

debate, to consider another aspect of the question, namely whether it is possible or not for the Government to purchase any right the City Council may have in connection with this land, for the benefit of Perth and the outlying municipalities.

Motion for adjournment put and passed.
Debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at eight minutes to 11 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 1st October, 1901.

Papers presented—Hon. H. Lukin, deceased—Vacancy: East Province—Questions: Mail Steamers, Port of Call—Question: Land Corporation of W.A., Poison Lenses—Question: Block No. 275, Coolgardie; Point of Order—Question: Mail Steamers and Customs Officers—Question: Mail Steamers and Free Tug—Question: Telegraph Poles, Sawm Jarrah—Papers: Clerk of Courts (Assistant), Coolgardie—Leave of Absence; debate—Return ordered: Mail Steamers, Free Tug—Permanent Reserves Amendment Bill, first reading—Prawn Fishing Repeal Bill, third reading—Bush Fires Bill, third reading—Roads and Streets Closure Bill, in Committee, reported—Roads Act Amendment Bill, Recommittal—Land Drainage Amendment Bill, in Committee, reported—Customs Duties (Reimposition) Bill, all stages—Trade Unions Regulation Bill, first reading—Excess Bill (1899-1900), first reading—Presbyterian Church of Australia Bill, second reading, in Committee, reported—Land Act Amendment Bill, in Committee, Clause 2, progress—Adjournment.

THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Amendment of Clauses 6 and 9, Regulation 141, "The Mineral Acts, 1892-1899." 2, By-laws of the Municipality of North Fremantle. 3, Report of Fire Brigades Board for 1900. 4, Conviction and release of one Condon, re. 5, Report of the inspection of the Midland Railway. Ordered to lie on the table.

HON. H. LUKIN, DECEASED.

THE PRESIDENT: I have received the following letter:—

It is with the deepest feelings of gratitude that I have to thank you for myself and family for the most kind and sympathetic letter of condolence which you have sent us on behalf of the members of the Legislative Council in our recent bereavement. To me and to them it has been a grief only made bearable by the many messages of sympathy which we have had sent to us, and amongst which yours has been by no means the least kind. Again asking you to convey to the members of your House our deep sense of their kindnesses, I am, yours very sincerely,
RACHAEL LUKIN.

VACANCY—EAST PROVINCE.

On motion by the MINISTER FOR LANDS, ordered: That owing to the death of the Hon. Henry Lukin, member for the East Province, the seat be declared vacant, and the President be authorised to issue a writ for the election of a new member.

QUESTIONS—MAIL STEAMERS, PORT OF CALL.

HON. A. G. JENKINS asked the Minister for Lands: 1, If the attention of the Government has been drawn to a statement appearing in the *Morning Herald* of this date, that the Federal Postmaster General is approaching the Imperial Postmaster General, with a view to having the port of call for the mail steamers removed from Fremantle. 2, If such statement is correct. 3, If such statement be correct, will the Government take immediate steps to protest against any change being made.

THE MINISTER FOR LANDS replied: 1, Yes. 2 and 3, A telegram has been sent to the Prime Minister of the Commonwealth to ascertain if there is any truth in the statement.

HON. M. L. MOSS asked the Minister for Lands: If the Government is aware that steps are being taken by the Federal authorities whereby the mail steamers shall call at Albany in lieu of Fremantle; and if so, what action is proposed to be taken to prevent this being brought about.

THE MINISTER FOR LANDS replied: The Government has received no official information.

QUESTION—LAND CORPORATION OF W.A., POISON LEASES.

HON. W. MALEY asked the Minister for Lands: 1, If the leases of poison lands granted to the Land Corporation of Western Australia in 1886, or any of them, have been transferred recently to the Occidental Syndicate, of London. 2, If any or all of the improvements prescribed in the said leases have been effected. 3, If the said corporation, or either of them, have recently negotiated for an extension of time to complete the improvements. 4, If the Government favours any such extension. 5, What method of annual inspection is provided to ensure the eradication of the poison. 6, What is the total area held by these corporations under Poison Lease.

THE MINISTER FOR LANDS replied: 1, Fifty-nine out of 70 leases held by the Land Corporation of W.A. were transferred to John Paddon on the 25th May, 1901, and re-transferred on the same date to the Occidental Syndicate of London. 2, No improvements have been effected. 3, The present Government has not been approached in regard to such extension. 4, Answered by No. 3. 5, No method of annual inspection is provided; the District Inspectors report when opportunity arises, or when instructed, and a careful final examination is made before issue of Crown Grant. 6, Land Corporation of W.A., about 91,037 acres; Occidental Syndicate, about 589,421 acres; total about, 680,458 acres.

QUESTION—BLOCK No. 275, COOLGARDIE.

POINT OF ORDER.

HON. M. L. MOSS (for Hon. W. T. Glowrey) asked the Minister for Lands: 1, If block No. 275, Coolgardie, is Crown land. 2, If the Minister for Lands has given any instructions that the occupant is not to be removed. 3, If so, why?

THE PRESIDENT: Has the hon. member been authorised to ask this question on behalf of the hon. member?

HON. M. L. MOSS: No, sir.

THE PRESIDENT: I think there ought to be some understanding about asking questions. During this session I have asked two or three times whether members have been authorised to ask a question for another member.

THE MINISTER FOR LANDS: I would like particularly to answer this question, but I will do so on the understanding that this procedure shall not be followed in the future.

THE PRESIDENT: Members in the future will understand that unless the member who gave the notice is here to ask the question standing in his name, I shall refuse to put the question unless the other member formally asking it has notice in writing authorising him to ask the question for the absent member.

HON. J. M. SPEED: On a point of order, is it necessary for the President to ask whether a member is authorised or not by another member to ask a question?

THE PRESIDENT: The President is guided by the Notices and Orders of the Day. When a member's name stands on the Notice Paper in respect of a question, only that member can ask the question, unless another member be specially authorised to do so for him.

THE MINISTER FOR LANDS replied: 1, Yes. 2, Yes. 3, Because it was considered desirable to allow the occupants to remain on a tenancy, terminable at the will of the Minister, instead of selling the lot.

QUESTION—MAIL STEAMERS AND CUSTOMS OFFICERS.

HON. R. S. HAYNES asked the Minister for Lands: 1, If the Customs officers are paid overtime for attending on the P. & O. and Orient mail steamers. 2, If such concession is allowed to any other foreign or intercolonial steamship companies. 3, What reason is given for the concession.

THE MINISTER FOR LANDS replied: 1, Customs Officers are paid overtime for attending P. and O. and Orient mail steamers before and after official hours. 2, The concession is allowed to any vessel requesting to work overtime, unless the Collector sees good reason for refusing it. 3, Despatch of the vessels requiring it.

QUESTION—MAIL STEAMERS AND FREE TUG.

HON. R. S. HAYNES asked the Minister for Lands: 1, What was the reason for granting the concession of free tug assistance to the P. and O. and Orient Companies. 2, For what further period

does the Government intend to extend such assistance to these companies. 3. Has the Government any objection to extend similar assistance to the Nord-deutscher Lloyd and Messageries Maritimes Companies. 4. If any objection, what is the full nature of such objection.

THE MINISTER FOR LANDS replied : 1, To encourage the mail steamers to come to Fremantle, which was at the time and still is in an unfinished condition. 2, Until the channel is more fully opened up. 3, These are not Royal Mail steamers. 4, Answered in above.

QUESTION—TELEGRAPH POLES, SAWN JARRAH.

HON. E. M. CLARKE asked the Minister for Lands: 1, If it is the intention of the Government to conserve the jarrah forests by using sawn in place of round telegraph poles. 2, If not, why not?

THE MINISTER FOR LANDS replied : The question of using sawn instead of round telegraph poles is one for the consideration of the Commonwealth Government, to whom representations will be made on the subject.

PAPERS—CLERK OF COURTS (ASSIST- ANT), COOLGARDIE.

HON. R. S. HAYNES moved :

That all correspondence, papers, and other documents referring to the late Assistant Clerk of Courts at Coolgardie, from the 7th September, 1898, to the 18th instant, be laid upon the table of this House.

A reference to the papers showed that this gentleman had apparently been misled, and it was to be feared had suffered some injustice.

Question put and passed.

LEAVE OF ABSENCE.

HON. H. BRIGGS (West) moved :

That two months' farther leave of absence be granted to Hon. A. B. Kidson, on account of absence from the State on the ground of business and sickness.

