

out the consent of Parliament. If the amendment is carried, directly the war is over increases could be made without the consent of Parliament. I have no objection to the amendment, but it seems to me rather to weaken the motion. Incidentally, if there is one service in this State or country that does not reflect credit upon the Government, it is the railway service of Western Australia.

HON. H. L. ROCHE (South-East—on amendment): Like Sir Hal Colebatch I think the motion moved by Mr. Williams meets the position better than Mr. Thomson's amendment. The motion, as submitted in its original form, at least throws the onus on the Administration to present to Parliament any proposed increases in railway freights although as the result of experience some years ago, it appears possible for the department to ignore the expressed wish of Parliament. Nevertheless we should retain the right to require such matters to be submitted here. We will then be in a position, as the Parliament of this State, when the opportunity offers, to hold responsible those persons who flout the wishes of the representatives of the people. I oppose the amendment.

HON. J. CORNELL (South—on amendment): I hope Mr. Thomson will not persist with his amendment. Superficially it looks all right, but it carries with it contradictions. It is more or less in the nature of a Kathleen Mavourneen. We had a discussion here today as to what "the end of the war" meant. It may be years. No member of this House desires to carry a motion that will do nothing. There is another phase. I protested on the original question when a motion was moved to disallow a by-law which sought to do a certain thing. That was ignored. What we are asking for now is to preserve the free and undoubted right that we thought we had. If there is to be an increase in freight, the suggested rates should be laid on the Table of the House and then if we do not disagree to them, all right, but if we disagree, the proposal will not be put into effect.

Hon. A. Thomson: They would still impose it.

Hon. J. CORNELL: The position would be exactly the same under the hon. member's amendment. After all, we are demonstrating to the Government what we think. If Parliament approves it can be carried out.

HON. H. V. PIESSE (South-East—on amendment): I desire to support Mr. Williams's motion.

The PRESIDENT: The amendment to delete certain words is before the Chair.

Hon. H. V. PIESSE: I feel, in speaking on this amendment, that my colleague, Mr. Thomson, has taken a great interest in this matter of increased railway freights. We in the country realise that the rural areas cannot, like the goldfields, afford to have any increase in the rates. I am sure that the House will support this motion as originally proposed by Mr. Williams. I must oppose Mr. Thomson's amendment.

On motion by Hon. L. B. Bolton, debate adjourned.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT AMENDMENT.

Received from the Assembly and, on motion by Hon. G. B. Wood, read a first time.

ADJOURNMENT—SPECIAL.

The CHIEF SECRETARY: I move—
That the House at its rising adjourn till tomorrow, Thursday, at 2.15 p.m.
Question put and passed.

House adjourned at 5.47 p.m.

Legislative Assembly.

Wednesday, 2nd December, 1942.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (3).

HEALTH.

(A) *As to Examination for Venereal Disease.*

Mrs. CARDELL-OLIVER asked the Minister for Health: 1, Is he aware that a weekly paper alleges that through malicious information a respectable married woman, mother of six children and the wife of a soldier, was forced to undergo an examination for venereal disease in the V.D. ward of the public hospital (the tests proved negative)? 2, Does the present Health Act make such arbitrary methods possible? 3, If so, will he take steps to have inserted in the new Bill a clause to safeguard innocent women from such humiliating acts?

The MINISTER replied: It is impossible adequately to reply to this question except by way of a statement, for which I crave the indulgence of the House. I consider the matter of sufficient importance for members to have a clear and logical understanding of what really happened. I admit that the article which appeared in the "Sunday Times" is substantially correct, but the deductions made therefrom that it was malicious information and that the incident could happen to anybody else, were overdrawn. The Health Department has had little or no knowledge of any complaints with regard to venereal disease, particularly during the last 18 months or two years, except through the special police squad. The squad makes all the inquiries, and submits the facts to the Commissioner of Public Health whose responsibility it is under the Health Act to look after these cases. Out of 300 cases that were notified by the special police squad, 166 were considered of sufficient importance to be called up for examination. Of that number 166 had venereal disease. In respect of 93 of the remainder, the Commissioner did not believe there was sufficient evidence to call them up. It is quite possible that some cases of venereal disease were missed, but those 93 were not summoned for examination, owing to the Commissioner's being particularly cautious.

I mention that to show that the Health Department does not rush in and pick up everybody whose name is sent in, even when the name is submitted by the special police squad. In this particular instance, the squad had complaints from five differ-

ent people that a certain woman had infected them with venereal disease. The whole five stated where the woman was working—at a munitions factory. One only gave her private address. The very fact that there were five complaints, and a general description was given of the woman, justified further inquiries being made. In the usual way, the police set out to investigate and located at her private address a woman whom they believed to be the one in question. It being regarded as of sufficient importance to call the woman in for examination, an inspector of health went to her home, but by the time he reached the address, the woman was gone. The police later notified him of her new address in Hay-street. In the meantime he had visited the munitions factory to make inquiries, and this is where the first coincidence came in.

It was found that at the munitions factory there were two women with exactly the same Christian name and surname. The Christian name was Scotch, but the surname anything but Scotch. So there were two women working at the same place with exactly the same name and both were away on temporary leave of absence owing to illness. The inspector then went to the address the police had given him, and found the lady referred to in the article. She admitted that her name was—we will say—"Madam X." She was a married woman. Her husband was overseas. She has six children, the youngest being 18 months and the oldest nearly twelve years. She was working in the munitions factory and not living with her family. I understand that the children are being looked after by an elderly grandmother. The woman was asked if any soldiers visited the house, and she replied, "No." She then corrected that statement, and said that two soldiers had been living there. She said that she and her sister lived at the house together.

The inspector explained the whole position and stated that in view of the fact that she had six children and was suspected by five people of having venereal disease, she should, in the interests of the children and everybody else, go into Perth Hospital for a couple of days to be examined. She made very little demur. The inspector had a car, and they went straight to the hospital, where we have a V.D. ward. Unfortunately, another coincidence occurred. As she was going

to the ward, one of her relatives, who was visiting the hospital, saw her, and the fat was in the fire so far as secrecy was concerned. The lady went to bed for a couple of days, and was thoroughly examined. A blood test was taken, and she was found to be all right. In the meantime it was found that the other woman had returned to work. Seeing that we had made one mistake, we decided to pick up the other woman and see what she was like. That lady is now being treated at the hospital for venereal disease.

Mr. Hughes: Was this woman told that she could please herself whether or not she went to hospital?

The MINISTER FOR HEALTH: Yes.

Mr. Hughes: Clearly?

The MINISTER FOR HEALTH: Yes. The inspector told her that it would be best in her own interest to go to hospital. She could have gone to her private doctor if she had desired. There is no question about that. I am not making any excuse for the mistake made, but I am pointing out the coincidences which occurred, and which would probably never happen again.

Mr. Marshall: They led up to the article.

The MINISTER FOR HEALTH: Yes. The article said that it was a malicious prosecution.

Mrs. Cardell-Oliver: The paper did not use the word "malicious"; I used it.

The MINISTER FOR HEALTH: I took it from the hon. member's remarks that that was the position.

Mrs. Cardell-Oliver: No, I assumed that.

The MINISTER FOR HEALTH: Then I apologise to the "Sunday Times." In view of the question appearing on the notice paper in the name of the hon. member, I suggest that that was the inference, particularly in view of the headline in block letters appearing in the "Sunday Times" and reading, "This Could Happen to You." I do not think it could happen as suggested. Out of 300 reported to the department only 166 women were called up for examination and they proved to be suffering from venereal disease. I make this explanation because the matter is very important, and I do not desire the House or the general public to get the idea that there is any carelessness on the part of the department in dealing with this problem. In fact, the departmental officials are particularly cautious. However, I have outlined the circumstances attached to this episode.

(B) As to Venereal Cases under Treatment.

Mrs. CARDELL-OLIVER asked the Minister for Health: 1, What is the number of girls now being treated in hospital for venereal disease? 2, How many of these are under the age of consent? 3, What is the age of the youngest? 4, Has a corresponding number of charges been made against the men responsible for the condition of these young girls? 5, Where have they been charged, and what sentences are they undergoing?

The MINISTER replied: 1, Thirty. 2, Three. 3, Thirteen years. 4 and 5, No, because the persons having first infected the girls are unknown. The persons who, in turn, have received infection from these girls are members of the Allied Services. The proper authorities have been informed, and it is understood that suitable action has been taken. As hon. members know, the Allied Forces look after their own patients.

(C) Instructions in Hygiene and Diet.

Mr. NORTH asked the Minister for Health: 1, Is he aware that the B.M.A. has recently been broadcasting homely hints on cooking and diet over 6WF? 2, Is any supervision exercised by the Health Department over the teaching in State schools on questions of hygiene and diet? 3, If not, does he favour general instructions of the youth in these matters?

The MINISTER replied: 1, No. 2, The training and examination of teachers in hygiene is supervised by one of the school medical officers. 3, Yes.

BILLS (2)—FIRST READING.

1, Mortgagees' Rights Restriction Act Continuance and Amendment.

Introduced by the Minister for Lands.

2, Coal Mine Workers (Pensions).

Introduced by the Minister for Labour.

SITTING DAYS AND HOURS.

THE DEPUTY PREMIER AND MINISTER FOR WORKS [2.29]: I move—

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Tuesdays,

Wednesdays, Thursdays, and Fridays at 11 a.m., and shall sit until 1 p.m. if necessary, and, if requisite, from 2.15 p.m. onwards.

There is one reason for moving the motion, and that is that we need the additional time if we are to conclude the session within a reasonable period. I find on looking up "Hansard" for the last three years that in 1939 the session terminated on the 6th December, in 1940 on the 5th December, and in 1941 on the 13th December. We had hoped to be able to finish our work on the 10th December this year, especially as it appears that we will have to hold a session early in the forthcoming year to deal with matters now being discussed with the Commonwealth Government. In any event, we need additional time at the present juncture. We have endeavoured to transact the sessional work by sitting during the afternoons and we have had a rather comfortable time; but we have not made as rapid progress with the business as could be desired. It would appear that if we do not speed up and, while giving adequate consideration to business brought forward—no one would suggest that sufficient time should not be provided for that purpose—make progress towards clearing the notice paper, it will not be possible to terminate the session at an early date.

I understand there is no objection to the motion except in respect of the forthcoming Friday, and the objection is that some members have committed themselves to appointments on that day. I have informed the Deputy Leader of the Opposition that there will be no difficulty regarding the provision of pairs. I quite understand that members, especially those from country constituencies, must make their arrangements ahead and if it is desired that any particular items on the notice paper be postponed to meet their convenience the Government will raise no objection to that course being adopted. If members indicate that they desire a postponement of particular items they can be considered next week. I am sure that if members agree to sit on Friday next they can proceed with the consideration of certain items that take up time but are not of special interest. As a matter of fact, yesterday we devoted quite a lot of discussion to two items and I was rather surprised at the extended nature of the debates, particularly as not many members were interested in those

matters. I assure the House that the Government will not take advantage of the motion to push through particular items.

Mr. Doney: We are all interested in the Estimates. Could the consideration of that item on the notice paper be held over?

The DEPUTY PREMIER: The next Vote to be considered refers to the department of the Minister for Labour, and I shall have no objection to a postponement of that item. I feel confident that we could proceed with certain necessary business on Friday without causing inconvenience to anyone. I hope the motion will meet with the approval of the House, particularly in view of the assurances I have given.

MR. PATRICK (Greenough): As the Deputy Premier has stated, I have no objection to the motion except as it concerns next Friday. We all know that in past years the custom at the close of each session was to have many late sittings, and from that point of view I think it is preferable to devote the extra hours necessary during daytime than to extend our discussions throughout the night. If the Government can meet the wishes of Opposition members with regard to next Friday's sitting I shall be pleased. The Government itself is largely to blame for the fact that the notice paper continues to become more formidable because constantly fresh Bills are being introduced. For instance, I do not think it right that at this stage of the session a Bill should be introduced such as that of which the Minister for Labour gave notice yesterday. I thought the Standing Orders were suspended on the understanding that most of the Bills to be introduced would be continuance measures, and that the idea was to clear the notice paper with greater expedition. I do not think a Bill of the type, the first reading of which the Minister for Labour has moved this afternoon, should be brought before the House when the Standing Orders are suspended. Even if the Bill did get through this Chamber, I doubt whether another place would view it as a measure to be rushed through in a hurry. I repeat that except as regards Friday sittings I have no great objection to the motion.

MR. SEWARD (Pingelly): I regret that the Deputy Premier has brought forward this motion, which will, if passed, entail much inconvenience on country members, es-

pecially if the House continues to meet at 11 a.m. Under those conditions I do not see how members will be able to transact business in the departments. Friday sittings will mean, moreover, that country members will have to spend the Monday travelling back to Perth. A highly inconvenient feature of the session has been that members do not receive the weekly number of "Hansard" until Wednesday. Extended sittings as proposed by the motion will mean that the Government Printer will be overwhelmed with work. Now, messages will come from the Legislative Council and Ministers will be the only members in possession of copies of the messages. The Minister for Works has pointed out that during the last few years Parliament has adjourned about the 5th or 10th December. However, I remember other sessions in which we sat here until Christmas week. There is another week intervening between next week and the beginning of the Christmas week. Further, a surprisingly large number of important Bills is coming down, important even though many of them are continuance Bills.

The position is one of difficulty when it comes to holding over certain matters beyond the Friday sittings, as intimated by the Deputy Premier. In spite of that promise, members do not know what business may come before the House. Many varied interests are concerned in measures now on the notice paper. Again, a Bill may appear quite innocent on the notice paper, but on its being brought forward may be found to contain something utterly unexpected. Then, too, the Premier and the Leader of the Opposition are expected back shortly from the Canberra Convention, and it is highly desirable to keep Parliament in session so that we may receive their reports and be prepared to deal with them later. I would much like the Deputy Premier to forgo next Friday's sitting. We country members have our engagements for the week-end. Suppose that in our absence an important division took place here, and the names of country members were absent from the division list! Such members would be liable to be asked in their constituencies, "Where were you? You ought to have been in the House." Such happenings might lead to serious misapprehension in the electorates.

