

re-assemble in October, on a date to be subsequently announced. I can only express the hope that we shall all meet again when the time comes, and that you, Mr. President, in particular, with other hon. members will enjoy the brief period of rest.

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Assembly,

Wednesday, 1st August, 1917.

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

QUESTION — ROYAL COMMISSION ON AGRICULTURE.

Mr. HICKMOTT (without notice) asked the Premier: 1, When will the report of the Royal Commission on Agriculture be available? 2, Can the Premier give the House any information with regard to the Commission's recommendations?

The PREMIER replied: I can only state that the report will be made available after it has been presented to the Governor. The report has not yet come forward. An interim report, however, has been presented

and that is now on the Table of the House. As soon as the Commission have finished their labours and presented the report it will be made public.

QUESTION—RETURNED SOLDIERS, GOVERNMENT EMPLOYEES.

Hon. W. D. JOHNSON asked the Premier: Will he, for the information of returned soldiers who were, before enlistment, employees of the Government service, outline the Government's attitude in regard to—1, Soldiers whose service was over six months but under term which made them permanent hands, but whose service at the Front extended beyond that which would make them permanent had they neglected to enlist? 2, Will the Government add to term of Government service the term served in A.I.F., and pay holiday and extend same privileges as is given to men who were on permanent staff before enlistment?

The PREMIER replied: 1, This does not apply to the Public Service generally, as duration of temporary service alone is not a qualification for permanency. The temporary and casual men employed in the Departments are subject to their services being dispensed with at any moment. Those of them who joined the A.I.F. left the Departments on the distinct understanding that their services while abroad should not count, but that they should receive preference for employment on their return after the permanent staff had been provided for. 2, The addition of the term served in the A.I.F. to temporary service would not make temporary employees permanent officers, nor entitle them to the same conditions as those given to permanent men.

QUESTION—RAILWAY CONSTRUCTION, ESPERANCE-NORTHWARDS.

Mr. GREEN asked the Minister for Works: Is he prepared to proceed with the construction of the Esperance railway at once, and so make provision for the coming wheat crop, and in order to fulfil a promise made to Hon. T. Walker (the member for the district) that the work would be proceeded with within a fortnight after the

Commissioner's report was furnished, if such were found favourable to the district?

The MINISTER FOR WORKS replied: The matter of proceeding with the construction of the Esperance Railway is receiving consideration. When the line was closed down steps were taken to protect the material and the work which had been done, and the statement was made that the work could be re-started in comparatively little time, which is correct. Funds for construction have to be provided, and this question will be one for the Colonial Treasurer. As there are no supplies of rails on hand, and it is uncertain when a supply will be available from the Broken Hill Proprietary, it would be foolish at present to either call for tenders or to continue the work departmentally, it being impossible to do economical work when there is any question of shortage of rails. When the funds are provided, the Public Works Department will be prepared to arrange for an early commencement of the line.

PAPERS PRESENTED.

By the Premier: 1, Return showing names and positions held by Railway Loco. Works Administrative Staff on 30th June, 1915, and on 30th June, 1917. 2, Report of Royal Commission on the Mallee Belt and Esperance Lands. 3, Vermin Boards Act, regulations. 4, Pearl-shell Fisheries Act, closing of waters.

LEAVE OF ABSENCE.

On motion by Hon. F. E. S. WILLMOTT (Honorary Minister), leave of absence for one fortnight granted to Mr. Harrison on account of ill-health.

On motion by Mr. HARDWICK leave of absence for one fortnight granted to Mr. Butcher on account of ill-health.

BILL—CITY OF PERTH ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.

MOTION—MINING LEASES, EXEMPTION TO STAR SYNDICATE.

Mr. TROY (Mt. Magnet) [4.40]: I move—

That in the opinion of this House the late Minister for Mines (Hon. R. T. Robinson) was not justified in granting exemption to the Star Syndicate, Limited, on the Sirdar Leases, at Boogardie, in opposition to the Warden's repeated recommendations to the contrary, and that such an act of administration is not in the best interests of the mining industry.

I do not know whether this is to be taken as a no-confidence motion, but the matter is one which I want brought under the light of day because it has aspects which, if encouraged will, in my opinion, be most detrimental to the mining industry. The circumstances of the case are as follows:—The Star Syndicate, Ltd., of which Mr. Shallcross is managing director, took an option of purchase over the Sirdar leases at Boogardie. These leases have been worked for a number of years by the owners, and the owners have been able to derive a comfortable livelihood from their work. Mr. Shallcross, on behalf of his syndicate, secured a working option of 12 months. The terms of the option were that, if the company purchased, the vendors were to receive £450 in cash, 2,000 fully paid up shares in the Star Syndicate, Ltd., and £850 to be paid at the rate of 20 per cent. of the gross yield from the gold won. During the term of the option of 12 months, Mr. Shallcross had no less than seven months' exemption, or six months' exemption and one month's protection. In that period he did not work the property, and on the expiration of the seven months' exemption which he secured in the first place during the term of the option under Section 93 of the Mining Act, because of the capital expended in the development of the property, he applied in February of this year for a further term of exemption of six months. Before he applied for that, the syndicate took over the property from the vendors and, as will be understood by anyone connected with mining business, instead of the company setting about to work the property legitimately, immediately Mr. Shallcross got the property he applied for six months' exemp-

tion, and he kept the vendors in ignorance of his intention until the property was transferred to him. The vendors had arranged to receive a portion of the payment from the gold won, and they would never have agreed to the transfer of the property to the Star Syndicate had they known the syndicate intended to apply for exemption immediately the property was handed over to them. In my opinion it was a bit of sharp practice on the part of Mr. Shallcross, and such a practice as this should not be encouraged. The application for exemption was heard at Mount Magnet in February before the Murchison warden. The application was opposed by the vendors, Delaney, Hill, and Clark, who composed the shareholders holding one-fifth of the shares, and the people of Mount Magnet and Boogardie also opposed the exemption on the ground that the company had already enjoyed all the exemption it was entitled to receive. The warden refused the application for exemption on the ground that the shareholders holding one-fifth of the shares of the company were opposed to it. Then the matter came before the notice of the Minister and, after discussing it with myself and with Mr. Shallcross—may I say that the Minister gave both sides the opportunity of discussing the position with him—he informed me that he thought the matter should go back to the warden, so that the warden could give a decision on the merits of the case. The Minister told me he thought it was not his place to accept the responsibility. The warden should accept the responsibility and decide on the merits of the case. I have looked at the file and I have found that, in the meantime, Mr. Shallcross bombarded the Minister with numerous letters in support of his claim for exemption, and insisted on getting and demanded exemption. The Minister, after considering the matter, referred it back to the warden for reconsideration and he pointed out that the warden had decided contrary to law in refusing the application, because one-fifth of the shareholders had opposed the application for exemption. The Minister wrote the following memorandum to the Secretary of Mines on the 23rd March:—

Having perused the evidence and had interviews with Messrs. Troy and Shallcross, I have come to the conclusion that the wisest thing to do is to send proceedings back to the warden for consideration of the case on its merits. The warden having stated that his decision is based on the objection raised by three shareholders in the company, the Minister points out that limited companies, such as the Star Syndicate, are ruled, under the Companies Act, by a majority of shareholders, and it would be wrong for any court to affect the destiny of a company at the request of a minority of the shareholders. The Minister further stated that the warden was wrong in deciding as to whether he would or would not recommend any exemption against the opposition of certain persons who held shares in the company. Please, therefore, ask the warden to reconsider or re-hear the case on its merits.

