secutive sittings granted to the Hon. C. A. Piesse, on the ground of urgent private business.

BILL—MARRIAGE ACT AMENDMENT.

In Committee.

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

BILL—STATE CHILDREN.

Select Committee's Report.

Hon. W. KINGSMILL: As the report of the select committee accompanied by the evidence had just been laid before members, the Leader of the House might agree to postpone the consideration of this order until to-morrow.

The Colonial Secretary: The House would not meet till Tuesday next.

Hon. W. KINGSMILL: In speaking to the committee's report, he desired to refer to the evidence, but had not an opportunity of perusing it.

The COLONIAL SECRETARY: It would be better not to postpone the order, because the committee's report was very brief and the evidence was practically summarised in the report. The Bill was one the Government were anxious to have passed, and this was why he had not cared for referring the measure to a select committee. There was really no farther business to go on with to-day, because owing to the absence of a number of country members there was an understanding that the Health Bill would not be farther considered in Committee until Tuesday next.

Hon. J. W. LANGSFORD: The report of the select committee justified the postponement, because evidently there was a conflict of opinion among members of the select committee on certain matters, which conflict was probably based on the evidence submitted to the committee. He had not had time to peruse the evidence or even to look at the first page. He moved—

That the order be postponed.

Motion passed, the order postponed.

ADJOURNMENT.

The House adjourned at 4.42 o'clock, until the next Tuesday.

Legislative Assembly,

Wednesday, 13th November, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION—AUDITOR GENERAL'S REPORT.

Mr. TAYLOR (without notice) asked the Treasurer: Can he tell the House when the Auditor General's report will be laid on the table?

The TREASURER replied: The report is in the hands of the Printer. I hope to have it ready within a few weeks.

QUESTION—CAVES AND FLORA RESERVES BOARD.

Mr. TAYLOR (for Mr. T. L. Brown) asked the Minister for Mines: 1, Has a board been appointed to manage the Sussex Caves and Flora Reserves? 2, If so, what are the names of the members of the board? 3, Will the board receive any financial asistance from the Government? 4, If so, what will be the nature of such assistance and to what extent? 5, Does the Government receive any rev-

enue from the said reserves? 6, If so, to what extent? 7, What amount has the Government spent on the said caves and reserves to date, including roads, buildings, and other conveniences?

The TREASURER replied : 1, Yes. 2, Dr. Hackett (President), H. F. Johnston (Vice-President), H. Farmer, W. A. Hughes, M. E. Jull, H. Hocking, F. Wilson, M.L.A. 3, Yes. For this year the sum of one thousand pounds has been placed on the Estimates. 4, Answered by No. 3. 5, No, not directly, but the board receives fees which are used for expenses in connection with the upkeep of the caves. 6, The fees received during last year amounted to £171 10s., in addition to the rent of the cave house of £124 1s. 9d. 7, £16,398 0s. 9d.? in addition to which, £18,858 16s. 8d. has been expended on the 54 miles of roads between Busselton, Yallingup, and the Caves at the Margaret River, about one-half of which has been made and includes £997 12s. 3d. spent on the Yanchep Caves Road.

QUESTION — FROZEN LAMB EXPORT BONUS.

Mr. DAGLISH asked the Honorary Minister: Is any bonus, subsidy, or concession granted by the Government to any producer shipping frozen lambs from Western Australia? If so, in what form is it granted?

The HONORARY MINISTER replied: 1, The only concession is that in connection with the Railway Department. 2, Lambs in full truck loads, declared on consignment note to be for export, are charged ordinary rates, less ten per cent.

PAPERS—MINING ACCIDENT, FINGAL.

On motion by *Mr. Heitmann*, ordered: That all papers in connection with the inquiry into the death of the miner Zanandrini, who was killed in the Fingall mine, be laid on the table of the House.

PAPERS — HEITMANN-LANDER INQUIRY.

On motion by *Mr. Heitmann*, ordered: That all papers in connection with the Heitmann-Lander case be laid on the table of the House.

PAPERS PRESENTED.

By the Minister for Mines : 1, Papers in connection with the inquiry into the death of miner Zanandrini. 2, Papers relating to the Heitmann-Lander case.

MOTION—HEITMANN-LANDER INQUIRY.

To Disapprove of the Findings.

Mr. E.E.HEITMANN (Cue) moved—

That in the opinion of this House the report of the Commissioner on the inquiry into the Heitmann-Lander case is inconsistent with the weight of evidence.

The history of the case was sufficiently detailed last session, when he proved beyond doubt the charges he had laid against Mining Inspector Lander ; and much weightier charges could have been laid on the evidence taken. The Minister for Mines, in reply, had endeavoured by abusing him (Mr. Heitmann) to justify the Commissioner's verdict, and to justify it on the farther ground that the Commissioner had seen long service in this State, and therefore his verdict must not be doubted. Mr. Walter's service, admittedly long, was beside the question. He (Mr. Heitmann) was not doubting any previous verdict or previous action of Mr. Walter, but took exception to this verdict, which was altogether inconsistent with the evidence. He asked members to go through the papers and form an opinion for themselves. Two months ago, had any member accused a certain high official in the Savings Bank at Kalgoorlie of dishonesty, Ministers would have risen in indignation. It could be proved that the Commissioner was either biased against him (Mr. Heitmann) or so blinded by his environment as to prevent him from believing there were two sides to the question. Let the Minister reply to his (Mr. Heitmann's) statements made last session. Never mind stating generally that the charges were vile abuse. The Minister in his reply had told the House that he was at a disadvantage, not

having the same opportunities as he (Mr. Heitmann) for going through the papers. But the Minister had at that time a *précis* of the whole evidence given before the Commissioner, and therefore could not have been at a disadvantage. The charges were so clearly proved that the Minister had not a leg to stand on. What action did the Minister intend to take as to the falsification of documents mentioned by him last session?

The Minister for Mines: There was no falsification in any shape or form.

Mr. HEITMANN: If that were so, he did not know what falsification meant. He had proved beyond doubt that after he had been in the office at Cue examining papers, certain documents were dated which were not dated previously. His object in trying to ascertain the particular date was to compare it with the dates mentioned in the hospital reports, to find out the condition of the injured person, and to see whether at the time he made the statement he was in a proper condition to do so. It had been ascertained beyond doubt that the statement was taken from the injured man on the 29th, 30th, or 31st. If it had been taken two or three days later, the man would have been in a better condition to make a statement; and therefore it was the desire of the individual to put on the date of the statement, to try and show that the injured man was much better at the time than was the case. It was surely a case of falsifying documents. The Minister appeared to think that certain individuals holding judicial positions should be beyond criticism, for he stated at Menzies that he thought the verdict in the case was just, and he would call the attention of individuals criticising persons in high positions to the statement made by Mr. Justice Hood of Victoria, who after having received a certain amount of abuse, replied to it and then resigned his position. No matter whether it was a magistrate, a Judge, a Minister of the Crown, or the Governor himself, if he believed any particular individual deserved criticism, that person would get it. Mention had been made of the career of the individual whom he had charged; but he had every right to back his own career against that individual's, and to protest against the verdict of the Commissioner. He cared not for Mr. Walter, or how he was treated; but the individual he wanted to get at was the man who had been treating the miners on the fields in a disgraceful and shameful manner. If any individual outside the service was to go as far as that inspector had gone that person would find himself within the gaol at Fremantle. He detested making charges against this man, as he could not reply, but it was impossible to do otherwise. He had made the charges in the House and they were ignored, and he was satisfied members would agree that he had proved them before the Royal Commissioner. He wanted the Minister to go through the statement he had made and reply to his speech of last session. He knew the Minister had read the evidence, and could not say then as he did last time that he had been placed at a disadvantage through not having seen the papers. He (Mr. Heitmann) had said nothing as to the appointment of the Commissioner on the present occasion, but he was satisfied that from the beginning there was an endeavour to prevent him from proving his charges. He did not blame the Minister for speaking up for his officers, and in fact gave him credit for it; but when it was proved that this man was corrupt, the Minister, in fairness to the miners, should do what was right. He did not want to refer to that man's career previously to his going to Cue, for he had no doubt it would be mentioned later. The Minister knew his career, as did the Minister before him, and they both knew well he was not a fit and proper person to hold the position of inspector of mines. He (Mr. Heitmann) had brought these charges forward for the benefit of the working miner, who had sufficient to put up with without having to fight an inspector. He would not object to the inspector failing to carry out his duties; but when the inspector went out of his way to try and protect the companies and defeat the unfortunate injured man, he (Mr. Heitmann) was determined not to stop until that man was placed in his proper position. Whether it was this year or next year, he would continue to

bring the charges against him; and even now he could bring forward fresh charges which could not be contradicted by the Minister.

The MINISTER FOR MINES (Hon. H. Gregory): The hon. member had stated that he (the Minister), instead of answering him on the previous occasion, had simply abused him. The boot was on the other foot, for any abuse there was came from the hon. member when referring to the Commissioner appointed to deal with the case. It must be admitted that a Commissioner who received evidence in a case of this sort was in a very much better position to judge the real state of affairs than laymen who did not hear the evidence, and could judge only from remarks made and from evidence given on special points desired to be proved by the mover of this motion. The mover made a very great point of the alleged falsification of documents, and wished members to believe that an officer of the Mines Department, who was instructed to type out copies of certain notes from the inspector's books, deliberately falsified those papers by putting a wrong date upon them, with a view of injuring the hon. member. That was the only object one could imagine that could have induced the officer, had he done it, to adopt that course. [*Mr. Heitmann*: Not at all.] There must have been some object in falsifying the documents. The member for Cue did not say that an error had been made, but that a falsification had taken place. There was a great difference between the two. When in Kalgoorlie recently he called at the School of Mines, and saw Mr. Dixon, who was secretary to the inspector of mines and boilers at Cue at the time of the inquiry, [*Mr. Heitmann*: That officer should be in gaol for perjury.] In the conversation that ensued, Mr. Dixon made certain statements which he (the Minister) took down. They were as follow:—

> "When the inquiry was ordered Mr. Walter instructed him to type out copies of the inspector's notes from his note book. These notes were typed out and the original leaf from the book was pinned to each copy. One of Mr. Lander's notes was undated and the typed copy was also undated. In another case when typing the minute, he neglected to put in the date and this was noted by Mr. Heitmann. Later he typed in the date but put the year in as 1907 in lieu of 1905, and put a note at the bottom of the leaf calling attention to the alteration."