Question put and passed.

MOTION—STATE FORESTS.

To Revoke Dedication.

THE MINISTER FOR FORESTS [2.40]:

I move—

That the proposal for the partial revocation of State Forests Nos. 27, 29, 30, 36 and 49, laid on the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor on the 1st December, 1942, be carried out.

Question put and passed.

On motion by the Minister for Forests, resolution transmitted to the Council and its concurrence desired therein.

BILL—CONSTITUTION ACTS AMENDMENT.

Third Reading.

THE MINISTER FOR MINES [2.42]:

I move—

That the Bill be now read a third time.

Question put.

MR. SPEAKER: I have counted the House, and assured myself that there is an absolute majority of members present. There being no dissentient voice, I declare the question duly passed.

Question thus passed.

Bill read a third time and transmitted to the Council.

MOTION—POLICE INSPECTOR COWIE'S DISMISSAL.

To Inquire by Select Committee.

Debate resumed from the 11th November on the following motion by Mr. Cross:—

That a Select Committee be appointed to inquire into and report upon the circumstances under which Mr. J. D. Cowie was dismissed from the Western Australian Police Force.

MR. TRIAT (Mt. Magnet) [2.43]: I support the motion of the member for Canning. Before addressing my few remarks to the Chamber I wish to dissociate myself from any acquaintance with Mr. Cowie. I do not wish it to be thought that I am grinding an axe for a man whom I do not even know. However, after reading the evidence submitted in the case, and hearing further evidence which has been stated to me, I feel that there is a possibility of injustice having been done to Mr. Cowie. I know that in British communities injustice is not committed wilfully, though it does arise occasionally from absence of sufficient evi-

dence. Thus injustice results to innocent people. In the event of a case being heard in a court, there is always an opportunity to re-open it. If the community believes that an injustice has been done, public pressure follows automatically.

If Mr. Cowie is guilty of the conduct alleged against him, his dismissal would be correct. However, people who passed through the Broome raids, men of high position in the community, have made affidavits which certainly do not make out Cowie to be a coward. From those affidavits it appears that he was forced to leave Broome by pressure of circumstances and also by pressure from the military authorities. In view of the facts. I am confident that no board, fully advised of the facts, would dismiss the man. If he deliberately vacated Broome, leaving it without the protection of an inspector of police, he was guilty and should be dismissed. But since the case was before a departmental board, much evidence has been submitted by people who were on the spot and understood the position. Those people include justices of the peace, and they are prepared to give evidence if required. I have been given to understand that the evidence before the departmental board was conveyed by telegram and letter; and such evidence cannot stand, since the writers are not open to cross-examination. A Broome constable who was present through the whole business understands the facts of the matter as to the conduct of Inspector Cowie. For the benefit of the House, I ask permission to read the following statement by Police Constable Reade:—

I am a police constable stationed at Broome. I arrived at Broome on 2nd August, 1942, on transfer from Marble Bar. On my arrival at Broome ex-Inspector Cowie was suffering from ill-health and continued to suffer for the rest of the time he was at Broome, progressively getting worse. Prior to the first Japanese air raid on Broome on 3rd March, 1942, ex-Inspector Cowie spent several days in bed. He had been examined by Dr. Jolly, the District Medical Officer, and Dr. Jolly told Constable Leslie Menhennett and myself that he had given a certificate to the effect that ex-Inspector Cowie was suffering from heart trouble. This was told to us on 1st March, 1942, or 2nd March, 1942, just prior to the raid.

I want members to know that ex-Inspector Cowie obtained a medical certificate after the raid. That information was given to the police constable by the doctor previous

to the Japanese raid on Broome. The statement continues—

Ex-Inspector Cowie had a number of his meals brought across from the Roebuck Bay Hotel, before and after the raid. Some were brought across by Sergeant Cowie, some by Mr. W. A. Ward, licensee of the Roebuck Bay Hotel, and some, I think, by Constable Lowry. The first raid occurred at about 9.45 a.m. on 3rd March, 1942, and the Japanese used machine gun and cannon fire only, so far as I know, and concentrated on the aeroplanes at the aerodrome and in the bay only. During the air raid on Broome and after, the ex-inspector aided and instructed us in our duties, and by his steady influence and bearing assisted in maintaining order. He was very ill at the time and assisted us considerably by his manner.

He did not evacuate during the raid, according to Constable Reade. He remained at his post, even though ill, and he gave instructions to his subordinate officers during the time in respect of which he was found guilty of fleeing from the town. That is confirmed by Constable Reade's statement, and consequently there is room for investigation. To continue with the statement—

On the afternoon of 3rd March, 1942, Sergeant Cowie and Constables Lowry, Hurtle Menhennett and Cornell buried the bodies of those casualties which had been recovered. There were no casualties on the aerodrome, only from the seaplanes on the bay. Constable Leslie Menhennett and myself were sent out to the junction of the Broome-Beagle Bay and Broome-Perth road. We were instructed to stop the civilians fleeing from Broome and advise them to return to Broome if not to stay then at least to get sufficient food and supplies for the road, as they would otherwise suffer extreme hardship and perhaps perish on the long journey. A considerable number of the civilian population, including most of the leading citizens and also the District Medical Officer, Dr. Jolly, fled from Broome during the afternoon and evening of 3rd March, 1942, and also the morning of 4th March, 1942.

Many people did leave Broome, including the civilian and official population, but not ex-Inspector Cowie, notwithstanding that the board found him guilty of leaving his post during the air raid on Broome.

Member: Who charged him?

Mr. TRIAT: The Police Commissioner. The statement continues—

Constable Leslie Menhennett and myself returned to Broome at about 6 p.m. on 3rd March, 1942; and shortly after my return Sergeant Cowie, Constable Cornell and myself went to the Government Hospital to bury the body of a man named Hibby, who had died in the hospital from wounds received in the raid. I spoke to an American doctor at the hospital who said there was only one patient left and

her husband. The patient had been shot three times and had received a blood transfusion. He said she was being removed that night per aeroplane and could not be taken before as she was too low to be shifted. He was packing medical supplies and stated that he was going also with the patient that night.

I would like members to realise the position, because it was said there was not a doctor at Broome. This statement proves that there was an American doctor at Broome. Ex-Inspector Cowie was still in Broome; he had not left. The statement continues—

At the time I understood that after he left there would be no doctor left in Broome. There were very few people left in Broome, as most of them had gone to Deep Creek, about 30 miles out; a few returned from there after several days, but most of them continued south per road. The roads were in a bad way and travelling was very slow. Several civilians returned to Broome after about a week, when they realised there was no invasion and when they saw it was a matter of waiting for the roads to dry out before they could get past Anna Plains Station. On the morning of 6th March, 1942, about 10.30 a.m., a Dornier seaplane, a Dutch plane, landed in the bay.

Sergeant Cowie instructed me to see the officer in charge of the seaplane to see if it was possible to obtain a passage south for ex-Inspector Cowie. I saw the officer, a Dutchman, I think his name was Capt. Hossenbacher or Hochenbacher, who said he would take the ex-Inspector away as he was very ill and suffering from heart trouble. I said Port Hedland would do as there was a doctor there. I had discussed with the other police stationed at Broome on several occasions the state of ex-Inspector Cowie's health, and we were all worried that in the event of a forced evacuation, in the event of a Japanese invasion, that his health would not stand the rough trip through the bush. We also knew that he suffered from quinsy, and that when he came North in 1939, he was carried from the boat at Onslow to receive medical treatment for that complaint.

These discussions were with most, if not all, of the other constables stationed at Broome, and at the time we were not aware that there was a doctor in Broome, otherwise we would have got him to give Inspector Cowie treatment. When the Dutch officer said that he would take ex-Inspector Cowie as far as Port Hedland, I returned to District Office and saw ex-Inspector Cowie. I had not seen him prior to this on that day and had been given my instructions by Sergeant Cowie.

Therefore, it is obvious that the other man in charge of the police station desired ex-Inspector Cowie to be removed. Sergeant Cowie gave the instructions to this constable to interview the Dutch officer with the object of taking ex-Inspector Cowie away, if possible. The statement continues—

Ex-Inspector Cowie was lying in bed and I told him that a passage had been arranged

for him on the seaplane that had just landed, and that he could travel south as far as Port Hedland. Ex-Inspector Cowie said that he would not go, as there was not time for him to make necessary arrangements. I had told him the seaplane would be leaving at 11.45 a.m. He instructed me to see the Dutch officer and thank him for the passage, but that he would not be taking advantage of it.

So we have the statement by Constable Reade that ex-Inspector Cowie had been offered a passage on the Dutch plane and had refused to accept it, as he could not complete the necessary arrangements before he left. That does not sound like a man guilty of cowardice. It sounds like a man who is prepared to look after his job. The statement continues—

I went to the police station and saw Sergeant Cowie and Mr. W. A. Ward, licensee of the Roebuck Bay Hotel. I said, "He won't go." They both said, "He'll have to go." I told them what had transpired and they both told me not to deliver ex-Inspector Cowie's message to the Dutch officer, but to wait until they had spoken to ex-Inspector Cowie. I had promised the Dutch officer to give him a list of the known dead Dutch nationals killed in the raid, and I sat down to type out the list. Sergeant Cowie and Mr. Ward were absent for a short period and returned saying that ex-Inspector Cowie would be ready on time for the seaplane. Ex-Inspector Cowie was assisted to get dressed and his case was packed while Mr. Ward got his car.

When ex-Inspector Cowie was ready he said farewell to the rest of the police staff, some of whom were absent, but I believe Constable L. Menhennett and Cornell were present. We knew that the ex-inspector was transferred to Perth and that he would not be returning to Broome. I am not sure who told me, but I think it was either Sergeant Cowie or Constable Lowry. Sergeant Cowie and I accompanied ex-Inspector Cowie in Mr. Ward's car. The car was driven along the jetty to the landing stage, although it is forbidden. We considered ex-Inspector Cowie too ill to walk so far. Several passengers from the seaplane were given a lift. They had come ashore to obtain food and water. I was the last to say good-bye to ex-Inspector Cowie, as Mr. Ward turned the car on the jetty and returned to town with Sergeant Cowie. The seaplane left about 1 p.m.

I know that none of the police officers stationed in Broome at the time considered the ex-Inspector a coward, or thought he had run away. We discussed the matter after he went, and we were all thankful that we had got him away, as his ill-health was causing us all worry. I heard that there was a Dr. Smith, an Air Force doctor in Broome, on 7th March, 1942, and I understood at the time that this doctor had arrived in Broome only that day. I did not know that there had been a doctor in Broome from 3rd March, 1942, onwards, until Sergeant Cowie showed me some telegrams sent and received. Those telegrams

were shown to me after the discharge from the Police Force of ex-Inspector Cowie. Between 22nd July, 1942, and 5th August, 1942, I was told by Newton William MacNamara, Quarantine Officer at present stationed at Fremantle, that there was an R.A.A.F. doctor in Broome on 3rd March, 1942, and that this doctor had assisted in giving the blood transfusion to the wounded woman who was in the Broome hospital on the night of 3rd March, 1942. I cannot say whether ex-Inspector Cowie was aware of the presence of this doctor, or whether he was told of his presence prior to his departure per seaplane, by any person. I personally did not know the doctor was in Broome, and I know that other residents of Broome and other constables stationed in Broome did not know at that time that there was a doctor in the town.

The contents of this statement are to the best of my knowledge and belief true in every way.

The statement is signed by Constable G. C. Reade and is dated the 23rd November, 1942. Backed up by statements of responsible people in Broome made prior to that date it definitely shows that ex-Inspector Cowie is entitled to a review of his case. Mr. Macnee, who was mentioned by the member for Canning, pointed out that he was agreeable to sending ex-Inspector Cowie away and said he would arrange transport for him. Then we have the opinion of Captain Goldie, the Intelligence Officer, who said in his evidence that the ex-inspector was a very sick man. Capt. Goldie did his best to arrange with the military authorities to have the ex-inspector removed. That evidence has been submitted by the member for Canning, and consequently there is no need for me to repeat it. But, backed up by the evidence I have submitted, it shows that there must be some doubt whether the evidence given before the board was correct.

We have the evidence of two men, one of whom is Mr. McKenzie, of the Pearlers' Association in Broome. He is a J.P. and an honourable man, or he would not have got that commission. He definitely says that ex-Inspector Cowie was a man of honour and standing. Then we have the evidence of Mr. Male, chairman of the road board, a J.P. and the chief man at Broome. He also says that ex-Inspector Cowie is a man of standing and honour. Yet the board, on the evidence of telegrams that had passed between certain people, found ex-Inspector Cowie guilty. It was stated that the ex-inspector was a liar, but that does not necessarily mean that he was a coward. Many liars are not cowards. The

matter is most serious, because a man's character is at stake. It is only a matter of holding a further inquiry to ascertain whether or not the evidence previously given was correct or incorrect. A Select Committee would be able to prove whether the statements made by the people before the board were correct or not.

Consider the question of the doctors' certificates! Dr. Jolly pronounced ex-Inspector Cowie to be suffering from heart trouble. Naturally, the opinion of a medical practitioner in the backblocks is not given the same consideration as that given to the opinions of experts, although many bush doctors are as capable as are the experts in St. George's-terrace. When he arrived in Perth, the ex-inspector was examined by the police doctor, Dr. MacKenzie, who must be a capable man. He said there was nothing wrong with the ex-inspector's heart at all, but that he was suffering from quinsy. He was then examined by Dr. Cuthbert, a nose, throat and ear specialist. Dr. Cuthbert found something wrong with his throat and advised a small operation. At a later stage, the ex-inspector was examined by a specialist, Dr. Hislop, who found him to be suffering from heart trouble. Dr. Hislop's evidence was not adduced before the board, but his diagnosis agreed with Dr. Jolly's. Ex-Inspector Cowie did not evacuate Broome during the raids, nor did he leave Broome of his own free will after the raids. How otherwise can this matter be re-opened unless this proposed Select Committee is appointed? It might be said that Parliament is not the authority that should reopen the matter, but what other authority is there?