In forwarding this communication to the warden, the Secretary for Mines at the same time forwarded the correspondence which had been sent to the Minister by Mr. Shallcross since the hearing of the application for exemption and he stated significantly in the correspondence—

This will probably be of assistance to you in dealing with the matter.

It is questionable tactics to endeavour to influence the warden by forwarding him correspondence from one party when the other party had not had an opportunity of cross-examining the persons who forwarded that correspondence and made the statements. Mr. Shallcross forwards a letter to the Minister setting out the arguments which had been adduced in the Warden's Court. This correspondence was sent to the warden, and he was asked to take particular note of it as it might give assistance to him in dealing with the matter, and the other party opposed to the exemption was kept entirely in ignorance of the fact of this having been done. The warden, despite this pressure, considered the matter, and again refused, on the merits of the case, to recommend exemption. On the 4th April the warden replied to the Secretary for Mines as follows—

The Hon. the Minister asks me to reconsider or re-hear the case on its merits. As I am satisfied that a re-hearing will

not be of any benefit, I have carefully gone through the evidence and reconsidered the case on its merits, and have come to the conclusion on the evidence as a whole, it will be better for the mining industry in the Magnet district if the application for exemption is refused.

I have had an opportunity afforded by the goodwill of the Minister to see the files some time ago. Although the warden on the second occasion refused to recommend exemption, the Minister was apparently disappointed in the warden's answer for instead of upholding the warden who had given the second decision, he criticised the warden's decision and stated that he could not find anything in the evidence pointing to the conclusion to which the warden had arrived. If the Minister could find nothing in the evidence which pointed to such a conclusion as that which the warden had arrived at, why did he not decide on the matter in the first place and give exemption? Why did he send the matter back to the warden in order that he might take the full responsibility of deciding on the merits of the case, and afterwards criticise his decisions? I am not going to say anything of a very hard nature about the Minister's action in this connection, but I have come to the conclusion that the Minister was wrong in sending the matter back to the warden for reconsideration if he did not intend, as he stated to me he did intend, to abide by the warden's second recommendation.

The Attorney General: I never said that.

Mr. TROY: I should be sorry to misrepresent the Minister; I have no personal interest in the matter, but the Minister did say to me that he thought the warden would take the responsibility.

The Attorney General: Certainly.

Mr. TROY: And that he intended to send the matter back to the warden so that he could decide the full case on its merits, and, as I understand, would abide by the warden's recommendation.

The Attorney General: It is all correct up to that point.

Mr. TROY: If the Minister did not intend to abide by the warden's recommendation, why did he send the matter back to the warden on the second occasion, and if he found nothing in the evidence which would

enable the warden to arrive at the conclusion he did arrive at, why did he not find on the evidence in the first case? The objection I take is that having referred the matter back to the warden in the second instance, the Minister was not justified, and no Minister is justified, in turning down the warden's recommendation on two occasions, and then criticising his action after the warden has acted as he did. Unquestionably, the files show that the Minister was disappointed, because he pointed out to the warden that the shareholders who held one-fifth share in the mine were not warranted in law in opposing exemption, and told him to ignore the point. The warden did ignore the point and the Minister is now apparently disappointed at the action of the warden.

The Attorney General: How do you know that?

Mr. TROY: I know it from the files. When the warden refused to grant exemption, why did the Minister criticise the warden's recommendation?

The Attorney General: I will tell you that later.

Mr. TROY: He did not criticise him in the first place. He stated that he could find nothing in the evidence which led or pointed to such conclusion as that at which the warden had arrived. He states that he does not think he would be doing his duty if he refused to grant exemption to small mine owners who had already spent over £6,000 in developing the mine. He, therefore, approved of the six months' exemption to date from 27th February, 1917. If he could find nothing in the second place, he could not do so in the first place. He was disappointed, because he criticised the warden, who did not fall in with the intentions he had in mind. The Minister, despite the warden's recommendation, approved of a six months' exemption. My quarrel with the Minister is that he immediately made a statement, when criticised by the Press, which was entirely beside the point. In the *Daily News* he was subjected to much criticism because of his interference, and because of his refusal to adopt the warden's recommendation on the second occasion.

The Attorney General: Obviously inspired.

Mr. TROY: He made it appear in the Press that the company had spent a considerable sum of money, and that because of that expenditure the company was entitled to exemption. That is not the point, because, by the expenditure of that money, the company had already enjoyed a six months' exemption, all they were entitled to. The Minister pointed out that the company had expended £6,000 on the development of the property during the term of the working option, but as a matter of fact the company had only spent £5,112 from capital, and for that expenditure the company secured, under Section 93 of the Mining Act, all the exemption to which they were entitled. Even this money was not expended in the production of gold, but was expended in the development of the property, so that the company might determine whether it was of such value as to warrant them in taking it over. The mine was not being developed in the ordinary sense of a gold mine being worked, but was being prospected, so to speak, to enable the company to determine whether it was worth purchasing or not. For that expenditure the company received a six months' exemption, and the Minister was not correct, and is evading the point, when he says that he granted a further six months' exemption because of the money the company had expended. As a matter of fact, the company had already enjoyed all the exemption they were entitled to. A further statement is made by the Minister that the company could not raise capital, and that was one of the strongest arguments put forward by Mr. Shallcross, the managing director. He stated that the company was unable to secure capital in order to work the lease. As a matter of fact, the Minister never on any occasion apparently took the trouble to find out whether the company actually did try to raise fresh capital or not. There is on the file a letter from Mr. Shallcross which he forwarded to the shareholders in the Star Syndicate when he took the leases over, in which he notifies his shareholders that he does not propose to raise fresh capital or to attempt to work the Sirdar gold mine. When Mr. Shallcross secured the transfer of the leases from the vendors, and before he applied for a second

term of exemption, he wrote this letter to the shareholders—

Since the secretary's letter to you of 18th September, 1916, the vendors of the Sirdar gold mine have unconditionally accepted a statement of account as rendered by Messrs. Ford, Rhodes, and Davies. The purchase of the property has now been finally arranged, and the leases have been transferred to, and are now vested in, the name of the Star Syndicate, Ltd. By the terms of the statement, the Star Syndicate, Ltd., pays the vendors £450 cash, £850 out of the gold to be produced from the Sirdar mine, and £2,000 in fully paid-up shares in the Star Syndicate.

This is what he tells the shareholders—

In view of the scarcity of labour and the other difficulties due to the war, it is not proposed to carry out any work in connection with the main working of the property until the general outlook is brighter than at present.

Instead of attempting to raise more capital Mr. Shallcross assures the shareholders that he does not propose to call for more capital. He is raising war conditions and the restrictions imposed by the Federal Government in respect to fresh capital, and assures the shareholders, in order to ease his responsibility and theirs, that these are the reasons why he is not asking for more capital. I do not think the Minister could have seen that letter.

The Attorney General: That letter is subsequent to the exemption.

Mr. TROY: Pardon me, it is not.

The Attorney General: It is.

Mr. TROY: It is before the exemption.

The Attorney General: It is not.

Mr. TROY: If the Minister will prove to me that it is subsequent to the exemption, I will take his word for it. I have, however, a note of it here. That letter was written to the shareholders in February, before the exemption was applied for, and a copy of that letter was never sent to the vendors, Messrs. Clark, Delaney, and Hill, who hold one-fifth share of the mine, until later. Mr. Shallcross excuses himself for keeping them in ignorance on the ground that they were not on the registered list of shareholders until later in the month of February.