It would be seen from this statement that the only mistake made by the clerk was that in putting the date on one of the documents he put the year as 1907 instead of 1905. However, he put a note at the bottom of the document drawing special attention to that alteration. Dixon had nothing whatever to gain by making the alteration, and no person who had any connection whatever with the papers could have had any desire to gain a point by altering any date. There was an error made certainly, but there was no justification whatever for the suggestion by the member for Cue that there was a falsification of the document. If the hon. member could show any advantage resulting to Mr. Lander, or Mr. Heitmann, or anyone else, the point raised might be understandable.

Mr. Taylor: Were not the dates in dispute? That was where the Minister had been led astray.

The MINISTER: The original was attached, and where the error in dates occurred the clerk drew special attention to it. [*Member*: Should not Mr. Lander's note have been dated?] It should, but was not; and the clerk was instructed to make the copies for the use of Mr. Lander, Mr. Heitmann, the Commissioner, and possibly the lawyers engaged. The hon. member (Mr. Heitmann) was given every facility, but no one was more obstructive at the inquiry than he. One had only to read the first few pages of the evidence taken to see this. From the notes supplied to him, it appeared that almost the entire time of the first sitting was taken up by Mr. Heitmann in objecting, first to the appearance of counsel, second to the manner in which he was called before the Commission, third that he required farther time to secure his witnesses, fourth as to the accuracy of the newspaper re-

port of his alleged statements, fifth in declining to state definitely what his charges were, and sixth refusing to produce his witnesses. [*Member* : Those were Mr. Walter's notes.] No ; the notes were taken by the State Mining Engineer from the evidence submitted. He (the Minister) had nothing to do with Mr. Walter in connection with the inquiry, beyond sending him notice of his appointment as commissioner ; and he would feel ashamed had he dared to say a word to Mr. Walter in connection with the matter with which the commissioner was called upon to deal.

Mr. Troy : Why was the appointment of the commissioner altered in the first place ?

The MINISTER : The file showed the reason for that.

Mr. Troy : Unhappily, it did not show the reason.

The MINISTER : The question of appointing a commissioner rested entirely with himself ; he had to make the recommendation. The member for Cue was alleged to have made certain statements reflecting on Inspector Lander in relation to the discharge of his duties, and he (the Minister) thought those reflections so severe as to render it necessary, if they were true, to get rid of the inspector ; and without waiting for a request from the member for Cue or anyone else, he appointed a commission of inquiry to investigate the truth or otherwise of the statements made, feeling that if the charges were proved the inspector must be got rid of, while if they were not true the inspector would be exonerated. He had no thought, in taking that course, of blackening the reputation of the member for Cue by endeavouring to prove him guilty of making untrue statements. His desire was solely to get at the bottom of the matter. It was proposed by the Under Secretary that Warden Troy be appointed ; but later the Under Secretary again saw him (the Minister), and they came to the conclusion that as Warden Troy and Inspector Lander were brother officers, living in the same town and meeting each other day by day, the charge might be laid at their door—and the hon. member (Mr. Troy) might have made the charge himself—that the two officers were friends. Hence it was thought advisable to make the alteration.

Mr. Troy : Did the Minister, knowing Warden Troy, believe him capable of being influenced in his duty ?

The MINISTER : No ; but he also had a knowledge of the hon. member, who would be one of the first to lay a charge such as that referred to.

Mr. Troy knew the reason for the alteration, so also did the Minister; and it was not shown in the file.

The MINISTER: The hon. member was always ready to assert——

Mr. Troy had absolute proof, and the Minister was aware of the fact.

The SPEAKER: Order!

The MINISTER: The hon. member, in his ignorance——

Mr. Walker: That was not in order.

Mr. Underwood: It was all right; it came from the other side of the House.

Mr. SPEAKER: I wish to say at this stage, as I have heard the member for Pilbarra make similar interjections previously when I have called for order, that I make absolutely no distinction between one side of the House and the other; and I hope the hon. member will not again make such an accusation against the Chair.

The MINISTER FOR MINES: In connection with the appointment, the Under Secretary advised, and he (the Minister) concurred, that it would be wise to appoint somebody unconnected with the officer charged, who at the same time had a thorough mining knowledge. Accordingly an officer, an absolute stranger to either Mr. Lander or the member for Cue was appointed to investigate the charges. When before the commission, did the hon. member support the statements alleged by the Press to have been made by him—did he say that the indictment upon which the commission was appointed was true? No; on the other hand he admitted the statements were not true. [Extract from evidence read.] The hon. member did not rest at merely stating before the commission that the statement that he had charged the in-

spector with sending incorrect statements to the Minister was incorrect; because he brought to support him the secretary of the union, also Mr. Chesson, the chairman of the meeting at which the statements were alleged to have been made. [Farther extracts from evidence read, showing that Mr. Heitmann denied at the inquiry having said at the meeting that statements taken from injured miners while in an unfit condition were used against them when suing for compensation, but that he had said such statements might be so used.] That was a backdown. The inference to be drawn from the reported statements at the meeting was that the inspector connived with the employers to rob an injured miner of any chance of securing compensation for injury in an accident.

Mr. Scaddan: Were not the reports supplied by the inspector used in the courts of law?

The MINISTER: Yes; but the inference from the published statements was that the inspector wilfully furnished incorrect statements with a view to assisting the employers. The full extent of the charges was that the inspector waited upon and took statements from injured men while they were in an unfit condition, which statements were then forwarded to the department and might be used against a man when suing for compensation. That put quite a different complexion on the case. Had the member been reported as only saying that at the meeting, then he (the Minister) would not have considered an inquiry necessary, or perhaps would have ordered a departmental inquiry with a view to formulating regulations if such were found necessary. When the Mines Regulation Bill was under consideration last year, a special clause was inserted because it was stated by members that when an injured man was being examined by the inspector, a representative of the employer or the employer himself was sometimes present, and it was urged that this was likely to injure a man's claim for compensation. The clause then inserted in the Mines Regulation Bill forbade the inspector permitting any interested parties being present at these examinations. He (the Minister) thoroughly endorsed that alteration in the regulations. Had he (the Minister) been the commissioner making this inquiry, he would have stopped the inquiry at once after the member for Cue had given his evidence, and returned his report to headquarters that there was nothing farther to inquire into. The Commissioner's finding was very clear, and the evidence contained nothing to support the belief that the inspector was not a fit person to carry out the duties of his position. Admittedly, the inspector had made a mistake on one occasion when, sitting in the tent of an injured miner, chatting with him, he gave certain advice in connection with his accident which it would have been wiser on his part not to have given; or the advice, though good, did not come within the scope of the inspector's duty. He (the Minister) would not pretend to deal with the voluminous evidence, which he had read but could hardly be expected to dissect; nor would he use a host of notes prepared by the State Mining Engineer, a gentleman of irreproachable reputation, who had carefully considered the evidence and concluded that nothing justified any action whatever being taken against the inspector. The hon. member (Mr. Heitmann) was not correct in saying that he (the Minister) had abused him on this subject. He had spoken earnestly about the grave reflection which the hon. member cast on the Commissioner; and it was pleasing that in his speech this afternoon the hon. member had not cast any additional reflections.

Mr. Heitmann: There was no need to reiterate the statements.

The MINISTER: Nothing would be gained by that. The public knew Mr. Walter; and though he might make a mistake, none would believe that he would stultify himself in order to assist a Minister to injure the hon. member or to protect Mr. Lander. Mr. Walter was too well known to permit of anyone believing he would intentionally do a wrong. His findings were as follow:—

> *As to charge* (*a*)—"That in consequence of the inspector having taken statements from men who were not in a fit state to give them, incorrect re-

ports of accidents had been sent to the Minister," the Commissioner stated : "I do not consider that the evidence shows that any incorrect statements were taken or sent to the Minister as a result of men being unfit to give them.

As to charge (*b*)—"That the inspector had put words into the mouths of men who had been injured," the finding was : "There is nothing to support it, except that the inspector seems to have at times advised men that it was useless to give as part of their statements opinions at variance with the statements of their fellow-workers. In my opinion, though no harm seems to have resulted in any way, this advice should not be given, but men should be allowed to express their opinions in any form they chose.

Charge (*c*) *was* —"That the incorrect statements were capable of being used against men who were suing for compensation." Of this the Commissioner observed : "It naturally follows that, as no incorrect statements have been given, none could be used. Though no concrete charge was made on the subject, it was also suggested in the course of the inquiry that the presence of employers or their representatives while statements were being made by injured men had an adverse influence in some way, the nature of which was not exactly defined. There were two instances of such persons being present, but there is nothing to show that their presence had any influence whatever. It would be advisable, however, in view of the extraordinarily suspicious temperament of some miners, that more care should be taken to avoid this."

In conclusion—"I find that Mr. Lander has been guilty of no wilful maladministration whatever, nor of anything worse than slight errors of judgment, which have had no prejudicial effect on the miners concerned."

Legislation had since been passed for preventing an inspector from allowing an employer or his representative to be present while the inspector examined any person in connection with a mining accident. If one went through the evidence and picked out points, one could make a strong case if the case for the other side was not stated. Some accidents had occurred years before the evidence was taken, and some of that evidence was remarkable. Had he (the Minister) been in the Commissioner's place, he would have closed the case after the statements by the member for Cue and the first three witnesses, and would have reported to the effect that the newspaper statements were not a correct report, and that there was no necessity for the inquiry. The charges were formulated after that evidence was given, and were not in accordance with the reported speech of Mr. Heitmann on the occasion which resulted in the inquiry. Recently, when at Kalgoorlie he (the Minister) investigated the alleged falsification of a document. Probably the hon. member did not mean that the document was actually falsified, but that an error had been made. The report obtained from the clerk who copied the documents had already been given to members. There was not the slightest thought of any falsification; and in the trivial error made there was nothing which would injure the hon. member or Mr. Lander, because the original documents were attached to the copies, and a marginal note in the document pointed out the error and the alteration. No one could believe that an officer of the department had wilfully falsified the document with a view to injuring the hon. member. The House should reject the motion.