Mr. Hughes: You are quite justified in bringing the matter up here. We make the laws.

Mr. TRIAT: This is the only place where ex-Inspector Cowie can obtain redress. We have the right to say that definitely an injustice has been done to this man.

Mr. Hughes: When I say "we," I do not get much of it.

Mr. TRIAT: Neither do I. This is the only place where, probably, real justice can be obtained, for this reason, that there is no one in this House biased one way or the other. We are not members of the police force or of the Medical Board, but simply ordinary individuals. We have, however, sufficient intelligence to sift right

from wrong if evidence is placed before us. We have conclusive evidence from people in authority, J's.P., and the chairman of the road board, military authorities and police officers. If we want further evidence to support this man's claim, I do not know where it will come from. I strongly support the motion.

HON. N. KEENAN (Nedlands): I think that what I want to say should be said before the Minister speaks, because there is one definite point to which I want him to address himself. The motion before the House is that a Select Committee be appointed—

Mr. SPEAKER: Is the hon. member reading from "Hansard" of this session?

Hon. N. KEENAN: Yes. I can read this from the notice paper. It is a motion to appoint a Select Committee to inquire into and report upon the circumstances under which Mr. J. D. Cowie was dismissed from the Western Australian Police Force. The motion does not deal with anything except an inquiry into the circumstances under which he was dismissed. Mr. Cowie is or was an inspector in the Western Australian Police Force. He was charged with an offence under the Police Act, the offence being that he had left his district under circumstances which the police regulations did not permit. That was alleged to be conduct dangerous to the discipline of the force. That was the charge brought against him. I do not want to attempt to make a survey of the evidence given at the hearing of that charge, or of the evidence that might have been given if all the witnesses now mentioned were available. I understand that Inspector Cowie, or Mr. Cowie as he is called in the motion, was represented by a solicitor. I presume his solicitor had some means of having a record kept of what transpired, but I have not seen any. Nor has any opportunity been made available for members to see. But that does not really concern me, because the charge was not one, as suggested by the member for Mt. Magnet, of running away; of cowardice. The charge was of leaving his district without having complied with the requirements of the police regulations.

Mr. Hughes: In substance it was a charge of desertion; it does not matter what the words were.

Hon. N. KEENAN: It does to me, for this reason—and it is the matter I am most concerned about—the board recommended that the inspector, as he then was, should be retired with a pension. When the Minister speaks, I would like him to tell us why that recommendation was departed from. Why was he dismissed with no pension, and not permitted to retire with a pension? The board, presumably, had the best and only opportunity to arrive at the proper penalty to be inflicted.

Mr. Hughes: It had no power to make that recommendation.

Mr. SPEAKER: Order!

Hon. N. KEENAN: If it had no power, then the hon. member can tell the House so. Meanwhile, I would like the Minister, when he is answering the various statements made, to give some adequate reason why the recommendation of the board was departed from, and why a much more severe penalty was imposed. I do not intend to investigate the merits of the case; that has been done by other speakers. I have not had an opportunity to see any papers which would enable me to do it effectively, but I have noted the fact that the board recommended that he should be retired with a pension. I want the Minister to disclose to the House why that recommendation was departed from, and if he does tell us the reason, he should also tell us who was the person who inspired that reason. It could not have arisen in his brain alone. If the Minister adopts the attitude that, "I read the evidence and concluded that the board was all wrong in recommending only this penalty, and I, of my own volition, changed it," we would know where we stand. But if that increased penalty was inflicted in consequence of some suggestion made from some other outside quarter, the House is entitled to know what that outside quarter was, and why greater respect was shown to its recommendation than to that of the board.

THE MINISTER FOR THE NORTH-WEST: Needless to say, I intend to oppose the motion because, with all due deference to the member who waxed eloquent about British justice and so forth, this was a decision of Cabinet. Full consideration was given to all the phases, both of the inquiry and the extra evidence alleged to have been brought forward.

Mr. Triat: Cabinet did not give a decision on Cowie's dismissal.

Mr. SPEAKER: Order!

The MINISTER FOR THE NORTH-WEST: The member for Nedlands has inquired why we did certain things.

Mr. Triat: Why you upset the board's finding.

Mr. SPEAKER: Order! I must ask the Minister to address the Chair.

The MINISTER FOR THE NORTH-WEST: The Government received the recommendations of the board, and then it became the duty of the Government to decide what portion of those recommendations should be carried out. The request for this Select Committee is based on three main facts. The first is that fresh evidence, which was not before the board when it held the inquiry, is now available; the second that the member for Canning challenges the constitution of the board; and the third, that the board's recommendation that the inspector should be retired on a pension was not carried out. I want to point out for the benefit of members that, in the first place, whether by accident or otherwise the mover of the motion said the board consisted of a magistrate and the Commissioner of Police, and left it at that.

Mr. Cross: No!

The MINISTER FOR THE NORTH-WEST: If the hon. member will refresh his memory from "Hansard" he will find that what I have said is correct.

Mr. Cross: I said it consisted of three members, and I named them.

Mr. SPEAKER: Order! The hon. member has the right of reply.

The MINISTER FOR THE NORTH-WEST: At page 1273 of "Hansard" the member for Canning is reported to have said—

The board that heard this case was constituted of a magistrate—with which I agree—and the Commissioner of Police, representing the police force.

Actually the board consisted of three people, not including the Commissioner. It comprised Mr. Wallwork, stipendiary magistrate, Mr. Lloyd, J.P., and Mr. Doyle, Chief Inspector of Police. The Commissioner was not a member of the board at all. He was the person who laid the charge under Section 25 of the Police Act. The Government fully considered the fresh evidence placed before it by the Police Union

after the case was heard and the inspector dismissed, and had inquiries made to verify the information. As a result of those inquiries, it decided that there was no fresh evidence that would have influenced the board in its decision in any shape or form.

Members will remember the mover said that four letters had been received by Inspector Cowie, and they were placed before the Police Union. Two of these letters contained evidence from people having military authority. One was from the captain in charge of the Broome V.D.C., and the other from Captain Goldie, who claimed he had held a position as military intelligence officer of Broome for a number of years. The hon. member would expect us to confirm that information, and there was only one place to do that—through the military authorities. Brigadier Hoad was written to and asked what was the standing of these military officers who had written. His reply was to the effect that they had no jurisdiction whatever. They had no jurisdiction over any male person in Broome, let alone an inspector of police. That was the reply we received from the military authorities in Perth. The V.D.C. officers had no jurisdiction to evacuate any male person from Broome, let alone an inspector of police.

Mr. Doney: Was that information made known to the police, and to Inspector Cowie in particular?

The MINISTER FOR THE NORTH-WEST: I do not know. I imagine it was made known to the Police Union. That was prior to the hon. member moving his motion for a Select Committee of inquiry. The other two gentlemen, referred to by the member for Mt. Magnet, who wrote letters are, it is true, in the one case a J.P. and in the other the chairman of the road board. For the benefit of members, however, I want to give the road board's opinion prior to the dismissal of Inspector Cowie. If members read closely these two letters, one from the chairman of the road board and one from Mr. McKenzie, J.P., they will see that all they do is to verify the fact that Inspector Cowie was a very sick man. They gave him their support by way of writing to him and pointing out that they knew him to be a very sick man. Three of those who have written letters were members of the road board. Here is the text of an urgent telegram sent from Broome

by the chairman of the road board to the Premier on the 10th March, 1942—

My board and the private resident citizens who remained after the Japanese raid and desire to carry out your wish of non-evacuation demand to make possible this resolve: The dismissal of Doctor Jolly as magistrate and doctor for his flight and refusal to obey orders to return from La Grange and his reporting to the British Medical Association to be dealt with. Air Force doctor Smith carrying on, etc. The instant dismissal of clerk of courts Cowan who had more than one chance. The dealing with of engineer Bottrell who led the flight. The removal of Ferguson as peering inspector before whom it would be impossible to discharge coloured men. The reporting of sub-collector Customs Lawson who will make many excuses but whose conduct requires thorough investigation. Several evacuees returned from track yesterday finding same impassable. Probably wiring Coverley re evacuation.

The chairman and other members of the road board were not very much concerned with regard to people getting the sack on that occasion, but since the dismissal of Inspector Cowie they have been prepared to forward letters of sympathy and letters explaining how ill he was.

Mr. Triat: Inspector Cowie was not mentioned in that telegram.

The MINISTER FOR THE NORTH-WEST: No. What I am pointing out is that some members of the road board took great exception to anybody leaving Broome at that time, and not many days or weeks after we had letters from these people merely verifying that Inspector Cowie was a sick man.

Mr. Cross: What about Reade's letter?

The MINISTER FOR THE NORTH-WEST: He does not happen to be a member of the road board, and the hon. member knows it. The two military officers, we were informed, had no authority at all to act as they did. Colonel Hoad's statement is—

Having perused the statements of Captain Goldie and Lieutenant Macnee, I say that neither of these men had any authority to evacuate males from Broome, much less a police officer.

That shows what reliance we can place upon that point. The other letters, as I have mentioned, simply expressed sympathy or verified the illness of Inspector Cowie before he left Broome. I have also stated that the board consisted of three members, not two. The mover of the motion took exception to only one paragraph in the findings of the appeal board. At any rate, he read out only one of the findings. I wish to read, for the informa-

tion of the House, the full findings of the board as presented to the Government for its consideration—

In the opinion of the board, the following irregular features concerning Inspector Cowie's departure from Broome are apparent:—

1, Morale at Broome must have been at a low ebb on the 5th and 6th March after the destructive Japanese raid, the funeral of the victims and the evacuation of most of the townspeople.

2, The departure of the district inspector of police, together with the departure of other responsible Government officials, must have been very disheartening to those who remained in the town.

3, The action of the inspector in accepting a seat in a foreign refugee plane already heavily taxed was unfortunate.

4, The inspector was suffering from a sore throat or quinsy, which could have been treated by one of the doctors in Broome and which necessitated in fact only three days' hospital treatment in Perth.

5, The inspector acted in defiance of police regulations and the Commissioner's telegraphed instruction in leaving Broome.

6, The inspector erred in handing over to a subordinate officer who had no knowledge of the district, especially at a time when that district was a battle zone.

7, The inspector lied when he informed the Commissioner and the board that his illness was the sole reason for his leaving Broome and that he did not intend to proceed further than Port Hedland.

8, The inspector left Broome for one reason only, and that was that his nerve failed him.

9, The board finds the charge proved as laid, and is further of the opinion that Inspector Cowie should be retired on a pension from the Western Australian police force. The board would favour dismissal except for the fact that Inspector Cowie has previously borne a good record of efficient service extending over more than 30 years.

To give members a further background to this matter, one needs to revert to an earlier period. The board reached its findings after perusing the history of Inspector Cowie's ill-health, etc. Inspector Cowie was the district officer in charge of the Roebourne and Kimberley districts. That area, as members know, is a very large one. It consists of about ten police sub-districts, and it was at the time the battle area in Australia. The Japs had started bombing at Darwin and worked down the coast. So it was most imperative that the Commissioner of Police and the Government should have a high and efficient officer in charge of that area to keep them in touch with happenings there. The police should have been the last people to leave because it is their duty to protect the lives and property of the community. Inspector

Cowie's position was regarded as a very high one, and it was his duty to inspire the morale of the people, rather than leave and hand over his duties to a very junior officer.

In considering the circumstances in which Inspector Cowie determined to leave Broome, one has to revert to the bombing of Darwin. The port of Darwin, which is not a great distance by air from Broome, was bombed on the 19th February, and on the 26th February—seven days later—Inspector Cowie was medically examined by Dr. Jolly. The medical certificate reads—

Inspector Cowie is suffering from myocarditis; his heart is five inches from the mid-line, and he has a systolic brunt in the region of his aorta. I recommend that he be released as soon as possible, owing to the great burden of work being thrown on him at present.

After reading that certificate, one would incline to the belief that Inspector Cowie was in a very bad way, that he was suffering from heart trouble. Inspector Cowie, however, made an application for a transfer to the south, and in his application he did not mention his heart condition at all.

Mr. Seward: What date was that?

The MINISTER FOR THE NORTH-WEST: According to his application for transfer, he gives the lie direct to the statement about the heart condition by saying that he had questioned the doctor, who had told him that if he had a few weeks' rest he would probably be all right.

Mr. Triat: Anyone would be better after a few weeks' rest.

The MINISTER FOR THE NORTH-WEST: If I had a heart condition as described by Dr. Jolly, I would not expect to be all right after a week's rest. The inspector, in his application for a transfer, complained of a sore throat and acute weakness, but the doctor did not mention the throat trouble at all. The Commissioner of Police, on receiving the application for transfer, did what is done in all such cases—granted it. The transfer was granted on the 28th February. This, however, did not permit the district police officer to leave before the arrival of his successor unless express permission was given by the Commissioner of Police.

Mr. Cross: Is that always done when these officers go on leave or are sick?

The MINISTER FOR THE NORTH-WEST: It is not always done. When a district police officer wants to leave for

his holidays and there is another officer who knows the district and has been working under the district inspector for some time, we would not preclude him from taking his holidays. The junior man would take charge. That, however, is not the position we are dealing with. We are dealing with one of the fighting fronts of Australia where bombs were dropping. The sergeant of police who was left in charge had been in the North-West for only six weeks and knew nothing at all of North-West conditions or of the police officers in the sub-districts, who would be appealing to Broome for advice. Broome is the head office for the northern part of the State, and every junior officer in the area would be appealing to Broome for advice.

The Commissioner of Police realised that Inspector Cowie was ready to make a move. Now I shall show what attitude he adopted. There is no doubt that most of the people of Broome, including Inspector Cowie, got panicky when bombs started to fall. When the member for Canning was moving his motion, I took exception to his remark that the whole of Broome "went bush." The whole of the people did nothing of the sort.