It was unnecessary to go over old ground by proving that Mr. Kidson had for many years been a regular attendant in this House. On a previous occasion, statistics had been read showing the interest he had taken in the work of the Council. The hon. member's firm, Messrs. Kidson and Gawler, had received

a cable dated 31st August to the effect that Mr. Kidson was leaving England on 16th September. Since that, another cable had come to hand, reading :—"Ill. Doctor postponed departure." By the last mail from England, he (Mr. Briggs) had received a letter from Mr. Kidson stating that it was his intention to start on the 16th; but in that letter he said he was very unwell, and that he had gone for his health to a country village in Essex. It was therefore clear that Mr. Kidson must be in a very weak state of health, which prevented his immediate return; and in a private letter he had received from Mr. Kidson, that hon. member expressed his anxiety to return to the State to take up his parliamentary duties.

HON. M. L. MOSS (West) seconded the motion.

HON. D. M. MCKAY (North) supported the motion. At the end of last March he (Mr. McKay) left the State fully intending to return by the end of June, but through sickness he could not return till the 12th August; therefore he could speak feelingly.

HON. C. E. DEMPSTER (East) supported the motion. The services rendered by Mr. Kidson should be considered. He was a regular attendant, and for his talents the House owed him much. It would be unfeeling to withhold consent to his absence.

HON. J. W. HACKETT (South-West): Was there any assurance that a farther leave would not be required?

MEMBER: The hon. member himself might be sick.

HON. J. W. HACKETT: Though in the House for eleven and a-half years, he had never asked for even one day's leave of absence, and hoped to make out a strong case before asking for a week's leave; though in the present case, in view of the circumstances and the strong appeal of Mr. Briggs, none would object to the motion. But leave of absence should not be granted promiscuously to hon. members, who should remember that they were now paid for their services.

HON. M. L. MOSS (West): No guarantee could or should be given that a farther leave might not be required for Mr. Kidson, though that hon. member would undoubtedly resume duty as soon as his health permitted. There was truth

in all Mr. Hackett had said regarding the duty of hon. members to attend. Now that they were paid, the least their constituents and the country could expect was a regular attendance at the sittings of the House.

THE PRESIDENT: In this matter he was placed in an awkward position. Every month he had to sign a certificate for the payment of hon. members, and when the Payment of Members Act was passed, no doubt the payment was intended for services rendered to the State. The case now under consideration was exceptional, being one of sickness; but the House should jealously guard the question of leave of absence, more particularly now that members received payment. Comparisons were likely to be made between the lax manner in which certain members of this House attended, and the regular attendance of members in another place.

Question put and passed.

RETURN—MAIL STEAMERS, FREE TUG.

HON. R. S. HAYNES moved:

That a return be laid upon the table of the House, showing: 1. The amounts paid for tug assistance to the P. & O. and Orient Companies at the port of Fremantle. 2. The names of Government tugs, and the length of time each tug was employed in assisting such steamers. 3. The probable cost on each occasion of such assistance, if performed by a privately owned tug.

It would be well for the House to have this information, so that it could be seen what expense was incurred by the State. Probably hon. members were not aware of the extent to which these steamship companies were being spoon-fed. Apparently too much was being paid for tugs, and there was a grievance regarding the free services of customs officers, etc. The return would not require much research, and the Government would probably have no objection to it. It was known what the Government tugs cost, and if they were used the return could easily be made out. This question might have to be faced in the future. It must be remembered that the first vessels to call at Fremantle were those of the North German Lloyd Company, and these vessels proved beyond demonstration that Fremantle was the port of call for the mail steamers.

HON. J. W. HACKETT (South-West): It would be as well to obtain the cost of the assistance given to the foreign steamers as well as to the P. and O. and Orient mail steamers. If a tug was placed at the disposal of the foreign steamers and was not used by them, the cost was there. Perhaps the assistance given to these foreign steamers was double or treble that given to the mail steamers. Would the hon. member add to his motion that the cost of the assistance given to the Messageries and North German Lloyd steamers be also shown.

HON. R. S. HAYNES: By leave of the House he would add a fourth paragraph to the motion as follows:—"The value of tug assistance given to the Messageries and North-German Lloyd Companies' steamers."

Question, as amended, put and passed.

PERMANENT RESERVES AMENDMENT BILL.

Read a third time, on motion by the **MINISTER FOR LANDS**, and transmitted to the Legislative Assembly.

PRAWN FISHING REPEAL BILL.

THIRD READING.

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that the Bill be read a third time. The special regulations had not been prepared, but he had hoped to bring them down to-day. They would be framed without delay, and every precaution would be taken.

Question put and passed.

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

BUSH FIRES BILL.

THIRD READING (MOVED).

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that the Bill be read a third time.

HON. R. G. BURGESS (East): The Bill contained a number of stringent clauses; but there was one important matter which seemed to have been overlooked, the use of steam engines in fields and near haystacks. It would be advisable to have a clause inserted, providing that when steam engines or oil engines—because oil engines were just as dangerous as steam engines—were used, the land for twenty or thirty feet be cleared around

where the engine was being worked. An amendment was required to Clause 11, in reference to smoking. At present a man might smoke near a haystack if the stack was within the boundaries of a township. If it were known throughout the country that there were penalties for using a steam engine, or an engine of any kind, near a haystack, or in other dangerous places, people would become more careful.

On motion by HON. A. JAMESON, debate adjourned until the next day.

ROADS AND STREETS CLOSURE BILL. IN COMMITTEE.

Clause 1.—Abolition of certain rights-of-way:

HON. J. W. HACKETT: While the Bill stated that certain rights-of-way were to be closed, it did not say what was to become of them. The words "and shall vest in the Crown" should be added. He moved that these words be inserted in line 3, after "Act." In this clause the words "His Majesty" were being used and although strictly correct, the words had not been used in the drafting of Bills in this country for many years. The words "the Governor" were used, and he would move that the words "His Majesty" be struck out and "the Governor" inserted in lieu.

THE MINISTER FOR LANDS: It was intended that the words "and shall vest in the Crown" be inserted.

Amendments put and passed, and the clause as amended agreed to.

Schedule:

THE MINISTER FOR LANDS moved that in the paragraph relating to East Fremantle, the word "gazetted" in line 4, be inserted between the word "road" and the figures "75," and the word "gazetted" before the word "January" in the same line, struck out.

Amendments put and passed.

HON. R. G. BURGESS, referring to paragraph dealing with suburban area of Mount Baker, asked if the Government had the authority of the roads board to close this road. If not, the House in so doing would be overriding all law and reason.

THE MINISTER FOR LANDS: On the second reading, he had given an assurance that the local authorities had been consulted regarding the whole of

the closures included in the Bill. A similar Bill was brought down in each year. All formalities had been complied with.

HON. R. G. BURGESS: What about the Roads Act? The boards had power to close such roads. Why then pass this Bill? Previous Bills had surely been brought forward for the closing of streets only. He moved that paragraph 3 be struck out.

THE MINISTER FOR LANDS: No. The title of such Bills had always been, "An Act for the closing of certain roads and streets," and the Hon. S. J. Haynes assured him that the clauses of this Bill were an exact copy of those in last year's measure. By what section of the Roads Act could such roads be closed?

HON. R. G. BURGESS: Section 73 of the Roads Act 1888 empowered a board to close roads, subject to confirmation by the Governor.

HON. G. RANDELL: Apparently this road ran parallel to the railway, at a distance of one chain. The question arose, who would have the land after closure of the road?

THE MINISTER FOR LANDS: The road was to be closed for railway purposes at the request of the Railway Department, and a new road opened. The local authorities had agreed to the closure.

HON. R. G. BURGESS: Why do that by a Bill, when it could be done by the Act in force for nearly 30 years? The Bill was unnecessary. There was an Act which had been in force for 20 years which provided all that was required.

THE MINISTER FOR LANDS: The Act referred to provided that a road could be closed at the request of certain ratepayers or owners. This request had not been made by adjoining owners of the land, but by the Railway Department, and the closure was in the public interest.

HON. J. W. HACKETT: Not in the public interest, but in the railway interest.

THE MINISTER FOR LANDS: It was in the interest of the public. Should the Government of the country be inconvenienced by a roads board? Sufficient publicity had been given in both Houses of Parliament by the bringing in of this Bill. A similar measure to this one was brought down annually, and the question had never been raised before.

HON. R. G. RANDELL: Yes; it had been raised.

THE MINISTER FOR LANDS: Not in regard to Parliament having the right to bring down a Bill.

HON. G. RANDELL: There was a case in regard to a road at Pinjarra.

HON. R. G. BURGESS: The Minister for Lands had not shown any good cause why the Bill was brought in at all: it was unnecessary. Had the Minister consulted the roads board in this matter?

THE MINISTER FOR LANDS: Yes; and a new road was to be provided in lieu of the one which would be closed.

HON. R. G. BURGESS: Had the Government the sanction of the roads board? If roads boards were not to be consulted, the sooner they were done away with the better.