Messrs. Clark, Delaney, and Hill, who secured their living out of the property, and who expected that the purchase money would come out of the working of the property, in giving evidence in the court stated that they would not have agreed to the transfer of the lease if they had known of this letter which Mr. Shallcross wrote to the other shareholders. In the first place Mr. Shallcross was never entitled to exemption, and in the second place the arguments he put forward to the Minister were of no value in that they were not truthful statements. He first said he could not work the mine because he could not get labour, and afterwards, when he was confronted with evidence, he abandoned that. Then he made the statement that he had proved the value of the lease but that it would require capital to the amount of £25,000 in order to put a plant on it and treat the ore; and, when confronted with evidence to the contrary, he abandoned that also. He then said that he could not raise fresh capital. He did not attempt to raise fresh capital; on the other hand he assured his shareholders that he was opposed to the raising of fresh capital. In the face of all this, the Minister instructed the warden to grant him exemption for six months. Mr. Shallcross has a number of mines on the Murchison and in respect of these for two-thirds of the time they are under exemption. He is constantly knocking at the door of the Mines Department; he is a most persistent man.

The Attorney General: He was only once at the department to my knowledge during the whole of my term as Minister for Mines.

Mr. TROY: You were not there very long. Do I understand the Minister to say that Mr. Shallcross saw him once only?

The Attorney General: Yes.

Mr. TROY: There are letters on the file showing that he saw the Secretary for Mines a dozen times at least.

The Attorney General: When does his time expire?

Mr. TROY: On the 27th of this month. My point is that Mr. Shallcross got more exemption than he was entitled to and that, in my opinion, the Minister was unwise in arranging to give him the exemption he did. The Minister made some reference to the evidence given by a publican, who said in effect

that he did not care whether the mine paid or not so long as the money was spent. But why take notice only of one publican, when there was available the evidence of the men who owned the property and who had been deprived of their livelihood because of its transfer to Mr. Shallcross? The Minister gave Mr. Shallcross exemption, but the men who made their living by the property, the men who got their money from the gold won from the mine by their work, can get neither their property nor their money; that is the position to-day. I do not wish to say anything unkind to the Minister; but there are certain individuals, mine managers, in this country who are always insisting upon what is due to them because of what they do for the development of mining properties. They are always complaining regarding labour, that they do not get a fair day's return for a day's work. In my opinion it would be a dozen times better for the mining industry if some of them had never had anything to do with the industry because the whole of their career is marked by exemption clauses. They spend two-thirds of the money on the surface and when failure follows they blame the men working in the mine.

The Attorney General: Can you suggest anything which will overcome that?

Mr. Holman: He is one of the worst mining men in this country.

Mr. TROY: I object, Mr. Speaker, to being placed under cross-examination. I must make my statement in my own way. I want to say that the Minister in my opinion acted wrongly and unwisely, and I think unfortunately; because I want to discourage the practice of any Minister throwing the responsibility on a warden of coming to a decision and when the warden has given his decision—as he did on two occasions in this case—criticising that decision and acting contrary to the warden's recommendation. The granting of this exemption has not only been injurious to the mining industry of the district, but it has done grievous harm to the original owners of the mine, who have been deprived of their livelihood and are unable to secure money due to them, because the Minister has enabled the company to hold the property for, in all, thirteen months. I would not complain if

the company had met with difficulties or if the property had been purchased before the war; but the option was taken during the term of the war, and the property purchased during the continuance of the war. Mr. Shallcross knew of the difficulties contingent upon the war conditions before he took the property over. Yet, in face of that, he goes to the Minister, and although he does not make out a case the Minister at first would not grant his application but later does so. It is because I wish to discourage this practice on the part of any Minister that I move the motion standing in my name.

Mr. HOLMAN (Murchison) [5.7]: I second the motion.

The ATTORNEY GENERAL (Hon. R. T. Robinson—Canning) [5.8]: I think that the hon. member will see when I have finished my reply that he has been somewhat misinformed in this matter. Judging by the remarks which have fallen from the mover, I cannot come to any other conclusion than that there is some personal feeling in regard to the Sirdar case on the part of the member for Mt. Magnet (Mr. Troy). I may say that I laid it down as a principle for myself in the Mines Department that, although I, as Minister, had the power to vary a decision of a warden in connection with exemptions, and although it had been done on many previous occasions, it was never so done by me except in the case of the Sirdar. And I hold that so long as a warden has carefully heard the evidence and analysed it and has come to a conclusion, no Minister should interfere with that decision except for very clear and very grave reasons. I am satisfied that such reasons were present in this case, and I have no hesitation in saying here, in answer to the member for Mt. Magnet, that had the warden, as I requested him to do, held a re-hearing of that case and then decided it on its merits, I venture to say I would not have had occasion to interfere in the matter. Let me carry members back a little in history. I want to repeat that I hold a Minister, although he has the power to interfere with a warden, should not do so if the warden has come to a decision after having heard evidence and decided the case on its merits. But what happened

in this case? I will quote from the files. The warden said—

Without considering the merits of the case I recommend that this exemption be refused on the ground that the application is objected to by one-fifth of the shareholders.

That is to say, the warden, in giving his decision, put on one side the merits of the case and for other reasons, that certain individuals objected, he gave his judgment. I repeat, had the warden given his judgment on the merits I, as Minister, would have been very loth to exercise the powers Parliament has clothed me with. After hearing on several occasions from the member for Mt. Magnet—I came to the conclusion that I would not take the responsibility of deciding the case myself at all, and I sent it back to the warden, pointing out the mistake he had made—he undoubtedly did make a mistake—and requesting him to hold a re-hearing of the case on its merits and to then let me know the result. Instead of the warden re-hearing the case on its merits, what do you think he did? He said, "Oh, if the Minister will not decide it I will decide the case myself." I have no faith in the decision of any judge who, when a case comes before him to be heard, refuses to decide the case on its merits but lets it go on a technical objection. I have no faith in that man's judgment.

Mr. Chesson: Why did you send the case back to him, then?

The ATTORNEY GENERAL: I sent it back and pointed out to him that instead of deciding the case on its merits he had decided on a technicality. When a case comes before a warden and he chooses to decide it without considering its merits, what is the inference to be drawn? Is it not that had he considered the merits he would have approved the application, but that because objection is lodged by one-fifth of the shareholders he decides to refuse exemption. I venture to say that no man with a judicial mind would come to any other conclusion. I think I have made that point clear.

Hon. P. Collier: Why make an attack on the warden?

The ATTORNEY GENERAL: This is a personal attack upon me.

Hon. P. Collier: It seems to me that the warden has as good reasons for refusing the case on its merits as on the technicality.

The ATTORNEY GENERAL: If so, why did he not decide on its merits? Why did he use these words:—

Without considering the merits of the case, I recommend that this exemption be refused on the ground that the application is objected to by one-fifth of the shareholders.

That was the first decision. I am sure I am not telling tales when I say I have always respected very highly the opinions of a man like the member for Mt. Magnet (Mr. Troy), who has occupied the position of Speaker here, and similarly I have given the greatest weight to the opinions of yourself, Sir, and also of any member on the other side of the House who is familiar with mining matters. I have always treated those opinions with the greatest respect, and they have carried a great deal of weight with me. The member for Mt. Magnet and I argued this case out very fully.

Mr. Troy: On its merits.