Mr. Doney: How many remained in the town?

The MINISTER FOR THE NORTH-WEST: Quite a number. While the position was very acute, a lot of business people did not leave. Some of the women did not leave the town until well after the bombing. On the 4th March, Inspector Cowie, who evidently intended to leave Broome, sent an urgent telegram to the Commissioner of Police as follows:—

Position acute, town almost totally evacuated. Magistrate, Government, and bank officers have cleared; essential services at standstill. May be necessary evacuate all police overland best means offering immediately and leave everything.

Imagine an inspector of police sending a telegram like that!

Mr. Triat: If there was a heavy invasion, what would you have him do?

The Minister for Mines: The police are expected to stick to their posts.

The MINISTER FOR THE NORTH-WEST: The police constitute the first line of defence. Their job is to stay in their districts and maintain the morale of the people and do their best to protect the

lives and property of the people. Every man who joins the police force is aware of that; he joins under those conditions. It was evident to the Commissioner of Police that Inspector Cowie intended to leave.

Mr. Cowie: What about the military officers?

The MINISTER FOR THE NORTH-WEST: I am not concerned about the military officers who, however, did not leave. I am dealing with Inspector Cowie. When the telegram reached the Commissioner of Police, he thought it possible that all the police would leave the district, and so he sent an urgent priority telegram to Inspector Cowie. The request was made that it should be delivered to him that evening. I understand it was so delivered. The telegram is as follows:—

I desire all police remain at post until last possible moment to assist essential services protection property and order you should only evacuate case direct invasion, and have arrangements made to do so. Wire me daily events, will communicate later.

On thinking it over the Commissioner of Police was sceptical as to what was going to happen at Broome, and the following morning he sent another urgent priority telegram to Inspector Cowie as follows:—

Police morale must be of highest order and panics must be resisted. Spasmodic bombings do not justify police retiring. Instruct all coastal stations under your control that police only retire on direct invasion.

The fact that the Commissioner sent two telegrams is evident that he was sceptical about Inspector Cowie remaining at his post. The next telegram the Commissioner received was on the following day, the 6th March. That was sent by Mr. Cowie who said he had left Broome and was on his way to Perth. It reads as follows:—

Had to leave Broome owing illness. Came Hedland on flying boat. No doctor there. Coming on Perth tomorrow by Dutch flying boat.

The next day Inspector Cowie arrived in Perth by the flying boat, took a taxi and went home. No ambulance met him, nor did the district medical officer see him. The medical officer of the Police Force did not see him either, but the Commissioner sent that medical officer out to examine Inspector Cowie. The doctor found nothing radically wrong with that gentleman except that he was suffering from an inflamed throat, and apparently had been so suffering for a few days. The doctor could find no heart trouble. On the 9th March Inspector Cowie

still complained of his throat. Dr. MacKenzie ordered him to hospital and called in Dr. Cuthbert. He did that as a protection to himself as well as to Inspector Cowie, as he felt that in all probability there would be an inquiry. Inspector Cowie accordingly went into the Mount Hospital, but only stayed there for three days. No operation was performed, and in Dr. MacKenzie's opinion there was really no need for him to have gone to hospital. Inspector Cowie was not dismissed, as was stated by the member for Canning, within two or three days. Nothing of the sort occurred. The inspector was placed on holiday, and was then charged by the Commissioner of Police. The following is the charge that was laid against him:—

That you, on the 7th March, 1942, at Port Hedland, being district police officer for Roebourne and Kimberley Districts were guilty of an act to the prejudice of good order and discipline of the West Australian Police Force by leaving your district without the authority of the Commissioner of Police and without lawful excuse.

Under the regulations, which were read by the member for Canning, Inspector Cowie had an opportunity to get an inquiry held before a board if he denied the charge. He did deny the charge, and the case came before the board, whose finding I have given. During the inquiry evidence was brought out that there was a doctor at Broome when Inspector Cowie was there, and that such doctor was quite capable of treating him for his sore throat. It is said that Inspector Cowie knew that medical attention was available in Broome.

Mr. Triat: That was denied by other people.

The MINISTER FOR THE NORTH-WEST: We will see whether that was so or not. The board decided in the circumstances to wire to Broome to ascertain whether there was any truth in the statement that medical attention was available in Broome at the time. I should have said that at the board of inquiry Inspector Cowie was defended by a Perth solicitor. He was, therefore, not thrown upon the board without any help or assistance of any kind. When members talk about justice in this case they should remember that Inspector Cowie had every opportunity through his solicitor to defend himself and to agree or disagree with regard to the telegrams that were being sent. There was some question as to whether Inspector Cowie left Broome

on transfer or whether he left on holiday. On the 9th April the following telegram was sent to Sergeant Cowie at Broome—

Confidential: Your telegram 6th March states Inspector Cowie left Broome en route Perth on transfer. Please advise source of information and whether strictly accurate. Reference your telegram 10th., did Inspector Cowie become aware of presence American and R.A.A.F. doctors and when?

The reply to Mr. Wallwork was as follows—

Yours 9th. Knowledge Inspector Cowie's transfer conveyed to me by Inspector personally. No knowledge contents correspondence received by him. Inspector Cowie personally informed by me presence R.A.A.F. doctor 5th. Cannot say whether he had knowledge presence American doctor.

On the 5th, Inspector Cowie—if we can believe the evidence—was informed by Sergeant Cowie that an R.A.A.F. doctor was in Broome.

Mr. Triat: And left on the 6th. That is the evidence of the police constable.

The MINISTER FOR THE NORTH-WEST: The hon. member is a little mixed. The American doctor left on the 6th but the R.A.A.F. doctor is still in Broome.

Mr. Triat: People in Broome did not know there was a doctor there. The constable did not know.

The MINISTER FOR THE NORTH-WEST: He is a busy man. Mr. Wallwork then sent the following telegram to Sergeant Cowie—

Confidential: Inspector Cowie states left Broome sole purpose visiting Hedland for medical attention. Your telegram stated left on transfer Perth. Which is correct, and what is your source of information?

The reply was—

From information received Inspector Cowie my telegram of 6th ult. is correct. Inspector Cowie took personal effects and official transfer sheet with him, saying he would fix it up in Perth. On leaving, said goodbye to staff.

Every effort was made by the board to prove or disprove the statements. It is on evidence from the sergeant of police that he informed Inspector Cowie that medical attention was available in Broome. The reason why Inspector Cowie was charged before a board was inspired by the fact that he had placed a heavy responsibility upon a junior officer. Sergeant Cowie had only been in the district for six weeks, and was then in a place that was being bombed, where everything was upset and the people were in a state of panic. There is no doubt that the inspector's duty was to stay in

Broome until his relief arrived and a senior officer was ready to take charge. He did not do that. Thereupon the Commissioner of Police laid the charge against him, and of that charge he was found guilty.

That brings me to the point raised by the member for Nedlands, who wanted to know whether I disagreed with the board's finding. I did not disagree. It was the opinion of the Solicitor General, first of all that the board was not appointed to inquire whether or not the inspector was entitled to a pension, that it went outside its jurisdiction when it recommended that the inspector be retired on a pension, and the Solicitor General ruled that no pension was payable. Under the Superannuation Act the inspector did not draw a pension from that course. There was, indeed, no Act which gave the Government power to pay a pension to Cowie even if it had thought he should get one. He could not, therefore, get a pension. That was not my opinion, but that of the Solicitor General. We have no authority under which we can pay a pension to Cowie. I have here the file showing the whole history of the business, and it is open to any member to peruse it at any time. The member for Mt. Magnet said he was particularly interested in the case. So far as I know he has not displayed the slightest interest in it, and did not ask to see the file.

Mr. Triat: I have seen the file. You showed it to me, and you also showed me the seven points.

The MINISTER FOR THE NORTH-WEST: There are screeds of it here. The hon. member did ask me something about the finding of the board and I showed him the whole of it. There is all the proof necessary to satisfy me regarding what was done. I am just as fair-minded as is any other member. If I thought an injustice was being done to Inspector Cowie I would not hesitate to agree to a further inquiry. I have perused the files, and I know personally the gentlemen referred to. As chairman of the road board, Mr. Male said one thing, and when he felt that a little more sympathy was required to be displayed towards someone who was about to be dealt with under the authority of the Commissioner of Police he was ready to confirm that Inspector Cowie had been ill. Probably on account of the condition of his throat and of the general panic the

inspector did not care what happened, and left Broome. I am satisfied from my knowledge of the case that Inspector Cowie had every opportunity through his solicitor fully to state his side. The fresh evidence only confirms his claim to having been ill, and that is not denied. I do not think the House will agree to the appointment of a Select Committee, seeing that it would waste the time of members and the finances of the State if a further inquiry was held. I hope the motion will be defeated.

Hon. N. Keenan: Can a police officer be retired?

THE MINISTER FOR THE NORTH-WEST: I do not know.

Hon. N. Keenan: Is there any alternative to retirement or dismissal?

THE MINISTER FOR THE NORTH-WEST: I am not the Minister for Police but I imagine a police officer can be retired.

MR. MARSHALL (Murchison): I have an open mind on this question. I was inclined to think that justice had been done to Inspector Cowie. I know the Commissioner of Police very well, and would hesitate to accuse him of inflicting injustice on anyone. Throughout his career as a member of the Police Force he has been fair. I have met him on many occasions when he was a constable in mining towns where I was employed. His whole history stands to his credit. He is very just and considerate and is a really good administrator. His capacity to organise is not, I think, doubted by anybody. So I was inclined to think that Inspector Cowie could not expect any greater degree of justice than that which he received. But since I have listened to the arguments for this Select Committee and those of the Minister against it, unless there is some further testimony in opposition to the motion I feel that I shall have to support it. I am inclined to think that the Minister's reply to the remarks of the member for Canning was better evidence for supporting the motion than have been the remarks of any other speaker up to date. I do not care what is in "Hansard."

I listened to the sponsor of this motion. Indelibly fixed on my mind is the comment he made on the three members of the board. I will refresh the minds of members who also listened to the member for Canning. There is one thing we can all agree upon:

that when the member for Canning speaks, he speaks loudly and clearly enough for everybody to hear. He commented upon the magistrate and he said that the Commissioner of Police was on the board. We all know that when it is stated that the Commissioner of Police is on the board it means that either the Commissioner of Police or his deputy is on the board. We always understand that when the Minister makes a statement that a Commissioner or an Under Secretary was on a board, the man himself was not necessarily there but his deputy was there, that he was represented on the board. We always accept that.

The member for Canning went on to speak about another gentleman. I did not know who the gentleman was when he spoke; I have only found out since. He spoke of a very elderly gentleman being the third man. He spoke of him as being very elderly, implying that he lacked confidence in the elderly man's ability to sift evidence. The member for Canning said that. It is in my mind, because I heard him say it. So it is of little use the Minister saying that he did not mention the third man. He went on to comment in regard to the appointment of the third man and I would take the Minister's mind back. He went on to make comparisons and to show that all the other appeal boards have direct representation from the unions concerned. He went on to say that this elderly gentleman who had reached that age in his career when he would be more or less *easy*, so to speak, and would accept the dictum of the other two men on the board and finish at that, was not the direct representative of the union. He left me with that impression. I did not gather that impression by sitting here trying to concoct the story, and I think that now the Minister's memory has been refreshed he will admit that the hon. member did make reference to the third man.

Mr. Hughes: Was he the nominee of the union?

Mr. Cross: No, definitely!

Mr. MARSHALL: No!

Mr. Hughes: Then make that clear.

Mr. MARSHALL: That has been made clear. The member for Canning made it clear.

Mr. Hughes: In his usual manner, which we did not understand.

Mr. MARSHALL: I cannot say from memory that the hon. member mentioned

more than one union having representation on boards of appeal, but he advanced the argument that this board failed to give that very necessary representation. I do not know what boards he mentioned as having representation from unions, but he mentioned more than one.

Mr. Cross: I mentioned three.

Mr. MARSHALL: I do not know, but I have not concocted that story. The utterances of the member for Canning are indelibly impressed on my mind in regard to that matter. I have not even checked up on "Hansard" to find out what is there. I want the Minister to understand that when he used that as an argument he was supporting the motion, because he was definitely endeavouring unfairly to misrepresent the case advanced by the member for Canning. Where I think the Minister did most harm to the case was when he indicated very clearly that the board was under the impression that Inspector Cowie had, in plain Australian language, faked it. I do not think that is the position at all. What we have to consider—and what I think the Minister ought to have considered—is the state of health in which Inspector Cowie found himself when the abnormal happenings took place at Broome. I put it to this Chamber very clearly, very pointedly, that if any one of us had been experiencing bad health and had gone to a doctor and he had declared any one of us to be suffering from what we all most fear in a big degree, namely some form of heart disease—

Member: He had heart failure, all right!

Mr. MARSHALL: That may be so. I do not mind the hon. member having his own opinion. He can express his viewpoint, but whatever doubt there may have been in regard to Dr. Jolly's diagnosis, I venture to say that the hon. member will not challenge Dr. Hislop, who is an expert. If he did so I would be prepared to take Dr. Hislop's opinion before that of the hon. member who interjected on this particular subject. It is a glorious thing to be outside the sphere of punishment! We can all then tell the other fellow just exactly what he should or should not have done in the circumstances.

But let us put ourselves in his place. I have been under fire on one occasion and I venture to say there are very few men indeed—if any at all—who do not experience

an acute form of fear when under fire. I do not care who the man is. There were hundreds alongside me and I never saw one who appeared to be normal while we were under fire. We were all courageous enough and doing the best we could to protect ourselves and to catch the other fellow, but it is an experience of which I do not want a repetition. Inspector Cowie was in that position. He knew he was suffering from heart trouble, because the doctor had told him so. Are we to show no consideration for a man's anxiety first for medical treatment and secondly to preserve his own life? Had the occasion been normal, we might more readily be disposed to favour the idea expressed by the Minister. But having regard to all the circumstances—and I will say that there is no truer adage than the one we so frequently use to the effect that self-preservation is the first law of nature—

Mr. Tonkin: It would be a poor lookout if the soldier took that view.

