could not be re-opened. He thought hon. members might well accept the finding of the Cabinet as conclusive. But Parliament had now the facts before them, and it would be possible for hon. members to point out whether he, in his endeavour in a short compass to put the main facts before them, had left out any thing that should have been said. The Government had no wish to burk enquiry in the matter; their only wish was to do substantial justice. There could be no doubt whatever that in coming to the conclusion they had reached they had come to it only after full enquiry, and they were entitled to ask the House to confirm that decision.

Mr. BATH (Brown Hill): The Attorney General apparently flattered himself that he had dealt with the matter in a very brief fashion; as a matter of fact the Minister had spent considerable time in carefully avoiding the issue brought forward. The whole of his speech had been a laboured effort to avoid the point brought forward by the member for Subiaco. It seemed a regrettable thing that in a matter which some hon. members, and he for

one, believed to be a gross injustice to a citizen of the State, the Minister could treat it in the fashion he had done. It seemed to him (Mr. Bath) that the policy of the Ministry in this matter had been not to give any redress whatever to Mr. Behan, no matter what evidence was brought forward, or whatever the result of the commission of inquiry might have been. The member for Subiaco had stated that both parties, or at least Mr. Behan, had agreed to submit his case to the Commissioner appointed by the Government. And seeing that Ministers themselves had an opportunity of appointing the commission, and must have considered the Commissioner capable of holding the enquiry, it was a very unjust thing that after that inquiry had arrived at a result favourable to Mr. Behan, Ministers tried to avoid the obligation entailed by the commission. He (Mr. Bath) had had an opportunity of going through the papers in 1907, and he hoped that every member of the House would take the trouble to go through the papers and examine the evidence taken at both inquiries, in which case all hon. members, if they regarded the matter apart from their support or opposition to the Ministry, would agree with him that an injustice had been done; and that it was the duty of the Ministry to remedy that injustice. In the first place the particulars submitted to the inquiry held in July by Mr. Lilly indicated that one of the first duties of the Ministry should be to inquire closely into the manner in which justice, or so-called justice, was administered in the gaol to the officers of the gaol. An inquiry should certainly be held into the happy family relations existing between the visiting justices, those having control of the gaol, and the chaplain. In 1907 he had gone through the papers and dealt with Behan's case when speaking on the gaols' vote on the Estimates. Of course his remarks were somewhat curtailed, but he could not do better than read the report of that speech. On that occasion he said—

“The Premier should ere this have dealt with the case of ex-trade-instructor Behan, formerly employed in the Fremantle prison and dismissed in con-

sequence of a complaint by a prisoner's wife. The case arose some years ago, and had been ventilated more than once in the newspapers. In 1903 the member for Subiaco (Mr. Daglish) moved for the papers. Behan had been fighting all along for a re-hearing of his case, as he was smarting under a sense of injustice. Though originally a more serious complaint was laid by the wife of the prisoner yet the complaint when boiled down for submission to the gaol authorities amounted to a statement that Behan had offered to take letters from her to her husband in prison. As a matter of fact Behan had not been employed in that part of the gaol where the prisoner was confined, did not come in contact with him, and had no opportunity of conveying letters to him even if willing.”

This fact could be supported by the papers submitted to the House. Then he continued—

“The lady complained that Behan had spoken to her in a railway train between Fremantle and Subiaco; but even at the inquiry held by Mr. Lilly, J.P., it was found that for this interference to take place the lady must have waited for a train later than that by which she could have reached her destination. The evidence of two gentlemen whom he (Mr. Bath) knew well, and whose word he would accept—Mr. Snell and Mr. Phillips—was entirely in favour of Mr. Behan.”

Those gentlemen were personally known to him as reputable men. The Attorney General had referred to the fact that the evidence was given four years ago, and that it was not likely the witnesses would have a clear memory as to the circumstances; but as a matter of fact considerable interest was taken in the question at the time, and it was known that the member for Subiaco (Mr. Daglish) had moved for a select committee to go into it. Consequently the facts of the case would always be fresh in the minds of those gentlemen. The report of his remarks continued—

“In response to Behan's representations, a *Gazette* notice appeared on Friday, 22nd March, appointing Mr.

Jull, the Public Service Commissioner, as a Royal Commissioner to inquire into the matter. At the informal inquiry before Mr. Lilly the lady was not put on oath, nor was Behan or anyone representing him permitted to cross-examine her. Subsequently she went to New South Wales, and at the inquiry by Mr. Jull, Behan's solicitor agreed that the lady's evidence might be taken on commission. But she refused either to come here for cross-examination or to be examined on commission in New South Wales."

The Attorney General had another plea that the woman was averse to the case being re-opened as the whole circumstances were distasteful to her. But it must be remembered that the proceedings were not public, members of the Press were not admitted, and there was no chance of the evidence being published. If she had been desirous of bringing her case substantially before the authorities there was surely no objection to giving her evidence on commission.

The Attorney General: She did not wish to complain even in the first instance.

Mr. BATH: One had only to read the evidence to realise that if the woman did not wish the facts to be known she took very few precautions to prevent it, for she discussed the whole question with a number of people. As a result of the enquiry instituted by the Commissioner appointed by the Ministry, Behan was exonerated. We now had the Ministry, in order to avoid the necessity of carrying out the finding of their Commissioner, sheltering themselves behind the fact that the Solicitor General had submitted a report traversing, or in opposition to, that of the Public Service Commissioner. The Solicitor General was in the position of the Crown Prosecutor conducting the case on behalf of the Crown, and was really, after the decision had been given, in the position of the defeated counsel.

The Attorney General: The then Attorney General came to the same conclusion as the Solicitor General.

Mr. BATH: He might have done so in order to support the attitude of his departmental officer. The opinion of the

Solicitor General could not be accepted as an impartial one on the merits of the case, seeing that he had been defeated at the inquiry. That officer had the opportunity, when appearing before the Public Service Commissioner, to urge the arguments he raised subsequently to the decision being given. Surely that was the time for him to put forward his best efforts, and not after the finding was made known.

The Premier: Every Government since 1903 have considered the case, and were of opinion that Behan had no claim for compensation.

Mr. BATH: Mr. Drew's minute did not bear out that contention.

The Premier: That minute apparently did not have much effect on the Ministry of the day.

Mr. BATH: After everyone had imagined the whole question had been left to the jurisdiction of Mr. Jull, the Solicitor General traversed the decision of the Commissioner, and in that respect was doing an injustice towards Behan. In fact, upon the whole question the Ministry had not acted in a proper spirit. They seemed to be desirous of evading responsibility, for they appointed a Commissioner and, after he had investigated the case, they refused to accept the verdict. The motion should be carried.

Mr. KEENAN (Kalgoorlie): It would be scarcely fair in view of the fact that he had held an official position during the time the inquiry took place before the Public Service Commissioner, and was cognisant of the whole matter, that he should refrain from taking the full responsibility, or be silent in a matter where the conduct of one of the officers, who had been under him at the time, was impugned. The member for Subiaco had asked the House to act as a court of appeal in the matter concerning the gentleman whose case he put forward.

Mr. Daglish: No, I do not; but to carry out the decision the Commissioner arrived at.

Mr. KEENAN: The member had asked Parliament to act as the final court of decision, and had set that forward as the

prerogative of the House. If that were so the House would never exercise the prerogative without possession of all the facts. They would be putting themselves in the position of any court of appeal, which reserved to itself the right not merely to conform with the position taken up by some other person, but also if the facts justified it to substitute any other decision in lieu thereof. In the present case it would be futile to ask the House to come to a decision unless all members were conversant with the facts in an equal degree to the Minister of the department concerned, who knew all about them, by reason of the perusal of evidence, and the advice on that evidence given him by the responsible officers. There were features in the case which had not been touched upon. The original transaction took place early in 1903, and an inquiry was held which it was to be admitted was open to some criticism. Statements were taken at that inquiry from both parties, and as a result Behan was called upon to resign. He tendered his resignation on the 4th May, and for a considerable time afterwards no complaint was heard as to the justice of the decision.

Mr. Daglish: I wrote on the matter in May, 1903.

Mr. KEENAN: If a person aggrieved felt himself to be an innocent man, he would, on being called on to resign, immediately protest. One did not find innocent men tendering their resignation tamely. It was obvious that such a man would in the shape of an official remonstrance resent the request. There was no such thing in this case. If one were to come to any conclusion on the conduct of the principal, apart from the inquiry into the facts, it would be that the party concerned had no real defence.

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

Mr. KEENAN: It was impossible not to take into consideration the fact when accusations were made against Behan that he was called upon to resign. He did so without any protest whatever. It was true that the member for Subiaco on the 20th May, sixteen days after the date of the resignation, wrote to the then

Colonial Secretary and the hon. member had seen the Colonial Secretary and discussed the matter with him previously to writing the letter. That really did not alter the strength of the fact that the person himself who was mostly interested had not made any remonstrance whatever. It could not be denied that to all persons in an official capacity there was an open and easy method, and a prompt method of remonstrating against what they considered to be improper treatment. We found in this case that until members moved Mr. Behan had not taken any action in the nature of a protest. It was true that the member for Subiaco did move in the matter on the 20th May, 1903. He no doubt then felt, as his letter intimated, that it was a case of gross injustice, but it remained a case of injustice in May, 1904, and continued to be a crying injustice, to use the hon. member's own phrase, during the thirteen months that the Government that he so ably led was in power. When the hon. member found himself in a position of greater responsibility, and less freedom, he rightly perceived that one could make a complaint as a private member, but as a member of an executive Government he must hesitate to entertain these complaints; and so in fact the motion moved by the member for Subiaco was a motion of censure against every Government that had been in power since Behan's dismissal. If it were a crying injustice, and if Government after Government had not dealt with the matter, it must be said that it was greatly to the discredit of the Government, and greatly to the discredit of the Government that presided over the affairs of the country during 1904-5. He (Mr. Keenan) preferred to come to the conclusion that all the Governments had dispassionately considered the circumstances, and they had arrived at the determination, however reluctantly, that there was no occasion for any action on their part. With regard to the taking of Mrs. Hillyar's evidence, some importance was attached to the fact that she refused to be a witness, and that no means were taken to compel her to give evidence. Mrs. Hillyar had not resided in the State for a considerable time past. It would

not have been possible to compel her attendance before the commission. Even if an application had been made to take evidence on commission he doubted whether it would have been possible to compel Mrs. Hillyar to come forward and give evidence in the State in which she resided. One could understand her reluctance; she was a woman who was made for the time being almost a victim of persecution by Behan. She must have felt not merely embarrassed, but more than that, and it was not a matter for surprise that she should be extremely reluctant to in any way again be brought into the matter. One had to respect the feelings of a woman, and the feelings of the woman in this particular case. It was his intention next to deal with the matters which were inquired into by Mr. Jull who was appointed as the Commissioner, and with the findings he made. If the House were to adopt the motion moved by the member for Subiaco it must do so after it had taken upon itself the functions of a court of appeal that had inquired exhaustively into the evidence, and after it had fully satisfied itself that a proper verdict was found was one in favour of Behan. What was the case that Behan put forward before the Commissioner? In the words of the Commissioner it was that the Superintendent of the gaol did not get on well with Behan, and for that reason this officer deliberately conspired with Mrs. Hillyar with a view to procuring Behan's removal from the service, and that this conspiracy culminated in the Superintendent of the gaol declaring that Behan had agreed to convey a letter from Mrs. Hillyar to her husband who was then in gaol. If the evidence sustained the case put forward by Behan it would warrant action of a drastic character against the Superintendent of the prison. It would be a most damning piece of evidence against him to imagine that he could enter into a conspiracy with a prisoner's wife because it was alleged that he was not on good terms with one of the State officers who was under his control. Before such a charge could be accepted as proved, we should require more evidence and evidence far different from that brought forward by Behan at the inquiry. Dealing gener-

ally with the inquiry, when a gentleman like Mr. Jull was selected; no doubt for some purpose it would have been difficult to select a better man, but when Mr. Jull was asked to accept judicial functions, to fully weigh the evidence and discriminate between witnesses and direct himself to come to a conclusion which the evidence warranted, we were putting on that gentleman a duty that he was wholly unsuited for. It was not his (Mr. Keenan's) intention to offer one word of criticism on Mr. Jull in the matter; it was sufficient that he was wholly unsuited for the duty he was called upon to discharge.

