

in the world. I am sorry to see that this field is not enjoying the prosperity it did in former years. There must be great hope for the fields yet. It is a bad thing, if the facts are correct, that 40s. ore has been buried since 1913. Steps should be taken to bring about the state of affairs that existed in former years. The Government in proposing to appoint a Royal Commission to inquire into the industry will undoubtedly have these facts in view. What is most desirable in regard to the industry is that we should be able to provide means by which ore can be treated at a lower cost. We must endeavour to find means by which this large tonnage of low grade ore throughout the country can be profitably treated. If this can be done in other parts of the world, we in Western Australia ought to endeavour to achieve the results that are obtained elsewhere. I am glad to know that the Gwalia mine has again become a gold producer. I hope it will return to a profitable stage as a result of the development that is occurring. At Lake Way we are given to understand the indications are good, but it is too early to say anything definite concerning the result. If rumour is correct the results of the boring have been good. Further boring is taking place in the locality as a result of the operations of the Mararoa Company. I am hopeful that it will be able to show good results from its operations. The mineral area of Northampton has received great attention of late, and we expect the field will develop into a large and prosperous mining area. A few years ago the Government advanced a large sum of money to the Surprise mine. At one time it was thought this money would be lost, but I am glad to say that owing to the husbandry of the Mines Department, and to the fact that lead is now selling at a good price, the position to-day is very good, and the Northampton mineral field should become one of the greatest and most prosperous of the mineral belts of Australia. Great attention is being paid to base metals. A larger number of men is now being employed in producing base metals than was the case before. Inquiries are coming to the Mines Department from different parts of the world concerning base metals. Members are aware of the large deposits of base metals in Western Australia, and can imagine that these will be of great value to the country in course of time. There are the great manganese propositions at Peak Hill, which are well known to members of the Committee. There are the great molybdenite deposits at Warriedar, some of the largest in the world. There are the great iron deposits and the great graphite deposits, and deposits of all kinds of base mineral wealth. That mineral wealth will one day be utilised for the prosperity of this country. In conclusion I wish to read an extract from a letter

which was written to me a few days ago, conveying a statement made by Mr. Donald McKinnon, the Australian Trade Commissioner in New York—

I had a conversation a few days ago with the gentleman who handles more mica than anyone else in this country, and he tells me that the quality of the Australian mica that he has seen places it in a class quite by itself, and that properly placed on the market, and the markets in London and New York properly regulated, Australia might easily control the mica markets of the world. We get letters of this sort in regard to other metals, and so my expectation and hope are that, with proper and sympathetic consideration from this Parliament and particularly from the Federal Parliament, our gold mining industry will in the near future once again become a highly prosperous industry, and I trust that that prosperity will be generally reflected throughout the community of Western Australia.

Progress reported.

House adjourned at 10.54 p.m.

Legislative Council,

Thursday, 23rd October, 1924.

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

QUESTION—LAND AND INCOME TAX.

Hon. A. J. H. SAW asked the Colonial Secretary: 1, What was the total amount received in land and income tax during the last financial year? 2, The total cost of collecting same?

The COLONIAL SECRETARY replied: 1, £573,713. 2, This information is not segregated. An amount of £11,472 is paid by the State to the Commonwealth for the collection of all State taxes.

BILL—CLOSER SETTLEMENT.

Second Reading.

Debate resumed from previous day.

Hon. H. J. YELLAND (East) [4.34]: The principle underlying the Bill is a very laudable one, and in a general way I think it will be supported by every member. I have given the measure very close consideration from two different aspects, the first, what its effects will be on the State, and the other what its effects will be upon the landholders; will they receive just and equitable consideration. Those are the principle points we have to consider, and though we acknowledge the laudable principle behind the Bill, I fail to see that we shall be giving to landholders the treatment to which they are entitled. In considering the effect of the measure upon the State, we have to face the fact that Western Australia is dependent upon primary production. As primary production advances, so will the State prosper. Where we have large tracts of land not being developed to the extent they should be, we are not able to carry the population we should have, and thus we are losing some measure of the prosperity we should be enjoying. It is essential, therefore, that some method should be devised to bring such land under production. Much land is held for speculative purposes, and it is only right that we should enforce the conditions under which conditional purchase land has been taken up. As regards land held in fee simple, some method must be adopted to bring it under production.