Mr. MARSHALL: He does take that view and protects himself to the very limit possible under the circumstances.

Mr. Tonkin: Do you suggest a soldier would run away.

Mr. MARSHALL: I am not suggesting that this man ran away. I am suggesting that he was in very bad health, and no soldier would be kept in the firing line under similar circumstances.

Mr. Doney: If the ill-health factor is taken away, can you think of any other excuse for him?

Mr. MARSHALL: If it had not been for his health he would not have come down.

Mr. Doney: In view of what the Minister said, that point is arguable.

Mr. MARSHALL: He was to have been transferred, and that may have influenced him in coming to the conclusion that it would not matter so much if he made Perth a few days before he was actually transferred. That might be accepted as a sort of inspiration. But whether he did or not did not appear in the evidence. Without any doubt the man was sick and that is what inspired him, and having regard to the nature of his illness, I suppose it was a great inspiration to him to seek medical aid and recuperate. I suggest to the Minister that when Inspector Cowie made no reference to the matter in his letter, he had his job in mind. How many have we known who have deliberately hidden the fact that they were in a bad state of health so

as to preserve their right to the job they were holding?

There are many men who would not for the world reveal the state of their health because they would be afraid of losing their positions. We know many men who are afraid of jeopardising their positions or are remaining in services in order to qualify for superannuation or some other concession. I suppose Inspector Cowie was right in endeavouring to protect himself and made no references to his health on that account, but I understand that the Commissioner knew. The Minister quoted a telegram from the local authority. I am sorry the Minister did that, because in doing so he reflected on the members of the Broome Road Board. He accused them of double-crossing. The Minister failed to realise what he was saying. When the board sent that telegram in regard to certain departmental officers and their attitude it was attacking men who displayed cowardice, who left their office and vacated the town of Broome. Inspector Cowie was there then and his name was never mentioned. He did not leave. The road board telegram was in regard to the Registrar, the Clerk of Courts and others, and if the same opinion had been held concerning Inspector Cowie he would have been mentioned in the telegram. Had reference to him been in the telegram, my attitude on this matter might have been entirely different, but it was not there.

Because members of the board, knowing the state of health of Inspector Cowie, realised that his best move was to vacate Broome at the earliest opportunity, and get medical attention, they did not mention him at all. I am sorry the Minister used that telegram, because it casts an unjust reflection upon those members who realised that Inspector Cowie was not in good health, and when he left they recognised a wrong had been done him that should be rectified. If there is any body that should command our respect and to whose opinions we should attach weight it is surely the local road board. Their silence in regard to Inspector Cowie is such as to indicate that in the opinion of members of the board Inspector Cowie had not been in a satisfactory state of health and had been unjustly treated. They did not twist from that attitude. In my opinion the Minister was unwise in referring to that telegram, for it had actually little or

no bearing on this matter. The attitude adopted subsequently to safeguard the interests of Cowie indicates the views of that body.

The Minister made a fairly good point when he referred to medical attention at Broome, but even there we have a conflict of opinion. We have not only the Minister's statement, but we have another from a member of the Armed Forces who is in Broome, which was read by the member for Mt. Magnet. The latter statement indicates clearly that the man who made it and Cowie did not know that doctors were there. I put it to the House that even if it was known that doctors were there, such visits by Military or Air Force doctors are of short duration, and in the circumstances their presence would have been of little avail to Cowie. No Military, Naval or Air Force doctor knows where he will be in the next 24 hours, for each is under orders all the time. However, the point is that the Minister has made one statement, and then we have another by a man who was on the spot, and the statements are in conflict. That in itself would justify an inquiry. I am certainly desirous of accepting the statement of the Minister, but I cannot reject altogether that read by the member for Mt. Magnet.

An investigation would clear up the situation. The remaining point mentioned by the Minister was dealt with by the member for Nedlands regarding the dismissal of Inspector Cowie, and the denial to him of that which was recommended on his behalf by the board. Seemingly we have forgotten the basic principles of British justice and have certainly departed from them. Here we have two tribunals adjudicating on one case, the first with evidence submitted to it; the second without any evidence whatever, and yet taking action. That is certainly a departure from British fair play. Would the Appeal Board have dismissed Cowie had it thought that a second tribunal would have denied him his pension? The answer to that question I claim is: No.

Mr. Hughes: Can a man receive superannuation before he is 60 years of age?

Mr. MARSHALL: I am not concerned about his position regarding superannuation or a pension, but I know that he could have received a compassionate allowance.

Mr. Hughes: But that is different.

Mr. MARSHALL: Quite so! I do not want to introduce that aspect, because I

am convinced that the board realised that Cowie was a very sick man, and that if he gave any further service to the Police Force it would be for a brief period only. I believe the board sought to satisfy both parties, having regard to all the circumstances. It desired to extend consideration to the Commissioner of Police and to Cowie as well.

Mr. Hughes: It wanted to please everyone.

Mr. MARSHALL: Quite so, and I believe that most of us would have adopted a similar attitude in the circumstances. The board held that owing to the state of his health Cowie could be of little service to the Police Force, and believed that when they dismissed him he would receive his superannuation. I am convinced that is what prompted the board in its action. I believe that if the tribunal had realised what would happen and that its recommendations would be ignored in part, its decision would have been reversed. We have no right to punish an individual twice for the one offence. To do so would be both unfair and unjust. I did not realise the true significance of the position until it was emphasised by the member for Nedlands. I expected the Minister to administer to that hon. member a distinct rebuff, but on the contrary the Minister replied in the affirmative.

The Government cannot get out of it that way, because it can provide a compassionate allowance. It was a paltry excuse to say that in the circumstances no compensation was forthcoming. There are many ways of overcoming such difficulties. I have yet to know of a Government, having a keen desire to achieve some end, that has allowed itself to be defeated because of the law. There is always a way of getting round it. Now I have to change my original view. At first I was inclined to believe that Cowie had obtained justice, but I am now satisfied that he did not. I take strong exception to the particular point that an individual could be punished twice for the one crime, if I may use that word. That is a principle to achieve which we have fought down the centuries. We know that a criminal has frequently evaded justice because he could not be charged twice with the one crime. But in this instance Cowie is penalised, and yet a second tribunal, without any evidence, arrives at a decision that means further suffering for the individual. I will not stand

for that. The best way out of the difficulty is to have an inquiry. No harm could result. It is hard to doubt the word of the Minister who is straight and open in all matters he deals with. Yet we have heard contradictory statements, and I think that in fairness to the Commissioner of Police, a man whom I hold in the highest respect, as well as to Cowie, we should agree to the appointment of a Select Committee to conduct an inquiry into the circumstances surrounding the case. Let us get down to the basic facts associated with the case and see if justice cannot be extended to Cowie.

THE MINISTER FOR MINES: It was not my intention to intervene in this debate at all, but an extraordinary expression used by the member for Murchison has brought me to my feet. In replying to the motion the Minister stated that in the first place the Solicitor General had declared that there was no method by which Inspector Cowie could, in the circumstances, be granted either superannuation or a pension. The Crown Law Department declared that there was no method known to it of paying a pension in this case. Cabinet, when introducing the superannuation scheme, said that it was to be the end of retiring allowances. What appeals to me more than anything else, however, is the statement of the member for Murchison, who is very confident, for some reason, that if the board had found Cowie was not to get a pension, it would have adopted a different attitude. The only thing the board was asked to do was to inquire into a specific charge laid by the Commissioner of Police. The board replied that Inspector Cowie was guilty.

Mr. Hughes: And the board should not have said anything more.

The MINISTER FOR MINES: That is my opinion also. The Solicitor General has stated the following points:—

(1) The board of inquiry has furnished a report which is not strictly in accordance with the requirements of Section 25 of the Police Act, in that they have gone further than the section authorises them to go.

(2) The opinion that Inspector Cowie should be retired on a pension is in excess of the board's authority and should be ignored by the Governor.

(3) The board's inquiry, ignoring the opinion re pension, is a report within Section 25 that Inspector Cowie is guilty of misconduct which renders it unfit that he should remain in the police force.

(4) The only punishment which can be inflicted if the Governor chooses to inflict punishment is removal from the police force, and authority to inflict that punishment is shown in Section 8 of the Police Act, 1892.

(5) The Governor can accept the report as such and decide whether or not he will give effect to it by removing Inspector Cowie from the police force.

Mr. Marshall: Should not the matter have been referred back to the board for further consideration?

The MINISTER FOR MINES: I do not think so. The board inquired into a specific charge. I will not say whether in my opinion the board was right or was wrong. I speak as one who had something to do with the matter later. However, I say candidly that if the question were put to me whether if an officer like Inspector Cowie was found guilty of such a charge I would not have been inclined to grant him a pension—

Several members interjected.

The MINISTER FOR MINES: It is extraordinary that so much evidence comes in now.

Mr. Triat: There was no time for it to be gathered previously.

The MINISTER FOR MINES: That remark is a reflection on Cowie's solicitor. There was only one thing that, in my opinion, the Government could do, I have yet to be convinced that we did the wrong thing; but either we should have done as the Solicitor General suggested, and said, "We disagree with the board's finding" or "Although we agree with the board's finding," and then proceeded "that he is guilty, but owing to his long service with the police force we could overlook the matter." There are thousands of men today, and there were thousands of men in the last war, who did what their officers told them and went over the top. But Inspector Cowie did not. There is another aspect, and then I have finished. An extraordinary position has arisen now. A magistrate and a man who were looked upon as entirely unbiased were appointed to hear the case. Of the other member, Mr. Lloyd, I know nothing. I do not know whether he is 21 years of age or 81.

Mr. Marshall: He is dead.

The MINISTER FOR MINES: Those men were appointed as a board to hear the case. They heard it, and now we are asked to appoint a Select Committee of this Chamber to review their decision. The

speech of the mover, the member for Canning, can hardly be described as unbiased. Personally I care not which way the question goes, but that is what we are asked to do. A select Committee is to review the board's decision. It is claimed that there is a very solid case for either a pension or a re-hearing.

Mr. Triat: For re-hearing; not for a pension.

The MINISTER FOR MINES: The case does not appeal to me. If there is anything further to be done in the matter, I would suggest referring it to another tribunal, altogether outside this House. We have already had too many Select Committees reviewing decisions of boards. If I had the present case to consider over again, I would say that there was no provision for giving the man a pension but that the Government might say to him, "You have done something very wrong, but we will pay you a pension to get out."

MR. HUGHES (East Perth): I also had not intended to intervene in the debate, but as it progressed I felt inclined to think that a Select Committee should be granted. The position, as I see it, is that a board was appointed to answer a specific question, whether the officer was guilty of conduct prejudicial to discipline. But the real, substantial question was, did he or did he not desert his post, did he display what is known in military language as cowardice? That was the substantial question for the board to determine. In my opinion the board went far astray, and must accept responsibility for much of the misunderstanding that has arisen. The board was bound to make a finding, and should have answered yes or no, guilty or not guilty. If the board, in the course of its investigation, had found what it considered to be extenuating circumstances, it might have made a recommendation to mercy, notwithstanding that the man was guilty. But the board did not do that. This shows, in my opinion, that it was a tribunal which did not understand its proper function. The board began by making several findings, and then declared in effect that the man was guilty. In view of some of its findings, I fail to see how the board could have found him guilty.

One finding in particular is hard to reconcile with the verdict of guilty. That finding declares that the inspector's nerves

failed him. If that is so, can it be said that a man is guilty of cowardice if his nerves fail him? Before a man is tried by a court-martial, he is medically examined, and the court-martial must have a certificate of the man's health before it can proceed. If a man's nerves fail him, he is ill, just as he is ill if his stomach or his brain fails him. What did the board mean, is the question I ask myself, when it stated that the man's nerves failed him? Did it mean that the man left his post when he had suffered such health disability as to render him no longer responsible for his actions? If that were so, the proper finding would be one of not guilty. In common language, to say that a man's nerves failed him is a charitable way of describing him as guilty of cowardice. If the findings of the board were couched in the language of the man in the street, we would be entitled to place that interpretation on them.

But this is a case of three judicial people making a judicial finding. We must take it that they knew the value of words, and knew that when they used certain words, those words would be open to a certain construction. The board knew, or ought to have known, that it merely had to find whether the answer was yes or no. It went to some considerable length to make a number of decisions, including the ambiguous finding that the man's nerve had failed him. If that were merely putting it politely, there was no foundation at all for the final finding of the board. This leads me to believe that the board had in its mind some feeling that there were such circumstances associated with the case as to absolve the man from the usual responsibility that would attach to a person in the full possession of his faculties. I am reinforced in that view because I happen to know all the members of the board fairly well.

This is what happened: The members of the board had a doubt in their minds after they had heard the evidence; they were not satisfied beyond all doubt that the charge was proved. If the members of the board had such a doubt, it was their duty—this being in the nature of a criminal trial—to give to the person concerned the benefit of that doubt. I think every member of the Cabinet will agree with that. As I said, the board had a doubt in its mind. Instead of saying, "We have considered the evidence and are unable to come to the con-

clusion that the officer concerned is guilty of the allegation against him; we have some doubt in our minds as to whether he is guilty or not, and therefore we give him the benefit of the doubt and find him not guilty," the board said, "We will not find him not guilty because of the doubt in our minds; what we will do is to find him guilty, and then we will give him the benefit of the doubt by recommending a course in which we can say to each party, 'Here is something for you.' " In that way the board thought that both litigants would go away happy and say that the trial was a good one, as each got something out of it. My experience of such decisions is that generally they displease both parties.