HON. J. M. DREW: Did the hon. member object to the closure of the road, or to the method? If he objected to the closure, he should give some reason.

HON. C. E. DEMPSTER: What were roads boards for, if they were not to be applied to in cases of this kind? Farther consideration should be given of this Bill, and for that purpose the measure might be postponed. No one knew what road it was intended to close: it might be one of the main roads of the State which had been under the Northam or York roads board for years. There seemed to be a peculiar system in closing these roads: it was done without Parliament knowing the road to be closed.

THE MINISTER FOR LANDS: In every case under the Bill the local authority had been consulted, and had concurred in the road being closed. As to the particular road at Mt. Baker, this was required for railway purposes; a new road was to be provided, and the local authorities had been consulted. If the Hon. R. G. Burgess could assure the Committee that the local authority had been consulted he would be perfectly willing to postpone this matter.

HON. R. G. BURGESS: Having done his duty in drawing attention to this matter, he would not oppose the clause farther. This was a road within a roads board district.

THE MINISTER FOR LANDS: Why was not the point raised before?

HON. R. G. BURGESS: A case had not come before Parliament in which a

road within a roads board district was to be closed in this manner. The Bill should be postponed to enable the Minister to bring down some authority from the roads board to close the road.

HON. G. RANDELL: The assurance of the Minister that the local authority had been consulted, and had given their consent should be accepted by members. This was a case different from that cited by the Hon. R. G. Burgess. The road was required for railway purposes, the local authority had consented, and that was all the Committee should insist upon. The closure of the road would not affect the ratepayers. A little more information might have been given as to the purposes for which the Railway Department required the road. No one seemed to be affected by the closure of the road, and unless the Hon. R. G. Burgess could show that some one was to be prejudiced the Government should be supported.

HON. R. G. BURGESS: Very seldom members looked at these little Bills, but on inquiring into this one he had discovered that it was not a proper Bill to bring forward. If he thought he were in the right it was his duty to stand out for a week, if need be. He did not dispute the Minister's assertion, but the Roads Board Act gave all the power that was necessary. There were ratepayers living where this road was situated, and was it right for Parliament to pass a Bill because the Railway Department required the land? In regard to the Coolgardie water scheme, the Public Works Department had dug trenches four feet and five feet deep; they had put down the pipes and covered them up, leaving large mounds like graves. No gaps had been left, so a man could not drive his sheep through the country. This question might crop up again next year, therefore there should be some settlement of the matter now. The roads board was the proper authority to go to. Some years ago when the eastern district railway was built, roads were closed and no other roads had been made in their places. The Minister had given no valid reason why the Bill had been brought in.

HON. S. J. HAYNES: The Hon. R. G. Burgess was unreasonable in objecting to the Bill. The representative of the Government had stated that the local

authority had been consulted, and that the road was required for railway purposes. Of course the roads board was an important authority, so was the Railway Department an important institution. It was only reasonable to bring down this Bill if the road was required by the department. The utmost publicity had been given, and any objections could be ventilated by the representatives of the people in Parliament. Had the hon. member any reason for his objection to the principle? If he could not show that certain rights were invaded and injustice done, his objection was vexatious.

HON. E. McLARTY: The Minister's assurance that the roads board had been consulted might be accepted. In the case quoted by Mr. Randell, where this had not been done, the House supported the objection, because good cause had been shown; but this instance was different, and the intention to close the road had received such publicity that any reasonable objection must, if it existed, have been made known.

THE MINISTER FOR LANDS: On referring to notes regarding this year's closures, he found that the consent of local authorities had been obtained only where necessary. This particular road, he believed, was in a portion of a railway reserve; and the district was not thickly settled.

Amendment put and negatived.

THE MINISTER FOR LANDS moved that in paragraph relating to the town of Newcastle, the word "southern," in line six, be struck out, and "southward" inserted.

Amendment put and passed, and the schedule, as amended, agreed to.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

HON. R. G. BURGESS moved that the Bill be recommitted.

THE PRESIDENT: That could be done on the third reading.

THE MINISTER FOR LANDS moved that the third reading be made an order of the day for to-morrow.

HON. J. W. HACKETT: If Mr. Burgess desired the Bill recommitted for a special purpose, let him put his amendment on the Notice Paper.

THE PRESIDENT: That would have to be done.

Question put and passed, and the third reading made an order for the next day.

ROADS ACT AMENDMENT BILL.

RECOMMITTAL.

Order read, for third reading of the Bill.

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that the whole Bill be recommitted to consider certain amendments. When in Committee, it had been promised the Bill would be recommitted for the purpose of considering certain amendments. In addition to the amendments on the Notice Paper, there were others which would doubtless commend themselves to the House. Mr. McLarty had several new clauses to propose.

THE PRESIDENT: Of these, notice had not been given.

THE MINISTER FOR LANDS: But when the Bill was last considered in Committee they had been on the Notice Paper, and a promise had been given the hon. member that on the third reading the Bill would be recommitted to permit of their discussion.

THE PRESIDENT: A recommitment might be made without limitation; but if the Minister intended to recommit the whole Bill, he should make that an order of the day for Thursday, so that all proposed amendments might appear on the Notice Paper.

HON. E. McLARTY: Tuesday next would be more convenient.

HON. R. G. BURGESS: Why not to-morrow?

THE MINISTER FOR LANDS: There would not then be time to consider the amendments.

THE PRESIDENT: Make it to-morrow, and it could be postponed till Thursday. It would be convenient to country members if the amendments were considered to-morrow, as country shows were taking place, and several country members might be away later in the week.

THE MINISTER FOR LANDS: There was every desire to meet the convenience of country members.

Question put and passed, and the Bill recommitted (for the next sitting).

LAND DRAINAGE AMENDMENT BILL. IN COMMITTEE.

Consideration resumed from 24th September.

Clause 2 — Amendment of principal Act:

HON. J. W. HACKETT: According to Sub-clause (d), the Government took power to make drains inside and outside a ratable district. So far as outside the district was concerned, the construction of the main drains fell on the Government, but inside a district the Government could refuse to provide a drain until the responsible body inside the district charged themselves with the cost of the drain, the sinking fund, and interest. One half the drain might be constructed free, and the other half charged for.

THE MINISTER FOR LANDS: The object of the sub-clause was to enable the Government to undertake the drainage of lands before selection. The Government considered that all main drains should be made at the expense of the State. In carrying out that scheme, so far as the Government saw at present, not only would it benefit certain country towns, but it was a duty to settlers who had been induced to take up land on the understanding that the main drains would be made.

HON. J. W. HACKETT: How was the Government to discriminate between the two kinds of drains?

THE MINISTER FOR LANDS: The Government would only make drains which, in the opinion of the Minister, was considered a main drain.

HON. J. W. HACKETT: That point ought to be settled.

THE MINISTER FOR LANDS: The present interpretation of a main drain was such a drain as the Minister from time to time might designate. The main roads of the State were made at the expense of the State, and in cases such as this it was the duty of the Government to construct main drains to carry off certain streams of water. The work of making drains should be done at the Government expense.

HON. J. W. HACKETT: If this power was left to the Minister he foresaw immense difficulties. No Minister would act on his own responsibility, therefore this question ought to go beyond the Minister. If the Minister was not honest, it would open the door to jobbery or corruption in the future. It was a most invidious position to place any Minister

in. It would be well if the Minister consented to insert "Governor" instead of "Minister." The whole Government would then consider what was to be a main drain and what a subsidiary drain.

THE MINISTER FOR LANDS: There was no objection to the amendment; it was a very good suggestion indeed. It would be necessary to alter the designation of "main drain."

HON. J. W. HACKETT: Perhaps that would be done later on.

THE MINISTER FOR LANDS: Sub-clause (g) gave power to the Minister to resume conditional and other lands.

HON. J. W. HACKETT: The Bill would now apply to all lands; previously it only applied to rural lands.

THE MINISTER FOR LANDS: That was so.

HON. R. G. BURGESS: This was a very sweeping sub-clause, and might work great injustice. A drain might be carried through a vineyard, a tank, or a building. It was a provision such as this which would prevent settlers from taking up land, thus keeping capital out of the country. If such a Bill had been proposed in relation to the goldfields industry there would have been a great outcry.

THE MINISTER FOR LANDS: The original Act stated that the Crown could resume any rural lands. No exception was taken to that, and he assumed that no drain would be made through city property. But the Crown could not give up its right to resume, without compensation, one-twentieth of the original grant.

HON. C. E. DEMPSTER: Even through improvements?

THE MINISTER FOR LANDS: No Government would dare to resume a drainage area through a house or a vineyard. Where serious damage was suffered compensation was generally awarded.