Mr. Hudson: The hon. member had only six more minutes to go.

Mr. KEENAN: If there were only five more minutes to go, it might be possible for him to do very useful work in that time. The House had only to consider the main line of evidence and the main facts produced before the Commissioner and it would be pointed out how the Commissioner's finding was entirely opposed to any just inference that could be drawn from such evidence. The case for the public service was that Mr. Behan for reasons that were best known to himself was attracted to Mrs. Hillyar, when he sought her company, followed her about, and thrust his attentions on her, and that she was under the impression that he was a detective who was watching her, because unfortunately her husband had got into trouble. She thought his object was to connect her husband with certain letters relating to the internal management of the gaol which were appearing in the daily press at that time. According to her statement, in order to ingratiate himself he offered to convey a letter from her to her husband. Evidence in support of Mrs. Hillyar's story was given before Mr. Lilly. She stated that she was employed in a certain office at Fremantle, and for the purpose of her employment she was given by her employers a free pass on the railway from Fremantle to Perth. She used to travel between Fremantle and Perth, and no other station. She could not fix a definite date when Behan first spoke to her, but she mentioned the names of two reputable persons to whom



she spoke at the time, and to whom she complained of the attentions this man was offering to her. Both these persons were examined, and they confirmed her story.

Mr. Underwood: Was that statement made on oath?

Mr. Bath: She was not put on oath then.

Mr. KEENAN: The position was that the inquiry held before Mr. Lilly was not held in the form that perhaps an inquiry of such a character should have been held. We could attach less or more weight to the statements of both Behan and Mrs. Hillyar according to how we felt in our own consciences. She did complain, but she could not take Behan to the court and show him. She merely complained that she was annoyed, and the people who supported her confirmed that. Could it be suggested if the House were acting as jurors, that it was not a matter of great importance that if according to the woman's story she was being persecuted by Behan and had spoken to others about him, and that such a statement should be confirmed by others. It should weigh very strongly with them. There was one admission made by Behan it was true—it was not made on oath, but it could be treated as being equally as important as if it had been made on oath—and that was that he was returning from his work and a lady who was Mrs. Hillyar was occupying the compartment in a railway carriage which he entered. This statement was taken down by Mr. Lilly, and was signed by Behan. It could not for a moment be doubted that to that extent her story was corroborated by that admission. Again, Behan said that he saw the lady on two or three other occasions, and on one of these occasions she entered the same carriage of the train in which he was travelling. There was no doubt about this, that on one occasion Behan entered the carriage in which she was travelling, and that on another occasion she entered the carriage that he occupied first, and they travelled together. Of course Mr. Behan had denied that he offered to take the letter. To have admitted that would have been to put an

end to his case. One point for the House to consider was as to whether, after a matter had been exhaustively dealt with in departmental inquiry, an aggrieved person was to go to some member of Parliament and ask him to use the House as a final court of appeal in which to thrash out his case. Ever since 1903 that had been going on. Mr. Behan had had the valuable assistance of his member. He (Mr. Keenan) did not object to that: what he objected to was the principle of using the floor of the House as a final court of appeal.

Mr. Johnson: We would soon have a nice state of affairs in the Service if that right did not exist.

Mr. KEENAN: The hon. member would have one assent to the doctrine that the permanent heads of departments were prepared to sacrifice the officers under them, and that for the protection of the subordinate officers it was necessary to have Parliament perpetually sitting as a court of appeal. It seemed to him (Mr. Keenan) absurd that Parliament should be ever prepared to reinvestigate any charge brought forward, notwithstanding that it had been already dealt with by the heads of departments. Why was not one proper and complete inquiry sufficient?

Mr. Daglish: I definitely agreed to accept the Commissioner's finding.

Mr. KEENAN: If the hon. member's feelings were so hurt in this matter, why not tell the House his reasons for remaining inactive for over 13 months. Why had he not taken action when the power was in his hands to do so. In the course of his (the Attorney General's) experience he had met men of the highest character who would abhor to be party to any act of injustice, but he had never met any man more conscientious in that respect than was the Solicitor General. Had he (Mr. Keenan) still been the official chief of that officer he would not have said this; but as there was not the least probability of their relations in that respect ever being restored, he had no hesitation in speaking thus of the Solicitor General. And when Mr. Sayer had gone into a case

as exhaustively as he had done in respect to this case, and when he recommended that there was no case made out for the petitioner, then his finding should be as exhaustively as he had done in respect. If there had been the least room for doubt in the matter the Solicitor General would have been the first to have given the petitioner the advantage of that doubt.

Resolved: That motions be continued.

Mr. UNDERWOOD (Pilbara): When endeavouring a little earlier to get some information from the Attorney General, he (Mr. Underwood) had been told in a superior manner that he was incapable of taking a judicial view of the question. Since then he had been trying to apply a judicial mind to the consideration of the matter before the House; and he could not help saying that he had been unable to discover anything judicial in the picture of the Attorney General trying to have accepted as conclusive, evidence of what one woman had told another. From the evidence it was seen that one lady had told another lady that a gentleman had come into the railway carriage in which she was riding and had annoyed her with his proposals. It was to be assumed that in those days carriages running between Perth and Fremantle were made for not more than two. If hon. members would apply a judicial mind to this point, it would be found that the lady's evidence was somewhat erratic. Again, the evidence disclosed that the lady, in order to avoid the attentions of Mr. Behan, had delayed from the train in which she was accustomed to travel and had waited three-quarters of an hour for another. Yet, strange to say, Mr. Behan had turned up on the later train. And it was to be remembered that on these trains compartments were set apart for ladies; compartments in which no man was allowed to enter. If a judicial mind were applied to it, it would be seen that instead of waiting three-quarters of an hour for another train, all that the lady had required to do was to catch her usual train and enter a ladies' compartment. He had come to the conclusion that there was nothing whatever judicial in what the Attorney General had said, but that it was just plain "tripe."

Mr. DAGLISH (in reply): It was to be regretted that it had been thought necessary to make advocates' speeches in regard to this question. Hon. members who had pleaded that the House was not qualified to act in a judicial authority had at the same time themselves made the speeches of advocates. He had come forward with no desire to discuss in detail the evidence given at the inquiry. It seemed to him that this was undesirable in the interests not only of the person accused, but likewise of the accuser. It was to be borne in mind that it was possible even for a man to have a good reputation. It was possible that while dwelling upon the unblemished reputation of the person who had made the charge, the person who suffered under the charge might have a reputation equally unblemished. This he thought could fairly be claimed in this particular case. He did not think that the evidence had been fairly put before the House by either the Attorney General or the member for Kalgoorlie (Mr. Keenan). After all, there had been a great deal more read into the evidence than the evidence contained. The member for Kalgoorlie had professed to be reading from the Public Service Commissioner's report, matter that to the best of his (Mr. Daglish's) belief was really to be found in the summary of the Solicitor General. Right through there had been a large amount of time given to the alleged allegation that certain impropriety of conduct had been committed by Mr. Behan, even if no actual offer, such as that he was alleged to have made, had been preferred. The allegation by Mrs. Hillyar made before Mr. Lilly contained nothing whatever of a serious nature reflecting on the person charged, except in regard to the alleged offer that he would convey a letter. There was merely a very little general conversation. And, right through, the case had nothing like the seriousness the Attorney General had attempted to give it. The Attorney General had made a great feature of the corroboration in favour of Mrs. Hillyar's statement, and had attached no importance whatever to the corroboration given to Mr. Behan's statement. Yet it was to be remembered that the corroboration for Mrs. Hillyar's statement consisted simply

in the fact that she had been consistent in her story. She had told a consistent tale, and, seeing that the tale was a very short one, all that the consistency intimated was the possession of a good memory. There was no other corroboration whatever. She had told certain persons the same tale which a little time afterwards she told to the Sheriff.

Mr. Moran: That is no corroboration at all.

Mr. DAGLISH: Probably that view was correct. On the other hand there was corroboration of Mr. Behan's statement by three witnesses who had corroborated certain circumstances that happened in the train, and in regard to his getting into the train. It was a much more important corroboration than that given to Mrs. Hillyar. It was pointed out by the Attorney General that it was difficult for Messrs. Snell, Phillips, and Smith to remember what had happened so long ago, but the matter was published in the Press immediately after the dismissal took place, and knowing Mr. Phillips and Mr. Snell he (Mr. Daglish) was prepared to assert that it was impossible to find more reputable and reliable witnesses. Unfortunately, Mr. Phillips was since dead.

The Attorney General: There is no evidence that the woman Smith saw was Mrs. Hillyar.

Mr. DAGLISH: There could be no confusion in regard to the evidence of Messrs. Phillips and Snell.

The Attorney General: It was relating to a period antecedent to these events altogether.

Mr. DAGLISH: One would not be justified in disregarding anything they swore to. Even the Attorney General admitted that Mr. Snell's corroboration was important.

The Attorney General: No, it is a question of dates.

Mr. DAGLISH: These gentlemen were not acquainted with Mr. Behan; it was quite by accident Mr. Behan came in contact with them. They were in no way mixed up with either side, and the only purpose they had to serve was that of unprejudiced persons anxious to help the inquiry. More reliance must be placed on their evidence than on the uncorrobor-

ated evidence on either side. If members were to consider this matter from the weight of evidence, they must bear in mind that on one hand a man's livelihood and reputation were at stake, and they must give the benefit of the doubt in favour of what the man had at stake. The reputable citizen had as much right to consideration as the law gave to the disreputable, and the public servant had the same right to have his case fully substantiated against him as the prisoner at the bar, but in this case British justice had been denied to Mr. Behan.

Mr. Walker: He was tried and acquitted, and then tried over again.

Mr. DAGLISH: Mr. Behan was not tried, but was found guilty without trial, and on appeal a trial was held at which he was honourably acquitted; and the motion to-day was not an attempt to have the case renewed but was an attempt to have the acquittal registered and enforced. The member for Kalgoolie (Mr. Keenan) had made a great deal about the supposed fact that Mr. Behan had resigned without protest. That was not the case. Mr. Behan could not be said to have resigned in essence, because resignation as an act was voluntary, and Mr. Behan's instruction was to hand in his resignation or be dismissed. Under the compulsion Mr. Behan had written out a resignation, but this not being couched in proper phraseology in the view of the Superintendent of Prisons, had to be re-written in different substance. The Attorney General had pointed to the fact that it was difficult to remember. This was also shown at the inquiry before the Public Service Commissioner, because the Superintendent of Prisons, although able to remember conversations, was not able to remember whether two resignations were written out. The Public Service Commissioner had drawn attention to this want of memory on the part of the Superintendent. However, it was not the business of any member of Parliament to go into the details of the case. To form an opinion, members must read those details for themselves with unprejudiced minds. It was a pity the issue had been confused. The plain issue was: when the Govern-

ment gave an unbiased inquiry and established their own tribunal should the Cabinet treat that tribunal with respect; should they honour the judgment of the body set up by themselves, or simply transfer the judgment to the waste paper basket?