Hon. F. E. S. Willmott: You would include only land within a reasonable distance of a railway?

Hon. H. J. YELLAND: Certainly. I believe the Bill has been brought forward with every good intention, but I do not think it will mete out justice to the holders of land, owing to the manner in which it is proposed to take the land from them. In my initial address in this Chamber, I made it fairly clear that I based the prosperity of the State upon its productivity. This is a point we must always bear in mind, and I have endeavoured to keep it well before me while studying this Bill. To obtain that prosperity the settlement of all available land is essential. Settlement in the past has resulted in the production of a great deal of wealth, and has brought the State to a pitch of prosperity that was not evident when progressive land settlement was not being undertaken. When Sir James Mitchell in 1919 introduced his policy for an extension of land settlement and development, there were about 3,000 men out of work. He also introduced the group settlement scheme, but the success of that scheme I am not prepared to discuss at present. Sir James Mitchell threw the whole weight of his administration upon the development of the land. When he took office 11,000

soldiers were returning from the war, and although it is admitted a large number of them were absorbed in their original vocations, immigration was extended and thousands of other men came from the Old Country. When Sir James Mitchell went out of office at the beginning of 1924, the 3,000 unemployed had been absorbed, and work had been found for all the returned soldiers requiring it and for every one of the immigrants. At one period there were more jobs than there were men to fill them. This shows that the development of the land is in the interests of the workers, while it also makes for the production of an asset that will stand for ever. The Eastern States did not attempt to split up their large estates until practically the whole of their Crown lands had been settled. It has been stated that when Western Australia has settled the whole of its Crown lands, it will be time to think about breaking up large estates, but I am satisfied that if we stayed our hand until there were no more Crown lands available, it would mean continued and increased railway losses.

Hon. F. E. S. Willmott: The argument used is that people cannot get land now. That is why the Government want this Bill.

Hon. H. J. YELLAND: That is so. But it is also argued that there is land available if we only construct additional railways to connect it up. There is plenty of land available, but it lacks railway facilities. Our railway mileage compared with that of the Eastern States shows Western Australia in a very bad light. Here we have one mile of railway to every 94 of the population; Queensland has one mile to every 134; South Australia, one mile to every 217; Tasmania, one mile to every 332; Victoria, one mile to every 364; and New South Wales, one mile to every 411 of the population. We see the advantage which the Eastern States possess over Western Australia in the matter of actual running costs of railways. Our productive areas are on the outskirts of the State—I refer to the great wheat belt and the parts below Bridgetown, which are not altogether fed by the railways, as is the case in the East. The producers on the outskirts have to send their produce over long distances, through districts which are not producing, and therefore not helping to keep the railways going. The necessity for railings produce through such alienated and comparatively unimproved lands is causing a good deal of trouble with respect to cost of production. Again, it is said that the large areas are supporting as many men as the areas which are more closely settled. In that regard I take as an example the case of Mr. Hedges, whose holding is about 25 miles from Bruce Rock. I have the very highest respect for Mr. Hedges and for the manner in which he has developed his land. I do not think any man in Western Australia has spent more money on the development of a property than Mr. Hedges has

spent. He has helped materially to make the Bruce Rock district. Yet I cannot shut my eyes to the fact that the State would benefit more if Mr. Hedges' holding were divided amongst 25 satisfied families working upon it. I now refer to the effects of raising a satisfied population in the State, as a general argument.

Hon. V. Hamersley: For a considerable time Mr. Hedges had 125 men on his pay roll.

Hon. F. E. S. Willmott: And he wanted to build the railway, and the Government would not let him.