Mr. T. H. BATH (Brown Hill) did not intend to reflect on the Royal Commissioner, but would deal with the evidence to show that the member for Cue had a great deal of justification for the charges against the inspector. Repeated grievances of the miners in that district against the same inspector had accumulated to such an extent that at last they had to take decided action by requesting that their parliamentary representative should, as was his duty, devise a remedy. The grievances were frequent and of many years' standing. It was not a case of one lapse from the path of duty, but of many, accumulated to such a degree

that the administration of the Act in that district was a by-word and a reproach. First, we found an unaccountable change in the personnel of the commission. Mr. Walter's appointment was not objectionable on the ground of lack of integrity or because of any desire to prejudge the case against the member for Cue, but because amongst all the wardens Mr Walter was probably the least suitable to conduct the inquiry. [*The Minister*: He was the most handy.] It was a question of evidence. Deep mining was carried on at Cue, where accidents were unusually frequent; and if an inquiry was to be made by a warden it should have been by one with previous experience in a similar district. Mr. Walter's only previous mining experience was at Greenbushes, where there were no deep mines. It appeared that there was no man more suitable than the gentleman first entrusted with the inquiry. After the State Mining Engineer had recommended the appointment of a Commissioner, and considering that a departmental inquiry would not give finality, the Secretary for Mines minuted to the Minister:—

> "I think the most satisfactory way to arrive at the truth of this matter would be to appoint Warden Troy a Royal Commissioner. He is unconnected with this branch and his verdict would carry weight."

The Minister for Mines recommended the appointment to the Premier in the following terms:—

> "Please approve the appointment of Mr. Warden Troy as a Royal Commissioner to investigate the charges of bias and improper actions, made by Mr. Heitmann, M.L.A., against the local Inspector of Mines at Cue. It is felt that a mere departmental inquiry would not clear the case, and a Royal Commission will give us full powers to insist upon witnesses being present and giving evidence, and the cost will be no greater than a departmental inquiry, whereas the result by Commission will be more satisfactory."

The recommendation was approved, and Warden Troy was notified that he had been appointed Commissioner. There was nothing on the files disclosing what occurred immediately afterwards except a letter from an insurance company that had no bearing on the appointment of Warden Troy as commissioner. The impression was that some cases were *sub judice*, and that it might not be advisable to proceed with the commission straight away; but it had nothing with the advisability or otherwise of appointing Warden Troy. However, a few days afterwards, the Secretary for Mines sent another minute in which he recommended that before issuing the Commission to Warden Troy—

> "It might be wise to consider if it would not be better to appoint some person not resident in the district as Commissioner. The appointment of Warden Troy may place him in a somewhat unpleasant position, in that he may have to criticise the work of a brother officer resident in the place; and though I am sure Warden Troy would not hesitate in discharging any duty imposed on him, there does not appear to be sufficient reason to ask him to act in this case if someone else can be obtained."

The Minister in reply wrote as follows:—

> "I concur with you that every confidence may be placed in Warden Troy, but it is apparent that very strong feeling exists and Warden Troy's appointment would not give to the public that confidence which is desirable."

A warden or resident magistrate was paid to take up an unpleasant task if it became necessary. If it were some other officer, perhaps a little farther down in the service, who had gone astray in that district, the warden would sit on the case and pronounce judgment, although it might be a brother officer. However, there would be no objection to the plea being raised against Warden Troy's appointment to the Commission not being issued to him, if the choice of someone else fell on one having a full knowledge of the circumstances and surroundings of such a district as Cue and Day Dawn, on someone who would have been able to inquire into things with an equal knowledge of the circumstances as had War-

den Troy ; but the department chose an officer who had had no experience in this direction. The evidence showed that matters Mr. Walter considered lightly were of gravest importance to the interests of miners working in the district, and the very statement Mr. Walter characterised as being extraordinary was one of the strongest arguments in favour of the charge brought by the member for Cue. A perusal of the evidence was absolutely a revelation. One had no idea when the statements were first made public by the member for Cue, as to the protests brought by the miners that things were half so serious. The evidence showed that if the member for Cue had been even more emphatic when speaking publicly at Day Dawn he would have been justified. In regard to the question of incorrect statements, there was the case of Andrews, who was injured on the Great Fingal mine. Inspector Lander, in reporting, said that Andrews was in charge of the erection of three girders. If that man had been in charge of the work he could not bring the employers to book for liability in case of accident, because he would be the man practically responsible for the safe conduct of the work. As a matter of fact it was indubitably shown by evidence that Andrews was a labourer on the job getting 10s. 10d. a day with absolutely no responsibility, and in fact had not only a sailor-gang man in charge over him, but there was also a boss over the sailor-gang man. Yet Mr. Lander reported this man was in charge of the work. [*Mr. Walker*: That would be a false report.] It was totally incorrect. There was corroborative evidence to show that Andrews was not in a fit condition to give a statement when Inspector Lander went to the hospital to take one from him. It was in this case that Inspector Lander was accompanied by a mine official when a statement was taken. It must be borne in mind that when Inspector Lander first called the attention of the Minister to the charges made by the member for Cue he absolutely denied that he had ever been accompanied when taking any statement by any official of a mine; yet the evidence disclosed that on two occasions the inspector was accompanied by mine officials. It was not inaccuracy; it was a deliberate untruth, and could not be characterised in any milder term. The inspector told the Commission in all seriousness how he came to be accompanied by a mine official when taking the statement from Andrews. When asked how this official came to be with him at the hospital the inspector said that after the accident, at Haycraft's request, he had driven him up to Cue. When they reached the hospital, after Haycraft ascertained that the inspector was going into the hospital and would not be long, one or the other suggested, the inspector did not know which, that Haycraft should go in also. At any rate Haycraft went in and took the statement. This mine official not only took a lift into Cue, but when they reached the hospital, though nine out of ten men would have stopped in the trap until the inspector had taken the statement of the injured man, he accompanied the inspector into the hospial and actually took down the statement given to the inspector. Inside, when the inspector took up his book, Haycraft said, "I will write these if you like, inspector," and the inspector agreed. Yet Inspector Lander denied in his letter that he was ever accompanied by any official of the mine. In regard to other incorrect statements, in the case of Andrews not only did the inspector say that Andrews was in charge of the work, but farther inaccuracies crept in. Andrews in giving evidence said that he told Mr. Lander the "horse" was not bolted down nor the girders on top; that his statement read to him before the Commission had not been read to him before he signed it, nor was he given a show to read it; that the statement contained nothing about the accident; that if nothing occurred more than was contained in the statement he would have retained his arm. Andrews repeated that he told Mr. Lander that if the horse had been bolted down the accident would not have happened, yet the statement forwarded to the Minister contained nothing about this. In regard to his condition, Andrews informed the Commission that when the statement was taken his condition could be guessed with his

arm and the clothes saturated with hemorrhage. Andrews said that he was told afterwards that the stretcher was saturated. His arm was bandaged fairly thick and with the chloroform his condition could be guessed. He said also that the effect of signing the statement would be worse on him than if he lost an arm or a leg since.

The Minister for Mines: Did not farther evidence show that the statement was read to Andrews?

Mr. BATH: There was also the evidence of a man named Collier, who was a patient in the hosital at the time the statement was taken from Andrews; and Collier told the Commission that he heard Andrews say that if the "horse" had been bolted down the accident would not have happened. Another case was that of Henry Grant, where the inaccuracy was even more glaring. Grant was injured through falling from a bucket a distance of 40 feet to the bottom of the shaft in the Cue One mine. In that case the miners were working in the bottom of the shaft and had been pulled up the shaft while the explosions were going on. It was their custom to stop on the plat and knock down the stones that might have been thrown up by a shot, so as to prevent them from falling below later. The engine-driver did not stop at the plat when Grant was being lowered down. When the man got below the timber he reached over to pull the knocker-line which was not in the compartment in which he was but in the next one. Just then a piece of tin was dislodged at the plat and fell down the shaft, and Grant, in trying to avoid it, overbalanced and fell to the bottom. In his report to the Minister, the inspector said that the knocker-line was easy to get at, whereas as a matter of fact, it was in the other compartment and Grant had to reach out for it. This was one of those details which would have had a very material bearing if Grant had sued the company. He was, however, given compensation in excess of the amount he would have received under the Workers' Compensation Act, and no action was brought. That was plain evidence that the company thought they had a liability in the matter. Although Lander had said that no officials or owners of mines had ever accompanied him when he took statements from injured men, on this occasion, when Grant was in the hospital, Lander was accompanied by a part owner of the mine who heard the statement made. No more glaring case of inaccuracy had occurred than in connection with Stickland's accident. In his evidence on this case the inspector convicted himself. Stickland was injured in the Victory United mine at Cuddingwarra, owing to a penthouse collapsing. His evidence was that he was standing on the plat when the penthouse over the sinkers collapsed. He was jerked out of the plat and fell with it. After the accident he was interviewed by Mr. Lander, who said that if he took action he would be getting himself disliked and would get blackballed right through the Murchison. Lander said he merely gave Stickland good advice. An inspector was not there to do that. He should inquire into the cause of the accident and take the statements, not only of witnesses, but also of the injured man as to the cause of the accident, and must take down an account without cutting anything out of it or prompting the injured man in any way. To depart from that course was a serious dereliction of duty. The shift boss declared that he had examined the penthouse before the accident and found it to be absolutely safe ; but when the inspector went along after the accident he said that evidently a stone had been kicked up by a shot and had almost cut through the girders. In his opinion that was responsible for the accident. Either the shift boss or Inspector Lander was wrong. If it were true that a shot had almost severed one of the girders there was a serious neglect of duty on the part of the shift boss. Stickland, on being asked at the inquiry whether before the particular accident had happened he had any discussion with anyone as to the safety of the penthouse, said he had discussed it with Charles Bruce, one of the men below, because, from the weakness of the timber, he considered the penthouse unsafe. He added that after the accident he had been interviewed by Mr. Lander,