HON. J. W. HACKETT: Any invasion on the part of the Crown should be looked at most narrowly. But the provision for resuming without compensation was conditioned by the wording of the sub-clause, "so that the area resumed without compensation be not in excess of the quantity allowed by the provisions contained in the grants, leases, or other instruments." Where the land the subject of the Crown grant was cut up, the right of the Crown to resume without compensation for the

most part disappeared. In all cases where a vineyard or other cultivated land or improvements were interfered with, full compensation was given.

HON. R. G. BURGESS: Not a penny.

HON. C. E. DEMPSTER: It was optional with the Government.

HON. J. W. HACKETT: For improvements along the York railway line, liberal compensation had been given.

HON. R. G. BURGESS: Even in Perth there were resumptions for which not one penny had been paid. After appeals to the Privy Council, not one penny was paid for resumptions between York and Beverley, though on the line from Perth to York there had been payments. But the whole Bill was somewhat farcical. Until a proper drainage scheme had been provided, the Bill should not be passed.

HON. S. J. HAYNES: The sub-clause seemed rather sweeping. The provision for compensation made in the Railways Act did not apparently apply to the Land Act. He moved that the words "subject nevertheless to payment for any improvements thereon" be added to Sub-clause (g).

THE MINISTER FOR LANDS opposed the amendment. In every grant or other instrument of title issued there was reserved to the Crown the right to resume one-twentieth of the area without compensation. If the Land Act were amended, it would cease to be on a par with other Acts dealing with land. In many cases, disastrous awards had been made in respect of compensation claims. All land exceeding the one-twentieth would be paid for; but to that area the Crown at all times reserved a right. So long as he had charge of the Act, no drainage work would be undertaken until a scheme had been thoroughly matured; and surely any other Minister would adopt a similar course.

HON. R. G. BURGESS: That had not hitherto been done.

THE MINISTER FOR LANDS: It was proposed to place this drainage work under a competent engineer connected with the Lands Department, and no money would be spent upon main drains until these had been made part of one great scheme. Demands for compensation would retard the work.

HON. J. W. HACKETT: The Privy Council decision referred to by Mr. Burgess had been welcomed in this State. The

Commissioner of Railways, finding that the demands for compensation, firstly in respect of the one-twentieth, and secondly for severance, along the Eastern Railway, were most exorbitant, fell back upon the Crown grants, and took the land without any compensation. This he had been compelled to do to protect the State coffers; and he went to the Privy Council and won his case. It was in consequence of that decision that no compensation had been paid in respect of lands between York and Beverley. If Mr. S. J. Haynes wished to proceed in the direction he had indicated, let him bring the main drainage under the provisions of the Land Resumption Act of 1894, or transfer some of its sections into this Bill. But that the main principle of the Bill was just none could dispute; for these drains might double, treble, or quadruple the value of the land through which they passed.

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

HON. C. E. DEMPSTER: The amendment was necessary, as the Bill had been brought in for the purpose of making improvements to enhance the value of adjoining properties, presumably freehold. Taking the common-sense meaning of the clause, it would apply to all improvements, and enable the Minister to walk on to a person's land and take any improvements without compensation. That was placing too much power in the hands of the Minister or the Government.

HON. W. MALEY: In all the original Crown grants the Government retained the right to resume one-twentieth of the land without compensation. When these grants were issued there were no improvements on the lands of the country. Lands were obtained in many cases without cash payments, and it was a very reasonable thing in many cases for the Government to step in and resume one-twentieth of the land. A great change had come over the State; people had improved their lands, and of necessity it was the bounden duty of the Legislature to protect the people who were doing so much for the State, and where they had made their homes. If the Government once began to take, or to interfere with the hold the

people had on the freeholds of the State, we would begin to shake the foundation of civilisation; the permanency of the State. It had been said that in hardly any case would a drain be constructed so as to interfere with property, and the case of a vineyard had been instanced. The Minister had pointed out that very seldom was a vineyard laid out on low-lying land. But a grave injustice would be done to a person whose only water supply was to be found in the lowest part of his land, and in the lowest part he might have a dam constructed. The public might clamour for a drain, and it might become necessary to construct the drain through this person's dam site, with the result that when the drain was not necessary the man would have plenty of water on his property, but so soon as the hot weather came in the drain would dry up, and the dam would be no longer of service to the owner. That would be a manifest injustice to the individual. To take property from a person and give it to the public was, firstly, dishonest, and, secondly, it shook the foundations of our civilisation. He would vote for the amendment.

THE MINISTER FOR LANDS: Sub-section 2 of the principal Act provided that the Government might, without compensation, resume any rural land granted by the Crown. It must be patent to all that these drains would be made through rural lands only.

HON. W. MALEY: But there was power to make drains outside the drainage district.

THE MINISTER FOR LANDS: None would think that the drains would be made through municipalities, or that highly valuable land would be resumed. But little was asked in this Bill. In the principal Act passed last year, power was given to resume rural lands for drainage purposes. Now power was sought to take any lands, provided the department did not exceed the one-twentieth which the Crown grant empowered the Government to take for certain purposes; these purposes were to be made to include main drains. So long as the area of one-twentieth were not exceeded, there could be no valid objection. The last speaker had referred to the possibility of a man's waterhole or dam being interfered with; but in such case the

Government would either give the man a new dam or recompense him for the injury.

HON. W. MALEY: Then why object to providing for that in the Bill?

THE MINISTER FOR LANDS: Because the Bill as amended would then read that the Government had not the right to take any land. At present, for all general public purposes, the Government could take one-twentieth of the land. None would argue that a main drain was not a public necessity; and to penalise the Government by providing that such resumption must be paid for would retard the work of drainage and the general progress of the State.

HON. W. MALEY: The Government had no right to resume improvements.

THE MINISTER FOR LANDS: At present there was power to take any rural lands. Did the hon. member think the department would take other than rural lands? When that provision was passed last year there had been no objection; and as there was no intention to make drains in other than rural districts, the whole argument was waste of time.

HON. E. M. CLARKE supported the sub-clause as it stood. He knew of instances where the whole drainage system would be blocked unless this power were given to the Crown. There might be exceptional cases of hardship owing to resumptions; but surely no sane Government would refuse to compensate for any serious damage done. For the good of the many, such measures were necessary; and evidently the Minister had some case in view which led him to press this clause. In the South-West District, one of the principal needs of the hour was the necessity for disposing of surplus water; and without this Sub-clause the Bill would be incomplete.

HON. E. McLARTY: What greater hardship was there in resuming one-twentieth of a man's land for drainage purposes than in resuming it for a road or a railway? If the Government assisted settlers by spending money for their benefit to carry off surplus water which at present made the land unprofitable, it was surely no great hardship that the Crown should resume one-twentieth of such land if so much were required; and without such provision the Bill would be unworkable. Recently

it had been suggested to open out a natural watercourse not far from Pinjarra. This ran through several sections of land, and all the settlers were agreeable, with the exception of one man living near the junction of the watercourse and the river, who objected; and in consequence the others had to suffer. Speaking as a landholder, he considered settlers had to thank the Government for coming to the rescue by digging main drains and paying for them; and it was but reasonable that the settlers should give the land in order that this might be done.

HON. J. M. SPEED: By the clause, it was not quite clear whether the one-twentieth would apply to drainage only, or whether a farther one-twentieth might be resumed. Presumably the intention was that one-twentieth altogether might be taken. It might be contended that one-twentieth could be taken for drainage and another one-twentieth for roads, etcetera. What did "improvements" mean? They were not defined in this or the principal Act. Land Acts were supposed to promote settlement, but almost invariably promoted litigation. The amendment of which Mr. Drew had given notice, providing that unless a claimant for compensation succeeded in obtaining at least 75 per cent. of the amount claimed he should pay the whole of the costs of the proceedings, might meet the case by preventing frivolous claims. The interests of the public should be safeguarded.

HON. G. RANDELL: The clause did not confer any greater power than was given to the Crown by the certificate of title. Mr. Haynes's amendment would play into the hands of enterprising persons. There had been enough claims for damages. Apart from the power of the Government to resume one-twentieth, the Land Resumption Act of 1894 gave power for the construction of tanks, dams, reservoirs, etcetera; and Section 9, Sub-section 1, provided that respecting land taken under the authority of the Act, no compensation should be payable if the land taken were not more than that which could be taken under the authority given in the Crown grants; but if the land resumed exceeded the area so permitted to be taken, the claimant would be entitled to compensation for the excess.