The Attorney General: This is an appeal.

Mr. DAGLISH: No. That was where the Attorney General and the member for Kalgoorlie had misled the House, perhaps unintentionally; because they had led the House to believe this was an appeal. It was no appeal; it was simply trying to get the Executive to act on the verdict already given. That was the point the member for Kalgoorlie had slurred. That hon. member objected to the House sitting in review on a question like this. It was because one objected to the Government sitting in review on the matter that the motion was submitted. The Government had appointed the Public Service Commissioner to take sworn evidence and to have the opportunity of seeing the demeanour of witnesses, which opportunity had, apparently, settled the inquiry before Mr. Lilly; yet members of the Cabinet, many of them not having seen the file, not possessing the knowledge the Public Service Commissioner had, nor having had an opportunity of observing the demeanour of witnesses, decided to upset the verdict of the tribunal they appointed. And Mr. Sayer, with or without a brief, had written a review of the Commissioner's finding and of the very words in which the finding was couched. As the member for Kalgoorlie had said, Mr. Sayer would not be wilfully a party to injustice to anyone inside or outside the public service, but Mr. Sayer suffered from ordinary human fallibility. A man who was an advocate on one side of a case could not immediately afterwards cease to be an advocate and give a fair opinion on the judgment. Yet that was the position in which Mr. Sayer was placed, and it was an unfair position in which to place him. It was impossible for any advocate losing a case to immediately afterwards write an impartial summary of the judge's decision.

Mr. Heitmann: It was not fair to ask him.

Mr. DAGLISH: Nor was it fair to the person appealing. The Attorney General had made a lot of lengthy observations with apparently no particular purpose except that of educating the person making them. The hon. member had set out to find out what were the facts of the case, and as he could hardly expect the House to wait until he had read the evidence, had read it out to the House, educating himself as he went along, not unnaturally finding his education woefully incomplete at the end. He (Mr. Daglish) had no desire to follow that precedent. His desire was simply to read the judgment unclouded by any of the surrounding comments, whose inclusion he regretted, because they had afforded another opportunity of dragging the attention of members away from the point at issue. The judgment of the Commissioner apart from the verbiage that helped to confuse the issue, was—

"Your Commissioner is therefore of opinion that the charges made against Mr. Behan are not only unsustained but are probably also untrue. Your Excellency's Commission directs your Commissioner to investigate fully into the causes and circumstances surrounding the retirement from the public service of ex-warder F. M. Behan. He therefore begs to state that in his opinion the inquiry held by the late Mr. Lilly, J.P., the result of which was that Behan was compelled to leave the service, was a most inadequate one, and that it was inevitable that it should be questioned if the nature of it became known."

The whole of the finding was comprised in the sentence—

"Your Commissioner is therefore of opinion that the charges made against Mr. Behan are not only unsustained but are probably also untrue."

If we were to have regard to the feelings of those who made the charges, we must equally have regard to the feelings of those against whom the charges were made. We must feel some degree of sympathy towards a man who for seven

years had been walking about under the shadow of a charge which cost him his living as a public servant, and which was not only unsustained, but also probably untrue. A deal had been said in regard to the delay, but that was in no way the fault of the accused, who kept clamouring for an inquiry until the matter went before Mr. Jull. The accused got his inquiry eventually, and cheerfully agreed to accept whatever finding might be arrived at as one against which he would make no appeal. He was prepared to bow to the decision if it were adverse. When the decision was given Behan thought the vindication would carry the natural consequences; first of all that the decision would be published—it never had been—and then that he should be reinstated, a course necessary in order to vindicate fully his character in the eyes of those who knew him. That idea had not been realised. He hoped members would set aside all feeling of prejudice in favour of or against public officers, or in favour of or against either party, that they would forget the persons, and in doing so render justice. He did not ask that harm should be done to Mrs. Hillyar, but merely that justice should be rendered by the House to a man who had suffered without deserving to, justice to a citizen who had so long laboured under an undeserved stigma. He hoped the motion would commend itself to members.

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

Ayes	..	..	..	19
Noes	..	..	..	21
				—
Majority against	..	..	..	2

#### AYES.

Mr. Báth	Mr. O'Loughlin
Mr. Collier	Mr. W. Price
Mr. Daglish	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Underwood
Mr. Heltmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy
Mr. Johnson	(Teller).

#### NOES.

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

Question thus negatived.

### MOTION — AGRICULTURAL MACHINERY, STATE MANUFACTURE.

Mr. HEITMANN (Cue) moved—

*That in the opinion of this House it is desirable that, in order to assist the farmers and at the same time provide work for people within the State, the Government should at once undertake the manufacture of agricultural machinery.*

He said: In introducing the motion standing in my name I desire first of all to make it as clear as possible to members that I bring it forward entirely without party feeling. I remember some few nights ago, when discussing the question of the civil service, I was accused by inference of pandering to a certain section of the community. Although representing a mining constituency I believe it is my duty, as it is that of every member, to look beyond the particular industry upon which my electors depend, and view rather all the industries of the State. We all know we cannot depend on any one industry for the future welfare of Western Australia. Although representing, as I do a mining constituency, I am one of those who believe that agriculture will, before many years have passed, be the chief industry of the State, and the chief factor towards the welfare of Western Australia. As one who has had, perhaps, a bitter experience in the mining industry and while prepared to admit that Western Australia has a great deal to thank the mining industry for, I shall welcome the time when we can remove our mining population on to the

agricultural lands of the State. I think that because, from my experience, I know the mining industry is one that, while giving great returns to Western Australia, and while giving great returns to some individuals in and out of this State, is not what one might call a permanent industry, and does not benefit to any great extent the workers in it. Therefore, I have come to the conclusion that we must look to the agricultural industry for the future welfare of the State. I am prepared to go even beyond the lengths of some of the agricultural members themselves in assisting that industry. The farming industry has been fostered to a very great extent, and that fostering is justified, as will be realised in a few years.

Mr. Gourley: Fostered at the expense of the mining industry.

Mr. HEITMANN: That may be so, and by the motion I am now moving I will assist the farmers to an even greater extent, but in this case without asking anything from any other industry. My proposal is that the Government should undertake the manufacture of agricultural machinery. It might be said that this work should be left to private enterprise, but I would say in reply that if it is good enough to assist the industry with the funds of the Savings Bank, which belong to the people of the State, it is good enough to go further and assist the industry by providing it with agricultural machinery at what I believe to be a fair price. We assist the settler in various ways, for we have very liberal land laws, we give him the assistance of the Agricultural Bank, we are prepared from the moment he goes on to the land to lend him money from the bank on the work he does on his selection. We have been forced to do that simply because private enterprise was not prepared to give the assistance the Government now provide. If it is wrong to assist these settlers by giving them agricultural machinery at a reasonable cost, it is also wrong to assist them with the funds of the Savings Bank. Instead of following the proposal of the Government as outlined by the Minister for Lands, when introducing the Agricul-

tural Bank Act Amendment Bill the other evening, whereby special grants are to be made for the purpose of enabling the settlers to obtain agricultural machinery manufactured here, it would be better to devote our attention to the price agriculturists have to pay from the funds of the Agricultural Bank or otherwise for machinery obtained from the manufacturers in this or the Eastern States, or beyond Australia. After travelling through various parts of the State and discussing the question with the farmers, I am satisfied that the price charged for agricultural machinery is far beyond what it should be. The other evening the member for Swan gave us an outline of what he thought was the initial cost to a farmer in providing himself with machinery when going on the land. That hon. member set the sum down at about £270 for a start.

Mr. Bath: That was to pay the cash instalments.

Mr. HEITMANN: The member for Swan, when discussing the question of agricultural machinery said the initial outlay for agricultural machinery, including horses and plant, generally was £270 to start with.

Mr. Jacoby: It is over £500.

Mr. HEITMANN: We will take £275 as being the initial expenses.

Mr. Jacoby: The machinery would cost £225 alone.

Mr. HEITMANN: My desire is to assist the men when I think they should be assisted, and that is the period when it is stated they require machinery to the extent of over £200. I want to make it as easy as possible for the man going on the land to make a success of his undertaking. I think that the life of the farmer as compared with that of the miner is an ideal one. The farmer in his occupation has something to look forward to, he has some ambition, and also some security, which is not the case in mining and other industries. I am quite prepared to go a long way to assist that man in settling on the land and to assist him when we have put him on the land. With reference to the manufacture of machinery under the provision of the Agricultural Bank Bill now before the

House, we provide that payments of something up to £100 may be made by the bank for the purchase of machinery manufactured in the State. I am of opinion that even this will not induce manufacturers to start operations in Western Australia. We are forced to the position that for years, ever since Federation, one might say, although I do not altogether blame Federation for this state of affairs, comparatively few manufacturers have remained in Western Australia, and I believe it is true that some of those big firms which had branches in Western Australia, since the removal of inter-State duties have transferred their works to Melbourne, and are manufacturing there on a bigger scale. That is only natural, and instead of looking forward to the time when a private individual will start manufactures, I think the only way we are going to give agriculturists assistance in this direction is by the State itself manufacturing the machinery. We will be giving farmers machinery at a fair price, at about 40 per cent. less than they are paying at the present time, and we will be creating a better market for their produce, and we will also provide work for our own people. We are complaining of the very small increase in our population, and at the same time the farmer complains of it. Yet if we want to buy a plough or a harvester, or a drill, it is ten chances to one that the man who is complaining of want of population sends to America or to some other part of the world for machinery. I want to get over that difficulty, and I believe it can be got over.

Mr. Jacoby: A lot of these machines are covered by patent.

Mr. Gordon: If you have not the patent you cannot manufacture the machinery.

Mr. HEITMANN: We can get patents and manufacture for less than the farmers are paying at the present time. I will show later on the cost of manufacturing these implements, and the estimated cost given by an expert who was appointed by a Royal Commission in Victoria, and I will also give the prices charged to the farmers in Western Australia and other

parts of Australia. It may be suggested that we cannot compete with these big firms. It is well known that they produce in great numbers. The Sunshine Harvester Company in Victoria has a huge factory and its output is very considerable. I will say that it will be almost impossible for a small manufacturer to start in Western Australia and expect to be able to compete with such a firm in the Eastern States. The Minister for Lands when introducing his Bill, commenting upon this aspect of the question said that he desired not to centralise, not to have one factory in Perth, but he wanted to see agricultural implements manufactured in the various agricultural towns throughout the State. If he gave a second thought to that question he must see that it was absolutely impossible for a small manufacturer to compete with the big people in other parts of the world. It would be impossible for a man to start say at Northam and turn out three or four, or a dozen agricultural implements a year. It is well known that the success of the big firms depends entirely upon the number of implements they turn out and sell during the year. There is no doubt in my mind that the State can compete with outsiders, and there is no argument against the State manufacturing as far as the cost of production is concerned. This argument has been applied to the construction of railway rolling stock. The Premier himself has argued that the Government can build rolling stock cheaper than a private contractor can, and this has also been proved in connection with the manufacture of pipes at Fremantle.

Mr. Daglish: At Subiaco.

Mr. HEITMANN: We were paying the manufacturers at Subiaco a certain price for a mile of pipes, and we were able to get for the same price a mile and a quarter made at Fremantle. That is according to the evidence obtained by the Royal Commission. The same thing applies to Government contracts in this State. I was told by a public servant only recently that during the time some big works were being constructed at Midland Junction the Government were paying £14 a ton for lattice-work girders, and they desired to push the

work on and they let some of it to contractors. They were really paying a little over £7 to their own men for doing the work, and the part let to contractors cost this State something like £14 a ton.