Hon. H. J. YELLAND: Having looked into the question, I am quite satisfied that Mr. Hedges has spent more money on the property than would have been spent on it had it been originally settled as I suggest, and that he is employing more men than would otherwise be the case. Still, I believe there is not a married man with a family on the farm, unless it be someone at the house. If that is the case, as I believe it to be, there is not the same advantage to the State from Mr. Hedges holding that property as would accrue if the property were carrying 25 satisfied families raising population for the State. This Bill has for its object the raising, on farms, of satisfied families, which are the greatest assets any State can have.

Hon. J. W. Kirwan: Would this Bill mean that Mr. Hedges' property would be cut up?

Hon. H. J. YELLAND: I do not know that it would be. I would not be in favour of cutting it up, having regard to the fact that it is fully developed. Indeed, I believe Mr. Hedges has offered the property to the Government under the Agricultural Lands Purchase Act, and that the Government could have it to-morrow.

Hon. F. E. S. Willmott: That land would be in a state of nature if Mr. Hedges had not taken it up.

Hon. H. J. YELLAND: All the land around his property has been selected and has been improved. Had the property been taken up originally by 25 different men, it would now be carrying 25 satisfied farmers.

Hon. F. E. S. Willmott: They would be the only 25 satisfied farmers in the world.

Hon. H. J. YELLAND: The aim of the Bill is to force unproductive lands—of course I do not say such lands as those held by Mr. Hedges—into production, and to make the lands alongside the railways pay for the railways. Everyone must appreciate the principle behind the Bill. Now I will touch on Mr. Burvill's statistics regarding applicants for blocks lately thrown open. The hon. member's figures go to show that there is a keen demand for land in Western Australia; but it is a demand only for good land within reasonable distance of a railway line. Mr. Burvill's statistics will not, I think, bear very close inspection, because the numbers he has given for various blocks will probably be to a

considerable extent recapitulations of the same names. As soon as a good block is offered, numbers of men will apply for it, and also for other blocks. Probably a considerable proportion of the applicants would be men whose parents were living in the district, and I say at once that those are the men who are entitled to consideration. Another large proportion of the applicants would be wanting the block for the purpose of extending their operations. Therefore Mr. Burvill's figures do not carry the weight he would like to attach to them. Experience shows that one applicant will apply for a number of blocks, and that there are speculators out to select land because they realise that Western Australian land is advancing in price. Having regard to the demand for land, I say the principle of the Bill is laudable. The need for a satisfied and comfortable population settled on the land is one of the main reasons for reducing the existing large estates. Behind the whole question is the stability of the nation. That, to my mind, is the central pillar around which the measure revolves and should revolve. Now I wish to utter a word of warning to the Government. In some instances large areas are necessary in order that the farmer may make a profit. If I had 1,000 acres of the very best land, I could make a very decent farm out of it; but if I had not the best of land, I would make a failure of 1,000 acres. One great fault I see in the Industries Assistance Board and the Agricultural Bank is that they have tried to help men on areas which are too small, and which therefore cannot carry the overhead expenses. I have in mind the case of two young fellows working side by side, each with 750 to 1,000 acres. The overhead expenses of each of them are as much as the amount of overhead expenses on the two blocks combined ought to be. If the two blocks were amalgamated, the machinery necessary to work them adequately could be brought together and used over the two blocks; and then the overhead expenses, such as interest and sinking fund as applied to machinery, could be overtaken by the higher returns available from the 2,000 acres. The land in question is not of the very best. A similar position will arise in the case of many large properties if they are cut up as proposed by the Bill. A large number of blocks on which men can make a success will be taken up, but the inferior blocks will be left. On a large estate overhead expenses are proportionately small; but cut that estate up into a dozen farms, and the overhead expenses will increase sixfold. The holders then would not be able to pay interest and sinking fund plus overhead expenses. Yet, as I shall show later, the Bill proposes the appointment of a board without experience in these matters, to say whether a property can carry such expenses.

Hon. V. Hamersley: How much first-class land do you think a man should have?

Hon. H. J. YELLAND: Not less than 800 to 1,000 acres.

Hon. J. Ewing: Do you mean, in the wheat areas?

Hon. H. J. YELLAND: I am speaking now of the wheat areas.