The Act went on to say that the compensation was to be settled on certain lines, and that when compensation was payable Sections 16 and 19 of the Railway Act would come into operation. It seemed that nothing was asked for under Sub-clause (g.) which was not already the law of the land. The drainage of the swamp lands, if carried out under a proper system, must result in benefit to the country. There might be a case in which a person's land was damaged to a certain extent, but the country would derive great benefit from the carrying out of the scheme. It was not possible, he thought, for a vineyard to be interfered with. The Crown should have the power granted by the Bill, and the Government should be protected from unjust claims. It was absolutely necessary that the Government should control the circumstances. If the Government were not to be trusted to do what was best in the interests of all concerned, they ought to go out of office as soon as possible. The Government were the trustees for the people, and should have sufficient power to carry out legislation successfully. He was not very much enamoured with legislation of this description, as it was liable to abuse, therefore it required to be very carefully guarded. People might have influence with the Minister of the day and obtain drains which were not for the benefit of the whole of the people. A similar system to this obtained in regard to public batteries, and when speaking on that question previously he had said that he thought public batteries were liable to great abuse, which he thought had been shown. Batteries had been erected in places where there was not sufficient work for them, and they had to be removed. The same kind of danger threatened in regard to a Drainage Bill, therefore we must guard against the Bill operating in that direction. He proposed to move in Sub-clause (l.) that the word "Minister" be struck out and "Governor" inserted in lieu. He would be sorry to interfere with the effective working of the Bill. Swamp lands should be made available for settlement, and the Committee should assist the Government as far as possible to drain the lands, so that a large population could be settled, thus adding to the wealth of the country.

HON. J. W. HACKETT: The Committee must be impressed by the fact that the three members who represented the province in which this Bill would operate to the greatest extent, generally were in favour of the clause as it stood. A large portion of the province referred to was debarred from profitable occupation because it was flooded for the best months of the year, and unless that land was drained there were hundreds of thousands of acres, subject to the best rainfall, lying useless. The members of the South-West Province were prepared to accept the clause which forbade people asking for compensation, because they wished to accept the provision for the construction of the drains.

HON. R. G. BURGESS: The form of Crown grant for Crown lands stated that one-twentieth of the whole of the grant might be resumed, but resumption should not be made on any part of the land on which buildings had been erected or which was used for gardens, without compensation. In the face of that deed extraordinary legislation was brought in to do away with that provision altogether. It was not unreasonable to ask that the clause be altered.

HON. J. W. HACKETT: It would imperil the chance of getting the drains.

HON. R. G. BURGESS: A thorough drainage system should be carried out by competent surveyors, but the Crown grant should not be upset. It was not likely that much compensation would be claimed, and he understood that 87,000 acres of valuable land within four miles of the river Harvey would be made available for sale as soon as the drainage scheme was completed. There might be some people who would try and get something out of the Government. There must have been some such idea on the part of the Government when introducing this sub-clause into the Bill. As to the case which came before the Privy Council, and which had been mentioned by Hon. J. W. Hackett, that did not apply at all. It was not the settlers in the Eastern districts, but the holders of blocks of land in Perth and Fremantle, who benefited. From York onwards the people got nothing at all from that action. He did not think any settler got more than £3 an acre, whereas it cost more than that amount to clear the land. The

case was taken up principally by people in the towns.

HON. G. RANDELL: The Hon. R. G. Burges was referring, evidently, to the Land Act. The Minister in charge of the Bill was referring to the Land Drainage Act, and that section of the Drainage Act said that the one-twentieth of the area of the land could be resumed without compensation; any rural lands could be resumed.

HON. S. J. HAYNES: That might be so, but there was no reason why matters should be made worse by increasing the powers the Government already had. Stringent provisions were required in regard to resuming lands under this clause. There was no opposition to the resumption of the one-twentieth; in resuming, the Government did not pay for the lands, but for the improvements. It was only right that if a man had his improvements taken from him he should be reasonably compensated.

HON. J. W. HACKETT: Unquestionably he would be.

HON. S. J. HAYNES: If that were so, why should a man have to go to the Government cap in hand? An individual might think that he could not get compensation, and not go farther. The clause did not incorporate the principle that the compensation mentioned in the Crown grants should be paid, but mentioned quite clearly that no compensation whatever should be paid; and the only proviso was to the effect that the area resumed without compensation should not be in excess of that given by the title, reserving to the Crown the right to take land for public purposes. If compensation were at the discretion of the Government of the day, a loophole was left for what an hon. member had called "jobbery." The Ministry of the day might give a favoured claimant a fancy price. On the other hand, one who was not a friend of the Ministry might be offered a paltry amount. Nothing was asked for but a fair price for improvements; and if the claimant were dissatisfied, let him fight the matter out in the courts.

HON. J. W. HACKETT: That would kill the whole Bill.

HON. S. J. HAYNES: No. Surely a court of law could decide the value of improvements. That was surely the

least protection that could possibly be given the landholder.

HON. J. W. HACKETT: The amendment should be withdrawn. It now appeared that the unhappy man who had a chance of having his land improved and its productiveness increased, and what was now, under a 30-inch rainfall, almost a desert, converted into valuable land, was dependent for that chance on legal proceedings, in which the whole value of his farm might be swallowed up. This was largely a question for the members representing the South-West Province.

HON. R. G. BURGESS: What about Albany?

HON. J. W. HACKETT: The few swamps near Albany could easily be dealt with under municipal regulations. Here was our chance of getting this huge South-West territory, larger than France, improved. The settlers were willing to accept the chance of having to go without compensation, so long as those drains were made. No Government was strong enough to dare to do injustice while there remained the right of appeal to Parliament. All knew that if, say, a vineyard were resumed, compensation would be made. Let the House support the Government in giving, compensation or no compensation, this enormous boon of drainage. The clause read, not "shall" make no compensation, but "may." As Mr. Randell, who had had much experience of government, would allow, "may" meant that any man affected would get much more compensation than he was entitled to.

HON. G. RANDELL: Hear, hear.

THE MINISTER FOR LANDS: Once more: where landlords knew that they could not compel compensation, they were far more reasonable than if they knew they had power to extort a large sum, or, by delaying the work, to induce the Government to raise the price.

Amendment (Mr. S. J. Haynes's) put, and a division taken with the following result:—

Ayes	...	...	...	7
Noes	...	...	...	13
—				
Majority against	...	...	...	6

AYES.
Hon. R. G. Burgess
Hon. C. E. Dempster
Hon. R. S. Haynes
Hon. W. Mailey
Hon. D. McKay
Hon. C. A. Piesse
Hon. C. D. Connolly
(Teller).

NOES.
Hon. E. M. Clarke
Hon. J. M. Drew
Hon. J. W. Hackett
Hon. A. Jameson
Hon. A. G. Jenkins
Hon. E. McLarty
Hon. G. Randell
Hon. J. E. Richardson
Hon. H. J. Saunders
Hon. Sir Geo. Shenton
Hon. C. Sommers
Hon. J. M. Speed
Hon. B. C. O'Brien
(Teller).

Amendment thus negatived.

HON. G. RANDELL moved that in Sub-clause (i) the word "Minister" be struck out, and "Governor" inserted in lieu.

Amendment put and passed.

New Clause:

THE MINISTER FOR LANDS moved that the following be added as a new clause:—

In Section 3 of the principal Act, after "railways," in line 3, the words, "or the Minister," be inserted.

Put and passed, and the clause as amended added to the Bill.

Clauses 3 to 6, inclusive—agreed to.

Preamble and title—agreed to.

THE MINISTER FOR LANDS moved that the Bill be reported.

HON. J. W. HACKETT: It would be necessary to reconsider Clause 6, and expand the provisions, as no power was given to rescind or alter the by-laws which were made.

Motion put and passed.

Bill reported with amendments, and the report adopted.

CUSTOMS DUTIES (REIMPOSITION) BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

STANDING ORDERS SUSPENSION.

Standing Orders suspended to enable the Bill to be passed through all stages at one sitting.

SECOND READING.

THE MINISTER FOR LANDS (Hon. C. Sommers): I beg to move the second reading of this Bill. It is a matter of urgency, inasmuch as the powers conferred on us by Section 95 of the Commonwealth Act entitles us to retain the duties now gazetted throughout the State. The Commonwealth Treasurer intends bringing in tariff legislation whereby, unless this Bill be passed, the duties which we

desired to retain will be lost to us. The Federal Tariff Bill may be passed at any time, and it is necessary to have this Bill ready so that the assent can be given to it so soon as the Federal tariff is laid on the table of the Commonwealth Parliament, to protect our tariff. It was understood when the Federal campaign was being carried on that the Customs duties, which we had power to retain under the Commonwealth Act, should be retained, and I take it that a number of persons in voting for federation did so on the distinct understanding that the Government would take advantage of the sliding scale. To remove all doubts in the minds of the people, it is desirable that this Bill should be passed in order that the duties should be retained by us. The matter has been thoroughly discussed in another place, therefore I simply move the second reading of the Bill.