What reinforces me in that conclusion—and I say this with due respect to the magistrate; I have had considerable experience before him—is that I have found, after years of considered opinion, that he never gives a prisoner the benefit of the doubt. If he has a doubt in his mind, he convicts the prisoner, and then imposes a very light penalty. That is the way in which he gives the prisoner the benefit of the doubt. This is a similar case. Instead of saying, "I am not sure whether this man is guilty or not; there is a doubt in my mind and, according to the basic principles of criminal jurisprudence, I must give him the benefit of it," he says, "I will convict him, although I am doubtful, but I will give him the benefit of the doubt now in a particularly light sentence." I submit no other explanation can be given of the extraordinary rider that was added to the verdict. What had superannuation to do with this case? Nothing at all! It was a case of finding a person guilty of a breach of discipline. The board must have known that if the officer had not reached the age of 60 years, he could not get the superannuation payments. The board must also have known that when an officer is dismissed from the service, he is not entitled to superannuation payments. Had the board not been sure, it should have stopped to inquire.

Therefore, viewing the whole inquiry and knowing the personnel of the board, the only conclusion I can reach on the facts is that there was some confusion in the mind of the board. As a result, the officer was dismissed, the finding of the board being given in such a way that only half of it was given effect to. I agree with the Solicitor General

that the board went beyond its powers when it suggested that ex-Inspector Cowie should be retired on a pension. Nevertheless, it did so, and so there is some foundation for the contention that this officer may not have had a full measure of justice, because only portion of the board's finding was given effect to. I agree with the Minister for Mines that an inspector of police found guilty of deserting his post should not get a pension. Why should the taxpayers contribute to such a pension, as they would, in part? It would be a dangerous practice for the Government to grant a pension in such circumstances. I would be the first to say that if ex-Inspector Cowie had been dismissed for cowardice and had been given his superannuation, then if in a month's time some police constable was dismissed for dereliction of duty, he also should be given a pension. I would say, "If you gave ex-Inspector Cowie a pension after he was dismissed for cowardice, you should also give a pension to the constable."

I am assuming that the real question was, in substance, whether Cowie was guilty of cowardice or not, but it was put in a polite way, that he was guilty of conduct prejudicial to discipline. Suppose he had been found guilty of conduct prejudicial to discipline and had been dismissed and then got his pension, would not a sergeant who was dismissed the following week for conduct prejudicial to discipline also be entitled to receive a pension? If it is good enough for a senior officer to obtain it in such circumstances, surely it is right that a junior officer, guilty of a lesser breach of discipline, should also get it. I cannot see how any Government, if it had the power, could grant superannuation payments in those circumstances. That being so, there must be some doubt about the finding and some doubt about the execution of the finding. In those circumstances there is but one tribunal to which to appeal, and that is the tribunal above all the tribunals in this State—Parliament. We are the High Court of Justice in Western Australia and the final authority to which anybody can appeal. Parliament has repeatedly used its powers to over-rule courts of justice. That is our prerogative.

Member: Do you mean courts of law?

Mr. HUGHES: We are the final court. We could even reverse a decision of the High Court of Australia, if we so chose. If the

High Court decided that something meant a certain thing under one of our Acts, we could immediately pass a declaratory Act and over-rule the High Court of Australia. We are the final court, and it is right that we should be. That is one of the fundamentals of our Constitution. Rather than let it be said for one moment that there is a possibility of injustice, would it not be better for all parties to have this Select Committee appointed? Let it make full inquiries and report to the House. Whatever its finding may be, it should be given effect to. If the Select Committee is not appointed, then in view of what has been said in this Chamber on one side and the other, there will be a feeling that perhaps some injustice has been done. If the finding of the board is supported by solid evidence, we need not fear that the Select Committee would not support that finding. If there is fresh evidence, even if it were not presented at the original inquiry, I do not think we ought to say that we will take advantage of that technicality and not allow the evidence in.

Personally, I think much of what is said to be fresh evidence is not fresh evidence at all. It is not evidence material to the issue and should not be allowed in any case, because it would be quite irrelevant. I do not think the solicitor who represented Cowie did not produce all the evidence available to him; but even he may have slipped, and some evidence was not submitted. It would not be fair to penalise his client for that. The main thing is that right should be done, right unhampered by technicalities. Therefore, although I shall not be in a position to vote for the motion because I am paired, I think the House will not do great harm by agreeing to it. The passing of the motion will demonstrate that we are prepared to go to the extreme limit to see that right and justice are done. I therefore hope the House will agree to the motion.

THE MINISTER FOR LANDS: I had no intention of intervening in this debate; but after listening very carefully to every speaker, I think it necessary to insist that every decision of the Government in this matter was reached as a result of its being actuated by a desire to do justice to the man against whom a charge was laid. I want that point to be very clear.

Mr. Hughes: That has never been questioned.

THE MINISTER FOR LANDS: Yes. It was raised in the debate, but not by the member for East Perth. The member for East Perth said that rather than that there should be any possibility of injustice we should have a further inquiry. Although the Government has given consideration to the facts and recommendations submitted to it those words entirely endorse my feelings as a unit of the Government. But let us get back to the time which prompted, ultimately, the charge laid. The police officer was in his district at Port Hedland after receiving an instruction and request from the Commissioner of Police to stay in his district, and although within access of medical attention—and I am not referring to Broome—he decided to come to Perth. The telegram sent by the Commissioner was explicit. It was as follows:—

Police morale must be highest order and panic must be resisted. Spasmodic bombings do not justify police retiring. Instruct all coastal stations under your control that police only retire on direct invasion.

If a lead is to be given to the civil population, surely it is important that the highest example of public morale should be shown by police officers. That would be assumed even without specific instruction, but with a specific instruction and without replying the inspector elected to continue his journey to Perth. The Government was anxious that this matter should be the subject of a fair hearing and therefore after the charge—which was read to the House by my colleague—which was in effect that the inspector was guilty of an act to the prejudice of the good order and discipline of the Western Australian Police Force by leaving his district without authority, was laid, the Government in spite of the issue—to use the words of the member for East Perth—"being confused by the rider to the verdict," gave the fullest consideration to the findings of the board appointed under Section 25 of the Police Act. That was the position in which the Government was placed. Because of the rider it endeavoured to have clarified the authority of the tribunal which made the recommendation. It sought the opinion of those qualified to express it on those points. The expression of opinion was that the board had exceeded its jurisdiction. Do not let that cloud the issue of whether the officer was guilty of dereliction of duty in removing himself against instructions from his district.

At this stage, rather than have a biased chairman of a Select Committee, the best way to settle the matter would be to refer it to an acknowledged and admittedly impartial tribunal. I intend, therefore, to move, not as a pious motion or as a means of evading any responsibility, that in the opinion of this House the matter of the dismissal of J. D. Cowie from the Western Australian Police Force be again referred to a board to be appointed under Section 25 of the Police Act. To give effect to that I move an amendment—

That all the words after the initial word "That" be struck out and the words "in the opinion of this House the matter of the dismissal of J. D. Cowie from the Western Australian Police Force be again referred to a board to be appointed under Section 25 of the Police Act," inserted in lieu.

In that way we will get not merely an impartial review, but, as a result of the ventilation this subject has received in this Chamber, the aspects raised here will be brought before it and properly considered. If, as the member for East Perth mentioned, the previous board was anxious to please both sides and there was some doubt in its mind as to the justice of its recommendation, there will be an opportunity for justice to be done in the recommendations of the new board. So, actuated by a desire, and only one desire that in spite of the panic at Broome and the admitted difficulty of an isolated people under a vicious bombardment and not knowing how I, or you, Mr. Speaker, might react, I wish to say that the Government in giving consideration to this matter paid attention to what might have been the case had each individual member of the Government been in the position, at that time, of Inspector Cowie.

I do not wish it to go forth from this Chamber that the Government had any inclination either to give effect to an injustice or to pursue anybody. That is not its wish. Without delaying this debate any further and in view of the points I have endeavoured to make, I will move my amendment.

Mr. Marshall: Might I ask that the proposed amendment be read?

Mr. SPEAKER: Yes. The amendment is that all the words after the initial word "That" in line 1 be struck out and the words "in the opinion of this House the matter of the dismissal of J. D. Cowie from the

Western Australian Police Force be again referred to a board to be appointed under Section 25 of the Police Act," inserted in lieu.

Amendment (to strike out words) put and passed.

The MINISTER FOR LANDS: I move—

That the words proposed to be inserted be inserted.

MR. HUGHES (East Perth—on amendment): Is a board, appointed under Section 25, appointed by the Governor-in-Council, and does it consist of three members?

The Minister for Lands: The Governor may appoint three or more members.

Mr. HUGHES: I am satisfied with the Minister's proposition, but would the Government consider, in appointing that board, which I take it will have a stipendiary magistrate or some similar person as chairman, allowing the Police Officers' Union to nominate one of the members? The Government would then still have two nominees.

The Minister for Lands: It is competent for the Governor to appoint a board of four members.

Mr. HUGHES: That is not an original request. It is a common thing in different branches of the public service where a man's livelihood is at stake. A board is appointed comprising a representative of the employer, a stipendiary magistrate as chairman, and a representative of the employees' union. The Railway Officers' Union has such a board. I do not propose to move any further amendment, but I do suggest to the Minister that in the appointment of that board it would be appreciated if one of the members could be the nominee of the Police Officers' Union.

MR. SEWARD (Pingelly—on amendment): Another point that should be placed before the Minister is the question of the legal representation of the man charged. All this is the outcome, apparently, of a mistake made by the original board which exceeded its duty in making a recommendation as to pension. The amendment before us seeks to have a fresh board established to hear this case. It is not fair that Cowie should be asked to bear the expense of a solicitor to represent him before this board. If he is represented by legal counsel it is only proper that the Government should pay

his expenses. This trouble is not due to Cowie's error.

The Minister for Lands: He would have to pay his own expenses were the matter dealt with by a Select Committee.

Mr. SEWARD: Yes, but he would not be represented by a solicitor. In the present circumstances it is only fair that his expenses should be borne by the Government.

MR. CROSS (Canning—on amendment): I am pleased that the Minister has moved this amendment. I was not particularly keen to be the chairman of a Select Committee, although, in spite of what a couple of Ministers inferred, I would have done the job impartially. As a result of thebate this afternoon I am certain that members are convinced that another inquiry should be held. The Minister cannot appoint to the board an officer of the Police Union who is a member of the Police Force, because Section 25 allows only one member of the Police Force to go on that board. Of course the union could have a nominee who is not a policeman.

The Minister for Mines: The secretary is not a policeman.

Mr. CROSS: I suggest that the intention will be to call evidence before the new board. The people who sent statements to Perth and who wrote, including Constable Reade, were not called as witnesses and so there was no opportunity for cross-examination. Neither was there any cross-examination of the doctors who gave medical certificates. The Police Force will know now that it can get justice. When Inspector Cowie left the district he left it in charge of Sergeant Cowie.

Mr. SPEAKER: Order! The hon. member is not in order in introducing that subject.

Mr. CROSS: Very well! I am not worried about that. I am thankful that an inquiry is to be held. I am sure the Police Union and members of the Police Force will be more satisfied because they will know that justice will be done to a member of their union who has been a police officer without a blemish on his record for 26 years.

MR. TONKIN (North-East Fremantle—on amendment): I am prepared to support the proposal for a further inquiry into the matter, but not because there is am-

biguity about the finding of the original board. That board had referred to it a specific charge about which there could be no doubt. The charge was—

That you, on the 7th March, 1942, at Port Hedland, being district police officer for Roebourne and Kimberley districts, were guilty of an act to the prejudice of good order and discipline of the Western Australian Police Force by leaving your district without authority of the Commissioner of Police and without lawful excuse.

The finding of the board was that the charge as laid was proved. The board would have recommended dismissal, but for the fact that Inspector Cowie had previously borne a good record of efficient service for 30 years. I do not think there is any ambiguity about that finding. Because of his record of efficient service the board recommended his retirement on a pension. There is no doubt what the board thought about the charge. It has been urged in this House that since the inquiry was held, additional evidence has come to light. Having regard to the dislocation that existed at the time on account of the bombing and the fact that a number of the people had scattered, it might have been extremely difficult to obtain all the evidence available for the inquiry. I am always prepared to give a man another chance if he has any possible hope of proving his innocence. While I feel that a further inquiry will not result in much alteration, because it has been urged that there is additional evidence available that would have influenced the board had it been produced at the time, I am prepared to support the proposal before the House. I favour the one outlined in the amendment, because I believe that in all the circumstances it will be the better sort of inquiry to hold.

Amendment put and passed.

Question put and passed; the motion as amended agreed to.

BILLS (4)—RETURNED.

- 1, Road Closure.
- 2, Reserves.
- 3, West Australian Meat Export Works.
- 4, Death Duties (Taxing) Act Amendment.

Without amendment.

BILLS (2)—FIRST READING.

- 1, Evidence Act Amendment.
 - 2, Lotteries (Control) Act Amendment.
- Received from the Council.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

THE MINISTER FOR LANDS [5.5]:

By this Bill the member for Avon desires to add a provision to Section 8 of the Act, which section gives the items for consideration when an application is being made to the court. The provision in the Bill does not in any way depart from the existing principles of the Act. It is merely an additional consideration to be borne in mind by the court, a consideration that has been rendered necessary by war circumstances. While I believe that paragraph (f) of Section 8 already covers entirely the point raised by the hon. member, I can see no objection to the addition of the proposed paragraph containing the added recommendation for the court's consideration. Paragraph (f) of Section 8 reads—

whether the default of the mortgagor has been caused or contributed to by economic or financial conditions affecting trade or industry in the State.

The hon. member's amendment reads—

whether the default of the mortgagor has been caused or contributed to by circumstances attributable to the war in which His Majesty is at present engaged or the operation of any

tween that and paragraph (f), I do not intend to oppose the Bill.