Hon. V. Hamersley: A man with £10,000 or £20,000 capital would then have to walk out of this country, because he would not be such a fool as to invest that money on 1,000 acres.

Hon. H. J. YELLAND: I have no objection to such a man extending his operations. The hon. member seems to have jumped to the conclusion that I desire to split up all the improved areas. I have no such intention. I took the case of Mr. Hedges because his property is thoroughly improved and up-to-date. This Bill would not affect him, because he has developed his property. I could not, however, help bringing forward the case of Mr. Hedges as one showing that the settlement of 15 or 25 satisfied families on the land was an asset not to be overlooked. Now I will turn to the other side of the picture. We must see whether the Bill proposes to treat the present holders of land justly. I say emphatically that that is not the case. While the principle of the Bill is right, the proposed method of applying that principle is wrong. This measure is rather one-sided. Paragraph (b) of Clause 7 tells us that the land is to be taken at the assessment under the Land Tax and Income Tax Assessment Act, plus 10 per cent. for disturbance. On the face of it that appears satisfactory, but practically it is wrong. From his seat in the House Mr. Lovakin referred a few days ago to what happened in connection with the assessment of land that he bought in St. George's-terrace. If I took members into the wheat areas, we would not have to travel far before coming across an assessor from the department who would be found to be engaged in re-assessing the land. When the land was originally taken up it was assessed by valuers and when it was cleared the unimproved value increased with the improvements made upon it. If, therefore, it is intended to take that land from any person at the original assessment made upon it, and give him 10 per cent. in addition, then there will be done a serious wrong because the fair value will not be given. You can compel a man to sell at the board's valuation. That is not fair or equitable. With regard to the personnel of the board, if it is to remain as it is proposed in the Bill, that in itself will be sufficient for me to vote against the second reading. Such a board will not give a fair deal to the man who has land to dispose of. First of all the Governor may appoint an officer from the Lands and Surveys Department and another

from the Agricultural Bank. I have nothing to say against any of the officers of those two departments. I am aware they are men of high repute. It is the principle that I am against because it is wrong. The board will be composed of three members, two of whom are to be chosen from the Civil Service, and who will be in subjection to the Minister in charge of the department. With regard to the third member of the board, it is not stipulated who is to make the appointment. I presume it will be the same Minister who will select the third member. The chairman is to be appointed by the Governor. It will be seen, therefore, that the board will be one-sided. I cannot understand why it is intended to appoint only three members on this board, when the board appointed under the Agricultural Lands Purchase Act is composed of nine. Further, there is a clause in the Bill that brings the Agricultural Lands Purchase Act under the jurisdiction of the board proposed to be appointed. It means that a board of nine members will be supplanted by a board of three. Then we find that the owner may require the whole of his land to be taken, if the board decides that only a portion shall be resumed. A man may hold a fairly large area of land in his name and in the names of members of his family. That is often found to be the case and it is done for the sake of convenience. Then it will be possible under the Bill to take a part of the area and leave out the blocks that are held in the names of the members of the family. That, too, applies to persons who hold land in their several names and are working the property as a partnership. There is no provision in the Bill whereby, in the event of a partnership of that description being interfered with, the partners can come in. If you are going to take a portion of the land owned by the partnership, it is only right that the whole of it should be taken. The Lands Department can consider each person separately, and each person is responsible for the payment of his dues upon the land.

Hon. J. Ewing: What about the deed of partnership?

Hon. H. J. YELLAND: That refers to the working of the property, I presume, but it is quite possible for the titles to be held in separate names and for the whole property to be worked as a partnership affair.

Hon. J. Ewing: The board would have to take the whole lot.

Hon. H. J. YELLAND: But the Bill does not provide for that. One of the most serious objections I have to the Bill is that there is no provision for an appeal. In legal practice there is always provision for an appeal. If an individual is not satisfied with a decision given against him in a lower court, he can always appeal to the Supreme Court, and from the Supreme Court he can

go even to the Privy Council. The Bill provides that the three members who are to constitute the board shall be the adjudicators as to the carrying capacity of the land. They will have the right to adjudicate so far as values are concerned, and they can turn a man aside and he will not have the right of appeal.