and after the inspector had referred to the "knock" part of the business, he had said to him, "Hold on, you came here for my statement, you are not getting the engine-driver's statement or that of anybody else. I know what I knocked." Then the inspector said it was no use thinking of going into court in the case, as three other men were against him. Stickland replied that he had no intention of going into court, but that he was merely giving a statement to the inspector. To that Lander replied that Stickland would be getting himself disliked on the mine, and would be blackballed right through the Murchison. Stickland, continuing his evidence, said the statement the inspector took down was not what it should have been. He had mentioned the fact that in his opinion the timber was not safe. Inspector Lander in his evidence said he thought that as a temporary affair the penthouse was an adequate protection, but as a permanent affair it was not. As far as the penthouse was concerned the temporary affair had to be as secure as a permanent one. It was significant however, that after the accident, before the company sunk another foot in the shaft, they got to work and instead of putting in 6in. by 6in. timber as bearers they put in 12in. timber in order to make them secure. The inspector said that because they put in 12in. timber he had no reason to make a complaint against them. Any mining company would carry out the wishes of inspectors after the accident had occurred, but what was needed was that they should carry out those wishes so as to prevent accidents. It was the duty of inspectors to inspect the workings so that accidents might not occur. The inspector practically admitted the liability of the company in connection with the accident. As to the charge of the inspector taking the statements of men who were not fit to give them, the case of Pollard was a significant instance. Dr. Blanchard was examined on oath, and reading from the report book of the hospital in reference to Pollard's condition he said that on the 29th the injured man slept fairly easily but only for two hours. On the following day his ribs were strapped and bandaged slightly, and he was slightly delirious. With regard to the 31st Pollard did not sleep well, and had loosened the strappings from the chest. On the following day the chest was strapped and bandaged again. Lander took the statement from Pollard the same day. That was the doctor's testimony. Collier, who was a patient in the hospital at the time, said under examination that at the time Lander interviewed Pollard, the injured man was quite silly in his talk, being delirious, and at two o'clock in the morning he tore the bandages off himself. Collier did not talk much to Pollard, as in his opinion the man was slightly delirious, this being shown by the fact that he imagined the inspector was a doctor. It was in connection with this case that the whole of the trouble as to the non-dating of the documents took place. The inspector had a field book in which he took down the notes, and there was no entry in that as to the date on which the statement of Pollard was taken. When attention was drawn to this subsequently the date was affixed to the notes taken by the inspector of mines. The date affixed was incorrect, for it made it appear that the statement was taken on a day that Pollard was in a condition to give it, although as a matter of fact it was taken on an occasion when he was absolutely unfit. It was on that point that there was the falsification of the date and it had a great bearing on the point at issue. As to the error made by the clerk afterwards in typing off the copy for the Commissioner, that had not so much bearing on the question. It was the date affixed by the inspector of mines to his pencilled note that had a bearing on the case. He (Mr. Bath) desired to deal with the Commissioner's findings and to point out from his own remarks where he showed a lack of knowledge of such a mining district as Cue. Where deep mining was carried on, accidents frequently occurred and they were a heavy drain not only on the resources of the union but on the individual resources of the miners themselves. The fact that the Commissioner had not this knowledge gave his case away and made his finding out of touch with the evidence adduced

at the inquiry. He stated that Andrews' troubles had unhinged his mind. One would have thought, if the Commissioner was under the impression that Andrews was unhinged in his mind, there was a grave cause for the trouble that would have such an effect, and that would make the Commissioner more anxious to probe the matter to the bottom and not dismiss it with a waive of the hand. It was the attitude of the inspector of mines that caused so much trouble to Andrews. Here was a man getting the lowest rate of wages on the mine, and the inspector said that he was in charge of the job. What more inaccurate statement could there be than that? Then although Andrews in evidence distinctly stated that if the "horse" had been bolted down the accident would not have occurred, the inspector in his report absolutely omitted any mention of this fact. It was this conduct that caused trouble to Andrews and the miners in the district. Then the Commissioner went on to talk about the extraordinarily suspicious temperament of the miners. A man who penned a statement like that was absolutely ignorant of black-listing. These men were of a suspicious temperament because they disliked the mine officials being present when they were making their statements. Provision had been made in the Act that these officials should not be present when statements were taken, but these statements were taken before the Act was passed. That was one of the grievances the men had, and it was not the extraordinarily suspicious temperament of the men, but a just grievance they had of the methods pursued by the inspector of mines in the district. To show that the Commissioner could have had no knowledge of the particular circumstances, one had only to quote the case of the witnesses in the Black Range arbitration case. Certain witnesses came to Perth on behalf of the men and gave evidence in the court here. They had been working for years in the Black Range district to the satisfaction of their employers. When they went back after giving evidence on behalf of their fellows, they were black-listed by their employers except at one mine and they could not obtain work. These were the sort of things that led to the extraordinarily suspicious temperament of the miners. They resented the mine officials being present when their statements were being taken down. The Commissioner let the inspector of mines down lightly when he stated that there were merely trifling indiscretions. One had only to point out that in two cases there was a deliberate untruth. The minutes on the file showed that Inspector Lander denied that he was ever accompanied by a mine official, but the evidence showed that on two occasions he was accompanied by mine officials. In the case of Andrews there were two gross inaccuracies, and in the cases of Pollard and Stickland and other cases which he had quoted there were not only inaccuracies, he could not characterise them as other than deliberate suppression of the men's statements. From the knowledge he had of the attitude taken by the gentleman when inspector of mines in another district it was a case for the Minister for Mines to ask for a more zealous record of duty or to dispense with his services from the department altogether.

Mr. T. P. DRAPER (West Perth) had not intended to address the House on the question, and would not have risen had not the member for Cue stated or implied that Mr. Walter, who was acting as a Royal Commissioner, was biased in his action towards the hon. member. He (Mr. Draper) could make some allowance, and he did so willingly in this case, for the hon. member, who no doubt was moving in this matter from a keen sense of duty, feeling that one of his constituents had suffered a wrong. In addition to that, by the fact that he had brought about this inquiry, had taken a keen interest in the matter and had also given evidence before the Commission, he might have allowed his feelings to have run away with him and led himself to state that Mr. Walter was biased. On going through the evidence it was impossible for the House to say whether the verdict was against the weight of evidence or not. We had not had the advantage of seeing the witnesses on their oath giving their evidence before the

Commissioner and we had not seen their different bearings when giving their evidence. In addition to that if the evidence were perused we should come to one conclusion that there was evidence on both sides. The evidence was undoubtedly conflicting, he would not say on every point, but on a good many points, which would lead the Commissioner who was trying the case possibly to form a different opinion from the hon. member. That was not the question we had to decide; for if every time a Royal Commission was appointed and came to a decision on the facts, there was to be an appeal to this House to say whether the evidence taken before the Commissioner, most of it oral evidence, justified his decision, then no Royal Commissions ought to be appointed. A Commission was asked for to inquire into what appeared to be a grievance and Mr. Walter was appointed. It had been stated from the Opposition side that Mr. Walter had no experience of mining fields except at Greenbushes. He (Mr. Draper) recollected the time when Mr. Walter was on the Murchison as warden ; in fact he was the first warden of the Murchison Goldfields. He was also warden at Coolgardie and undoubtedly had qualifications for the position which he occupied. Whatever his finding might be on the facts it was impossible for the House without seeing the witnesses to come to a conclusion as to whether he was correct or not. The Commissioner held an inquiry and gave a decision ; the member for Cue acting from a keen sense of duty was dissatisfied with the finding of the Commissioner. What was the natural conclusion? Were we to appoint another commissioner to go through the same process ? If so. what guarantee had we that the same objections would not be raised to his finding and the matter would again be brought before the House ? It was quite out of the province of the Assembly to sit as a court of appeal on a pure question of fact. If we were to look at the facts. not only must we see the witnesses but we should also have typed copies of all the evidence before us. Was it reasonable that any good was likely to come. that there should be 50 judges on a question of fact every time that some member honestly believed there was a grievance in his constituency? It might be of some advantage to some individuals for that course to be adopted, but if we were to have appeals on fact in every case like this the real business of the country must be neglected.

At 6.15, *the Speaker* left the Chair.
At 7.30, Chair resumed.

Mr. T. WALKER (Kanowna): The member for West Perth (Mr. Draper) deprecated the discussion on the score that this was scarcely the place to criticise the finding of a magistrate. If in this Chamber we could not listen to the cry of those who had suffered injustice outside, where could such people find a court that would listen to them? The hon. member seemed to have temporarily forgotten the character of this House; yet none knew better than he that this was the High Court of Parliament, to which even the humblest citizen had the right to appeal. When no remedy could be given in other courts this court could find a remedy; and it would be a sorry day if the administrators of the laws outside this Chamber should be immune from criticism when error or other human weakness resulted in failure to secure the ends of justice. The hon. member said the magistrate's finding was purely on fact, and therefore in a sense final and not to be criticised. True, it would be injudicious to reopen frivolous cases not involving public policy, decided in lower courts. But was this such a case? Facts were its elements; but the incidence of the facts affected materially the welfare, the lives of hundreds of miners. Was the finding so absolute as not to give ground for criticism? Apart from facts, did it not contain an element of judgment? The hon. member could not have read the finding, or if he did, could not have analysed it with his usual clearness. The Commissioner found that certain wrongs had been perpetrated—that when the inspector went to take evidence of injured men he took with him the mine managers, the pro-