Mr. George: Were they paying £7 for wages, or did it include material?

Mr. HEITMANN: I cannot say for the moment. I know it cost £14 a ton for private construction. The same thing applies to our railways, and there is not the slightest doubt that no private contractor can compete with the State in the construction of the State's own work. It is palpable that the difference between the Public Works Department and the contractor is the profit that must go to the contractor. There is one aspect of the question which I would like to dwell on for one moment, and it is that even in a contract like the construction of the Marble Bar railway—a work which in my opinion should not have been let by contract—we cannot get away from the fact that it is necessary to employ a Government staff there to supervise what is being done by the contractors' supervisors. Another thing I take into consideration is that when a contractor puts in a tender he has always a certain time in which to complete his work, and he can always allow a certain amount for the money he will earn in the shape of freights over the line until he hands that line over. When the Works Department are asked to compete and put in a tender they are not permitted to make allowance for what might be earned by the railway during the time it is under their control. Coming back again to the question of machinery, I find that during 1907 our imports into Western Australia were of the value of £84,000, and in 1908 we imported machinery to the value of £104,000. It shows that when we are calling out for population it is time that we gave some consideration to these matters, and just as the Minister for Agriculture is endeavouring to stop the importation of butter and other dairy produce it is time that we turned our attention to this question of manufacturing machinery. If the Agricultural Bank is prepared to advance to the farmers the sum of £100, will it guarantee the farmers that they will get their machinery at a lower price than they are

paying at present? It is almost a certainty that the prices will be regulated by the prices existing outside Western Australia, and it will mean practically the same as the farmers are paying at the present time. I would like to mention a few figures in connection with the cost of the manufacture of this machinery. A Royal Commission was appointed by the Federal Government to investigate the manufacture of agricultural machinery, and they found it was almost impossible to get what they believed to be a fair estimate of the cost from the manufacturers. At all events they found that the prices given to them by certain witnesses were quite different from the prices given by other witnesses, and particularly did they find that the manufacturer who manufactured on a big scale gave his price as much higher than the man who manufactured on a small scale. To get as near as possible to the actual cost of production of one of these machines, the Federal Government asked Mr. Woodroffe, the Chief Mechanical Engineer in Victoria, to purchase two or three of these machines and go into the question with Mr. Smith, the workshops manager at Newport, and find out what the actual cost was. It was found in connection with the Sunshine harvesters that the cost of labour was £26 10s. 5d., and the material £16 0s. 3d.; a total of £45. In connection with the International Harvester Company's machines, the cost of labour was £18 3s. 3d., and the material £15 0s. 8d., or a total of £35.

Mr. Jacoby: Any interest on capital?

Mr. HEITMANN: I will come to that in a moment. There is some doubt as to whether it was really given in connection with the estimate of the Newport workshops. It did not cover factory burden.

Mr. George: Simply labour and material.

Mr. HEITMANN: Yes. That was the estimate, allowing for the purchase of larger quantities of material and making a general allowance. The man who investigated the matter was thoroughly well versed in it.

Mr. George: Mr. Woodroffe is all right. What was the estimate?

Mr. HEITMANN: I will give the price which is charged to the farmer in different



parts, particularly in relation to Western Australia. The cash price in Perth from Gardner Bros. is £82 10s., that is Mitchell & Company's harvester. For the International harvester, Messrs. George Wills & Co. agents, the cash price is £76, while for the Sunshine harvester the cash price in Perth is £78 10s.

Mr. Butcher: It cannot be bought for that in Western Australia.

Mr. HEITMANN: I find I have made a mistake in respect to the Sunshine harvester, although the others are correct. Messrs. McKay charge for the Sunshine harvester in Melbourne £70; in Adelaide £77; in Sydney £74 10s.; in Brisbane £80, and in Perth £78 10s. That makes my case all the better. If it is said that you cannot purchase them at the price, then we must consider this printed evidence as being incorrect. We can only expect that these agents will make out as good a case as possible. We find that the cash price for the Deering harvester in Perth is £85. Messrs. Sandover & Co., agents for Messrs. McKay, charge £78 10s.; Messrs. Throssell & Company's price is £77, while Messrs. Wills & Co. charge £76 for the Deering harvester. Coming, however, to the price of drills, it will be seen that the same difference exists between the factory price and the price charged to agriculturists. It can be seen by hon. members in looking through this report of the Royal Commission that the price is altogether beyond what could be expected. While we admit that there are certain heavy charges in connection with selling, etc., I think when it goes to as high as 50 per cent. it is altogether beyond a fair thing.

Mr. Gordon: Is that with terms?

Mr. HEITMANN: No, that is the cash price. The interest charged for terms runs as high as 23 per cent. in the price of drills. I might say the manager of the workshops in Melbourne, the chief engineer, also purchased drills. He bought a drill from the Deering Company and one from the Mitchell Company. The price of the Deering International ran out, for labour and material, £17 6s. 7d., while that of the Mitchell Company was £19 3s. 11d. It might be interesting to turn over again and see what price is charged to the farmer. The

Perth price for a drill 13 x 7 is £35. On half payment with one bill they charge 34 per cent. interest; with two bills, 23 per cent. interest; and with three bills 20 per cent. interest.

The Minister for Works: For how long are the bills?

Mr. HEITMANN: This is taken as purchased on the first November, 1908. With one payment as on the 1st June, 1909, £37 is charged. They are charged 34 per cent. interest. Then with the payments extending over two years it runs to 28½ per cent.; for three years 24 per cent.; and for four years, 18 per cent.

The Minister for Works: There is something wrong there.

Mr. HEITMANN: That is on the cost of the machine. It is given here as the rates of interest on a Sunshine drill. In respect to Massey-Harris harvester you pay £73 on one bill due and you pay 27 per cent. interest on a two years' bill. They charge £82.

The Minister for Works: That is not 27 per cent.

Mr. Bath: He did not say per annum. He has given the figures as worked out in the table.

The Minister for Works: Well, they are wrong: it does not make 27 per cent.

Mr. HEITMANN: The report reads—

"It will be seen from the above statements that the rates of interest charged reach as high, in the case of stripper harvesters, as 27 per cent. for one promissory note, for two promissory notes, 17 per cent.; three promissory notes 18 per cent., and on four promissory notes 15½ per cent.; while in the case of drills for one promissory note it varies from 16 per cent. to 53 per cent., for two promissory notes from 13 per cent. to 28½ per cent., on three promissory notes from 16 per cent. to 24 per cent., and on four promissory notes from 13 per cent. to 20 per cent. It has been contended that these exceedingly high rates of interest are charged to cover risk through default of purchasers or those who fail to meet the promissory notes when they become

due, but your Commissioners would point out that in such cases an additional 10 per cent. is charged on all unpaid or renewed promissory notes. It has been further contended that there are some few cases where the purchasers fail altogether to complete their contracts. As an answer to such contention your Commissioners refer to the statement of Mr. L. H. Cowles, of the International Harvester Company, who, at page 101 of the evidence (Q. 2118), estimates all losses on the sales of harvesters for the year 1908-9 at 2 per cent. Your Commissioners are therefore of opinion that there is no justification for charging such high rates of interest. Mr. Davis, who has had 30 years' experience of the trade, states that a few years ago the rates of interest did not exceed 10 per cent. or 11 per cent. These figures prove beyond any possible doubt that selling these implements on terms at the high rate of interest charged is much more remunerative than selling for cash. With the present duties, if it were not for the terms sales, the importing firms would have to abandon the business of selling harvesters. Your Commissioners are of opinion that an attempt should be made to limit the interest so that it shall not exceed 10 per cent., which, in their opinion, is ample to cover interest and risk."

Then it goes on to give the statement of interests charged in the different parts.

Mr. Jacoby: What is the date of that report?

Mr. HEITMANN: It was ordered to be printed on the 30th July, 1909.

Mr. Jacoby: It is out of date.

Mr. HEITMANN: So far as the cost of selling and distributing machinery is concerned the report goes on to say—

"The evidence is clear that the cost of selling and distributing the stripper harvesters and drills throughout the Commonwealth adds greatly to the cost of the machines to the farmers, and in some seasons it is alleged that they run as high as 50 per cent. on the cost price. The rates usually range from 15 per cent. to 34 per cent.; averaging

slightly over 24 per cent. In your Commissioners' opinion this points to the necessity of the consumer and the manufacturer being brought closer together."

I think it is clearly to be seen by hon. members that it is desirable to bring, if possible, the farmer, the man who uses the machine, nearer to the manufacturer, and it seems to me the only way it can be done is by the State inducing the manufacturers here. It might be said that the private enterprise people are prepared to manufacture, but in view of the years we have had and the opportunities given them to manufacture here, it seems to me almost hopeless to expect that they will begin now. If it were possible to create manufactures in the small towns as outlined by the Minister for Lands, and at the same time give the farmers the machines at a small price, I would be prepared to support it by voting for the Bill and advancing the farmers certain moneys out of the Agricultural Bank to pay for the machinery, but I am satisfied it is impossible for the small man to compete against companies like the Sunshine Harvester Company and the Deering International Harvester Company. In fact, in the report of the Royal Commission it is stated that in a short time the whole of the harvester trade in Australia at all events will be in the hands of the Sunshine Company, and it will rest with that company to charge exactly what they like. In Western Australia they put on heavy charges. It costs as much as £7 10s. to bring a harvester to Western Australia from Melbourne, and it is something like £3 10s. on the cost of a drill. Altogether, it may be considered that the cost to the farmer is too high. A farmer told me that he is paying £103 for a harvester. Of course, that is on terms. The machines are built for something like £45 each; that is the Victorian machines. There is a good deal more work in the Victorian machine than in the American machine. There is about 5cwt. more material in it, consequently there is more work in it, and it costs considerably more than the American machine. They are turning them out in America at a much less cost. However, I am afraid, if some-

thing is not done in the direction I have indicated, very soon the cost of the machinery, instead of going down, will go up. It is often said that without the protection now in Australia machines would be cheaper, but it has been pointed out that this is not so, and that without State interference it is impossible to regulate the price. The machinery we get at from £82 to £100, according to the terms, is being sold in Argentine for £144, and there they have free ports, any machines being allowed in because there is no duty. This does away with the idea that competition will bring down the price. I am satisfied that when the Sunshine crowd get hold of all the trade the machines will be made more expensive to the farmers, and I move this motion to get the matter discussed by the Government and by members of the House, believing that the farmer is paying a great deal too much for his machinery. As I said previously, by giving the machines to the farmer at a reduced price it will assist him, and by manufacturing the machinery in the State it will provide work for our people, and at the same time a better market for our farmers. There is nothing to prevent the State from producing the machinery. The patents will not prevent it. The State can get the patents just as well as private people. If private people started here they would not have any advantage over the State. I am satisfied that unless the State begins the manufacture of machinery we will never be able to give it to the farmers at a cheaper price, nor will we be able to have it manufactured in the State.

Mr. BATH (Brown Hill): I second the motion.

Mr. BUTCHER (Gascoyne): I move—

*That the debate be adjourned.*

Motion negatived.