Hon. J. Ewing: What about Clause 8?

Hon. H. J. YELLAND: There is reference to an appeal there. It says—

Provided that an owner may, at any time within two months from the service of such notice of default, appeal to a judge of the Supreme Court.

That clause, however, is in reference to where a man decides to subdivide the land and then if he does not complete the subdivision within a certain time the board may come in and take possession. It is against the board taking possession that we is given the right to appeal. There is no provision for an appeal against the valuation set up by the board, or as to whether the man is putting the property to reasonable use. The Bill permits of the acquisition of land if it is partially improved. If the board, as it is proposed to constitute it, were such that we could rely upon it giving fair judgment, the position might be different. I do not know, however, that the members who will constitute it will be practical men. If they are, they will be able to give an opinion, but so far as I can see there is a possibility of at least two members of the board not being practical farmers. Therefore, how will it be possible for them to determine whether the land is being utilised to the fullest extent. The last clause of the Bill includes freehold, leasehold and conditional purchase land. I want to know whether it is intended in connection with this clause to interfere with the conditions. I have land in regard to which the conditions have not been completed. One who takes up land has from 20 to 30 years in which to carry out his obligations. If he is complying with the conditions of the contract he has entered into is the Bill to supersede those conditions? Is it intended that the land shall be taken from him, while, in all good faith, he is carrying out his obligation?

Hon. T. Moore: Some members of your party objected before because that was not in the Bill. Now you object because it is in the Bill.

Hon. H. J. YELLAND: I am not objecting; I am asking whether it is intended to override a contract already entered into.

Hon. H. A. Stephenson: They want to repudiate their side of the contract.

Hon. H. J. YELLAND: That is what it amounts to. The principle of the Bill is laudable and those areas, especially near the railways, that are not being used in the best interests of the State's welfare could well be acquired. That end could be gained in

a better way. The Agricultural Lands Purchase Act has worked satisfactorily. I took the trouble to make inquiries from the Lands Department as to whether any difficulty had been experienced in connection with that Act and the distribution of the land acquired under the powers provided. I found that practically no land acquired under it had been left on the department's books. The Agricultural Lands Purchase Act is more equitable than the Bill we are considering, and its board of nine members is better able to give more satisfaction than can be expected from any board of three. Under that Act I find we are entitled to spend up to £1,500,000. Now we propose to take that power out of the hands of a board of nine members and give it to a board of three. That is a dangerous course to follow and should receive consideration at our hands. At first I had intended to oppose the second reading of the Bill, but I believe we can amend the Bill in Committee so as to make it workable. Therefore I shall support the second reading.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.13]: It had not been my intention to make any remarks on the second reading of the Bill, but for the speech of the hon. member who has just resumed his seat. I feel in duty bound also to make a few observations, seeing that this is the third time that a Bill of this nature has come before the Legislative Council for consideration. Those of us who have been here for a few years remember the first Closer Settlement Bill, which had for its object the assessment of certain areas in the South-West, ostensibly for settling new arrivals in the State. That Bill was referred to a select committee, but, owing to the approach of the end of the session, it was unable to go into the matter as fully as was necessary. Certain evidence was obtained, and a report was submitted to the House, which is available to members. This shows that the objects of the Bill were such that certain stringent amendments were necessary. As time passed on and people began to arrive from other parts of the world, land was required for them and a further Bill was brought down. That Bill gave power to resume certain areas, which were held by men who were occupying prominent positions in the State. The question of the tax upon these lands weighed heavily with some members, and eventually that Bill was numbered amongst the slaughtered innocents. Since then there has been brought forcibly under our notice the progress that has been made in land settlement. An agreement was entered into between Sir James Mitchell and the authorities in London regarding the great scheme of land settlement that he inaugurated. On that account it was necessary to call together a special session of Parliament to deal with the Bill that