HON. G. RANDELL (Metropolitan): I presume it is necessary that this Bill should pass, but I would like to ask the hon. member is it intended that the Governor should not give his assent until the moment the Federal Tariff Bill is laid on the table of the Commonwealth Parliament.

THE MINISTER FOR LANDS: That is so.

HON. G. RANDELL: That is a most extraordinary circumstance to arise under the Constitution, and has the aspect somewhat of a trick, because an Act was passed last session to reimpose these duties, although I admit that since there has been a general election. The law passed then was not obligatory upon the ensuing Parliament, nor indeed upon any Parliament; because it could be repealed. But I hope such was not the intention, though I certainly think it is very strange that we should have to pass two Acts of this description, and that the one passed some time ago is not of itself sufficient without this amending Bill. I do not know whether it be intended that the former Act should be repealed. I see nothing said about that in this Bill; and not being a lawyer, I am not able to say what will be the legal effect of the passing of this measure; but I take it the Crown Law officers have carefully considered this matter, and that outside advice has probably been taken as to the absolute

necessity of the re-imposition of these customs duties immediately the new tariff is tabled by the Treasurer in the Commonwealth Parliament. I will ask the Minister that question. I think I understood him to say that was so, and that the Governor of this State would not give his assent to this Bill until the proper moment, else it might be said we had anticipated the laying of the new tariff upon the table of the Commonwealth Parliament, and that therefore this Bill we are now about to pass was of no avail.

THE MINISTER FOR LANDS: I beg to assure the hon. member that every precaution has been taken in regard to this matter. Outside advice has been sought, and arrangements made whereby we may be informed immediately of the laying of the Commonwealth Tariff Bill upon the table of the House of Representatives; and the intention is that the Governor of this State shall, at the proper moment, affix his signature to this measure. I am not a lawyer, and cannot enter into details; but the matter has been thought sufficiently important to merit the introduction of this Bill, so that no lack of caution should be exhibited by the Government in protecting the rights we now possess.

HON. J. W. HACKETT: Did the advice come from outside?

THE MINISTER FOR LANDS: Yes.

HON. J. M. SPEED (Metropolitan-Suburban): It certainly seems rather strange, after the columns we read in the newspapers during the federal agitation of the remarkably able way in which the Commonwealth Act had been drafted, that this Section 95, which affects the State of Western Australia so seriously, actually requires two Acts of Parliament in order to make us quite sure as to where we are.

HON. R. G. BURGESS: And we are not sure then.

HON. J. M. SPEED: And then we are not sure. I have no doubt the only proper procedure will be for the Governor General of Australia to arrange to sit up till 12 o'clock at night to sign whatever Act may be passed by the Federal Parliament, and five minutes afterwards it will be for our Governor to sign whatever Act may be passed by this Parliament. I do not see any other way

out of the difficulty. When we come to look at these customs duties, too, although a pledge was, I believe, given by many of those who supported federation that these duties should be continued in Western Australia, yet we see the results to the people of the State may be very serious. Undoubtedly this Bill will mean in many respects double taxation. During the federal agitation the matter was spoken of, and now we see it face to face. In a week or two we shall be in the position of having to pay duties on articles which, up to the present time, have been brought into this State free of duty. Farmers, miners, and almost every class of the community will feel the effects; and I believe the agricultural community will feel them most severely. However, that is the position. That is the result of the compromise assented to by many of the leading federalists; and we have also the satisfaction of knowing that the sentiments of those in the Eastern States in favour of the transcontinental railway do not seem to lean too much in favour of giving us that boon. We heard a great deal of sentiment before we entered the federation; but where is that sentiment now? It appears to me we shall have to pay in order to keep the pledges made by many of those who supported federation. The people in this State will have to pay a far larger amount in taxation than we ever dreamt of. We have paid enough in the past. Look at the population of the State for the last seven or eight years. We have paid an enormous amount in taxation, and now we are about to pay a considerable amount more; and I wonder whether we shall be able to stand it. I have no doubt Mr. Hackett will be able to give us a long speech, and to let us know that personally he can stand it. But can a man with a wife and seven or eight children pay the duties that this Bill requires? I have no doubt Mr. Hackett will now be able to speak for half an hour or so, and to explain that these unfortunate people will probably have to pay for their dutiable goods about 20 or 30 per cent. more in future than they have had to pay in the past. It does seem serious; and the only satisfaction about it is that if the burden becomes too heavy for the people, they have the remedy in their own hands of taking these duties off.

HON. J. W. HACKETT (South-West): In response to the invitation of Mr. Speed I shall not speak for half an hour, but shall detain hon. members a very few minutes, mainly with the object which I have so often attempted, and fruitlessly attempted to achieve—that of putting my friend Mr. Speed in the right.

HON. J. M. SPEED: I took only one side on this question of federation.

HON. J. W. HACKETT: I do not know what side the hon. member took; and as to other people, some were for federation, some against; some were for it if they could get certain terms; but a great number, and I believe the majority of those in the coastal and agricultural districts, realised that they were "between the Devil and the deep sea;" and they chose the least of two evils. They accepted federation because they knew that without federation they would lose the goldfields, and that we should come down to the condition to which Mr. Speed has alluded: not only would a man with six or eight children be in a pitiable state, but those who had none would find themselves as poor as those who had most. With regard to this Section 95, the hon. member is completely mistaken in saying it was introduced because of a pledge given by delegates from this State who attended the Convention in Melbourne, or that in Sydney. Nothing of the kind. What was brought before the Convention was this fact. If the custom duties were collected *per capita*, that is per head, and were then pooled, Western Australia would contribute probably 50 per cent. more than Victoria to the expenditure of the Commonwealth. That was the root fact out of which this whole discussion arose. Our population is largely an adult male population. They are therefore large consumers of dutiable goods. That was the battle waged in the Conventions. At first, we were offered a large subvention for a certain number of years. That was Mr. Holder's idea. It was resented by Mr. Kingston, Sir George Turner and others. I believe it would have been carried had it been pressed; but in view of opposition in certain distinguished quarters, it was dropped. Then came the question of what should be done. It was pointed out by members in the Convention in

Melbourne, and where most of the work was done, outside the Convention in the rooms around the Chamber, that Western Australia, if deprived of this extra customs revenue, must come to the ground; that she might pay interest on her national debt, but would be capable of paying very little more. And it was finally agreed that Western Australia should be allowed, partly for that reason, and partly for the sake of her agriculturists, who, we knew, had not the advantages of the agriculturists in the East, and whose means of transport and distribution, and even of cultivation, were comparatively far behind those of the East—to allow them time to take breath and recover themselves, and also to provide a sufficient customs revenue, this section was enacted. But this Section 95 was wholly permissive. It was for the Parliament of Western Australia to accept or reject it; and I take it that Parliament in accepting it are not bound by any pledges by delegates at the Convention, but simply by the necessities of the country. We want this revenue: that is the long and the short of it; and without it we cannot get on. Therefore I take it that the two Houses, somewhat against the grain, are accepting this section. We want also to see our fruit-growers, farmers, viticulturists, and those who are engaged in the small urban industries which are springing up on all sides, given a few years in which to protect themselves against the overwhelming—and I will use the word; in some cases the unscrupulous—competition of certain persons in the East.

HON. J. M. SPEED: Why unscrupulous?

HON. J. W. HACKETT: Well, that is too large a question—I shall not attempt to give a half-hour speech as indicated by the hon. member; but if the hon. member has lived (perhaps he has) as long in the East as I, he knows the methods by which trade is pushed in those countries for which I have such an affection, and in the face of which our simple-minded rural and urban producer will go down as chaff before the wind. I believe the hon. member agrees with me at heart. We should be as children before them, with their better appliances and their superior command of capital. I am sure my friends on the front bench there (Minis-

ters) will agree with me altogether. At all events, these are the two main points. We want some protection for Western Australia in the race which she is only beginning, while the other States are fully developed and fully matured; and we want sufficient revenue to provide for the necessities of the country. In these circumstances the Government, who are all, I believe, warm federalists, have introduced this Bill; in these circumstances it has been passed in another place; and in these circumstances I am sure it will be carried unanimously by this Council.

HON. W. MALEY (South-East): We have heard from Mr. Speed that the federal tariff is likely to exceed his wildest dreams. Now I should like to see the federal tariff before we do anything in the way of altering our own tariff. I represent a country province; and I was returned, not pledged to food duties, but with permission to remove the food duties. I had to fight my election against a good deal of opposition and much misrepresentation with respect to the food and other duties; and I have in my hand a little pamphlet published about that time, published generally by persons opposed to federation; and these are some of the wild dreams we heard: "Oats; present W.A. tariff, 4d. per bushel; proposed federal tariff, 4s. per bushel." Well, if anything could be wilder than that, I should like to hear of it from Mr. Speed.