prietors. [*Mr. Troy*: On two occasions.] That was found as a matter of fact, and was one of the grounds of complaint. As to charge (*a*) the Commissioner did not consider that incorrect statements were not taken or sent to the Minister as a result of men being unfit to give them. Was that a fair finding? The Commissioner distinctly admitted that the wrong complained of was done, but sought to palliate it, and did not think that any harm resulted. Surely a finding of that kind ought to be reviewed. How would the member for West Perth treat such evidence, if he appeared on the other side? The Commissioner admitted that evidence was taken from men unfit to give it. Should any inspector of mines take such evidence, and if he did, was he fit to hold his position? Observe the misleading wording of the Commissioner's finding on charge (*b*): "There is nothing to support it except," —here was the point—"that the inspector seems to have at times advised the men that it was useless to give as part of their statements opinions at variance with the statements of their fellow-workers." There was the whole charge clearly admitted by the Commissioner. There was nothing to support the charge except the facts which proved the charge! Were we not to review a finding of that kind? This final report disclosed that we had not only an unfit inspector of mines, but an unfit commissioner and an unfit warden. Why did he not say frankly: "The inspector has advised the men that it was useless to give opinions at variance with the statements of their fellow-workers." That such advice was given the Commissioner could not deny, and thus he substantiated the charge. The Commisioner proved that the member for Cue was right in making the assertion that those things had been done. Was it not an offence that should disqualify the inspector for a man to go frightening people, warning and intimidating them perhaps when they were on the verge of death, when they were suffering from their wounds and weak from loss of blood? The inspector warned then not to say anything that could be contradicted. And it was wrong for the magistrate to talk about, "it seems" and "at times" when he himself admitted that the intimidation of weak and wounded men took place. It was clearly white-washing. Instead of frankly, honourably, and straightforwardly admitting that the member for Cue was supported in his charge and that these offences had been committed, the Commissioner talked of "it seems" and "at times," while beginning with the sentence that there was nothing to support the charge. It was in the exception that the real, naked truth was shown, that these offences had been committed; but having established his whitewashing tendencies, the magistrate proceeded, "In my opinion, though no harm seems to have resulted in any way, this advice should not be given." That was condemnation with whitewash. Was this a magistrate in the presence of whom we should be silent? Was this the result of magisterial training and magisterial sacredness? The gravamen of the charge of the member for Cue was that the men were not allowed to give their opinions freely and unfettered as to the cause of accidents, that they were intimidated. Why did not the Commissioner say that the member for Cue was right in bringing forward that charge? He admitted that the rules of right conduct had been transgressed, but would not say that the member for Cue was right. The hon. member must be condemned, while the Commissioner refuted the charge in this whitewashing language:—"As to Charge (c), it naturally follows that as no incorrect statements have been given none could be used," though he had already admitted the possibility of incorrect statements by rebuking the method of intimidating these people. *Suppressio veri* was *suggestio falsi*. The magistrate showed there could be subversion of the truth by the intimidation of these injured men, yet maintained that no incorrect statements had been sent down, and that in the face of Andrews' evidence that false statements had been made. However, it was unnecessary to go to the evidence of the injured men. There was sufficient proof in the contradictory statements made by the inspector himself, the one made prior to the inquiry that he

was not accompanied by mine officials when he went to take statements, and the other statement made before the Commission that not only was he accompanied to the hospital by a mine official but that the official took down the words of injured men. The chief point about this was that it was the report of the mine official that was sent to the Minister. Why should we be silent when such travesties on inquiries took place? If we were to have commissions we should have fair commissions, not those that stank in the nostrils of the people and made commissions by-words in the State, and made people suspect that justice could not be obtained here. It was this sort of thing that made people think that fair treatment could not be obtained in this State. Members on the Government side would not remain in the Chamber. They were to be the jury, but they were absolutely reckless and indifferent. They had made up their minds to support the Minister, no matter what the poor wounded miners might be suffering. They cared nothing about that, but when the division bell rang they would come in and take their seats and vote with the Minister, knowing nothing about the subject. They conducted no inquiry; they simply voted for the deaths of our fellow-citizens. If we could not get justice in matters of this kind, the lives of our fellow mortals were at stake and in danger. People sent here to judge in this Chamber would not remain in their seats, would not deliberate, but simply voted at the Minister's direction. The magistrate said there could be no evil arising from the reports sent to the Minister, because false statements were not made. The evidence showed they were made. The Commissioner reported:—

> "Though no concrete charge was made, it was also suggested in regard to the inquiry that the presence of employers or the representatives of employers, when statements were being made by injured men, had an adverse influence in some way, the nature of which was not exactly defined."

Was this magistrate a man capable of judging? Did he need a statement as to how people might be injured by the intimidation of employers when their wounded employees were likely to take action for damages? Surely no evidence was needed on that point. The man who would pen such a paragraph was not capable of sitting on a jury on the death of a dog, let alone judging the characters or the lives of men. The Commissioner went on:—

> "There are two instances of such persons being present, but there is nothing to show that their presence had any influence whatever."

But the charge was their presence when statements were being made. We could not trace the injury done. It was a wrong in itself and should not be excused; no magistrate should presume to excuse a wrong of that kind. However, the magistrate himself showed consciousness of the injury done, because he continued:—

> "It would be advisable, however, in view of the extraordinarily suspicious temperament of some miners, that more care should be taken to avoid this."

The magistrate admitted the wrong; but here was a cowardly excuse for it, the "suspicious temperament of some miners" —an uncalled for slur on the miners. What would the same magistrate have said if an employee threatened an employer with a pistol to compel the employer to make a statement to suit his own purpose? It was not that these men were intimidated into making false statements, but that statements they had made in the presence of their bosses were suppressed, and the truths they uttered were not given. The suspicion was on the part of those who went there to make a case for themselves out of the mouths of dying men. Witnesses who were in the hospital at the time some of these men were making their statements had given evidence, which showed clearly that certain of the statements were suppressed by the inspector. In order to screen the inspector and blame the member for Cue for bringing up what had been termed unfounded charges, the magistrate spoke of the suspicion in the minds of the miners. It was a slander and a slur on a useful and honourable portion of the community for a magistrate to have

made such remarks. Mr. Walter said in conclusion:—

> "I find that Inspector Lander has been guilty of no wilful maladministration whatever, nor of anything worse than slight errors of judgment, which have had no prejudicial effect upon the miners concerned."

If there had been maladministration surely it went without saying that it was wilful, for it could not have been perpetrated otherwise. As to the slight errors of judgment which the magistrate said had been the cause of the maladministration, it was the very errors of judgment themselves that formed maladministration; but they were not slight. None knowing the facts would call it a slight error of judgment to suppress the truth, to take a dying man's testimony incorrectly, to state one thing to the Minister most positively and then in evidence to contradict it lightly, to alter documents, to so violate the law as to take those mine officials with him when he wrote out the testimony of the injured man. It was a case of directly favouring, and worse than that, the mine officials. The inspector was hand-in-glove with them to the detriment of the workers, to the intimidation of the workers, to the weakening of their chances in getting damages in actions for injuries received. These were the slight errors of judgment to which the magistrate referred, and which could not be forgotten so easily. It was not a slight error of judgment to misrepresent the real state of facts as to the penthouse and the injury which was caused to the man owing to its condition; a deliberately untruthful report to the Minister could not be called a slight error of judgment. If Inspector Lander were to be excused on that score there was not a criminal brought up for judgment who should not be forgiven on the same ground. Errors of judgment could be made to cover everything, even to the theft of articles, to the wounding of a fellow man, and to the worst of crimes which could be committed. It was a matter of indifference whether the Commissioner called them slight errors of judgment or by their proper name. If a man were guilty of falsehood, of going beyond his powers as an inspector, and of currying favouritism with mine officials; could these be called slight errors of judgment? Unless we could have absolute faith in the tribunals of justice, injustice would reign rampant through the land. It was only because we had confidence that our courts would do right that our laws became tolerable. We were fighting for purity of justice, for the honour of our tribunals, and for the right of this House to dispense justice when it was denied everywhere else; to give people the hope and faith that, when all the world was unjust to them, still in this Chamber justice would be meted out. It was a deplorable fact that when the division bells rang every Ministerial member would come in and vote to whitewash the Commissioner and Inspector Lander, and inferentially to punish the man who stood up and fought for right and justice. If the Inspector and the Commissioner were exonerated by the report and by the evidence, the member for Cue stood condemned, as covered with opprobrium, as a calumniator, as the originator of false accusations, as a scandalmonger, would members come in and vote in that direction without having heard the case presented for their information? [*Mr. Holman*: They prostituted their manhood.] He did not know what the Treasurer might be laughing at. [*The Treasurer*: At your extravagant language.] It was not extravagant language to make an appeal on behalf of justice, to lay blame at the doors of those who deserved it, and to express the hope that members would not exercise their vote without having heard the arguments with regard to the case. If he had his way those members who had not been present in the Chamber during the debate would not be allowed to vote at all. It was a wrong in itself to vote upon an important matter like this without knowing the facts of the case. It was a scandal. Accusations had been made against him of using exaggerated language; it could not be termed exaggerated when reference was made to the conduct of the Minister who was guilty of

allowing a report to go forward to exonerate the officer of the department and inferentially the Minister himself. The report of the Commissioner was not the true reflex of the evidence; the language used in the report was not judicial, but it was the language of a whitewasher. Was it possible to speak too strongly when referring to the sufferings of men who were at the mercy of a recalcitrant, false prevaricator like this inspector of mines, at the mercy of a man who did not mind what the working man suffered so long as the mine officials and proprietors were protected. It was a case of the absolute trampling of the commonest rules of justice under foot. He could not speak forcibly enough in endeavouring to make people realise the state of things that actually existed. The member for Cue in bringing this matter forward pleaded for a large body of deserving men who had given to Western Australia its steps towards becoming a nation. By the vote of the House the member would be condemned as a slanderer for having done this; the members on the Government side would vote him that. One trusted the public outside would study the evidence and that the wrong-doers would receive the reward they deserved. Credit was due to the member for Cue for the course he had taken, and the blame and contempt should be placed on those who sought to screen the persons who had been guilty of neglect of duty, and perversion of the right of duty to the State and humanity.