The MINISTER FOR WORKS (Hon. Frank Wilson): I can quite understand that every member of the House will be in sympathy with the member for Coo in so far as we wish to preserve the manufactures we have in Western Australia, and to extend them as far as possible. It seems to me that the only ques-

tion we have to consider is as to whether the means the hon. member suggests in the wording of this motion are those that will have the result we so much desire. I candidly admit that I have not had the opportunity of reading the report of the Royal Commission from which the hon. member quoted so extensively and, therefore, have no figures before me in order to come to a correct conclusion as regards the costs and selling prices the hon. member quoted, but I must at once cast great doubt on the figures the hon. member gave us, more especially as regards the rates of interest charged for extended accommodation in connection with the sale of agricultural implements. When the hon. member was speaking I pointed out by interjection that the difference he mentioned—the increased prices he mentioned as being charged for harvesters on terms in contradistinction to the prices charged when cash was paid—did not reach anything like the percentage he quoted as being the percentage mentioned in the report of the Royal Commission as charged for that accommodation. I took note of the costs the hon. member read out in regard to the construction of these machines, and the conclusion I came to, with regard to the Sunshine harvester at any rate, was that the selling price in Perth seemed to be reasonable as compared with that in the other States, and also reasonable as compared with the costs. I have no feeling one way or the other in this matter, except that with the hon. member I would like to see the farmer able to purchase these implements at the very cheapest price possible, but I want to point out that we are not going to attain that end unless we can put up a stronger case than the hon. member has made to-night. For instance, the hon. member gave us the cost of a Sunshine harvester; labour £26 10s. 5d., and material £16 0s. 3d.; he made it out at £45; it comes to £42 10s. 8d. for labour and material. Those connected with the manufacturing industry, more especially engineering, will clearly realise there is a big item to be added to these large portions of the cost of construction; there are all the working expenses, the general

expenses of the engineering works to account for; there are depreciation, interest, lighting and rates; and the stock of tools has to be kept up, and there are a hundred and one different charges of an establishment to be added to these items of labour and material. The percentage generally allowed is 50 per cent. on the wages on construction.

Mr. Bath: That is a pretty liberal allowance; you cannot work that out on the Government workshops basis.

The MINISTER FOR WORKS: Yes, we can. I do not care what works the hon. member takes, in engineering he will find that it is universally the custom, though it may vary slightly, to charge 50 per cent. on the wages to cover the hundred and one different charges of the establishment.

Mr. Heitmann: If that is fair, the Sunshine Harvester Company are selling at a loss.

The MINISTER FOR WORKS: Will the hon. member allow me to work out my own salvation? He will have an opportunity of replying. If we add £14, or, if members like, £13 to the price to cover the very necessary charges, the management and other incidental charges to which I have referred, we get £56 as the works cost of the machine. According to the hon. members figures, the cost of bringing one of these machines to Fremantle is £7 10s.

Mr. Bath: That is what the machinery people charge, but it is not the cost.

The MINISTER FOR WORKS: I suppose it is what the shipping people charge. At any rate it is for delivery from the works to the port, for wharfage, shipping charges, insurance, agency, freight, and, I presume, also landing charges at this end; and I venture to think that £7 10s. is not very far out. It will cost very nearly that to get the harvester from the Sunshine works to the port of Fremantle.

Mr. Hayward: Wharfage is a big item.

The MINISTER FOR WORKS: Thus we have a total cost of delivering on the wharf at Fremantle, or into the warehouse at Fremantle, of £63 10s.; and if we

deduct that from the acknowledged selling price of £78 10s. the hon. member has given us, there is a margin of £15 for profit. I venture to think that no member in the House will say that £15 is too much profit on the sale of a harvester.

Mr. A. A. Wilson: The member for Gascoyne said that it cost £85.

The MINISTER FOR WORKS: I am quoting the figures as to the cost that the member for Cue gave us in his speech.

Mr. Hudson: Do you not prefer the figures of the member for Gascoyne?

The MINISTER FOR WORKS: I am taking the official figures the member for Cue quoted, and that is a fair basis on which to go. I say that £15 is not an excessive profit on the sale of a harvester at £78 10s., and it is not excessive to charge a reasonable rate of interest if one is going to give extended terms to the producer. I could not follow any more than other members the percentages the hon. member read out, because to say a promissory note costs 20 per cent. means nothing, as it depends on the currency of the note, on how long it has to run. If it is for 12 months or two years, then of course, if 20 per cent. is charged the rate per annum will be reduced accordingly; and if it is spread over three years, as the member for Kanowna interjected, 20 per cent. would only mean six and two-thirds per cent. per annum, which is very reasonable. I have had considerable experience in selling these harvesters. Some years ago in Queensland I had, in the course of my occupation, to handle the Deering harvester, one of the machines referred to by the hon. member. I remember that we then purchased these machines at £55, *c.i.f.*, Brisbane. We put them into our stores, erected them, and then sent them out, of course accompanied by an expert, who put the farmer into the proper way of handling and managing the machines, and we sold the implement at £75. That may appear rather a big profit, certainly it was larger than this one.

Mr. George: Was there any duty?

The MINISTER FOR WORKS: No, the price I mention was the price landed

at Brisbane. We had a profit of £20. After several years of handling the harvesters the firm I was with were only too glad to throw the business over. We found we had to keep an expert continually going in and out of season, at a high salary, while his travelling expenses were no mean item. By the time he had sold one of these machines, had spent a day or two in one centre, and three or four days in another, showing how the machines were to be managed, and by the time we had given extended terms for two or three years, and made scores of bad debts, it was a losing transaction.

Mr. Angwin: How long ago was that?

The MINISTER FOR WORKS: Twenty years ago.

Mr. Angwin: It was a new machine then.

The MINISTER FOR WORKS: The principle is the same whatever machine is in question. My personal experience went to show that the £15 or £20 profit on the machines of this description left no profit unless there was a very large turnover. This was owing to the facts I have already enumerated. The member, in bringing forward this motion, included generally the principle of State construction of all manner of things. He believes that the State could construct cheaper and to better advantage than a private individual. I must join issue with him on that score, and say at once that while I am every bit as anxious as he that we should assist the farmers, yet I do not for one favour the carrying of a motion of this description, which is to affirm the principle that the State should indulge in competing generally with its own citizens.

Mr. A. A. Wilson: Why not?

The MINISTER FOR WORKS: I do not believe we could ever build up an honest, self-reliant people who will do the best for themselves, and by so doing do the best for their country, if we invoke the aid of the State to compete with the citizens. I have voiced this idea on hundreds of occasions, and I venture to think members will not form an opinion that is sure to work detrimentally to the country. One might just as well say the

State should establish saw-mills in the timber districts, take over the mining industry and work the mines, and do all work in connection with the erection of buildings. If the last-named were done the occupation of my friend, the member for Guildford, would be gone. The State might go still further. If we are to be State-owned entirely, we should have our own gang of lawyers, who would appear for the citizens when charged in the court for being disorderly, and run all the farms of the country under State supervision and control, and for the general benefit of all. What a happy people we would be. I venture to think that out of the 50 members of this Chamber there would not be more than one left in 12 months' time, for 49 would have packed up their bags and cleared off to the next country where there was no State enterprise, but where there was scope for their individual energy and ability.

Mr. Walker: But the State would own all the ships and would not take them away.

The MINISTER FOR WORKS: I am afraid to think what would happen then. I believe the hon. member would annex the "Lady Forrest" at Fremantle and, with his colleagues, leave the State in her. We should have to invoke the aid of the Federal Government and get them to send a man-of-war after the hon. member and bring him back, and we should be compelled to keep him for a year or two at the State's expense. The member for Cue said his motion was in favour of the farmer, and was with the object of assisting the farmer, and at the same time providing work for our own people. I do not think the establishment of a State factory of this description is going to assist the settlers any more than the scheme, or even as much as the scheme, projected by my colleague, the Minister for Agriculture, the other evening. I do not think any stretch of the imagination can make us believe that a State establishment of this description will extend any further employment to the people than private enterprise manufacturing implements of this description within our borders. To my mind we should direct

our energies into the channel which will assist the farmers best, and in doing that I think the other result hoped for will be achieved. First of all if we start a State factory here, does that mean that our farmers are going to be in a better position to pay for the implements they require so badly? No, I do not think it will. Therefore, we should concentrate our efforts in putting farmers into the best position to pay for the machinery. They have to pay for it whether the State or private enterprise provides it. The foundation of the whole question appears to be the ability of the farmer to pay for the implements he requires. My colleague suggests we should start by putting the farmer into that position. He desires power to utilise the Agricultural Bank funds so as to enable the farmer to buy his implements as he requires them, and further, that he should be able to buy them at the cheapest possible price, as he will have the cash to pay for them.

Mr. Walker: It is provided that he must only buy implements manufactured in the State.

The MINISTER FOR WORKS: I think I have made it clear from my own experience that the loss sustained in this business of selling agricultural implements is due first of all to the heavy cost of having to send experts into the country to sell them, and secondly to the extended terms of payment that have to be given and the consequent bad debts. It must be understood that when a reaper and binder is sent to a farmer it is in nine cases out of ten neglected by the individual who purchases on the time-payment system, and the implement depreciates in value some 50 per cent. in the first year or two. In three years probably 50 per cent. of the machines sold are merely scrap iron and would not bring £5 each if sold. Very few farmers know how to look after their implements. One cannot sell these machines on narrow margins of profit because of the huge expenditure to which I have referred. If that could be done away with the position would be very different. My colleague proposes to do away with it by providing

the capital. He says to the farmer, "I will provide you with £100 for the purchase of a harvester, if you want one, a reaper or binder, or a plough or drill; you can have the cash and you can give an order on the bank to the manufacturer, who must be in Western Australia." By that scheme the manufacturer is able to quote the bed-rock price. It is also proposed that there shall be regulations to stipulate the maximum price, which shall not be exceeded. Under this scheme the manufacturer will be sure of his cash and can quote a low price to the farmer.

Mr. Heitmann: You transfer the risk from the manufacturer to the State.

The MINISTER FOR WORKS: Only to the extent of £100, and the State has the security of the man's property which is a much greater security than the value of the implement.

Mr. O'Loughlin: Who has to fix the bed-rock price?

The MINISTER FOR WORKS: I did not say the bed-rock price, but the maximum. The argument has been used that a State factory should turn out better work than a private manufactory. I wish to emphasise the point, as expressed by the Minister for Agriculture, that it is much better for us to distribute this work, if we can, throughout the different agricultural centres than to have it concentrated in one State factory in the metropolis or port. It seems to me also that it is to the advantage of the country, and a right that our small manufacturers can insist upon, to have this trade in their hands and be able to extend their operations and get the benefit of such extension and expansion. We have many mechanics now at work, and among them are blacksmiths who could develop into mechanics and constructing engineers, and it is right that they should have the opportunity in the different centres throughout the agricultural areas of manufacturing these implements if they can be induced to do so. I believe it only requires careful handling, time, and patience when we will have these implements manufactured by the persons I have referred to. The next point that was made by the hon. member or a point he attempted to make, I

think, was that we will provide work for the people in the State. I want to argue that we provide much more work in the way I have suggested. At the present time we have not the skilled labour necessary to construct these implements, except the roughest kind of implements in the shape of ploughs, which an ordinary blacksmith can with a little attention and experience construct. To say that we can start straight away with a large factory and equip it from our own people at the present time to manufacture harvester machines is quite a fallacy, and I am sure we have not the skilled workmen within our own borders.

Mr. Swan: Would it not be easier to get them in one big factory than to have them employed in a number of small ones?

The MINISTER FOR WORKS: The member for Cue said that we would provide work for our own people, and I want to point out that to carry out his suggestion would mean importing skilled labour to equip these works.

Mr. Heitmann: That is what we want.

Mr. Bath: It is not necessary to import skilled labour.