The ATTORNEY GENERAL: No; on the technical points raised. The member for Mt. Magnet eventually, I think, agreed with me that the best thing was to send the case back to the warden to decide it on its merits.

Mr. Troy: That is quite correct; because you said you would not take the responsibility. That is the position.

The ATTORNEY GENERAL: Why should I take the responsibility? A Minister is not here to take the responsibility of exemptions when he has wardens paid for the purpose.

Mr. Troy: Then why did you take it later on?

The ATTORNEY GENERAL: I will tell the hon. member that when I come to the next fence. As regards the first fence, I have beaten the hon. member. He agrees with me that it was right and proper of me to send the case back to the warden.

Mr. Troy: When you would not take the responsibility.

The ATTORNEY GENERAL: At this stage it will be interesting to read what I did say to the warden. The member for

Mt. Magnet in reading extracts from the file omitted the most material of my minutes—the one I just referred to, in which it is mentioned that the warden stated he considered the case on its merits. I am sure it did not appear of much importance to my friend, but it is of importance to me. Before reading the minutes, I wish to interpose that although the name of Mr. Shallcross has been heralded as that of the person who was to benefit by the Star Syndicate, that syndicate is composed of a number of well-known Perth men, not residents of the goldfields, and the bulk of them not mining men. Mr. Shallcross was the manager or attorney, and, as such, was the mouthpiece who approached the Minister. I was aware of that fact, and the names can be seen on the file. One other matter of fact I desire to mention is that this syndicate had been in existence for about 12 months, and had spent approximately £5,000 of its own money in the development of the lease. During the course of that expenditure the syndicate had raised about £1,100 or £1,200 worth of gold. The Syndicate had thrown that money into the venture too. Thus the syndicate had expended on the lease in 12 months a sum of £6,000.

Mr. Holman: Was not most of that spent in machinery?

The ATTORNEY GENERAL: No; on development. My friend blows hot and blows cold; the complaint was that there was no machinery on the lease. This shows how much the member for Murchison (Mr. Holman) knows about the matter. Let us start with the fact that the syndicate had spent that money, and with the further fact that under the Mining Act any set of persons are entitled, as of right, to exemption calculated on the amount they have spent on their mine. In this case the expenditure was £6,000. Under Section 93, I think it is, of the Mining Act they are entitled to six months' exemption for every £1,500 spent on a 24-acre lease.

Mr. Troy: For every £1,500 spent from capital, not from gold won, mark you.

The ATTORNEY GENERAL: The Act does not say so.

Mr. Troy: Yes; it does.

The ATTORNEY GENERAL: They were entitled, as of right, to that.

Mr. Troy: And they got it.

The ATTORNEY GENERAL: Yes; but the hon. member would almost lead the House to understand that it had been granted to them by somebody as a favour. They were absolutely entitled to it; and that is the point I want to make. The hon. member attempted to convince the House that I had done wrong. Before I sit down, I will show the House that I have done right, and that if any wrong has been done it was done by someone else, and not by me. The members of the syndicate were entitled to seven months' exemption as of right.

Mr. Troy: Yes; and they got it.

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: That would be in ordinary times. Prior to 1914, anybody spending that sum of money on a mine was entitled to that exemption. Let the House answer me whether, if a man is entitled to six months' exemption in times of peace, he is not entitled to additional consideration in times of stress such as those we are passing through? Is there anyone who will answer me otherwise than in the affirmative? There is not; of course not.

Hon. P. Collier: On those lines you will close up the gold-mining industry.

The ATTORNEY GENERAL: If those facts did not influence the minds of the warden, they were very present to the mind of the Minister. With those facts in my mind I wrote the following minute:—

23/3/17. The Secretary for Mines. Re the Sirdar Lease. In this case I have perused the whole of the evidence, while I have received Mr. Troy, M.L.A., in interview on three occasions, and have on one occasion granted an interview to Mr. Shallcross. I have now come to the conclusion that the wisest thing to do is to send the proceedings back to the warden for consideration of the case on its merits, for the following reasons—(1) the warden has stated that his decision is based on the objections raised by three shareholders in the company, and there are declarations on the file which show that the warden stated he did not consider the case on its merits; (2) I would point out that it is the case with limited companies,

such as this is, that they are ruled under the Companies Act by a majority of the shareholders, and it would be wrong for any Government to affect the destiny of any company at the request of a minority of its shareholders.

Hon. W. C. Angwin: Was that after the second inquiry?

The ATTORNEY GENERAL: This starts the ball rolling. My minute continues—

I almost think that the warden must have had it in his mind that the shareholders in question were members of a syndicate, and perhaps overlooked the fact that the syndicate was a limited company. I therefore think he was wrong in law in deciding as to whether he would or would not recommend any exemption against the opposition of certain persons who held shares in the company.

May I interpose that two disaffected shareholders in the Western Australian Bank could go down to a shareholders' meeting and wind up that institution if that judgment of the warden is correct, which of course it is not. I continue reading the minute—

(3) In coming to his conclusion on the merits of the case, the warden would be entitled to take into consideration, with other matters, the views of the minority of the shareholders, but he would also take into consideration the majority of the shareholders too, when coming to his decision. I feel sure that neither one set of views nor the other will weigh with him so much as the best interests of the industry. While he is the judge of individual cases, this will be the dominant factor in his mind. (4) I observe that evidence was given by certain hotelkeepers and roads board officers. I have no doubt that would have no weight with the warden, as one of the hotelkeepers frankly admitted that he wanted to see expenditure, and did not care whether the mine paid or not. (5) Mr. Shallcross placed before me a number of specimens which, he contends, are sulphide ores and can only be treated by the roasting process.

This is a new point—

Mr. Troy, on the other hand, advised me there was any quantity of oxidised ore in

the mine, which was readily amenable to battery treatment. This is also a matter that the warden will no doubt fully inquire into before coming to a decision. Please, therefore, ask the warden to reconsider or re-hear the case on its merits. I ask whether, even from the point of view of my friends opposite, that is not a fair and proper way of putting the case to the warden? I think there can be no answer other than that it is a fair letter for the Minister to write.

Hon. W. C. Angwin: That is quite right; but what about the second case?

The ATTORNEY GENERAL: I believe this warden to be one of the best wardens we have, and I do not want any remark of mine to cast any reflection on him. I believe he is a very good man. But I want to make it clear that the warden decided the case, not on its merits, but on a point of law; and, therefore, the inference which anyone would draw is that the merits were in favour of the applicant. I drew the warden's attention to the new point, that is, the oxidised and sulphide ores, on which it was necessary for him to take evidence. The following is the warden's reply, dated the 4th April last, and addressed to the Secretary for Mines—

I beg to acknowledge receipt of yours of the 24th ultimo, forwarding a minute from the Hon. the Minister requesting me to reconsider the application for exemption by the Star Syndicate, Ltd., as it was alleged that the application was not considered on its merits. I am prepared to admit that I stated, when making my recommendation, that without going into the merits of the case I would recommend that exemption be refused on the ground that the application is objected to by shareholders representing one-fifth of the shares in the Star Syndicate. I meant by that that, as I had allowed very full evidence to be taken from both sides, and considerable latitude as to the relevance of some of the evidence tendered, I did not purpose to go into all the arguments for and against the possibilities of the continuation of the working of the property under its present conditions, and that I considered that there were sufficient grounds alone for the refusal of the objection in the fact that one-fifth of the

shareholders or the syndicate objected to the exemption being granted. I have never previously heard an exemption application which was objected to by any of its shareholders. It is contended that the minority of shareholders are bound by the decision of the majority. From a legal aspect this would appear to be so, but I take it that applications for exemption are dealt with Ministerially, and so long as the application is not under Section 93 dealing with exemption as of right, under which section, if certain conditions are fulfilled, the applicant is entitled to exemption, that the Minister can decide as to an application in any manner he likes.