MR. BOYLE (Avon—in reply): The Minister has indicated his acceptance of the Bill on behalf of the Government and apparently there is no criticism to reply to. This is simply an attempt to recognise the war as a factor in proceedings for the relief of debt. Although the Minister says that paragraph (f)—economic conditions—gives a somewhat wider interpretation, in my opinion the effects of the war and of the Commonwealth Act No. 15 of 1939 and its regulations should be open for considera-

tion by the judge to enable him to exercise a wider discretion.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

THE MINISTER FOR AGRICULTURE

[5.11]: The member for Pingelly, by this Bill, proposes to give a very wide variation to the provisions of the Vermin Act. Firstly he wishes to enable part of a holding to be exempt from rating if it is enclosed in a rabbit-proof fence. Secondly, he proposes to provide for action to be taken where the property-owner is not carrying out the law. Thirdly, he asks to have complaints under Section 97 taken before a police or resident magistrate. Fourthly, he would enable vermin boards to sell poison at below cost or at a price agreed to by them.

fencing out rabbits on any part of his property and obtaining exemption for that area from the rating of the local vermin board. The word "holding" in the interpretation section is thus defined—

"Holding" means any land or collection of lands of an owner constituting or worked as one property, whether held, used or occupied under pastoral lease, or in fee simple, or under conditional purchase lease, or other lease, or as a homestead farm, or as a public reserve or otherwise, and whether under the same title or different titles or under titles of different kinds.

It seems to me that if the words in that interpretation clause "constituting or worked as one property" were deleted, there would never have been the case before the Full Court which was recently adjudicated upon and the decision in respect of which I have already referred to. Regulation 94 gives the specifications necessary if the property is to be exempted. That regulation first appeared in the "Government Gazette" of the 27th September, 1935. It gave the specifications of the fence necessary to surround the holding if exemption is to be claimed and permitted by any vermin board. It must also be pointed out that in Section 5 of the Vermin Act there is a definition of the boundary that is to be applied in case some district circumstances or difficulty prevents the actual boundary line from being followed. Section 5 gives the authority that even if the whole of the holding be not fenced that portion which is not worked may be ring-fenced for exclusion of rabbits, and that shall constitute a fence within the meaning of the Act, and the holding shall be considered to be entirely ring-fenced. That is in Section 5.

In some districts where lakes occur—in such districts as Bruce Rock and some of our northern districts where bad creeks and wide washes are to be found—the boundary fence is to be the fence taken into consideration. That is already done, but if the amendment as proposed by the member for Pingelly is agreed to, it will mean untold difficulties for road boards. Who is to decide the portion or proportion of the lease or holding or land in one title that has actually been included in the worked area and been fenced for the exclusion of rabbits? Is it to be done by an estimate of a road board or by a survey? It defeats entirely the underlying principle in the Vermin Act, that for a person to be entitled to exemption from

In the case of land, and land constituted and worked as one property, although the blocks might be many miles apart, and under several titles, because it was constituted and worked as one property, cannot be granted exemption for any portion even though that portion is the subject of one title. I understand that an analysis by prominent legal men suggests that the Full Court was right in strictly interpreting the meaning of the word "holding" in the interpretation section of the Act. The member for Pingelly is opening very wide the door if he is going to give to any person the privilege of effectively

vermin rates he must exclude rabbits by a ring-fence for which there is a specification in Regulation 94 which I have quoted. Then, and then only, does he obtain exemption from the local vermin board. Can members not imagine the difficulties and disputes over areas, how they shall be computed, who is to determine and on whose advice will the vermin board act? Let us examine just what is involved in this matter.

The rates struck under the Act vary from one-sixteenth of a penny in the pound to 1½d., the highest permissible rate. There is none at 1½d. in this State; there are a few at a penny. There are many at one-sixteenth of a penny, and none at a farthing. Where a board has been very industrious in this matter and appointed inspectors to see that the Act is observed, and where the boards have done excellent service in defeating the rabbits, the rates are very high, because as persons net their property and become exempt from vermin rates, so do the returns to the board decrease. We have instances of very many boards finding themselves in a difficult position in regard to the employment of inspectors because so many people have gone outside the scope of the Act, and because of their own action in fencing their properties are not liable for vermin rates. The rating on a 1,500-acre property would be £3 or £4. That is the maximum in most districts.

This House is being asked to give consideration to excluding part of a person's property so that he may enjoy a consideration in not paying vermin rates on the part so effectively fenced. I suggest to the hon. member that his suggestion leaves the way open for a considerable evasion of responsibility. It leaves the way open to men deliberately to fence to the detriment of any neighbours some difficult parts of their property. It is very necessary that where rabbit burrows are favoured by the nature of the country the person concerned should accept his responsibility under the Vermin Act and endeavour to exterminate the pest. It is interesting to note that some boards have applied to the Government to consider no exemptions at all, even though the properties are vermin-proof under the specifications of the Act. Several boards have done that, and I think the hon. member will find himself at variance with the desires of road districts if he presses the principle in the first clause of his Bill.

Mr. Doney: On what grounds do they suggest exemption?

The MINISTER FOR AGRICULTURE: For several reasons, the principal being that the boards which are earnestly endeavouring to defeat the rabbits and have encouraged and helped settlers to fence their properties effectively, find that the rates collectable have so diminished that they cannot continue to employ inspectors, and it will mean that instead of progress in such instances there will be a let-up and retrogression.

Mr. Doney: That was not supported by the Road Board Association, was it?

The MINISTER FOR AGRICULTURE: That is an interesting interjection, since I have in my hand something which I picked up to read to the House. It contains the decisions reached at road board conferences. The hon. member should surely give me credit for exploiting that position! These are the resolutions—

1932.—That no exemption from vermin rates be granted to owners of vermin proof fences.

1934.—That no land shall be exempt from vermin rating when enclosed by a rabbit-proof fence. That Boards be allowed to levy a rate on netted properties equal to one-third of ordinary rate.

1936.—That in each district exemption from vermin rate to be on a scale, the scale of exemption to be

Where up to 25 per cent. of district is netted, exemption 75 per cent. of levied rate.

Where between 25 and 50 per cent. of district is netted, exemption 50 per cent. of levied rate.

Where between 50 and 75 per cent. of district is netted, exemption 25 per cent. of levied rate.

Where 75 per cent. and over, no exemption.

1940.—That the exemption from payment of the vermin rate under the Act to holders of netted holdings be abolished.

The hon. member is entirely out of step with the desires of the road boards that are seeking to do and are doing a very effective job in dealing with the rabbit pest. I think the member for Pingelly is placing the boards in a very difficult position by proposing that because of the effective handling of the rabbit problem they should have no funds from which to employ inspectors. We know that some boards are in earnest and some boards are lackadaisical. We have the case of the Northam board, which is very much in earnest. Leaving a gap or two, and coming to Beverley, we find another board which is very serious in its attempts to deal

with this problem and employs effective inspectors. There are intervening boards that do not care very much at all, from which resignations are taking place of important residents because they cannot agree with the boards' policy in relation to vermin. That cannot be denied.

We know, too, that inspectors have a very difficult task. We have the case of an inspector who was anxious to do a good job. He was prevented by the board that employed him from taking up cases. Finally he succeeded in influencing the board to let him institute some prosecutions. He proceeded against 13 residents, three of whom were road board members. Shortly afterwards he was sacked. We should not make easy the responsibilities of the farmer who is anxious to evade them, nor should we make difficult the operations of boards that are very anxious to do a good job in this connection. There is no doubt that some boards do interfere with good inspectors who are subservient to road board members. I can name many who are offenders. We should be very chary indeed of amending the Vermin Act to permit of any part of a property selected by a farmer being exempted from rates because he protects it from invasion by rabbits.

Mr. Patrick: Would you apply what you have stated to holdings that are miles apart?

The MINISTER FOR AGRICULTURE: If the hon. member has read the notice paper he will see that I propose in Committee to delete all the words in the Bill that permit the adoption of the principle I have been criticising, and in lieu thereof to make clear the intention of the Act that any land, the subject of one title, if properly fenced, shall be entitled to exemption. Those are the amendments I propose to move. That would mean that if a person or a family or a company—individual or collective interests—have different parts of a holding worked as one property, any part of that total holding, if it is comprised in one certificate of title, shall be exempt. I think that is a fair way to approach the matter. In regard to the second part of the Bill it is obvious that the hon. member desires that instructions issued to inspectors to take cases before magistrates should be complied with, but it has always been noticed that when prosecutions are taken they are not usually taken under the most lenient sections of the Act. If the hon. member ser-

tinises the Vermin Act closely he will find that under the particular section he proposes to amend by his second provision, he is asking that the work shall be carried out to the satisfaction of the inspector, and, if it is not, authority shall be given to approach the court. I have no particular objection to the principle, but I do not think the hon. member can show that board inspectors have acted without cause but that board members, who themselves are farmers, have agreed to action being taken. I think there is very little need for the second provision in the Bill.

With regard to the third proposal, I have a distinct objection to certain features. The member for Pingelly's object is to permit boards to sell the poison at below cost, and that provision could be very much abused. I will give the House an illustration to demonstrate what I mean. I asked for a report on this phase from the Chief Inspector of Rabbits. In reply he says—

The Act provides that an owner shall destroy vermin on his holding at his own cost and expense. It further provides that the board can expend its own funds on destroying vermin within its district, but if expended on private property such expenditure shall be recovered. The boards obtain their funds from rating holdings. Funds are expended on administration and enforcing owners to comply with the destructive clauses of the Act. For this supervision is necessary.

By an arrangement between the Department of Agriculture and the wholesale druggists, boards are enabled to purchase supplies of poison at wholesale rates for sale to settlers. We have an instance of a board not functioning properly in accordance with that arrangement, but giving outrageous concessions to ratepayers such as they were certainly not entitled to. For instance, one man paid a vermin rate of £2 6s. in a year and during that period he purchased a quantity of poison that cost the board £13 10s. 6d., for which the man paid half rates, or an amount of £7 3s. 6d. The difference—£6 7s.—is the amount contributed from the board's funds towards that man's cost of destroying vermin on his property, and that money was provided from rates collected from other property owners. That man therefore received £6 7s. worth of goods for nothing, or an amount of £4 1s. over and above the rates he paid. That is by no means an isolated instance. We know on the evidence before us that it is possible for

boards to carry such assistance to extremes. We have had the spectacle of some vermin boards in the South-West becoming alarmed years ago at the invasion of rabbits in that part of the State. They urged that poison should be made available at the cheapest possible rate so that it could be procurable by farmers at a low cost. Much of that poison was laid on their own properties and they had remarkable results, even in very difficult country indeed.

If the member for Pingelly were to suggest that the consideration he seeks should be afforded necessitous farmers, the provision would not be so open to abuse, and in fact would have much to commend it. I think it would be wise to make provision in the principal Act enabling the board with funds available to provide necessitous farmers with supplies of poison at a low cost. That would furnish some safeguard that not more poison was supplied than was necessary for use on the particular holding concerned. In the main I am opposed to the vital clauses of the Bill because I do not consider they would have the effect the hon. member desires, and I think the effect would be against the express desire of the road districts that are anxious to exterminate the rabbit pest. It is interesting to know just from which boards the recommendations emanated at the road board conference. They were submitted by boards that had a keen desire to continue the work of the destruction of the rabbit pest on the basis of a rating most equitable to each district concerned. Even though the rate be small, it provides an average income that enables a vermin inspector to be employed to deal with the rabbit pest. It is important where a board has done great service to a district that we shall do nothing to encourage the evasion of payment of the vermin tax in the manner suggested by the hon. member.

MR. SEWARD (Pingelly—in reply): I am sorry the Minister has opposed the Bill because, unlike him, I think the power suggested would encourage people to wire-net their properties and so deal more effectively with the rabbit pest. The Minister referred to some resolutions carried at a road board conference regarding exemption of some portions of settlers' properties. There were some boards opposed to those resolutions but

the majority view received endorsement. One of the conditions that influenced me in introducing the Bill was that when travelling through various parts of the State I noticed mile upon mile of netting that had been absolutely wasted. For instance, fences have been taken through salt lakes. The netting has rotted because of the effects of the salt and consequently the expenditure involved was lost. If a settler in that position had had the opportunity to leave that particular portion of his property unnetted, he would be encouraged to enclose other parts of his holding. The same applies where a man has a river, creek, or road running through his property.

Most settlers could not afford the expense of running fences along both banks of the river and also netting other portions of his property. Thus, if he were exempted from the necessity to fence river banks and so on, he would be encouraged to fence adequately the remainder of his holding. The Minister said that by giving effect to the provisions of the Bill we would encourage farmers to take a light view of their responsibilities. I do not understand how the Minister could reach such a conclusion. If by being encouraged to enclose more of the properties with netting, thereby incurring considerable expense, it is suggested that farmers will not indicate a desire to get rid of the pest, I think they will indicate their intention more effectively that way than by merely continuing to poison, as in the past. Those who go in for fencing will spend much more money each year than they do in rates. Another point made by the Minister was that a number of properties are partly wire-netted, and that would mean that the revenue of the vermin board would be reduced. That is so, but in that event the cost to the board would be reduced.

The Minister for Agriculture: But ultimately you might render boards incapable of employing an inspector in the interests of the farmers.

MR. SEWARD: I do not anticipate that result at all. I do not think the Bill would have that effect. Even so, it might mean that there was no necessity for the boards to employ inspectors for the whole year. They could be employed for a month or two at the appropriate season to supervise the poisoning each year. I think the proposal is reasonable, particularly in view of the fact that owners will be encouraged to go

on netting their properties. The Minister said the power contained in the Bill would give the owner who did not carry out the inspector's instruction the right to appeal to the court. As a matter of fact, that is not the meaning of the second provision in the Bill. Under the Act, if an inspector takes action against the owner for not carrying out his instructions, then the court has no option but to convict the man and impose a fine. The effect of the amendment will be to empower the court to hear the owner's version and, if deemed advisable, to grant an extension of time for the carrying out of the inspector's orders. I think that is merely reasonable and many boards have requested that provision. I ask the House to support the Bill on the ground that its provisions are reasonable.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; Mr. Seward in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 59:

The MINISTER FOR AGRICULTURE:

I move an amendment—

That in lines 2 and 3 of paragraph (a) the words "or part thereof" be struck out.