The ATTORNEY GENERAL (Hon. N. Keenan) : The member who had just addressed the House, one regretted to say, had imported into the debate a passion that was wholly foreign to the idea he sought to assimilate us to, that of being a high court of appeal. One ventured to say the contention of the member for West Perth (Mr. Draper) that 50 members sitting in this House were wholly unsuited to act as judges in any matter of this character, could not have received more strong evidence in support of it than the very partisan speech we had just listened to, eloquent no doubt, but pregnant in nothing more than that the speaker could only look at arguments and facts from his particular point of view. [*Mr. Walker:* From all points.] No doubt the member believed "from all points"; but he had become so entirely wrapped up in his own beliefs and ideas that he was incapable of recognising the facts. He (the Attorney General), however, wished to protest against the cheap and nasty insinuations that members on the Government side, supporting the Ministry, forgot entirely that there was no single instance where members on the other side did not support the member if he happened to be the protagonist, or whoever happened to be on the occasion selected as the champion. In this case it could not be suggested that any member on the Opposition side, supposing he differed from the views put forward by the member for Cue, supposing that were the case, would stay in the Chamber and record his difference. We had enough knowledge of human nature to know that if such a state of affairs arose the member would leave the Chamber, and leave the member a free field in order that there would be no possible comparison between his attitude and the attitude of the hon. member. Although no doubt it would be said to him in return, that he (the Attorney General) viewed this from a personal point point of view, that he was not impartial, not wholly indifferent, and therefore the very taunt he flung in a measure could be flung back at him; still, he would address himself to the subject in what he hoped was an impartial spirit. What was the matter which in the first instance was referred to Mr. Walter as a Royal Commissioner to inquire into? The member for Cue on the 1st February of this year made certain statements, which were reported in a newspaper circulating in the Murchison district, and known as the Murchison *News*. [*Mr. Troy* : No such paper.] That statement was to the effect in the report that Mr. Lander, the inspector of mines stationed at Cue, had sent in untrue statements to the Minister; that in taking statements from injured people the inspector was only too ready to put words into their mouths; that the inspector took statements from men when

they were not in a fit state to give them ; that the statements were capable of being used against men who were suing for compensation. There was a farther matter of a calumnious nature—he meant by that, imputing a serious charge against the character of Mr. Lander, uttered by the member at the same time. On the 2nd July Mr. Walter presented a report which was the result of his investigation as a Royal Commissioner. When Mr. Walter was first appointed a Royal Commissioner he sat for the first time on the 2nd May, 1907, and immediately the first thing that happened was that Mr. Heitmann, the member for Cue, objected to the manner in which he had been called before the Commission ; and objected to the accuracy of the report appearing in the newspaper which had been circulating from the 1st February to the 2nd May, and never qualified or withdrawn, and had done all the damage that the report could do to the man's character ; and then when the member appeared before the Commissioner he said the statements appearing in the newspaper were not correct. On the 2nd May it was exceedingly hard to discover what the charge meant, and beyond the statement that the report was incorrest, he refused, on that occasion, to challenge or cross-examine the witness produced to prove the accuracy of the newspaper report. [Interjection by *Mr. Johnson* as to evidence.] When witnesses appeared before a Commissioner he was not going to confine his attention to one part of their evidence, but to every part of the evidence. Had the member for Guildford been a Royal Commissioner or a justice of the peace and a case came before him, the very question of the credibility of the evidence would be determined in the member's mind not by part of the evidence but by the whole. Some portion of the evidence would enable him to form his judgment, but the question of the credibility of the evidence would undoubtedly turn, not on a particular part, but on the whole of it. Therefore he would call attention to what was before the Commissioner, and what undoubtedly he must have given attention to when determining in his mind to what extent he would give weight to the evidence of particular witnesses when determining in his mind whether he would believe the statements of the one party or the other. An adjournment took place for a considerable period that the matter might be placed before the Commissioner in the form wished for by the member who made the charges. It was said by the Leader of the Opposition that because the Royal Commissioner was not a resident in a district where deep mining was carried on, he was not a fit person to conduct the inquiry.

Mr. Taylor : That was not so ; that he was not as capable as the man rejected.

The ATTORNEY GENERAL: When we were asked in the terms of the motion before the House to come to the conclusion that in the opinion of the House the report of the Commission on the inquiry into this matter was inconsistent with the weight of evidence, one of the most important facts to weigh with us in coming to that conclusion was whether the Commissioner was a fit and proper person, altogether apart from a comparison with other persons, to carry out the inquiry. Because there was a fitter person to carry out the inquiry we were asked to disagree with the finding. It would be no justification for differing from one man's judgment that we knew another man whose judgment would be the same if he had the facts before him, but members would prefer that he should have had those facts before him. The hon. member said the Commissioner had no experience of deep mining, and was therefore not suitable. But what was the Commissioner asked to decide? On the relative credibility of two sets of witnesses giving contradictory evidence as to facts. Whether the Commissioner was the most expert deep miner known, or was, like a Supreme Court Judge, wholly ignorant of deep mining, would not make the slightest difference in enabling him to determine a judicial issue. It was absurd to say that Judges were incapable of weighing evidence because they were not experts in the matters at issue.

Mr. Troy: In the Arbitration Court, lack of technical knowledge by the Judge was a bar.

The ATTORNEY GENERAL: That court did not decide on the credibility of witnesses, but on the working conditions of an industry. Undoubtedly the Arbitration Court took evidence, but it was evidence of theory, not evidence of fact. The statement that the future condition of a certain industry would warrant certain wages and hours of labour could not be proved as a fact. Anyone who could determine what conditions would apply to an industry, making due allowances for unknown contingencies, would indeed be a remarkable man. Here was a distinct charge made; and the question was, could the complainant produce evidence to sustain it, or could the defendant rebut the evidence produced; and which of the two conflicting statements was to be believed? Anyone who had experience on the judicial bench was more or less fitted to decide such an issue. When the sittings of the Commission were resumed, the member for Cue contended that he had not said certain statements were made by Mr. Lander and used against men claiming compensation in the law courts, nor had he stated that Mr. Lander had suggested words to injured men which were afterwards used against them. Therefore the Commissioner pointed out in his report to the Governor that he had considerable difficulty in determining what were the exact charges, as witnesses differed as to the literal accuracy of the newspaper report of the hon. member's speech; but the Commissioner concluded that the substance of the complaint was contained in the three charges with which members were familar. It appeared from the evidence that the hon. member stated he had no specific instance in his mind to support the charges; that his public statement was made in consequence of a communication from the secretary of the Cue Miners' Union. The hon. member could not produce the letter; but the secretary was called, stated that the union had passed a certain resolution, and that in consequence he had written a letter which unfortunately he had not copied, though he kept a copying-press and a letter-book. [*Mr. Troy* had a copy of the letter.] One did not challenge the existence of the letter. Then Mr. Andrews was called. The Leader of the Opposition, who had naturally and properly selected that portion of the evidence which supported the case, dwelt at length on this witness, as well as on Inspector Lander's report. It appeared that Andrews was examined three days after the accident, and at the time Mr. Lander had a man with him. Andrews was in hospital, and, he said, some of his neighbours warned him not to sign any statement. Mr. William Collier, who warned Mr. Andrews, deposed that he did so because he believed that the statement would go straight to the Fingal Company, and that he believed this because of the case of Mr. Grant. It turned out that Mr. Grant's case happened a long time after that of Mr. Andrews. When pressed for something before that date Mr. Collier said he had seen cases in Melbourne and Sydney. In spite of the warning Mr. Andrews made a statement, but denied that the statement was read over to him. However, on its being read to him he admitted its general correctness, with the exception that it did not mention that the trestles were not bolted down.

Mr. Bath: That was the very matter complained of.

The ATTORNEY GENERAL: The evidence showed that the strongest possible witness for the complainant (Mr. Heitmann) was not prepared to say that the trestles in the mine were not movable, or to deny that ordinarily they were not bolted down. It appeared he knew it was a frequent practice to move the trestles about. What purpose the trestles served did not appear.

Mr. Heitmann: It was not true that the trestles were movable.

The ATTORNEY GENERAL: The trestles, being movable, were not bolted down.

Mr. Underwood: That would depend on their use.

Mr. Johnson: They should have been bolted down.

The ATTORNEY GENERAL: The hon. member did not know for what they were used.

Mr. Bath: What of the inspector's report, that the man was in charge of the job?

The ATTORNEY GENERAL: The hon. member drew a distinction between the sailor-gang man and the man helping the sailor-gang. Supposing the inspector described a man as a "rigger" who was not a rigger, was there anything terrible in that?

Mr. Walker: The whole point was whether the man was in charge. The liability of the company depended on that.

The ATTORNEY GENERAL: Members were making a mistake when they talked of the "proceedings" that were likely to be taken. When "proceedings" were spoken of throughout this inquiry, they were not court proceedings for damages, but were the usual court prosecutions instigated by the inspector for breaches of the Mines Regulation Act; and when it was insinuated that the reports in any way influenced "proceedings in the court," these only meant proceedings under the Mines Regulation Act. Consequently, assuming that by any mistake, error, or neglect, the inspector had reported to the Minister that the man injured was in some position of authority which he did not actually occupy, would that statement influence the State Mining Engineer when he perused reports of those who witnessed the accident? If the evidence in the statements disclosed that a breach had taken place, the State Mining Engineer would undoubtedly direct a prosecution, whether the breach was committed by a miner, a shift boss, or the manager himself. Was it to be supposed that the State Mining Engineer would withhold his hand against high officials, and institute proceedings against the ordinary miner? No one would support that contention. Mr. Stickland, a witness called by the member for Cue, was injured in the Victory United mine, and complained that Mr. Lander was not taking down his statement. Mr. Stickland admitted that the inspector corrected the statement when he objected to any portion of it, and claimed that the inspector said it was no use taking the case into court because three other men were against him (Stickland). That point had been dwelt upon by several members as if it meant proceedings for damages; but the truth was that there was no case for the inspector to bring into court by way of a departmental prosecution, if three other men contradicted Stickland's evidence. Members would see in the evidence given by Mr. Caddy, a witness called by the member for Cue, that Mr. Lander expressed willingness to take the case to court and institute proceedings under the Mines Regulation Act if Stickland would stand to his statement, notwithstanding that it had been contradicted by other important witnesses. It was the duty of the inspector, before becoming a prosecutor, to be certain of his ground. The inspector must not merely act on the statement made by any one man, but should make certain that it would not be contradicted by other persons on the scene of the accident at the time. The inspector should not begin a prosecution which was vindictive and which would break down in court.

Mr. Walker: That did not justify the inspector in manufacturing a statement.

The ATTORNEY GENERAL: The evidence of Caddy robbed of any effect the claim that Stickland was intimidated by the inspector pointing out that the evidence of the other men contradicted Stickland's evidence. Stickland also gave evidence that Mr. Lander told him he would get himself disliked and blackballed. Strickland farther admitted that he signed the statement, also that he received compensation from the company, that the accident was trivial, that he made no complaint at the time and that he made no complaint to anybody, saying he might have mentioned it to one or two but he did not remember who they were, and though months had elapsed in the meantime he said he did not mention the matter until he discussed it with the member for Cue. Any member of the Opposition in this House, sitting as a Royal Commissioner with a witness making these admissions, would not attach

great importance to this evidence on which rested a great deal of the case brought against the inspector.