The MINISTER FOR WORKS: At present we have not the labour that is accustomed to constructing harvester machinery as they have in Victoria, and in some of the other States and elsewhere. That portion of his argument falls to the ground. Another point which was suggested some time back, not by the hon. member but by others, was that we should call in the aid of our locomotive works, and indeed at the time it was suggested that the Fremantle workshops, such as they are, should be turned into a factory to construct machinery of this description. I do not know whether this has been put forward with any earnestness. It will be seen at once that such a thing is absurd. We cannot make harvester implements successfully with the class of machinery that we employ in the building of locomotives and wagons. The same thing applies to a pipe foundry, and to the repairing of machinery workshops at Fremantle. Hon. members must disabuse their minds of the belief that we have a plant in Western Australia capable of manufacturing these articles. There must be a special

plant for such work in order that the implements may be constructed with the greatest facility, and the greatest economy.

Mr. Swan: It should be as easy for the State to get new machinery as a private employer.

The MINISTER FOR WORKS: Perhaps easier, because the State can always command funds, even if it has to borrow for the purpose of equipping a factory, but it is easier for a State to have a number of its citizens gradually working up to a trade of this description to meet the demand and find out the right class of implement that is wanted, because I want to impress hon. members with the fact that the success of a factory of this description depends upon the standardisation of this work. Once you find out the plough that is going to suit the greatest number of farmers and standardise that plough you can turn it out cheaper and be sure of getting a ready sale for it.

Mr. Swan: I quite agree you are not likely to get uniformity in a number of shops as you are in one big shop.

The MINISTER FOR WORKS: You get a variety of brains to play upon the work, and you get the man who starts in a small way and feels his way, gradually ascertaining the requirements of his customers and eventually he overcomes the difficulty that originated over the first plough that he constructed. The same thing will apply to all machinery. If tomorrow we started a State factory on a large scale in Western Australia for the construction of these harvesters and other implements, the result would probably be failure. Certainly it would be a loss for the first two or three years. To my mind the result would be that eventually we would be glad to hand the works over to some expert individual who had more knowledge than we possessed ourselves. It does not follow because the State handles an industry that we are going to have the success that the hon. member prophesies, and that we are going to sell to the farmers any cheaper than they can purchase through private channels. What we want in the State is a number of factories, factories of every description, and it would be dealing a death blow to the enterprise, the ambition, and the as-

pirations of our own citizens if we were to start a factory of this description, and thus indicate that the State was going to undertake such works. I venture to think that it would knock the heart out of the small mechanics I have referred to, and who might have been looking forward to the exercise of their abilities and to this as an avenue for the expansion of their industry. We have works, I know, in Northam. I believe there are other places too where there are blacksmiths who are now taking up largely the repairing and overhauling of these implements as they are sent in by the farmers. It is only a step from repairing to manufacturing, and it only wants the initial difficulty which has been the ruination in other States to be overcome, where there will be a general expansion in the direction indicated. The main thing is that we should guarantee, as my colleague proposes to do, through the Agricultural Bank, payment to the manufacturer. The next thing is that we should do away with the heavy expenditure of selling, so that the farmers will go to the registered manufacturers who will be recognised by the Agricultural Bank, without these manufacturers having to engage expensive men and agents to seek the farmers and place orders. Once you get them in that position I venture to think we will be on the fair road to having a big industry established within our borders. In conclusion let me again emphasise this point that the Government is anxious to do what is right in this direction. The Government throughout the past three or four years, since we have had the honour of occupying the Ministerial Benches, have endeavoured to encourage wherever possible the establishment of industries within the State, and we intend to go on doing that, but we do not think for one moment that the way to encourage and establish these industries is to show the people of the State that the State is going to use their money to enter into severe competition with the individual citizens. I hope that the House will not agree to this motion on account of its tendency to affirm a principle which I do not think the country demands at the present juncture.

Mr. BATH (Brown Hill): The Minister for Works in his desire to reply to the arguments of the member for Cue. I venture to say, has made out a most damaging case against the proposal contained in the amending Agricultural Bank Bill which his colleague the Minister for Agriculture has submitted to the House. He has practically, from his point of view or from the arguments he has used, proved that the alleged difficulty which is contained in the Bill is no difficulty whatever, because I say here that the amount of £100 to be advanced for machinery is of very little advantage to the farmer in the State unless we as members of this Assembly can also guarantee the farmer something more, and that is an assurance that his agricultural implements will be cheaper than they are to-day. That is the advantage the farmer is looking for, and this proposed advance of one hundred pounds without the other advantage will not be regarded with favour by the agricultural community in the State. With his usual cleverness the Minister for Works has made out what he probably will regard as a very plausible case against the figures advanced by the member for Cue. In order to point out how much greater the cost must be to the manufacturer of the agricultural implements, he has entered into an inventory of all those details which make up the factory burden, and by naming a great number of them he has tried to impress on hon. members that it must be a very large matter. If I were to adopt the same puerile style of argument, and were to start detailing all the different classes of labour required in a factory, and name the bolts, screws, and pieces and parts that are included in one of these machines, I could make up a big case for the cost which has been laid down by the member for Cue; but we have no need to accept the hon. member's assurance that the factory burden is 50 per cent. of the cost. The manufacturers themselves set it down at a lower minimum. As pointed out by the Commission they must have represented it as a bigger amount than it is because otherwise they would be selling the implements for less than the cost of manufacture. Mr. McKay, maker of the



"Sunshine" harvesters puts it down at 25 per cent.

The Minister for Works: Twenty-five per cent. on what?

Mr. BATH: Twenty-five per cent. on the cost of labour and material.

The Minister for Works: That is another matter altogether.

Mr. BATH: Mr. Mitchell maker of the Mitchell drill, also estimates it at the same percentage. Mr. Moore of T. Robinson & Co., Mr. May of May Bros., Mr. James Ferguson of the Gawler Implement Co., Mr. Henderson of Henderson Bros., Mr. Trigg of the Meadowbank Co., all state that the shop or factory burden is about 10 per cent. It was pointed out through the course of the inquiry that with a large turnover a factory charges must necessarily be reduced, and as all the manufacturers just mentioned are in a much smaller way than Mr. McKay, the Royal Commission were of opinion that 10 per cent. was a fair estimate. The Commission added:—

"If that amount be added to Mr. Smith's estimate of the value of the work and material in a 5-foot 'Sunshine' harvester the factory cost including factory burden may be fairly put down in round figures at £47."

The hon. gentleman then next proceeded to deal with the socialistic inclination of hon. members on this side of the House. Now we have gentlemen of socialistic inclinations on the other side of the House; but they are socialists who are pulled along by the ear. You talk to them of Government railways and they say they believe in that; you talk to them of an agricultural bank, and the Minister for Lands waxes enthusiastic about that institution, talks about the magnificent work which is done for the agriculturists, and the stimulating effect it has had upon the private banks of the State. Then again, when the Budget Speech is delivered we have an hon. gentleman dilating upon the excellent character of the Savings Bank. And so on. Every visitor who comes to Western Australia is trotted along to see the Goldfields Water Scheme; he is taken out to see the workshops at Midland Junction.

Probably, if he has time, he is taken down to see the State farm at Brunswick or at Narrogin. And where the State has already embarked on some socialistic experiment, or what is more than experiment, an established fact accepted by the whole of the State, we find Ministers speaking in glowing terms of our socialistic institutions. But they say "We are socialists so far, but in other socialistic propositions you bring forward we are deadly opposed to them." And we find them rising up in arms and using all their eloquence to stem the tide of socialism. But I will undertake to say that ten years hence—and that is not a long period—we will find these same hon. gentlemen accepting other instalments of socialism with the best faith in the world, and pointing out what a magnificent thing it is for the country; but to anything not socialised at that time they will still be the same bitter opponents as they are to-day. I say if these things are good—and they are accepted as good by the majority of the House—it is a fairly reasonable argument that departure by the State in other directions—especially where private enterprise has failed to give relief to those most intimately concerned—is a course that the State or Parliament or those charged with the administration, can reasonably adopt. In trying to make out a case for the harvester companies, and trying to make out a case for the manufacturers and a justification for the prices charged at the present time, the Minister for Works has not taken a certain very important fact into consideration. I say the Minister has sought to justify the manufacturers in regard to the prices they charge for implements to-day. He has argued very plausibly in favour of these manufacturers in order to prove that they are only taking a reasonable profit. Now I want to point to one fact, which, in my opinion is responsible for the very great disparity between the price of the machines sold, and those set down by acknowledged experts as the price at which they can be turned out of the factory. It is that we have the agents crossing one another. In any one district you

will find half a dozen agents selling rival implements and crossing one another's track. It is just the same with any other business in the metropolis to-day. Take the milk supply. Take the street in which I live; you will find there half a dozen milkmen crossing each other's track, one serving one customer, one serving another. It is precisely the same in regard to other lines of every day use and in regard to agricultural implements. These people are continually overlapping, and the cost of their overlapping has to be found out of the price charged to the long suffering consumer. Now we are told, and it is a new doctrine, probably brought in specially for the occasion, that this proposal for the State manufacture of implements is not desirable because we want to distribute the manufactures, and to decentralise the business of manufacturing implements in order to give each centre a chance. This is an entirely new doctrine from the Government benches. We do not find them proposing to establish railway workshops for the manufacture of rolling stock or railway requirements in different centres throughout the State. The practice has been, wherever possible, to concentrate not only the manufacture but the work of repairing into the central workshops; and only where it is absolutely necessary are branches retained in centres outside the metropolis. In this connection I want to point out that the private manufacturers not only in this but in other lines are setting an example in regard to the concentration of manufacture. Take those countries from which are derived the bulk of the agricultural machinery of the world, namely, the United States, and Canada. They are practically under the control of the International Harvester Company, and you will find that works all over the country were closed down when the trust was formed. It is just the same in connection with the paper mills and in the manufacture of fabrics. In every direction as soon as a trust is formed and the various firms combined into one trust you find factories closed down in different parts of the country, and the manufacture as much as possible concentrated in one factory. You will find in the steel trade that

they have gone to the extent of erecting a great town in order to concentrate the manufacture of steel under the operations of the steel trust in America. The same, too, in other directions. And even if under private enterprise we were to have small factories established in different parts of the State, I am satisfied in my own mind that they would be unable to compete with, say, the Sunshine firm, which would be able by its concentration of manufacture to undersell. The hon. member for Cue in dealing with this question has referred to the fact that the Sunshine Company is likely to secure the control of the manufacture of agricultural machinery in Australia; but I say that the firm likely to secure that control is the International Harvester Company. From the commercial columns of the *West Australian* I have taken a paragraph which appeared some months ago. In this it is stated that this company controls two-thirds of the output of the harvester machinery of the world, and that their chief customers are the Argentine, Canada, Russia, and Australia.

Mr. Jacoby: They have cheapened the cost of machinery.

Mr. BATH: Certainly, but not necessarily to the purchaser.

Mr. Jacoby: Yes.

Mr. BATH: I doubt that. They have not necessarily cheapened it to the purchaser. If they have cheapened it it is only in pursuance of their usual practice of cheapening it for the purpose of putting rival firms out of the way in order ultimately to secure the entire control. We know that the Standard Oil Trust cheapened the cost of kerosene in order to drive their competitors off the market, and ultimately they not only secured the control of the trade in the United States, but throughout the whole of the world. To-day they practically make it impossible for the kerosene oil industry in the Eastern States to develop into anything like a proposition of importance. Later on they will probably be able to assume control of that industry, and then the trust will work it in conjunction with their other operations in other parts of the world. To show what profits there

are in connection with this manufacture of machinery: this same paragraph pointed out that for 1908, I think it was, the company's sales totalled £14,798,521; their net profit was £2,637,797. I have worked that out roughly at 18 per cent. on their output. That does not go to show that it is an unremunerative industry.