I invite attention to the next paragraph—And although Subsection 7 of Section 281 of the Mining Act appears to bind the minority, the last clause of Section 281 appears to nullify this with regard to registered companies.

The answer to that will be seen in my reply; but I may interpose here that the warden had forgotten that registered companies are ruled by the Companies Act, and this particular reference to the Mining Act was to say registered companies were not to be subject to this section of the Mining Act, and that they were controlled by their own statutes.

Mr. Troy: Well, get on to the warden's declaration.

The ATTORNEY GENERAL: The member for Mt. Magnet is not in the Chair now, and he must not dare to speak to me like that.

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: The warden's letter continues—

With regard to Mr. Shallcross's statement in the first page of his letter of the 3rd ultimo, referring to the expenditure of £5,912 by the syndicate, it was on the strength of this expenditure that the previous six months' exemption was obtained; *vide* Mr. Shallcross's evidence in cross-examination to Mr. Delany. With reference to the last clause of his letter, Mr. Shallcross states that Clark, Delany, and Hill now recognise that they made a great mistake by opposing the application. I have received a communication from the Mining Registrar at Mt. Magnet, dated

the 2nd inst., stating that Clark, Delany, and Hill emphatically decline to withdraw their objection. The Hon. the Minister, in the last paragraph of his letter of the 23rd ultimo, asks me to reconsider or re-hear the case on its merits. As I am satisfied that a re-hearing will not be of any benefit, I have carefully gone through the evidence and reconsidered the case on its merits, and have come to the conclusion that on the evidence as a whole it would be better for the mining industry in the Mt. Magnet district if the application for exemption was refused. I return letter and declaration from Mr. Shallcross as requested.

Hon. P. Collier: How did you get over that?

The ATTORNEY GENERAL: In the first place I asked him to reconsider or re-hear the case, and pointed out to him the new phase of evidence concerning the sulphide ores. On the one hand it was said that it would cost £20,000 to treat those sulphide ores, while on the other hand Mr. Troy said that there was plenty of oxidised ore available. It was for the warden to inquire into that, but he did not take the trouble to do so.

Hon. P. Collier: Oh, yes, he did. He refers to it there.

The ATTORNEY GENERAL: No. This is fresh evidence. We have arrived at the conclusion that where a warden decides a case, not on its merits but on a technical point, the merits of the case could not have pointed to the same conclusion. Cases are not decided on technical points when the merits would uphold a similar finding.

Mr. Holman: Yes; you often hear that in courts.

The ATTORNEY GENERAL: Never. Of course the hon. member appears in courts I know nothing of.

Hon. W. C. Angwin: You know that many cases are decided on points of law.

The ATTORNEY GENERAL: I have never heard of a judge who preferred to settle a case on a point of law rather than on its merits. If he can settle it on merits he will do so. However, the thing is to know what I did in answer to this communi-

cation from the warden. This is my minute—

I have read the minute of Warden Crockett, dated the 4th inst., in which he admits that he refused exemption without going into the merits, because it was opposed by certain of the shareholders representing one-fifth of the shares in the Star Syndicate. The Warden admits that from a legal aspect the minority of the shareholders are bound by the decision of the majority, but he rather thinks that Ministerial effect should be given to this decision rather than by the Warden, and he proceeds to point out that "although Subsection 7 of Section 281 of the Mining Act appears to bind the minority, the last clause of Section 281 appears to nullify this with respect to registered companies." The Warden has entirely overlooked the fact that Section 281 applies to mining partnerships, and only at the end of the section we find the proviso that the section shall not apply to any incorporated company or association registered under any statute. Why? Because the Companies Act of 1893 completely governs the proceedings of companies and the Mining Act does not interfere therewith. Under that statute Table "A" of the schedule, which comprises regulations for the management of companies, applies, unless specially excluded by the memorandum of association. Paragraphs 46 to 53 provide for the number of votes each member may have, whilst paragraph 44 provides that at any general meeting, unless a poll is demanded by at least five members, a declaration from the Chairman that a resolution has been carried shall be sufficient evidence of the fact that majority rule prevails. Paragraph 57 provides the powers of directors, whilst Section 50—

Hon. P. Collier: I generally wrote a long minute like this when I was trying to get out of something.

The ATTORNEY GENERAL: The hon. member could not write a minute of this description at all. It is only a trained lawyer who could do it.

Hon. P. Collier: That is one of your handicaps.

The ATTORNEY GENERAL: The minute continues—

whilst Section 50 of the Statute itself provides for power of alteration of the regulations by special resolution. It therefore follows that neither the representations of a minority nor a majority view of the shareholders in a court have any effect with that court. The court will be guided by the wish of the company constitutionally expressed. The warden proceeds to say that he has reconsidered the case on its merits and has come to the conclusion on the evidence as law that it would be better for the mining industry in the Magnet district if the application for exemption were refused. I cannot find anything in the evidence which leads to or points to such a conclusion, except, possibly, the evidence of the hotelkeeper. This application is made under Section 91, which gives the Minister power, when it is shown to his satisfaction by evidence taken by the warden on oath that certain grounds for exemption exist, to grant such exemption. In this instance we need only consider the principle of want of capital after a fair amount shall have been expended on the lease in work, labour or material. There is evidence that the sum of £5,912 has been spent, £4,734 capital moneys and £1,178 worth of gold won. I have to take into consideration the amount of money spent, in view of Section 93, and in respect of which six months' exemption has already been granted. If it were not war time, I should be inclined to stick to the letter of the law of Sub-section 3 of Section 93, but in view of the state of war which exists, and which is affecting every industry and every part of every industry in the British Empire, I do not think I would be doing my duty to the country and to the mining industry if I were to refuse to grant exemption to the small mine owner who has already spent approximately £6,000 in developing his mine. I therefore approve of six months' exemption being granted, to take effect from 27th of February last.

Three months previously! So, in effect, I granted only three months' exemption.

Mr. Troy: Because the mine had not been working for three months.

The ATTORNEY GENERAL: I granted it to take effect from the previous decision.

Hon. P. Collier: What was the date of the first hearing?

The ATTORNEY GENERAL: The 27th February.

Mr. Troy: And the mine was under exemption all the time.

The ATTORNEY GENERAL: Anyhow, that is the story. If this is aimed at me, all I have to say is that I believe I have honestly and fairly done my duty. If it is aimed at Mr. Shallcross, the House is not the place for an hon. member to make remarks about one engaged in the mining industry who cannot answer in the House. If it is aimed at the shareholders, similar comment applies. Any hon. member who had occupied the position of Minister and who had to weigh the facts and arguments might possibly have arrived at some other conclusion, but he would not have disagreed with me in the decision I arrived at. No person who has argued this case in the public Press, other than the member for Mt. Magnet, who does not argue it on its merits, has been able to find fault with the steps the Minister took. I can put the member for Mt. Magnet on a different plane, for he is not attacking me.

Mr. Troy: Not you personally, but I am attacking your administration.