Mr. Walker: The Commissioner believed the witness.

The ATTORNEY GENERAL: If so, it showed to what extreme lengths the Commissioner went in believing the case brought against the inspector. If the Commissioner on the smallest fraction of evidence had found something to complain about in Mr. Lander's conduct, how could the member for Kanowna complain that the finding was unfavourable to the member for Cue? Another witness was a Mr. Brown, who was injured in the Great Fingal mine on the 19th March, 1906. This Mr. Brown complained that the statement he gave to Mr. Lander had been used against him, and swore that the statement was not correct in that part in which he was made to say that the accident was a pure accident and one that nobody could have avoided. The witness admitted telling Mr. Heitmann that he mistook Mr. Dixon, the inspector's clerk, for Mr. Tomlinson of the Fingal mine. The farther admission was made that Mr. Brown had every opportunity for reading the statement before signing it. Brown failed in his case against the company entirely on a law point as to whether he was in a position to bring an action in consequence of the theory of common employment, and members would find that the decision had nothing to do with the statement made to Mr. Lander. As regarded any weight being given to the contradiction by the witness of portion of the statement forwarded to the Minister that this was a pure accident, if members turned to the evidence they would find that Dixon swore distinctly that Brown did say so. He took it down, for he was the clerk employed by the inspector of mines to go round with him and take the statements of injured men or witnesses. No juror and no person of impartial mind would have hesitation in believing that this portion of the statement was absolutely correct. The man was chagrined at having lost the case he brought into the law courts, and he tried to discover a cause to which he could attribute the loss. He foolishly and improperly attributed it to the fact that he made a certain statement to the inspector. He also denied the correctness of a statement that was credited to him. As the member for West Perth (Mr. Draper) properly said, unless one had the witnesses before one and could watch their demeanour when making statements and could carefully observe their manner generally in order to detect whether they were sincere or insincere, a mere statement was something upon which one could not place too much reliance. If members read the reports of criminal trials they would be much impressed by statements made by witnesses and accused persons which, had they been present in court, they would not consider for five minutes. Cold print did not convey the nervousness, the hesitation, the palpable desire to conceal facts which greatly discounted the evidence tendered by witnesses. On the other hand, statements in print did not appear so confirmative of truth as if those statements were heard in court and one could see that the witnesses bore a demeanour which carried conviction. All those factors were missing when we attempted to discuss this evidence. It had been held by the highest tribunals in the land, by judges who had spent their lives in dissecting evidence, and who had every opportunity and every training to accurately gauge the value of evidence, that a jury who had heard the witnesses give their evidence and had found on questions of fact should not have their decision reversed, even if after reading the evidence the judges who had not heard the witnesses had come to a different conclusion. It was quite hopeless to ask a bench to depart from that rule, for judges would not interfere with the findings of jurors on matters of fact.

Mr. Walker: The objection was to the magistrate's interpretation of the facts.

The ATTORNEY GENERAL: Like the charges brought by the member for Cue, it was difficult to find what members did object to. If one had to follow them through all the intricacies of their objections, no definite end would be reached. The member for Kanowna

(Mr. Walker) now objected to the inferences drawn by the magistrate. [*Mr. Walker*: And his apologies.] As to the first charge, the magistrate found thus:—

> "I do not consider that the evidence shows that any inaccurate statements were taken or sent to the Minister, as a result of men being unfit to give them."

That was not an inference, but a finding of fact which was amply sustained by the evidence. It appeared that before asking any man to make a statement, the inspector invariably asked the doctor or the matron whether he was in a fit state to make the statement.

Mr. Bath: Dr. Blanchard's evidence did not show that.

The ATTORNEY GENERAL: Dr. Blanchard stated that one day a patient was not in a fit state to make a statement.

Mr. Bath: But the statement was taken on that day.

The ATTORNEY GENERAL: Dr. Blanchard was not there at the same time as the inspector; and it was known to most members that people suffering from disease, accident, or any other cause that left a mental delibity, while at one moment they were incapable of dealing with temporal matters, the next their mind was perfectly clear. This could not be better illustrated than by referring to the position of a person who was dying, and who at one moment was so clear in his statement that no person could have the least hesitation in accepting what he said as being the result of calm judgment, yet perhaps in a very short time the unfortunate man was no longer capable of giving a coherent statement. The first finding of the magistrate was one of fact, which was not challenged. As to charge (*b*), the Commissioner reported:—

> "There is nothing to support it except that the inspector seems to have at times advised men that it was useless to give as part of their statements things at variance with the statements of their fellow workers. In my opinion, though no harm seems to have resulted in any way, this advice should not be given."

The inspector was perfectly right in telling a man that where his statement was contradicted by those of persons who were with him at the time of the accident, prosecution would not ensue.

Mr. Scaddan: It was not a case of prosecution.

The ATTORNEY GENERAL: It was a case of the local inspector getting authority for instituting proceedings under the Mines Regulation Act. The finding of the Commissioner on charge (*b*) was based on the evidence of Stickland and Caddy. If members read the evidence of those witnesses, they must come to the conclusion that the inspector, when he pointed out to Stickland that his evidence was at variance with that of his fellow-worker and therefore he would not take proceedings, was doing nothing to which exception could be taken. The member for Kanowna had exaggerated, into something so grave that it demanded a terrible punishment, the fact that the inspector told an injured man that his mates contradicted him, and therefore he would not bring a prosecution on the statement unless the man was prepared to stand by it. An attempt had been made to exaggerate this into something so grave that it would justify at any rate the dismissal of the inspector.

Mr. Walker: It was a most indecent thing for an inspector to do.

The ATTORNEY GENERAL: The word "indecent" was one with a meaning wholly foreign to this case. It was the inspector's duty to find out if an infraction of the mines regulations had taken place. The inspector had before him the evidence of three witnesses who saw the accident, and on that he told the man who was hurt that his mates contradicted him and therefore he would not prosecute, but added that if the injured man was prepared to stand to his statement he would go to court. For this remark the inspector was to be held up to contempt as a man not worthy to be employed in an office under the Crown. The Commissioner was also to be held up to contempt for this, and to

be assailed as a man who did not know his duty, or as one who, if he did know it, was incapable of discharging it. As to charge (*c*), the Commissioner found:—

> "It naturally follows that as no incorrect statements have been given, none could be used. Though no concrete charge was made on the subject, it was also suggested in the course of the inquiry that the presence of employers or their representatives while statements were being made by the injured man, had an adverse influence in some way, the nature of which was not exactly defined. There are two instances of such persons being present, but there is no evidence to show that their presence had any influence whatever. It would be advisable, however, in view of the suspicious temperament of some miners, that more care should be taken to avoid this. In conclusion, I find that Mr. Lander has not been guilty of any wilful maladministration whatever, nor of anything worse than a slight error of judgment that has had no prejudicial effect upon the miners concerned."

The Commissioner went out of his way to attach importance to evidence that told against the inspector, particularly the evidence of Stickland and Caddy. The Commissioner undoubtedly, to a large extent, believed Stickland's evidence, and he said that in his opinion it was not a dereliction of duty but an error of judgment on the part of the inspector to have said to Stickland that he would not go on with the case, as there was contradiction in some facts by his fellow-workers; and farthermore the Commissioner said that it was an error of judgment on his part to allow any person to be present who was in the employ of one of the employers of the injured person. That second part of the Commissioner's report could well be justified. It was a mistake, when statements were sought by an official, that any person should be present except the official. It was true the member for Cue advocated, in the speech he delivered which formed the subject matter of the inquiry, that a representative of the workers should be present. The reporter swore that the member for Cue said that in his opinion no representative of the employer should be present; and on that statement no one contradicted him. The member said that while it should be observed as a rule that a representative of the workers should be present, no official of the company should be allowed to be present when a statement was taken. When the Mines Regulation Bill was before the House, it was argued that a representative of the workers should be present; and the Minister then took up the position that no one but the official should be present. The Commissioner said it was an error of judgment on the part of the inspector to allow anyone to be present not in an official capacity. Would anyone say this justified the heap of calumny that had been hurled against this inspector, assuming to the fullest possible extent that he was guilty of some error of judgment in allowing, on two occasions apparently, a person in the employ of the mining company to be present. Assuming that the manager was present on one occasion, and someone in the employ of the Great Fingall mine was present on another occasion, for these two errors of judgment, however one might object to them, this inspector was to be hounded out of the public service! There could be no doubt members opposite had made up their minds that if they could do so they would hound this man out of the public service. [Interjections of dissent.] It was perfectly evident members had made up their minds that this man was wholly unfit for the public service, and they were determined to do everything that lay in their power to drive him out of it. An error of judgment, however one might regret it, surely could not be seriously contended as justifying such a severe penalty. He (the Attorney General) desired to supplement the remarks he had made by protesting against the criticism directed against an officer who accepted a position wholly foreign to his office. It was in no sense part of this officer's duty as magistrate to hold an inquiry of this character, and when he consented to hold an inquiry as a Commissioner he did so almost as a

favour. If the Crown called on him to do something more than his duty and he responded to that call, as every man in the public service would respond to a call made by the State to him, if he conscientiously tried to do his duty and the result was not such as would commend itself to the judgment of members in Opposition, was he to be made the cockshy of everyone who had something they thought they could fling at him? Was he to be made the subject of abuse, when he could not retaliate, when the Government dared not allow him to, because what would the service come to if the Government allowed civil servants to retaliate on attacks made against them in and out of Parliament? Members should remember that before they attacked an official they should be sure that his conduct and character deserved the attack, and that he had been guilty of some gross abuse of the powers of his office, that he had done something wholly opposed to the tenets that governed his duty, and that it was within their province to demand that he be removed from the public service. Until we agreed on that point members should not be entitled to get up in the House, and because they disagreed with the finding of a public official, hold him up, as had been done, to a great deal of public execration, which if those members were possessed of an equable temperament they would consider it was not the proper course to pursue. Some day, perhaps in the distant future, members opposite might be called on to be responsible for defending public officials, and public officials should be able to rely on the officers of the Crown defending their conduct when necessary.