had been consigned to the waste-paper basket at the close of the previous session, but which, as the Premier of the day said, was part and parcel of the scheme. At that special session a large sum of money was passed for the construction of the railway in the South-West, in conjunction with the acquisition of certain areas contemplated as the result of the Bill. In supporting the Bill now before us I have in mind that the present Minister for Lands is au fait with all the conditions appertaining to the areas it is proposed to resume. It was found that the provisions of the Land Resumption Act did not give the powers necessary for these resumptions; hence the necessity for the third appearance of a Closer Settlement Bill. The Minister for Lands, who introduced this measure, possesses, I think, the confidence of every member of this Parliament. Nothing but good has been said of the land settlement scheme as enunciated from time to time by Mr. Angwin. That being so, there is not much cause for alarm that any undue hardship will be inflicted upon any owner or lessee of land in this State. I am not entirely in accord with all the clauses of the Bill, but regard them generally as the nucleus providing for the proposed resumptions. Clause 2 relates to the formation of the board, and can be improved upon. If this be amended to provide that one member of the board shall be a practical farmer, it will go a long way towards meeting the wishes of many members of this Chamber. A Bill of this kind is necessary to enable the Government to acquire land, especially in the South-West. I understand it is their ambition to continue the settlement scheme. This scheme seems to be passing through a period of change, which I anticipate will result beneficially to the State. It is generally admitted that the terms and conditions of the agreement entered into by Sir James Mitchell are not conducive to the best interests of the State, inasmuch as under it we were paying too great a price for any advantages we received, or would be likely to derive from it for many years to come. Bearing in mind that there are signs of improvement in the conditions of this agreement providing better terms, more money and greater advantages to the State, I think we should encourage the idea, and increase the confidence of those in authority in London. I believe it is the desire of those statesmen to do the best they can for this State, seeing that it was the first to inaugurate the closer settlement scheme. If we pass this Bill we shall be doing something that will redound to our credit and to the benefit of the State. I have pleasure in supporting the second reading.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—JURY ACT AMENDMENT.

In Committee.

Hon. J. W. Kirwan in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 5:

Hon. A. J. H. SAW: This is the first clause that opens up the question of the elimination of a special jury. I move—

That consideration of this clause be postponed.

Motion put and passed.

Clause 4—Further amendment of Section 5:

Hon. A. J. H. SAW: This clause deals with the qualification of common jurymen, and abolishes the present qualification. I object to the present humble qualification being done away with, and to the qualification being made, so far as a man is concerned, practically on the adult suffrage. That is not in the interests of those who have recourse to the law courts. We owe a duty to those who are unfortunately forced into the court, that they should obtain the best tribunal possible before which they can be heard. The qualification of adult suffrage is not the best. No member who was engaged in a civil case would agree to its being decided by a body of men chosen at random from the list of those who would be included in the term "adult suffrage." I hope the clause will be struck out.

The HONORARY MINISTER: I agree that the best tribunals should be secured for those who are unfortunate enough to appear before the court, but I have yet to learn that the qualification outlined in the Act makes the tribunal any better than it will be under the qualification outlined in the Bill.

Hon. J. Cornell: How will the Bill improve matters?

The HONORARY MINISTER: It will not make them any worse.

Hon. J. Cornell: If it will not make them any better there is no need for a change.

The HONORARY MINISTER: The system of compiling the jury list will still obtain. The man in the street will not be included in it. The list is compiled annually by the police, and is dealt with by the revision court, so that the danger feared by Dr. Saw will not exist. The adult suffrage qualification exists in New Zealand and Queensland, where it has proved satisfactory. When we have these illustrations from the enactments in other parts of the Commonwealth and New Zealand, there is no danger in inserting the proposed amendment in our Act.

Hon. J. CORNELL: The Honorary Minister's argument was a weak one. He pointed out that the compilation of the jury list was in the hands of the police, who made a house-to-house visit for that purpose each year. If we could make the man in the street who is without domicile carry the

same obligations as the man with domicile, it would be all right. That cannot be achieved—hence the difficulty in applying the proposed change in our laws with which I do not agree. I understand that the Bill as originally drafted did not contain this clause which was inserted after recommitment.