The ATTORNEY GENERAL: I accept his assurance that he is not attacking Mr. Shallcross either. He is attacking what he terms the system. The system is as we find it, and it is not for a Minister for Mines to shirk his duty when some question crops up and he has to decide. I think I would have been a very poor member of the Wilson Cabinet had I failed, in war time, to grant the exemption asked for.

Hon. Frank Wilson: I think you have blown him out.

Hon. P. Collier: He blew out the Wilson Cabinet.

The ATTORNEY GENERAL: In conclusion, I am very glad that the member for Mt. Magnet has given me an opportunity for making a statement to members on this question, because wherever it has appeared in the Press it has appeared only in a fragmentary way. I value the opinion of hon. members from the goldfields who were asso-

ciated with me during the period I was administering the Mines Department, and I would not like those gentlemen to think that I had fallen short of deserving their good opinions.

Mr. Holman: It is a great pity you did not take that trip through the Murchison. Had you done so, you would never have granted this exemption.

The ATTORNEY GENERAL: Had I done so, even the people on the Murchison would have been satisfied on hearing my explanation.

Mr. TROY (Mt. Magnet—in reply) [5.11]: I do not suppose there is much to be gained by prolonging the discussion, but the Minister's reply shows how dangerous it is to have a trained lawyer administering a department in which practical knowledge is required. The whole of the speech of the hon. member was taken up with endeavouring to evade the issue, in indulging in legal phrases and terms of technicalities, endeavouring to show the House that the case was decided on some legal technicality, whereas, as a matter of fact, if the warden ever decided a case on a legal technicality he abandoned it immediately directed to do so by the Minister. The Minister has stressed the point that this company expended £6,000 on the property, and so was entitled to exemption based on that expenditure. I pointed out that the company had expended only £4,000, and that for this expenditure the company had received all the exemption it was entitled to. Nobody is cavilling at that. The company was not entitled to exemption on the score of the expenditure of £6,000. Section 93 of the Mining Act makes it clear that, for six months' exemption, the expenditure must be £500 per acre, independently of the proceeds of any gold or mineral derived from the mine. The Minister has denied that. He does not know his own Act.

The Attorney General: I object to that. I did not have the Act before me. I do not want reflections cast at me like that. I cannot carry sections in my head.

Mr. TROY: What business has the Attorney General to rise in his seat and interrupt my remarks? He has no business.

The Attorney General: You cast a reflection on me.

Mr. TROY: Before the hon. member rises he must ask my permission, while I hold the floor.

The Attorney General: When you were Speaker.

Mr. TROY: And now. When I am called on to speak, I can speak until I give way to somebody else. I am not prepared to allow the Minister to confuse the issues and make a plausible statement in the House in a plausible legal manner just as he can do in a court. No wonder people have the opinion that "the law is an ass," when a man can go into court and by plausible phrases and legal technicalities deal out what is called justice. That will not do here, and it will not do for a Minister to get up in the House and evade the issues by making plausible statements when practical issues are at hand. The company were not entitled to exemption on this occasion because of money expended. The Minister led the House to believe they were, but they were not. The company had already enjoyed seven months' exemption for that. They had all they were entitled to, and a month over. They applied for exemption on the second occasion but they could not get it for the expenditure of money because they had already secured the full exemption for expenditure. On the second occasion the warden, I admit, refused the exemption because certain shareholders in the mine were opposed to it and they were the original shareholders, the vendors, and would not have handed the mine over if they had thought that an exemption would be applied for. When the Minister referred the matter back to the warden, he not only directed the warden in regard to the legal position of the company and shareholders, but he also sent the warden additional statements made by Mr. Shallcross and drew the warden's attention to the fact.

The Attorney General: I did not send them; I did not know they had been sent until the hon. member said so.

Mr. TROY: The Minister said that Mr. Shallcross had shown specimens from the mine which could not be treated except by expensive machinery, and yet with that extra knowledge impressed on the warden the warden says he had gone into the matter

most fully, and had admitted some evidence which was not relevant. He said, "I have got that and the additional statements made by Mr. Shallcross, which the other side have had no opportunity of cross-examining or denying or opposing, and further, I refuse to recommend the exemption because it is not in the interests of the mining industry." Leaving the legal technicalities out, and after accepting the correction, the warden says, "On the merits of the case, I refuse to recommend the exemption." Clear of all the plausible and legal technicalities, that is the position. Then the Minister attacks the warden and criticises him, and says he fails to see how the warden can arrive at the decision he has, because apart from the evidence of the hotel-keeper—see the bias—he can see nothing in the evidence to justify the warden in refusing the exemption. The hotel-keeper was one of ten or fifteen witnesses who gave evidence, and the bias is shown by the reference made to the hotel-keeper's evidence. Why did not the Minister make some reference to the evidence of practical men who said that the ore was in the mine? Why did he not attach more importance to that, or attach importance to the shareholders who were prepared to work the mine, and knew where the ore existed? The Minister attaches no importance to the practical aspect of affairs, but he makes some reference to the evidence of the hotel-keeper. Is that what can be called a reasonable and fair summing up by the Minister of the warden's decision, when he shuts his eyes to the evidence of practical men who say that the ore is in the mine and that it shows a profit. He puts that aside entirely, and gives it no consideration. If the warden, who had the fullest opportunity of knowing all the people who gave evidence and who heard the evidence and has a practical knowledge of the locality, is not the man to decide the case on its merits, how is the Minister to decide it, when he has no practical knowledge? If the warden, with his twenty years of practical knowledge of the industry and who knows the locality and the property, if he cannot decide the case, how can the Minister, who does not know the locality and who has only had an opportunity of seeing a portion of the evidence? I hold the Minister has failed to

satisfy the House and that he has not acted in the best interests of the industry.

The Attorney General: Because you are prejudiced against this case.

Mr. TROY: There never was a more glaring instance of mal-administration. I challenge the Minister to give one instance in this country where the Minister, after receiving the warden's recommendation, has sent the case back and thrown the responsibility on the warden and then turned his recommendation down.

The Attorney General: He did not accept the responsibility.

Mr. TROY: He did accept it. He said, "As I am satisfied that a re-hearing will not be of any benefit, I have carefully gone through the evidence and considered the case on its merits, and I have come to the conclusion, on the evidence as a whole, that it will be better for the mining industry that the exemption be refused." If the Minister came out plainly and faced the issue I would not feel hurt about it, but I will not allow the Minister to come here and, favoured by his legal training, to cloud straight-out issues and pretend to the House that he had acted in the best interests of the country, when he has not done so. That will not do me, and the Minister is courting disaster if he adopts that policy in this House. This lease has been held by the Star Syndicate for eighteen months under a working option, and for thirteen months this month the mine has been under exemption. The Minister has no regard for the men who make their living from the mine and who own the mine, but he has great sympathy for people in Perth who are mere speculators; he has no sympathy for those who get their money from the mine and who are now deprived of their living. The Minister has great sympathy for the reputable men in Perth, but none for the practical men in the industry.

The Attorney General: You know that is not correct.

Mr. TROY: I would not feel so hurt about this matter if the Minister would acknowledge his guilt.

The Attorney General: I object to that statement.

Mr. TROY: The Minister has great consideration, remarkable consideration, for the speculators in Perth, but for the men who

own the property, he has none. The lease was handed over to Mr. Shallcross on the understanding that it would be worked. The Minister has no consideration for men who are worth ten thousand times more to the industry than these speculators. I could forgive the Minister because he has no practical knowledge of the industry and if he said that he had acted in error. If the Minister had said this, my criticism might not have been so severe. How did the Minister decide on the merits of the case?