Mr. George: That is the net profit?

Mr. BATH: Yes, the paragraph was in the *West Australian* of June 28th of this year.

Mr. Jacoby: What was the capital?

Mr. BATH: Of course the capital is nothing like that 14 million pounds. In order to show what the result of State manufacture in regard to machinery and the requirements of the people is likely to be, we have the report, not only of the department but of the Royal Commission on the manufacture of locomotives in Victoria. It was there proved that the saving to the department, under the tender of the Phoenix Foundry Company, was £1,539 on each locomotive: and the evidence adduced was so convincing that Mr. Irvine, than whom there is no greater advocate of private enterprise in Australia, said he was so convinced of the result of the Commission's investigations that he was a strong supporter of the manufacture of railway requirements at the Government workshops in Victoria.

The Minister for Works: What became of the Phoenix Foundry?

Mr. BATH: I am going to deal with that question. I want to point out to the Minister for Works that I look on this question, entirely from the point of view of the welfare of the people. I object to the silly prejudice which so many people have, that because a thing is socialistic, they must oppose it. I say anything that can be proved by experience to be advantageous to the people should be accepted, no matter what it is called. If for instance, by the State manufacture of agricultural implements in Western Australia we could supply not only a cheaper article but, what is of greater importance, a more durable article, then I would not care if the Minister for Works called it nihilism or anarchism,

I would support it. The name would not matter one jot to me so long as by experience it was proved to be advantageous to the people. Next we come to the argument of the Minister for Works that we have no mechanics in Western Australia with sufficient skill.

The Minister for Works: I was pointing that out in reply to the member for Cue.

Mr. BATH: I want to do entire justice to the Minister.

The Minister for Works: Then you are not doing it.

Mr. BATH: The Minister pointed out that we have no mechanics here to undertake the manufacture of agricultural implements, and I undertake to say there are plenty of mechanics in Western Australia just as skilled and competent in the particular branches of the trade that would be required as there are in other parts of Australia or of the world. It may be true that we would require to get special instructors or a certain number of men with skill in this line, but I want to point out to the Minister that the private employer would have to do exactly the same thing. If, as the Minister says, they are not here at present, then the private manufacturer would have to bring them here just the same as the State would have to do.

The Minister for Works: They are working themselves in the trade, say as blacksmiths or working mechanics, and they would not come here.

Mr. BATH: Now the Minister says they are here and that we would have to import them.

The Minister for Works: You are very clever!

Mr. BATH: Which story are we to believe? I am afraid the Minister is something like the Attorney General, who picks out his arguments as he goes along and makes a very bad fist of it. I support the motion, because I have had the opportunity of coming into contact with those who are on the land, not those who are in possession of a great deal of capital, but those who are having a hard struggle and who have had a still harder struggle in the past; and to them this

is a question of great importance. The price they have to pay for their agricultural implements has the effect of crippling them for years; and as I said before, to lend them £100 with the necessity of providing terms for the balance of the money necessary to purchase machinery is not going to be a great advantage to them. It is true I agree with the Minister so far that if the machinery is manufactured in Western Australia it will be some slight advantage; but I say we want to go further, and that we want to look at the advantage to those whom we profess to benefit; and I am satisfied that from the experience we have had in other directions—experience which has been tested for a number of years—the State which can manufacture its railway requirements and produce a better finished article and a more durable and cheaper article than that imported can, I believe, also produce a better agricultural implement, more durable and more satisfactory to the agricultural community, at a cheaper rate than is done by private individuals now. That being so, I consider it is something that would be of advantage to the agricultural community; and though I do not represent an agricultural constituency, I am prepared to support the motion, believing it will have the result I have stated.

[*Mr. Daglish took the Chair.*]

Mr. JACOBY (Swan): The difference between the views held by the hon. member who has just spoken, and the views held by members on this side of the House with regard to State enterprise, is that members on this side are anxious to develop the services of the State for the purpose of assisting the individual, whereas members opposite, according to their theories, are anxious to develop the services of the State in order to supplant the individual.

Mr. Bath: You are entirely wrong.

Mr. JACOBY: That is the impression I have formed. The member for Cue stated that in every instance the State could do better than the individual. When the Minister for Works pointed out the various directions in which the hon. mem-

ber's theories would take him, I think the hon. member assented to the proposition then that the State should run the farms.

Mr. Bath: I have never assented to the proposition that we advocate State enterprise to supplant the individual. Our idea is to give the fullest development to individual capabilities.

Mr. JACOBY: In other directions I have heard the hon. member urge his theories to supplant the individual. The hon. member who moved the motion said that in every direction the State could do better than the individual, and he was anxious to extend in those directions. It is peculiar that whenever we hear these arguments there is only one deduction that can be made, that is that members opposite wish to go in entirely for socialism. At any rate, the essential difference between members on this side of the House and those opposite is that we wish to utilise the services of the State as far as we possibly can to stimulate the enterprise of the individual.

Mr. Bath: That is certainly our object.

Mr. JACOBY: So far as the theories of the hon. member are concerned, I am afraid I have possibly not been able to understand them, but the hon. member wishes to extend the services of the State in all directions so as to practically supplant the individual and to make every man in the State a man working for wages, whereas the policy on this side of the House is to make every man his own boss, to allow every man to raise himself to the position of working for himself instead of working for other people. I agree with the mover of the motion that there has been a good deal of cause on the part of the farmers for complaint at the price of agricultural machinery, and I listened with interest to some of the figures he quoted from the report of the Commission that sat in the Eastern States some time ago. I do not know whether it is a result of the work of that Commission or from some other cause, but at any rate the price at which agricultural machinery is now available to farmers in the State is certainly considerably cheaper than the prices mentioned

by the hon. member. I regret the House did not agree to the adjournment of the debate so that some of us might have had an opportunity of getting the actual figures. I am quoting from memory, but I think I am nearly correct in saying that the Sunshine harvester, so frequently quoted, sells here for cash at £85, and on terms extending over three years for £96; so when the hon. member quoted some high rates of interest charged on the machinery he must have been speaking of conditions that existed some time ago, because certainly they do not exist in the State to-day. Perhaps the Government have given the hon. member some justification for moving his motion because of the twopenny-halfpenny scheme proposed in the Agricultural Bank Act Amendment Bill for the purchase of machinery. As I pointed out when speaking on that Bill, the £100 proposed to be advanced to farmers is absolutely inadequate. The farmers will deal partly with the Government and will have to finance otherwise for the rest of the machinery.

Mr. George: Not to start with?

Mr. JACOBY: Yes. I showed the other night that if a man wishes to harvest 100 acres of wheat it will cost him in machinery alone, on a cash basis, £225, in addition to which he must have horses, horsefeed, and harness.

The Premier: They do not call horses and horsefeed agricultural machinery.

Mr. JACOBY: No: I am saying that for machinery alone on a cash price the farmer to start with will have to pay £225, and that is without horses.

Mr. Scaddan: And machinery without horses is no good.

Mr. JACOBY: If the Government are going in for a scheme to help the farmers they should help them altogether over the initial part of the work, and not go in for this twopenny-halfpenny scheme. The member for Cue perhaps forgot, when referring to the possibilities of the Government manufacturing this machinery, that a good deal of the machinery that is popular in this State is covered by patent, and though the Government might manufacture a good deal of mach-

inery, it would be quite another proposition to get the farmer to use it.

Mr. Bath: The private manufacturer has to provide for the patents.

Mr. JACOBY: Anyone knowing anything about these things knows that every little man who starts to manufacture a plough frequently does so with his own patent. All the large plough-manufacturing establishments built up in Australia have been started in a small way.

Mr. Heitmann: Can you tell the difference between a Sunshine harvester and a Deering? Can any man tell it? It shows that patents do not affect it a great deal.

Mr. JACOBY: There are other things besides a harvester that are required. For instance, the Oliver plough, which is largely used in this State, could not be manufactured here. It is made of a special steel and is of varying qualities for special conditions of soil, and those who use the plough would not use any other. And so on with all classes of machinery. If a man uses one class of harvester he will stick to it providing it gives him satisfaction. The farmer cannot afford to experiment; when he uses a machine he will continue to use it. Does the hon. member suggest that the Government are going to turn out better harvesters than the Sunshine or any other harvester put on the market in this State? I question very much whether they can do it quite as cheaply. Workmen in Government departments work under certain conditions.

[Several interjections.]

The DEPUTY SPEAKER: I must ask hon. members to stop these constant interjections.

Mr. JACOBY: We have had frequent instances of cases where, under tremendous provocation, some foreman in the Government has dared to dismiss a man, and we have had all sorts of courts of appeal, and Parliament has been frequently appealed to in order to interfere because some poor Government servant has been dismissed. We all know that the successful management of any industrial concern depends largely on the man in charge, and that it is impossible for the man to work successfully unless he

is given absolute power to employ whom and how he likes, providing wages and hours are properly attended to. No one admits that a man dismissed from private employment should bring his case before Parliament, yet here we would be creating, in these new works that are proposed, employment for a great number of civil servants who will be placed on an entirely different plane to the ordinary individual.

Mr. Bath: Private employers have often had to take on a dismissed man again.

Mr. JACOBY: I hope members who bring these cases before the House will remember the great body of taxpayers who have to submit to dismissal without cause, who have to accept it, and who have no one to bring their cases before Parliament, before expensive boards and Commissions, upsetting everything, taking up the time of Parliament itself in the discussion of their grievances. We have all had to suffer injustices, but the man employed by the Government is, in the minds of some members, a demigod, different from anybody else, and if anything happens to him his case must be brought before Parliament and dealt with as if it were a matter of great State concern. That is what I object to, apart from the general principle which guides me to oppose an undue extension of employment by the Government. In connection with agricultural machinery we have the principle that most of the implements we now have, and which are enabling us to do work much more economically and better than was possible a few years ago, are the results of the inventive genius of small implement-makers. It is these men who have built up their businesses by continual and important improvement to their machines, and have been stimulated to new inventions as the result of competition. It is gratifying that in a very large number of cases workmen have reached positions of great influence and importance through having made small inventions in agricultural machinery.

Mr. Swan: They invent the machines and the employers get the profit.

Mr. JACOBY: The price of agricultural machinery has come down very considerably. It is always open to the farmer by co-operation to still further benefit his position in connection with the purchase of machinery, but the Government will certainly take a very important step forward if in their proposed amendment of the Agricultural Bank Act they permit the Bank to buy machinery for their customers at bedrock prices at the factory and sell it at a small increase. I cannot support the motion for the reasons I have stated. I disagree with it in principle; but, even if I agreed with it in principle, I am sure, if put into practical effect, it would be a failure.

Mr. W. PRICE (Albany): It is with some degree of diffidence that I rise to make this, my first speech in the House. However, I am certainly encouraged to do so in view of the very remarkable stand taken by the member for Swan and the Minister for Works with regard to this question. I believe the member for Swan must be suffering from an aberration of mind when he gets up and so bitterly opposes the proposal put forward by the member for Cue. I believe it is a fact that quite recently the member for Swan was one of a deputation who endeavoured to secure a certain sum from the Government for the purpose of founding a jam factory. I cannot understand a member who goes to the Government and asks them for capital to start a manufactory and within a few days gets up in the House and bitterly opposes a proposal such as that now before us.

Mr. Jacoby: I was not bitter I hope.

Mr. PRICE: So far as the member was able to be bitter I believe he was on that occasion. To my mind the supporters of the Ministry on this question find themselves between the devil and the deep sea.

The Premier: What is the analogy?