HON. J. M. SPEED: One 4d. and the other 4s.?

HON. R. G. BURGESS: Where was that hatched?

HON. W. MALEY: "W.A. tariff: Palings, 15 per cent.; proposed federal tariff, 25 per cent. Perambulators: W.A. tariff, 10 per cent.; proposed federal tariff, 35 per cent." Now I do not anticipate we shall have any difficulty in dealing with our brethren in the other States. My experience in the other States did not resemble that of Mr. Hackett. I am a native of South Australia; I had a very good time there; and met just as good people in South Australia as I have met here. And as for fair-minded men, I think you will meet them in all countries; and if you trade with the people in the East, I think you will find them the same as people

in the rest of the world. You will find good, bad, and indifferent. Sometimes, if you are not smart enough, you will be taken in; and sometimes the other man, if he is not smart enough for you, will be taken in. [MEMBER: Quick and lively.] The world has its compensations; and we have them in the West the same as in the East. I should very much like to see that federal tariff; otherwise, I have nothing farther to say on the Bill.

HON. J. D. CONNOLLY (North-East): There is one remark which has fallen from the Minister for Lands that I cannot altogether agree with. It is that a promise was made when we adopted Federation in this State that we should not interfere with the existing tariff; I do not remember such a promise ever being made.

HON. R. G. BURGESS: What about the last election?

HON. J. D. CONNOLLY: In bringing down this Bill I should have liked to have seen the full schedule brought down and revised, but in passing this measure we are not in any way binding ourselves to retain the duties for the whole five years, and I think at a later stage I shall take an opportunity of advocating something in that direction.

THE PRESIDENT: The hon. member cannot amend a Tariff Bill.

HON. J. W. HACKETT: He said "advocate."

HON. J. D. CONNOLLY: If I should still be a member of this Chamber I shall advocate, much sooner than five years, an amendment of the existing tariff. I do not think it advisable to do so just now as we require all the revenue we have; but long before the five years have elapsed there should be some alteration made in the tariff in the direction of wiping out the food duties and the duties on the necessities of life. Referring to the remarks of Hon. J. W. Hackett I was not aware there were such unscrupulous people in the East and such lambs in the West. I thought we shared and shared alike, and I think the remark of the hon. member applies all the world over, and not only between Eastern and Western Australia.

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.

Read a third time, and *passed*.

TRADE UNIONS REGULATION BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

EXCESS BILL (1899-1900).

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

PRESBYTERIAN CHURCH OF AUSTRALIA BILL.

SECOND READING.

HON. A. JAMESON (Minister): I beg to move the second reading of this Bill, which as members see is very short, it having a few clauses and a schedule setting out certain arrangements come to when the Presbyterian Churches of the various States recently formed into a union. Now there is no West Australian Presbyterian Church, but one Presbyterian Church for the whole of Australia. This Bill has been viewed as a public measure in all the States, and even in Tasmania so important was the Bill considered to be that the Parliament was actually called together for no other purpose than to pass the Bill. When the first reading in this State was proposed in another place, some difference of opinion arose as to whether the Bill ought to be viewed as a public Bill, and it was then ruled that it was a public Bill; that according to *May's Parliamentary Practice*, dealing with private Bills and Bills relating to the constitution of religious bodies, these latter Bills are allowed to be proceeded with as public Bills. Therefore there will be no difficulty for this House to recognise this as being purely a public Bill. It is a measure that is in the public interest. It confers no individual rights of any kind, and in that sense is not a private Bill, but it is in the interests of the State. The Bill provides that the individual Churches shall give power to the United Church, therefore it is in the public interest. It is an ecclesiastical Bill, and it is hardly necessary for us to go into

the details which have been decided upon after many deliberations by the various bodies. This is the last State which is asked to pass this Bill in order to make it law throughout the whole of Australia so that there shall be one Presbyterian Church, and one church only.

HON. J. W. HACKETT: Will you explain the theological portion of the Bill?

HON. A. JAMESON: I hardly think it is necessary to go into that. I do not wish to weary the House by going into the theological questions. I hope the Bill will be passed.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

LAND ACT AMENDMENT BILL.

IN COMMITTEE.

Clause 2—Amendment of principal Act:

HON. C. E. DEMPSTER moved that Sub-clause (e.) be struck out, and the following sub-clauses inserted in lieu:—

1. In Section 69, after the word "lease," in the first line, insert "outside the boundaries of the South-West Division," and strike out the words "if within the South-West Division, or twelve months if within any other division." 2. Section 72 is hereby repealed.

Under the present regulations, leases were granted, of what (excluding the South-West Division) might be considered the waste lands of the State. Evidently any amendments now made in the principal Act could not be retrospective, nor could they in any way interfere with the present regulations, or with rights created thereunder.

HON. J. W. HACKETT: Present lessees could not be touched.

HON. C. E. DEMPSTER: If so, this amendment would apply to future lessees only. In what way could anyone, wishing to become a small lessee, take up land to greater advantage than under the present Land Regulations? He could secure the right to 20,000 acres of land for a term of 30 years, at a rental of 50s. per annum; and during the term of the lease could improve it by ring-barking, fencing, securing water, etc., and would then have a prior right to a homestead or

grazing lease out of the best portion of the land. Apart from other waste lands, there was the forest country, which, in its unimproved state, was perfectly valueless. The settler on such land would be discouraged if the present regulations were in any way altered. Only a madman would think he could make a competency out of leasehold land if he had less than 10,000 or 20,000 acres. There were hundreds of thousands of acres of forest country which in its natural state was valueless, and which could under the present Regulations be made good, payable grazing country, the richest in the State. The object of excluding the South-West Division was because it contained a large portion of land which might be considered fit for agriculture. However, at a certain distance out, the rainfall was so uncertain that it would be unwise for anyone to embark on agriculture. It would be a lasting disgrace for the House to interfere with the rights created by the present leases and by the Regulations. With respect to unimproved land, those who wished to become lessees had a better opportunity than they could get in any other part of Australia, and it was evident no good could be done by trying to amend the present Act; in fact, he would like to see the whole Bill thrown out, for the existing Act had been framed after due consideration of all interests, and any alteration would be for the worse.

HON. J. E. RICHARDSON protested against Section 69 being repealed, especially in respect of the drought-stricken districts in the North-West. He also protested against this continual tinkering with the Land Act. Last session they had passed an amending Bill, and here was another. What was the use of a grazing lease of a thousand acres in the North. It took a thousand-acre block to keep 100 sheep, in fact it took 30 acres to keep one sheep in the drought districts. It was no use going in for sheep farming unless a man could get a block of 50,000 acres of land.

HON. J. W. HACKETT: Under what section could a person take up a grazing lease in the North-West?

HON. J. E. RICHARDSON: Section 69 gave the settler the priority of right.

HON. J. W. HACKETT: The hon. member was astray.

HON. J. E. RICHARDSON: Section 69 applied to all pastoral leases.

HON. J. W. HACKETT: If the hon. member read the Act he would see that it did not apply; Section 69 was regulated by a prior section. Section 69 only referred to the Eastern and South-Western districts.

HON. J. E. RICHARDSON: It was not right to take land away from the pastoral lessees who had paid rent to the Government in all good faith. The Government should not step in now and say, "We want some of your land because another man is going to put sheep upon it." The present lessees stocked their lands to the fullest carrying capacity. It would not be of benefit to cut up the present pastoral leases. The Bill would apply all right in the South-Western district on agricultural land, but not in the North. He would support the amendment if it applied to the South-Western district only.

HON. C. E. DEMPSTER: The South-Western district would be exempted.

HON. R. G. BURGESS: The amendment referred only to the Eucla division.

HON. C. A. PIESSE: Mr. Dempster's amendment would not cover the lands in the North-Western district. It could not apply to the Northern portion of the State.

THE MINISTER FOR LANDS: The amendment sought to repeal Sections 69 and 72, which provided for giving the pastoralists power to take up a large section of land, and it was this section which locked up the lands of the State and prevented settlement. In bringing in an amending Bill the experience of the Lands Department had to be taken into account. Time after time would-be settlers had applied for land within a pastoral lease. Notice had been given to the pastoralist, who had a prior right to select up to 3,000 acres. The would-be selector had to wait the pleasure of the pastoralist to know if it were possible to get the land. This caused a great deal of annoyance and discontent. Cases had arisen in which settlers had applied for lands within a pastoral lease. Pastoralists had been notified, and had taken a portion of the land. The settlers had tried again on the same lease and had been blocked a second time. This caused people to believe that the Act had been

passed for one class of settlement only. The Bill would provide greater facilities to people to come here and settle, and if the Bill was passed nothing but good could result. The Government in the interests of close settlement desired to resume certain land and declare it an agricultural area in a certain district. The area of the land was 30,000 acres. It was not all first-class land, but by cutting it up the Government would have returned to them about £15,000, payable by instalments in 20 years. The claims made by the pastoralists in this case amounted to something like £13,000. If it were all first-class land, the amount which the State would receive in 20 years would only be £15,000, yet the pastoralists had the audacity to claim on the State to the extent of £13,000.