The Attorney General: I did not do so. I agreed to give the exemption.

Mr. TROY: What was the reason?

The Attorney General: Because the warden had failed to satisfy me.

Mr. TROY: The Minister thought, on the second occasion, that the warden would say that he would grant the exemption because he had no legal power to refuse, but the warden said, "I have inquired most fully into the case, and without considering the other aspects, I think the objection of one-fifth of the shareholders sufficient to justify me in refusing the exemption. If that is not sufficient, on the merits of the case I refuse the exemption." The Minister casts that aside, and in the interests of the speculators in Perth he granted the exemption. Then the Minister says, if the company were entitled to exemption prior to the war, how much more are they entitled to exemption during the term of the war. Even that excuse will not apply here, because the company took over the leases during the term of the war. I have no personal feeling in this matter, but I thought I would be acting contrary to the interests of my constituents, and of the mining industry, if I encouraged any Minister to pursue a course similar to that adopted by the late Minister for Mines. I acknowledge the hon. gentleman's sympathy in mining matters on many occasions, but on this occasion he was wrong, and because I felt he was wrong, and adopted a policy which should be discouraged, I submitted this motion to the House. With the permission of the House I will now withdraw it.

Motion by leave withdrawn.

BILL.—PERMANENT RESERVE (KING'S PARK).

All stages.

Received from the Legislative Council and read a first time.

Second reading.

The PREMIER (Hon. H. B. Lefroy—Moore) [6.3] in moving the second reading said: This was the privilege Bill in the Legislative Council, and it merely provides for an exchange of a block of land between the King's Park Board and the University. For some time past the question of improving the approach to the Crawley entrance of King's Park has been under consideration. In March, 1916, the King's Park Board communicated with the University authorities with a view of exchanging certain land. It may be remarked that the present entrance from the Perth-Fremantle road to King's Park is by way of Ferdinand street. This is very narrow, and the approach to the King's Park gate has a sudden turn, and, consequently, coming out of the park, and approaching the park gates, vehicles run some risk of colliding. The block of land which it is proposed to transfer to the King's Park Board belongs to the University and runs along Ferdinand street from the Fremantle road. The object of the King's Park Board in securing the land is to widen Ferdinand-street so as to make the approach to the park a chain wider and cut off a considerable amount of the angle at the park gate.

Hon. W. C. Angwin: It is a chain wide now.

The PREMIER: It will be a chain wider when this land is transferred. The exchange will effect not only an improvement to the park, but will provide a fine approach, and give greater security to traffic. The Bill asks Parliament to agree to the exchange of a block of land further towards the river near Crawley for that which the King's Park Board desire.

Mr. O'Loughlin: Are the blocks of the same area?

The PREMIER: I think that the University authorities will have the best of the bargain, because the site near Crawley is better for them than the site along Fer-

dinand street which approaches the park. So far as the area is concerned I think in both cases it is about the same. It is necessary to bring in this Bill because the reserve is a Class "A" one, and, being such, cannot be absorbed without an Act of Parliament. I have a plan which I am prepared to show hon. members who may desire to see it and know the exact position of the blocks it is proposed to exchange.

Hon. W. C. Angwin: More expense in making a road.

The PREMIER: I do not know where the money will come from, nor do I know whether the King's Park Board are prepared to do the work at once, but the board desire that this exchange shall be made. I move—

That the Bill be now read a second time.

Hon. P. COLLIER (Boulder) [6.8]: One hardly knows on the spur of the moment whether one ought to object to the Bill or permit it to go through, but certainly the House requires to carefully scrutinise any proposal for giving up a Class "A" reserve, especially in a portion of King's Park. It is an area of nearly four acres, and one can hardly gather by a hasty glance at the plan whether the House would be justified or not in passing the Bill, but, in any case, the matter is not urgent. Neither the King's Park Board nor the University people has any money to spend in making road approaches. Certainly I should say in the present condition of the finances, and knowing how desperately hard up the King's Park Board have been of recent years, the matter need not be hurried through. The King's Park Board only twelve months ago had to dispense with the services of some of their rangers. Therefore how can they be in a position at the present time to spend money in making alterations to roads? There may be an understanding with Mr. Lovekin, who is an active member of the Board and who has done good work in that capacity, but I think the House should pause before giving over any portion of the park land, even if the object be the widening of a road, or providing better approaches as explained by the Premier.

Hon. W. C. ANGWIN (North-East Fremantle) [6.13]: There is one phase of this matter that requires to be looked into. There is to be an exchange of certain land. What will happen to the land that the King's Park Board will take over? The portion they will take over is an "A" reserve, and it will be away from the entrance to the park.

The Premier: It is at the entrance to the park.

Hon. W. C. ANGWIN: I know where it is because I was there the other day. The full width of the road is a chain; that is, it would be a chain if it were properly made, but the area of the land the University is giving over is 540 links, which means that the area of land to be taken by the Board in exchange for that given to the University will be much larger than is required for the road. I have no objection to raise to any exchange that may be made between two public institutions, an exchange which will be of mutual benefit to the two, but immediately the land is taken away from the University authorities by this Bill it ceases to be a Class "A" reserve.

The Premier: It becomes part of the park.

Hon. W. C. ANGWIN: The Bill does not say that.

The Premier: It will be vested in His Majesty.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. C. ANGWIN: During the tea adjournment I have examined the plan and noted in the Bill that provision is made that this land to be taken from the University shall become part of the King's Park Reserve. Therefore I have nothing further to say.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and *passed*.

BILLS (5)—RETURNED FROM THE COUNCIL.

1. Melville Tramways Act Amendment.
 2. War Council Act Amendment.
 3. University Act Amendment.
 4. Licensing Act Amendment Act Continuance.
 5. City of Perth Act Amendment.
- Without amendment.

RETURN—TRAVELLING ALLOWANCES OF MINISTERS.

Mr. HOLMAN (Murchison) [7.37]: I move—

That there be laid upon the Table of the House a return showing—1, The amounts of travelling allowances received by Ministers of the Crown for the years ending 30th June, 1908, to 30th June, 1917, inclusive. 2, The boat, rail, or other fares or expenses received by or paid on behalf of Ministers during that time. 3, The amount of allowances, fares, or other expenses paid to or on behalf of officials or others accompanying the Ministers. 4, All other extra expenditure incurred or caused by Ministers travelling in the State or elsewhere during the above-mentioned period.

I am told that no opposition will be offered to this motion. As I understand that some little time will be required for the preparation of the return, I shall content myself with asking that the Premier makes the return available as soon as its preparation has been completed.

The PREMIER (Hon. H. B. Lefroy—Moore) [7.38]: I shall have the return prepared for the information of hon. members. When it is prepared I will make it available as requested.

Question put and passed.

ELECTORAL—YILGARN VACANCY.

Hon. P. COLLIER (Boulder) [7.39]: As I understand that the business of the session is now concluded, may I ask the Premier to make a statement in regard to the Yilgarn vacancy. I would like to know whether it is the intention of the Govern-

ment to proceed with the by-election or to hold it over until the general elections, seeing that so far we have not adopted the procedure that has been followed in the past, namely, to announce that a member has taken office as Minister, and to move a motion. That course has not been followed on this occasion, and therefore I think it would be well if the Premier made an announcement to the House.