Mr. G. TAYLOR (Mount Magnet): However much he might have desired not to enter on this debate, yet after listening to the speech of the Attorney General and the speech of the member for West Perth one could not sit silent without adding a few remarks, especially on the evidence taken before the Royal Commissioner. The object and aim of the Government had been to shift the point of dispute to suit their own case. The Government had shifted the ground of attack, and concentrated it on a man whom it was not his (Mr. Taylor's) desire to attack: he referred to the Commissioner, Mr. Walter. He happened to know Mr. Walter, who was all that Ministers had said about him as a magistrate and a citizen; but the trouble was in connection with the inspection of mines. The member for Cue had found his district suffering from the incapacity of a mining inspector, for the lives of his constituents were in danger and he was justified in probing the matter. This official was a mining inspector on the Golden Mile seven years ago, and when he (Mr. Taylor) first entered Parliament, deputations of miners and workers from that portion of the State found fault with this inspector, pointing out his incapacity to hold his position. These objections were raised constantly and furiously against this official, and the Government a few years ago found it necessary to remove him from the Golden Mile to Cue, to a farther and more silent part of the State where mining operations were carried on at greater distances, and where there was not so much concentration on the part of miners to defend themselves against incapable inspectors. That was the position taken up by the member for Cue, and rightly so too. If the member knew that an officer, supervising works of a dangerous character, failed to do his duty, it was necessary to acquaint the authorities with the matter, and that was what the member for Cue had done. On the public platform the member for Cue had made certain statements, and the Minister thought it necessary to appoint a Royal Commission to inquire into the statements made. He (Mr. Taylor) came to the point where he desired to remove any stigma from the Commissioner and place it on the shoulders of the Government. Whatever statements had been made in the House to-night with reference to the Commissioner of a derogatory character, there was a more lasting stigma cast on Warden Troy by the Government than could be cast on Mr. Walter. He happened to know both these gentlemen and not one word could be said against either

of them as wardens, magistrates or men. The Under Secretary for Mines recommended Warden Troy's appointment as the most satisfactory way of arriving at the truth, and declared that Mr. Troy's verdict would carry weight. The Commission was prepared and awaited the Governor's signature; and nothing intervened between the appointment and its cancellation.

Mr. Scaddan: Telephonic communications were not on the files.

Mr. TAYLOR: In mining circles it was rumoured that the cancellation was brought about by telegrams from mining men at Cue. These telegrams did not appear on the files, and in justice to the hon. member (Mr. Heitmann) they should be forthcoming, to show who had power to induce the Minister to cancel Warden Troy's appointment, and to appoint somebody more favourable to a certain section of the community. Would the Government contradict the rumour? Police Magistrate Walter was appointed in place of Warden Troy; and the Minister interjected that Mr. Walter was "handy." Perhaps Warden Troy was not "handy," but too strong, too honourable, and knew too much of mining. The Attorney General's attempted justification of the Commissioner's finding had wholly failed. During the early stages of the inquiry the member for Cue, who had been given access to the files in the Mines office in that town, found on a file certain undated reports of Inspector Lander; and when he again visited the office he found that these reports, undated a week or so before, had been dated January 2nd, 1907. On inquiry he was shown Inspector Lander's diary, and found a report in the diary corresponding to the subject matter of the report on the file; but the date must have been about the 30th or 31st December, 1904, at which dates the evidence proved that the accidents referred to in the undated report on the file must have occurred. That was the Pollard case, for Pollard's evidence was taken in hospital about that time. Yet the Minister called this a trivial mistake. The member for Cue was justified, before taking part in the inquiry, in finding out whether he would get a fair deal. The whole department seemed to have been against him, doctoring files and faking evidence in order to exonerate the inspector. He (Mr. Taylor) was not accusing the Commissioner. The Attorney General had said the first charge was not borne out by the evidence. The charge was that the inspector had taken evidence from men in hospital immediately after an accident, when they were not fit to be examined; and that statement was borne out by the doctor who attended them. Could we have better evidence? Doctor Blanchard said that Pollard slept for only two hours on the 30th December, and he lay slightly delirious. On the 31st he did not sleep well. That evidence did not justify the finding. The charges that Mr. Lander went to take evidence in company with mine officials and that he sent in misleading reports to the Minister were clearly proved, the latter by Mr. Lander's own statement before the Commissioner. He had written to the Minister denouncing the idea that he, Mr. Lander, would attempt to take anybody with him when going to take evidence.

Mr. Troy drew attention to the state of the House. It was scandalous to see two Ministers asleep.

Mr. SPEAKER: The hon. member could call attention to the state of the House, but must not make such remarks.

Mr. Troy: One could not help making remarks.

Mr. SPEAKER: The hon. member would not be allowed to make them.

[Bells rung and quorum formed.]

Mr. TAYLOR (continuing): It was regrettable there was necessity for making observations of the character made; but one could question the knowledge of members on the Government side as to the evidence, or the Commissioner's finding.

The Minister for Works: It had been before the House three or four times.

Mr. TAYLOR: Scarcely any members on the Government side had read the evidence, and then only the *précis* prepared by the State Mining Engineer.

The communications sent to the Mines Department before the inquiry proved that Inspector Lander had misled the Minister, which the member for Cue accused the inspector of doing; and the evidence showed conclusively that both the charges made by the member for Cue against the inspector were substantiated. The inspector himself showed that he had been accompanied to the hospital by an official of the mine, though previously in a letter sent to the Minister he had denied it. The report of the Commissioner was not consistent with the weight of evidence as the motion set out, and the charges against the inspector were proved by the evidence, so that there should be no hesitation in carrying the motion. It was absurd in Andrews' case for the inspector to make out that Andrews was in charge of the operations when the accident occurred. Andrews was merely a labourer. It was all fudge to say that when an inspector took statements and made his report it was only in connection with prosecutions for breaches of the Act. These statements were handed into court when injured persons sued for compensation; and in many instances injured persons lost their cases owing to reports which had been submitted by the inspector, the said reports having been obtained from injured men when not in a proper condition to give evidence. There was proof that if the statements did not suit the inspector, he would tell the man not to put them in. Was it the function of an inspector of mines, who was there to see fair play between the parties, to tell an employee that if he dared to say something which was derogatory to the management he would be dismissed from the mine and would be blackballed throughout the district?

The Minister for Mines: That was denied by the inspector.

Mr. TAYLOR: The inspector said in the first instance that he never had a representative of the management with him when he took statements from injured persons and witnesses; but when he was examined on oath by the Commissioner, he owned up to having done that. Could any credence be placed on anything said by such a man? It was fair to assume that if he lied, as he had done in one instance to defend himself, he would do so again? It was clear from the evidence that the two specific charges made by the member for Cue had been proved by the utterances on oath of the mining inspector himself. Also with regard to misleading the Minister, there could be no doubt that the inspector had done that, which was a very serious offence. The Attorney General had referred to the attacks made on officers who he said were unable to defend themselves. But the experience of all told them that whenever an officer was attacked he was defended by a Minister, and it frequently happened that charges made against civil servants even by members on the Ministerial side of the House were warmly defended by members of the Opposition. This occurred only last session, when he defended as strongly as he could the good name and honour of an officer who had been attacked by Ministerial members. The appeal by the Attorney General to the House on behalf of officers because their mouths were closed was unjustifiable. Judging from the state of the House, Government supporters had made a party question of this matter: they had made up their minds without hearing a tittle of the evidence. It was time a question of this character was approached with less party feeling than had been introduced by members of the Government. If members of the House dealt with this matter in an impartial manner, the Attorney General and the Minister for Mines would stand alone in the division.

On motion by *Mr. Gordon*, debate adjourned.

RETURN—POLICE COMMISSIONED OFFICERS.

On motion by *Mr. Bath* (Brown Hill), ordered: That there be laid on the table a return, showing—(1) The names of commissioned officers in the Police Department, (2) Their total length of service, (3) Their length of service as commissioned officers, (4) Length of service (if any) in the North-West.

The Treasurer laid the return on the table.

ADJOURNMENT.

The House adjourned at thirteen minutes past 10 o'clock, until the next day.

Legislative Assembly,

Thursday and Friday 14th and 15th November, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

TRUST FUNDS (ILLINGWORTH INQUIRY).

As to a Royal Commission.

The ATTORNEY GENERAL (Hon. N. Keenan): By leave of the House, I desire to state that in pursuance of a resolution passed by the House asking that a Royal Commission should be appointed to inquire into certain charges made in this House against Mr. F. Illingworth, it being the expressed wish of the House that the Royal Commissioner should be a Judge of the Supreme Court, I submitted to his Honour the Chief Justice a request to appoint a Judge for that purpose, and at the same time submitted the scope of the inquiry as set out in a letter sent to me by Mr. H. Brown, the member for Perth. I have received a reply from his Honour, intimating that, having perused the scope of the inquiry, he is not of opinion that it is an inquiry which can be conducted by a Judge of the Supreme Court, and therefore he is not prepared to recommend that any one of the Judges be appointed for that purpose. The decision thus communicated by the Chief Justice is to be considered by the Government, and I take this earliest opportunity of announcing it to the House, as the request for a Judge was made in obedience to a resolution passed by the House.

QUESTION—RAILWAY STORES INQUIRY.

Mr. ANGWIN (without notice) asked the Minister for Railways: Will he place on the table of the House the papers relating to the inquiry made into the management of the railway stores, also the report of the board of inquiry?

The MINISTER FOR RAILWAYS replied: I will make inquiries to-morrow, and will advise the hon. member whether I can do so.

QUESTION—COLLIE COAL, THE NEWCASTLE STRIKE.

Mr. EWING (without notice) asked the Minister for Railways: In view of the serious trouble in the coal industry of New South Wales, will the Government give their earnest consideration to the advisability of using Collie coal exclusively on the railways, except in those districts where danger may arise from fires?

The MINISTER FOR RAILWAYS replied: Yes.

URGENCY MOTION — CO-OPERATIVE BAKERY, ALLEGED BOYCOTT BY MILLERS.

Mr. T. H. BATH (Brown Hill): In accordance with notice given to you,