HON. C. E. DEMPSTER: Was the land within 40 miles of a railway?

THE MINISTER FOR LANDS: Yes.

HON. C. E. DEMPSTER: Then the Government could resume it.

THE MINISTER FOR LANDS: The Government were trying to resume it, but the claims against the Government were not very encouraging. A portion of this area was waste land of the Crown, for which the Government were receiving £1 per thousand acres. The time had arrived when people who desired land in small holdings should have every opportunity given them to take up the land. No great hardship could follow, as the present lessees had already exercised their right to the fullest extent by taking up the maximum area.

HON. R. G. BURGESS: The Minister was referring to the existing Act only, and not to Mr. Dempster's amendment. That amendment would not interfere with the South-West Division. That division commenced at Murchison and terminated near Eucla; and under Section 68 the Governor had all the power that was required. It was unreasonable to expect a pastoral lessee to take up in these dry regions second-class country, except under regulations different from the present.

HON. J. W. HACKETT: The country was like that in the western district of New South Wales.

HON. R. G. BURGESS: Altogether unlike. This was dry country; that was humid. This land was allowed to lie

idle, and we were still importing our meat. The sooner the Minister considered the question of settling this land the better. It was of no use at present, but would shortly be useful for rabbits. If squatters were, by liberal regulations, induced to improve it, more good could be done than by these paltry amendments of the Land Act with a view of unseating the few people now settled on that class of country. The Minister had not adduced one argument to show that Mr. Dempster's amendment would work any injustice. Last year's amendment of Section 69 of the principal Act was most unjust, and such a mistake must be as soon as possible rectified.

HON. C. E. DEMPSTER: Would the Minister say plainly whether he considered the present amendments would or would not be retrospective?

THE MINISTER FOR LANDS: In bringing in the Bill, it had been, he believed, intended to make the clauses retrospective.

HON. W. MALEY: The murderous intent of some hon. members was surprising. In South Australia, the first squatter had been killed in 1882 by a device for closer settlement by placing certain farmers on his lease. Socialistic legislation subsequently led to the subdivision of pastoral runs for grazing leases. Here to-day we were faced by the same problem, and must be guided by past experience. He supported Mr. Dempster's amendment, which was an endeavour to guard against the evils resulting from socialistic legislation. Of those evils South Australia had had sufficient experience. A few weeks ago an influential deputation had waited upon the Minister for Lands in that State in regard to pastoral legislation similar to that we were now dealing with; and Mr. A. G. Downer, a prominent solicitor, had remarked to the Minister that it was astonishing to see how the number of pastoralists was being reduced. That was a condition of things due to undue socialistic legislation. In this State there was a huge territory unalienated from the Crown, with latent possibilities which should be developed by settlement. There were 530,593,535 acres unalienated or in process of alienation. At the end of last year we had 86,429 acres held under pastoral lease, which area bore but a small proportion to the waste

lands in possession of the Crown. It would be idiotic for a person owning ten or twelve shops in the city to drive the tenants out with a view of getting others who would pay higher rent. It was unwise for the Government to drive people off the lands of the State when those people were making a living there and rendering a service to the State by supplying people with food. That was an aspect that was not kept in view at times. In South Australia, west of Port Augusta, the value of the improvements on the runs fell from £100,000 to £20,000, owing to the abandonment of the runs for several years. It took years before the Government recognised the situation. Wild dogs and rabbits took possession, and exceptionally easy terms had to be offered to win back the pastoralists to the ground again. An extract from a South Australian newspaper showed that recently Mr. J. G. Moseley had taken up 824 square miles of country, and was preparing to stock it. That gentleman intended to fence the country with wire netting, and anticipated shearing 30,000 sheep next year. Mr. A. Tennant was also taking up land at Port Augusta. This country had been abandoned for years. It was all very well to please the public by advocating the wiping out of industries and the establishment of others in their place. These ideas were very good in theory, but they did not work out well in practice. The practical man knew that to run a country on a system of closer settlement with anything less than 14 inches of rainfall was nonsense; there would be nothing for sheep to live on. It was absurd to tinker with the Act in this way. In some places in the State a living could be made on three acres of land, but there was land in the State where a living could not be made on 100 square miles. The Eucla country was settled years ago, but had been abandoned. Messrs. Kennedy, Magill, Muir and others had large runs there, and had abandoned them. He (Mr. Maley) had gone to Mr. Muir with an offer from the late Mr. Alexander Forrest of £10,000 for Mr. Muir's station. That station did not exist to-day, but at the time the offer was made, Mr. Muir wanted £13,000 for his station. He would support the amendment.

HON. C. A. PIESSE: If Mr. Dempster's amendment applied to land outside 40 miles of a railway, it would do a great great deal of injury. The amendment did not apply to the Northern portion of the State; it applied only to land in the South-Western district, and land within 40 miles of a railway within the Eastern and Eucla divisions. The pastoralists prevented settlement by the prior right which they held of 8,000 acres.

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

Ayes	...	...	...	7
Noes	...	...	...	8

Majority against ... 1

AYES.	NOES.
Hon. B. G. Burges	Hon. E. M. Clarke
Hon. C. E. Dempster	Hon. J. M. Drew
Hon. W. Maley	Hon. J. W. Hackett
Hon. E. McLarty	Hon. S. J. Haynes
Hon. G. Randell	Hon. B. C. O'Brien
Hon. J. E. Richardson	Hon. C. A. Piesse
Hon. D. McKay	Hon. C. Sommers
(Teller).	Hon. J. D. Connolly
	(Teller).

Amendment thus negatived.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10-17 o'clock, until the next day.

Legislative Assembly,

Tuesday, 1st October, 1901.

Revenue for September, Statement by the Treasurer—
Papers presented—Question: Leases Surrendered Conditionally, Mr. Tupper—Legal Practitioners Act Amendment Bill, first reading—Return ordered (amended): Exemption and Protection, Gold-mining Leases—Return ordered: Consulting Engineer, Commission—Trade Unions Regulation Bill, third reading—Mining Development Bill, second reading (moved) Public Works Committee Bill, second reading (moved)—Newspaper Libel and Registration Amendment Bill, second reading (resumed, passed), division—Workers' Compensation Bill, in Committee, Clauses 4 to 12, progress—Adjournment.

THE SPEAKER took the Chair at 4-30 o'clock, p.m.

PRAYERS.

REVENUE FOR SEPTEMBER—STATEMENT BY THE TREASURER.

THE COLONIAL TREASURER (Hon. F. Illingworth) said: I desire to inform the House that the revenue for September amounted to £301,812 3s. 6d., and this is the largest ordinary month's revenue ever received in this State. [MEMBERS: Hear, hear.] In February of 1897 a sum of £326,276 was received, but special receipts in connection with settlement of Wilkie Bros.' goldfields railway contract came to hand, amounting to £38,500. Consequently, the normal receipts that month were £287,776. In June, 1900, the credit on revenue account was £310,949, but to compare with an ordinary month a sixth should be taken off for the extra five days brought to account at the end of the financial year, namely £51,825, leaving for the ordinary month £259,124; so the revenue for September of this year was the largest ordinary month's revenue ever received in this State.

HON. W. H. JAMES: Change of Government!

MR. D. J. DOHERTY: Yes; look how you floated the loan!

THE SPEAKER: Order!

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, By-laws, Municipality of North Fremantle; 2, Report, Perth Fire Brigades Board for 1900.

By the MINISTER FOR MINES: Amended Regulation, Mineral Lands Acts.

By the COMMISSIONER OF RAILWAYS: 1, Free railway passes in 1900-1901; return to order 18th September. 2, Trucks applied for consignors on various stations on Eastern Railway; return to order 18th September.

Ordered to lie on the table.

QUESTION—LEASES SURRENDERED CONDITIONALLY, MR. TUPPER.

MR. W. D. JOHNSON asked the Minister for Mines: Whether the Mr. Tupper, mentioned in connection with the return now on the table of the House as receiving blocks from leases conditionally surrendered, was a registered owner of the leases surrendered.

THE MINISTER FOR MINES replied: No; Mr. Tupper was not the registered