The PREMIER (Hon. H. B. Lefroy—Moore) [7.41]: The Speaker has not been asked to issue his warrant to the clerk of writs for the election of a member to serve in the present Parliament for the electoral district of Yilgarn in place of Mr. Hudson, whose seat has been vacated by his acceptance of an office of profit under the Crown, seeing that the time is not sufficient to enable a member to be elected to the present Parliament. Hon. members are aware that if the writ were to issue now, the election would go forward, and when Parliament was dissolved that election would become abortive and it would be necessary for the successful candidate to again contest the seat before the general election. I desire to take the House entirely into my confidence in regard to this matter. My object is to avoid putting candidates to unnecessary inconvenience. If the writ were to be issued now it would only clash with the general election, and members would have two months of a campaign. There is plenty of precedent for the course we have adopted. Some years ago when a member of this House, Mr. Oldham, who represented North Perth, left the State and did not return, his seat was declared vacant. No writ was issued and no attempt was made to fill the seat until the general elections, which took place a few months afterwards. Again, in the case of the death of the late Mr. Vosper, no writ was issued for the election of a member in his place, as the general elections were coming on within a short time and it was not considered necessary to put the candidates to the trouble and inconvenience of a campaign and to put the State to the expense of an election. I think the leader of the Opposition will agree with me that this is only a fair procedure in the interests of the candidates, and right in the interests of the State.

Hon. W. C. Angwin: This course ought to have been adopted two months ago.

The PREMIER: I think in the interests of the State we should not have these two elections clashing. I would like further to take hon. members into my confidence. I do not wish to keep anything from them at this juncture. I think it is only right that I should tell them what the intentions of the Government are in regard to the general election. It is our intention to bring about the general election on the 29th September. All the machinery for that purpose will be put in motion as soon as possible. I think hon. members will agree with me that it is well that the course I propose to adopt should be carried out in connection with the seat vacated in the Yilgarn electorate.

ADJOURNMENT—CLOSE OF SESSION.

The PREMIER (Hon. H. B. Lefroy—Moore) [7.45]: I move—

That the House at its rising adjourn until the 21st August.

I know it is usual on these occasions to express the pleasure of the Government and, I think, of hon. members generally, that we have come to the close of a strenuous session. In this case, however, I do not think hon. members will look upon this as having been a very strenuous session. At the same time they will be able to look forward, not to the pleasure of a holiday or a rest, as it is sometimes said they are looking forward to, but to the pleasure of meeting their constituents in a short time. I am sure that hon. members will meet them with pleasure, just as their constituents will meet them. In 1915, when the Premier of the day moved the adjournment of the House at the close of the session upon the declaration of war, he stated that he felt hopeful that before we met again the dark clouds of war would be dispersed, and that we would once more have entered into a period of peace. I regret, Mr. Speaker, that these hopes have been deferred, but it is said that "hope deferred maketh the heart sick." At the same time I am sure that, although the hope may have been deferred, the hearts and feelings of hon. members are not in any way sick in regard to this matter, and that they fully rea-

lise the need for exerting themselves in every way for the conservation of the Empire and the security of our country. I may express the hope also that the time is not far distant when we shall be able to realise these anticipations and will once more enjoy peace, a peace with honour. Peace without honour will be neither lasting nor advantageous to us, because we are engaged in a fight for liberty and freedom. If we do not have peace with honour we cannot expect to have that liberty and freedom which we are now fighting for. I thank you, Sir, for the courtesy which you have extended to this House. I desire, too, to congratulate you upon the manner in which you have maintained order in this House. From the moment that you entered upon your present office, the electricity which has sometimes arisen in this House seems to have disappeared, and we have had nothing but times of peace surrounding us from the time that you assumed your present position. I trust that you may long occupy that position, Sir, and that the same peace will be maintained in this House which has been maintained during the present session, and that, though we may fight for principles in this House, future Parliaments may, at any rate, refrain from acrimonious debate and from the expression of personalities which may be hurtful to hon. members generally. None of us know for certain that we will come back to this House again after the general elections, but I hope, when the House does meet again, that we shall have a Parliament, over which you will have the honour to preside, not only able to assist the State through its times of trial and stress but, at the same time, a Parliament which will be a credit to itself and an honour to the country. I thank the officers of the House for the courtesy which they have extended to me whilst occupying my present position, and for the assistance they have afforded to me. I should also like, in conclusion, to thank my friend the leader of the Opposition (Hon. P. Collier) for the courtesy he has extended to me as leader of the Government, and I think he felt during this session that it was his duty to assist the Government as far as he could in bringing the session to a speedy termination. I thank him and hon. members opposite for their assistance in bringing that about. I

am sure that neither the country nor Parliament desired, particularly in the trying period which we are now experiencing, that this session should have been prolonged to any great extent. I trust, if I should have the honour to occupy this position again in the future, that the same good feeling may exist between hon. members opposite and myself as has existed during the present short session which we are now bringing to a close.

Hon. P. COLLIER (Boulder) [7.53]: I endorse to the full the sentiments expressed by the Premier. In fact, I think this is an occasion when we might pass round words of mutual admiration and congratulation to each other, seeing that possibly some of us may not meet under similar conditions in the very near future. As the Premier has rightly stated, the session which is now drawing to a close has not been a very strenuous one. Whilst that is so, I think we can claim that the life of the present Parliament has been rather a strenuous one. We have been running concurrently with the period of the war, having been elected, I think, shortly after the outbreak of war three years ago, and even the stress and turmoil of the battles in Europe has been reflected to some extent in this Chamber. We have had no less than three Governments in office during the past three years, and no fewer than four Speakers. I should say, without having looked up the record, that this is something like a record for this State Parliament. Whatever the verdict of posterity may be upon the work of this Parliament, if indeed posterity will ever remember us at all, except for the fact that we have been privileged to live in this historic period, I hope it will not be forgotten, even by some of those who are so ready to cast reflections, and sneer at the integrity and the capacity of members of Parliament, that this Parliament has lived through times which no Parliament in Western Australia, or indeed in the Commonwealth, has ever lived through before; and some account, therefore, should

be taken of the difficulties which have had to be experienced by Parliament because of this fact. I am pleased that the Premier has fixed the general election for an early date. Personally, I do not think the electors of this country are desirous that the various candidates for parliamentary honours shall indulge in long wrangling recriminations in this critical time in our history. May I express the hope that the campaign will be of as pleasant a nature as it is possible for any political contest to be. May I also express the hope that our friends, so far as one opponent may offer good wishes to another, will, at least the majority of them, come back after the general election. I join with the Premier in hoping that we shall soon have a cessation of the terrible trouble which is now going on in Europe, and that the members of the new Parliament and the Government of the day will have an opportunity of settling down to three years of steady work for the benefit of this country and the State in general. I should like, in conclusion, to offer my thanks to yourself, Sir, for the kindly consideration you have shown to me during your brief term of office as Speaker of this House, and to the clerks and officers of the House for their unfailing courtesy on all occasions.

Mr. SPEAKER [7.56]: I thank the Premier and the leader of the Opposition for their kind expressions towards myself, but feel that I must say that the members of the House themselves are deserving of the kindly remarks of the Premier as much as I am myself. I should have been unable to conduct the business of the House with any degree of success unless I had the support of members. I, therefore, desire to thank hon. members for their kindness and courtesy towards myself since I have occupied the Chair, and also the clerks and officers of the House generally for their courtesy and evident desire to assist me in my new office.

Question put and passed.

House adjourned at 7.58 p.m.

Parliament was prorogued by Proclamation issued in the *Government Gazette* published on Friday, 10th August, 1917.