Mr. W. PRICE: On the one hand the supporters of the Ministry have to decide whether they are sincere in their desire to support the farmers, and on the other hand they have to decide whether they are to support good old private enterprise. If they are true in their protestations of their desire to support the

farmers, to push forward their interests and assist them, they must vote for this proposal, meaning as it does that the farmers will be able to secure machinery at a cheap, reasonable and fair rate. On the other hand if they vote for the proposal then they will call down upon their unfortunate heads the odium of good old private enterprise, a fetish which the Minister for Works seems so lavishly to worship.

Mr. Bath: Slavishly you mean.

Mr. W. PRICE: Yes, slavishly. He and other members are slaves to private enterprise. We are told it takes £225 for machinery to start a man when he goes on a farm. According to the evidence of the engineer in charge of the Newport workshops, Victoria, a harvester can be produced for £47. I wish members to bear that in mind in view of the statement by the member for Swan that on a three years' agreement a harvester machine costs a farmer £96. It must be admitted, despite the statement of the Minister for Works that we cannot produce a harvester here, that we can produce a machine as cheaply here as they can in Victoria. That being so we should be able to sell to the farmer a harvester for £50 which, at the present time, according to the statement of the member for Swan, costs him £96. If we can sell to the farmer a machine for £50, which in existing conditions he has to pay £96 for, we shall be doing him a decidedly good turn and will certainly assist him to become successful on the land.

Mr. Bath: If we can sell it to him for £65 it will be a great advantage.

Mr. W. PRICE: It has been stated, and I was surprised to hear such a statement made in the form of an interjection by the Minister for Works, that we cannot make harvesters in this country.

The Minister for Works: When did I say that?

Mr. W. PRICE: By an interjection.

The Minister for Works: Nothing of the sort.

Mr. W. PRICE: I was surprised to hear the interjection, for I think the average intelligence of this country is equal to that in any other; and I will not sit here quietly and hear such a reflection

cast on the intelligence of this State. I believe our workmen are as highly intelligent, as competent, and as fully qualified to carry out any work entrusted to them as those in any other State in the Commonwealth, and to say otherwise is a libel on our workmen, a libel I will not allow to go unchallenged. One reason why I strongly support the proposal put forward is that it will provide a much needed opening for those youths of our community desirous of taking up engineering pursuits. At the present time there are very few openings for them. It has been stated that good old private enterprise will come along. I have been here for 14 years, and have yet to see that private enterprise is going to make the State boom.

The Premier: You are engaged in private enterprise.

Mr. W. PRICE: I may be, I am enterprising for Albany. If instead of paying money to Victorian or American manufacturers we have a State manufactory, the money the farmers now pay for the upkeep and support of workers in other parts of the Commonwealth, or of the world, will go to the support of the workers here. That is one strong reason why I think every member should be prepared to support the proposal. By the State manufacturing implements and providing opportunities for the apprenticeship of our youths, we would not only be encouraging the local youths to become mechanics and help in building up our industries, but by having works here we would encourage those youths to make inventions and institute some of those patents which we are told exist elsewhere, and prevent us from manufacturing certain machinery here. The Honorary Minister smiles.

The Honorary Minister: I was thinking of the wretched farmers you want these youths to experiment on.

Mr. W. PRICE: I am asking that the farmer shall have the benefit of the machinery which will be produced by competent men. The youths I am referring to will be given an opportunity to learn their business as mechanics, and in their turn grow up to be competent workmen and inventors, and thus help

forward the progress of the State. I do not want to exploit the farmer. It is the desire of our friends opposite to exploit the farmer, and they make no secret of it, for they say it is far better that private enterprise should carry out these things than that the State should interfere. We were told by the Minister for Works that the cost of delivery of a harvester in this State was £7 10s.

The Minister for Works: The member for Cue said that.

Mr. W. PRICE: It was stated that £7 10s. was the cost of delivery of a harvester machine in this State. I ask is it not better that the machinery should be produced in this State, and that the cost, £7 10s., should remain in the pockets of the farmers? Is that not an argument in favour of State manufacture? I think it is. In fact right through we find every argument put forward by the Minister for Works supports the proposal as put forward by the member for Cue. We are asked would the farmers be in a better position to pay for the implements if they were manufactured by the State. I say they would. The cost would be a little more than half that which they pay at the present time. In other words taking the figures given by the member for Swan, £225, and admitting that the figures given by the engineer in charge of the Newport Workshops that the harvesters can be produced for £45 and sold for £47, to be correct, we find that instead of it costing £225 to set a man up, on the same basis the cost would be £150; and the farmer who is receiving the sincere consideration of members on the other side of the House would be saving £75.

Mr. Jacoby: The price quoted by the member for Cue was for machinery and labour.

Mr. W. PRICE: I ask in view of these facts which side of the House is it which is showing the most sincere regard for the best interests of the farmers.

The Minister for Works: This side of the House.

Mr. W. PRICE: Of course it is. While we desire to aid the farmer,

hon. members opposite, not content with putting him on the land, are doing their best to worry him underneath it. It is stated that at the present time we have neither the labour nor the plant here for the purpose of constructing agricultural machinery. What a terrible charge! If we have not the plant here, or the labour here, it is I say because we have been lacking in our duty, and there again we have an argument for the manufacture of machinery by the State; because who is there better fitted or what body is there better fitted to start the manufacture of any kind of implement than the State? We have the money—

Mr. Gordon: Where?

Mr. W. PRICE: I believe that would not worry the Ministry, because according to the speech made by the Premier last night there is a good time coming. I suppose that is one of the reasons why hon. members are opposing this motion. I believe when the time comes that the Ministry is occupying this side of the House, it is possible that those who are advocating State manufacture of machinery may be able to find the money, and I would suggest if the present Government cannot do it they should step over to this side and give us the opportunity.

The Premier: He wants to get warm very quickly.

Mr. W. PRICE: With regard to the plant: while it is possible there may be some small difficulty I certainly cannot see any great difficulty, or how any difficulty could arise in procuring such a plant. As for the labour, I am astounded to think that any Minister should get up and say we have not the labour here. I believe that hon. members opposite are advocating bringing into the State all the labour they can possibly find. They are even sweeping it up with a fine tooth comb from all over the world and bringing it here. They should be the last to say that. I repeat the labour is here. I believe that labour equal to that in any other State can be found here. Reference was made to the standardising of certain agricultural implements and machinery. It



was stated if we standardised different implements they could be produced at a much cheaper rate. That again is an argument in favour of State manufacture. What institution is more qualified to find out exactly what the farmers require and provide them with that implement than the State? Each manufactory that might be scattered throughout the country would have its own idea and system with regard to what was required. Each would turn out separate and distinct implements, and each carry out its own system. How could any implement be standardised if there were a dozen or twenty different manufactories scattered throughout the country? That in itself again is an argument in favour of the State manufacture of agricultural implements. There was one admission made by the Minister for Works which came somewhat as a shock to me, and that was the suggestion of the possibility of the Agricultural Bank acting as the agent on behalf of the manufacturers of agricultural implements. The sum of £100 is to be made available for the purchase of agricultural implements when they are produced in the State, and it was seriously suggested that the Agricultural Bank would know the manufacturers and guarantee the farmers to the manufacturers, and thereby induce manufacturers to provide the implements specially required by them. In other words, carried to its logical conclusion, the Agricultural Bank is to act as the agent and the canvasser for certain agricultural implement manufacturers. I think if our Agricultural Bank is to be agent for any institution it should be for a State institution. We have certainly a strong argument in favour of that, but none in favour of the bank acting on behalf of a private institution. With regard to patents, many of which exist, this is not an insurmountable obstacle to the manufacturer of agricultural machinery by reason of the fact that most if not all patents can be easily acquired, and in many cases machinery is produced by manufacturers other than the patentees. I am going to instance Trehwella Bros.

of Victoria who patented what is known as the "Kangaroo Jack," and I am given to understand that hundreds of similar jacks with very slight alteration are made every year in this State independent of the patent. What can be done with regard to those articles of machinery may be done with regard to others, consequently the question of the patent is not an insurmountable obstacle, and certainly should not be made much of when dealing with a matter of this kind.

Mr. George: I think that patent has expired.

Mr. W. PRICE: Probably it has. Every day there are new inventions; hence my desire to see our mechanics studying machinery and thus becoming themselves inventors. Now I do not intend to labour this question. I feel sure that after the extraordinary opposition which has been forthcoming from the other side of the House there is little doubt that members will decide to support this motion. I say, again, that if members are sincere in their protestations regarding the farmers, if they are desirous of assisting the farmers and seeing this country becoming, not only an agricultural country, but a manufacturing country also, then I say they must support the motion. On the other hand if that old fetish of private enterprise has such a hold upon them that they cannot do their duty towards the farmers of the State, they will oppose the motion. I sincerely hope that on this occasion hon. members on the other side of the House will endeavour to forget that there is such a fetish at all, and decide to do that which is right in the interests of the farmers, and best calculated to build up a strong and sturdy yeomanry which shall be independent, and which can look to the State, if need be, to help them out of their difficulties by providing them with machinery which the State itself shall manufacture. I do not desire to say anything further on this motion. I feel sure the motion is such that it must receive not only the sincere consideration of members, but also their support if they are sincere in regard to the settlers on the soil of this State.

[Mr. Speaker resumed the Chair.]

Mr. ANGWIN: I move—

*That the debate be adjourned.*

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

Ayes	..	..	..	21
Noes	..	..	..	17

Majority for	..	..	4
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#### AYES.

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

#### NOES.

Mr. Bath	Mr. W. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Underwood
Mr. Heilmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Johnson	Mr. Troy
Mr. O'Loghlen	(Teller).

Motion thus passed; the debate  
adjourned.

#### BILL—POLICE (CONSOLIDATION).

Received from the Legislative Council  
and read a first time.

*House adjourned at 10.19 p.m.*

#### PATR.

*For the day.*

Hon. J. Mitchell

Mr. Bolton

## Legislative Council, Thursday, 30th September, 1909.

	PAPER
Papers presented ... ..	742
Bills: Landlord and Tenant, 1s. ... ..	742
Health, 3s. ... ..	742
Abattoirs, 2s., Com. ... ..	742
Public Education Endowment, 1s. ... ..	749
Municipal Corporations Act Amendment, Com. ... ..	749
Vaccination Act Amendment, 2s. ... ..	749

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

#### PAPERS PRESENTED.

By the Colonial Secretary: Annual  
Report of Government Savings Bank.

#### BILL—LANDLORD AND TENANT LAW AMENDMENT.

Introduced by the Hon. M. L. Moss,  
and read a first time.

#### BILL—HEALTH.

*Third Reading.*

Bill read a third time and transmitted  
to the Legislative Assembly.

#### BILL—ABATTOIRS.

*Second Reading.*

Debate resumed from the 28th of  
September.

Hon. E. McLARTY (South-West): I  
moved the adjournment of the debate in  
order to have an opportunity of saying a  
few words upon this Bill. I would like to  
have heard from the leader of the House  
an approximate of what these abattoirs  
are likely to cost.

The Colonial Secretary: They are al-  
ready built at Kalgoorlie; that is the  
only place we propose to deal with just  
now.

Hon. E. McLARTY: I understood this  
Bill referred to abattoirs for the metro-  
polis.

The Colonial Secretary: No.

Hon. E. McLARTY: With reference  
to the abattoirs at Kalgoorlie, I know  
from the best authority, that they are  
altogether inadequate for the require-  
ments, and they can be made little use of  
unless a considerable amount of money  
is spent in addition to what has already  
been spent. The place is too small, and  
is inconvenient for the trade. :