Mr. SEWARD: The amendment would defeat the purpose of the Bill. I know of one settler who, if the amendment were agreed to, would have to enclose two roads and five different paddocks.

The MINISTER FOR AGRICULTURE: Section 5 of the principal Act provides specific exemption to meet such cases. That provision has been availed of in the Bruce Rock and other districts.

Mr. SEWARD: The amendment would be dangerous. A man might have a property of 2,000 acres and it might be cut up into two or three different lots. I think the amendment would make the position of such a man impossible.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	13

Majority for 4

AYES.

Mr. Berry	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Trint
Mr. W. Hegney	Mr. Wise
Mr. Kelly	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Millington	

(Teller.)

NOES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. McDonald	Mr. Thorn
Mr. McLarty	Mr. Willmott
Mr. Patrick	Mr. Doney
Mr. Perkins	

(Teller.)

Amendment thus passed.

The MINISTER FOR AGRICULTURE:

I move an amendment—

That the words "or such part thereof as comprises the whole of the land in one or more titles" be inserted in lieu of the words struck out.

Amendment put and passed.

The MINISTER FOR AGRICULTURE:

I move an amendment—

That in paragraph (b) the words "or such part thereof as is enclosed with a rabbit-proof fence" be struck out.

Amendment put and passed.

The MINISTER FOR AGRICULTURE:

I move an amendment—

That the words "or such part thereof as comprises the whole of the land in one or more titles and is enclosed with a rabbit-proof fence" be inserted in lieu of the words struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 3, 4—agreed to.

Clause 5—Amendment of Section 126:

The MINISTER FOR AGRICULTURE:

I move an amendment—

That the words "Such poison may be sold at such price and upon such conditions as the Minister or the board may determine, notwithstanding that by any such sale the Minister or the board may incur loss" be struck out.

The object is to insert other words which will provide for any person in necessitous circumstances being able to be supplied by the board with poison upon terms and conditions laid down by the board, and to provide, further, for a record of such transaction to be kept by the board, so that there shall be no exploitation within a board's operations of selling poison as in a case I explained on the second reading, and also to provide for the keeping of records of such transactions.

Mr. SEWARD: I hope the Committee will not agree to this amendment. In the

case mentioned by the Minister on the second reading the owner benefited by about £4 through an exceptionally low rate. It is not a good feature to require a man to establish necessitous circumstances before he can be assisted. There is nothing compulsory about the granting of this assistance. Under the present Act, however, such assistance cannot be granted at all. The Corrigin and Gnowangerup boards have written to me expressing their desire to be enabled to grant the assistance.

Amendment put and passed.

The MINISTER FOR AGRICULTURE:

I move an amendment—

That the words "Where an owner or occupier is, in the opinion of the board, in necessitous circumstances such poison may be sold or supplied by the board to such owner or occupier at such price and upon such conditions as the board may determine, notwithstanding that by such sale or supply the board may incur loss. A record shall be kept in the books of the board of every such transaction" be inserted in lieu of the words struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 6, title agreed to.

Bill reported with amendments and the report adopted.

MOTION—ALUNITE DEPOSITS.

As to Mr. J. Chandler's Services.

Debate resumed from the 18th November on the following motion by Mr. McDonald—

That in the opinion of this House the arrangements of the Government for the working of the Lake Campion deposits should include a reasonable financial recognition of the services to the State of Mr. J. Chandler, the discoverer of the deposits.

THE MINISTER FOR INDUSTRIAL DEVELOPMENT [5.56]:

This motion asks the House to express an opinion favourable to the payment by the Government of some financial recognition to Mr. J. Chandler, who discovered the existence of alunite in the Lake Campion district. It was early in 1925 that Mr. Chandler forwarded to the officers of the Mines Department a small quantity of alunite ore. This was examined by the appropriate officers of the department, and on analysis found to contain a fairly high percentage of alunite. In September of the same year, Mr. Bowley, who at that time was assistant to the Government Analyst, the late Dr. Simpson, visited the Lake Campion district and conducted a fairly ex-

tensive examination of the main deposit. From that time onward, officers of the Mines Department—several in number, all highly qualified—paid visits to the district and made further investigations there; they also made further analyses in the Government Laboratory at Perth.

At every stage of the activities of these officers complete information was made available as soon as possible to Mr. Chandler of the discoveries made by the officers. He was kept fully informed of all the data in the possession of those officers. In addition, he was given valuable advice by them. He was told what steps he might reasonably take in an endeavour to have the deposit of alunite exploited, so that potash might be recovered from it and made available to consumers in Australia.

The information so supplied to Mr. Chandler enabled him to make what promised to be valuable contacts with various persons and companies. One of the contacts he made was with Sir Douglas Mawson, who was interested in the deposits and in the possibility of having action taken to exploit them. Sir Douglas Mawson made inquiries and investigations in other countries in the hope of discovering a successful method of exploiting the deposits commercially, but in this he failed. Therefore, the contact which Mr. Chandler made with Sir Douglas Mawson yielded no favourable result.

In 1937 a company was formed in this State. That company entered into an arrangement with Mr. Chandler to pay him a certain amount by way of rent for the deposit and a royalty on each ton of ore treated, in the event of the company succeeding in finding a method of treating the alunite successfully and placing it on the market. The company made extensive inquiries in many directions in the hope of finding a successful method of treating the ore, but it failed to do so, and therefore that contact also yielded no result to Mr. Chandler. During the whole of the time in question, from 1925 until this day, Mr. Chandler has always held one or more leases of one or more of the various deposits at Lake Campion. It seems to me that he has had every opportunity to exploit one or more of the deposits. The Mines Department, from 1925 until 1934, made available to Mr. Chandler all the information it had with regard to the deposits.

Mr. J. H. Smith: Did he hold those leases all through that period without work on them?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: He held one or more leases during that period.

Mr. J. H. Smith: Without doing any work on them?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: He was able to hold one lease, because it was granted him as a reward lease and therefore could not be taken away from him. He lost several of the other leases which he held, because people made application for them on the ground that he had not observed the conditions on which the leases were granted to him. But right through from 1925 until this very day he has held at least one lease, and for part of the time he held more than one.

Mr. Patrick: Does he still hold the reward lease?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes. It is clear that Mr. Chandler has had every opportunity to do something with the deposits or to have something done with them. There are other companies and persons, in addition to those I have mentioned, with whom Mr. Chandler made contact, but none of them was able to make any progress at all. When the Government took an interest in the development of the deposits in 1939, there was no suggestion, proposal or movement anywhere to exploit or develop one or more of the deposits. The whole business at that time was dead, and it had been dead for a period of at least nine years. As I explained when dealing with the partnership Bill, the great problem of the Government was to find a successful method of treating the alunite so that the potash content could be extracted on a commercial basis, which would enable the industry to be successfully developed for the production and sale of potash and any other products that might be extracted from the alunite. Members therefore know the extreme and varied difficulties that had to be faced and overcome before a successful method of commercial treatment could be evolved. In that work Mr. Chandler had no hand.

Hon. N. Keenan: Did anybody else have a hand?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Of course!

Hon. N. Keenan: Who?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: I will tell the member for Nedlands just who they were.

Mr. Marshall: Will you do it quickly?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes, in less than five minutes if the member for Murchison does not interject.

Mr. Hughes: Was one the chairman of directors of a newspaper?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: No, except indirectly. Perhaps the member for East Perth is overlooking the fact that that man put money into the investigations.

Mr. Hughes: More than he got out of it?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: About the same amount.

Mr. Hughes: That is the worst deal he ever made.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: It was. If the member for East Perth discusses the position with the gentleman concerned he will find that that gentleman is not very happy about the basis upon which he came out of the whole business.

Mr. J. H. Smith: He had no need to come out. They were not prepared to put money in.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: No, they were not. I can tell the member for Nedlands again, as I did on the second reading of the Bill to which I have referred, the names of those who have been mostly responsible for developing the commercial method of treatment which will be applied to the alunite.

Hon. N. Keenan: I am not referring to the University staff but to any other person interested.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Very well. The names are as follows:—Mr. E. J. Martin, Mr. M. Martin, Mr. W. F. Norwood, Mr. Bowley (the Government Analyst), Mr. Fernie (Director of Industrial Development), together with Professor Bayliss of the University and the several chemists who were employed under his direction, and the chief officers of the Council for Scientific and Industrial Research, who from time to time made technical advice available. They have been the men almost entirely responsible for the development of a successful method of treatment without which these deposits

would have remained undisturbed for very many years to come—for all time to come for all we know. Mr. Chandler did communicate with me regarding the development of these deposits but he did not at that time make any suggestion that he should receive any financial reward. He has made no suggestion to me or to the Government since that he should receive any financial reward. So far as I have been able to ascertain he has not asked anybody to use any effort to obtain for him any financial reward.

It has not yet been proved to the members of this Chamber that Mr. Chandler seeks any financial reward in respect of the fact that he did, when living in the Campion district some 20 years ago, see in one of the lakes a material which he thought was unusual in character and a sample of which he subsequently forwarded to the Mines Department in Perth. In a letter which Mr. Chandler sent to me on the 30th January, 1941, he expressed his very great interest at the attempt being made by the Government to develop the deposits. He set out a lot of information covering his own activities, and his relationship with Sir Douglas Mawson and the other individuals and companies I have mentioned. He paid a very high tribute to the great work done by the officers of the Mines Department, especially the work done by Mr. Bowley. He completed his letter to me by expressing his very great interest in the work and also by expressing the hope that the endeavours of the Government to have the deposits developed would be successful. He seemed to suggest that if that could be done he would be extremely happy and extremely satisfied that an industry was being established at Lake Campion to develop the alunite deposits there. Some months ago, too, I had a telephone call from a relative of Mr. Chandler who told me that Mr. Chandler was not seeking any monetary reward. Neither was this relative seeking any financial recognition for Mr. Chandler, but he did suggest that if the new township to be established at Lake Campion could be called "Chandler," he felt sure that would be a source of great comfort to Mr. Chandler.

Mr. Hughes: And you would not even give him that?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes, we gave him that! The new township is to be called Chandler in recognition of the fact that the deposit

in the first instance was discovered by Mr. Chandler.

Mr. Withers: That will not fill his stomach!

The MINISTER FOR INDUSTRIAL DEVELOPMENT: I do not think Mr. Chandler is interested in having his stomach filled. I think his stomach is full. I think his main consideration, like the main consideration of all of us, is to have the deposit developed not for the sake of Mr. Chandler, not in the interests of Mr. Chandler; not for the sake of the Government or in the interests of the Government; not for the sake or the interests of any other individual or small group of individuals, but for the sake of the State and in the interests of the State. I think it is clear that so far as Mr. Chandler is concerned he is in the same position as is any other prospector who discovers anything. It is only when a prospector finds it possible to make suitable arrangements with some other individual or company that he is able to obtain any financial interest in the development of that which he has prospected and discovered. If a prospector on the Goldfields finds what he considers to be something which is promising and is not able to develop it or get anybody sufficiently interested to develop it, nothing happens. That possible deposit of gold lies there until some prospector or company becomes interested in it and until such time as someone is prepared to do something about developing it.

Mr. Patrick: If a prospector makes a new discovery he gets a reward lease.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: If there is a new discovery the gold prospector gets a reward lease, and in that respect is in exactly the same position as Mr. Chandler was and still is in respect of the deposits of alunite at Lake Campion. I am sure that the Goldfields members here today could indicate a number of cases where prospectors on the Goldfields had found what they considered to be reasonable prospects in respect of gold deposits, but because of lack of capital or some other reason were not able to develop the deposits to any depth and consequently have not obtained anything from those particular areas. But later someone else has come along—either another prospector or some company—with capital and has developed one of those areas to a much greater depth with the result that it has probably

become a very good goldmine. It is the old question of, just what can the prospector do?

The Government feels that Mr. Chandler is not entitled to any special financial recognition because of the fact that he discovered these deposits. He had the opportunity during the last 17 years to have them developed if ways and means could have been found to do it. He had made available to him, at every stage, the utmost information in the possession of the Mines Department. After the expenditure of a good deal of money, and the devotion of much time to the task of analysis and research, means to treat the deposits were found. If the value of that time and work, from 1925 to 1934, undertaken by the Mines Department could be calculated it would run into thousands of pounds.

Mr. McDonald: That is what the Martins got the benefit of.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: No. The interest of the Martin brothers and Norwood has been measured according to the part they played in assisting to evolve a successful process to treat the ore.

Hon. N. Keenan: That is one point. You say that Martin brothers, or Norwood discovered a method of treatment.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: No. I say they played a very valuable part in assisting to evolve finally a successful method of extracting potash from the alunite.

Hon. N. Keenan: They were part discoverers of that treatment.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes.

Hon. N. Keenan: That is not my information.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: I do not care what is the information of the hon. member. I am telling him the facts.

Hon. N. Keenan: It was discovered by the staff at the University.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes, based upon what had been discovered up to that time by the Martin brothers and Norwood as a result of their research and work.

Mr. Boyle: And the provision of a pilot plant there as well.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes, made available by

the Government! In any event, we would be unwise to confuse one issue with another. This motion ought to stand on its own merits in just the same way as the position of Martin brothers and Norwood had to stand on its merits, and be judged accordingly. On behalf of the Government, for the reasons I have mentioned, I oppose the motion.

On motion by Hon. N. Keenan, debate adjourned.

House adjourned at 6.20 p.m.

Legislative Council.

Thursday, 3rd December, 1912.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly requesting concurrence in the following resolution now considered:—

That the proposal for the partial revocation of State forests Nos. 27, 29, 30, 36 and 49, laid on the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor on the 1st December, 1942, be carried out.

THE HONORARY MINISTER [2.18]: I move—

That the resolution be agreed to.

This follows the usual procedure towards the end of each session to deal with the partial revocation of land in State forests. From time to time circumstances arise by which it is deemed desirable that certain State forest land shall be excised therefrom. Sometimes these areas are required by ad-