Hon. A. J. H. Saw: It was rejected at first and accepted later.

Hon. J. CORNELL: Yes, because the difficulty of applying the clause with equity was realised. If it could be shown that the itinerant individual had to shoulder the same burden as the man with a domicile, there would be some force in the Honorary Minister's argument.

Hon. T. MOORE: I was rather amused when Dr. Saw spoke on the second reading of the Bill, and pointed out that in his opinion the integrity of the man possessing certain means or property qualification could be trusted, rather than that of the man who did not possess either or both. Very often, through no fault of his own, a man who may be qualified to serve as a juror to-day may be disqualified next week. A business failure or other trouble may dispossess him of his qualification. The New Zealand legislation has been quoted often as a model for us to follow. A similar provision to that suggested now has been in operation in New Zealand for many years. Their Act includes the following:—

Except as hereinafter otherwise provided, every man between the ages of 21 years and 60 years who is of good fame and character, and who resides within New Zealand (not being a Maori)—

Provision is made elsewhere for Maoris serving on mixed juries—

—is liable and qualified to serve as a juror upon all juries which may be empanelled for any trial within the jury district in which such person resides.

Generally speaking it is the head of the household who is called upon to serve on a jury. Very often he has to carry out those duties against his wishes, whereas his brother, who may be residing with him and may be similarly circumstanced, is not called upon to act as a juror. My experience leads me to believe that the property qualification is very often one that is apparent rather than real. A man who is supposed to possess the property qualification may be practically bankrupt. The fact remains that many reputable people are barred from serving on juries merely because they do not at present appear to hold the necessary qualifications.

Hon. V. Hamersley: Are they anxious to serve as jurors?

Hon. T. MOORE: I have indicated that very often they are not anxious. I claim, however, it is a duty they ought to carry out. The New Zealand Act sets out disqualifications and the section dealing with that reads as follows:—

The following persons are not qualified to serve on any jury in any court or on

any occasion:— (a) Anyone who is not a natural born or a naturalised subject of His Majesty; (b) anyone who has been convicted of any infamous crime, or of treason, or of any crime formerly punishable as a felony, unless he has received a free pardon; (c) anyone who is an undischarged bankrupt; (d) anyone who is of bad fame or repute.

In view of such provisions, what is Dr. Saw afraid of? Who is he afraid of? Apparently Dr. Saw was of the opinion that when a jury list was to be compiled, the policeman would take the first ten men or so he found in the street. We should give the reputable citizens of this State, irrespective of whether they possess these qualifications or not, the right to do their duty to the State.

Hon. J. NICHOLSON: Mr. Moore has rather strengthened the ideas I held that it is desirable to retain the qualifications for common jurors as they appear in the Act.

Hon. T. Moore: I usually strengthen your ideas; they must be very weak.

Hon. J. NICHOLSON: There is one point to which I desire to draw attention. Clause 3 proposes to amend Section 5 by omitting the word "common," and Clause 4 proposes to strike out words in the same section but which appear prior to the word "common." It appears to me that Clauses 3 and 4 should be reversed. As to Mr. Moore's arguments, it is true that the New Zealand Act has certain provisions making it necessary for anyone of good fame between the ages of 21 and 60 to serve on a jury. If we agree to the amendment proposed by the clause, we will not bring our Act into line with the New Zealand legislation, because there is no suggestion in the Bill that the safeguard setting out that the jurors must be of good fame and character shall be inserted.

Hon. J. R. Brown: It is not necessary in Western Australia.

Hon. J. NICHOLSON: The point about this is that New Zealand has a much older settled community than we have in Western Australia. Our community is a migratory one, and we have only to look at the changes that take place year after year in the gold-fields districts to see that that is so. The Honorary Minister has correctly indicated the methods adopted in the annual revision and compilation of the jury list. In some country districts it is found that men live there for a while and then take their departure. This adversely affects the jury list. The idea of maintaining a property qualification is that persons owning properties are more likely to be permanently domiciled. The qualification required of a common juror is so small that but very few men could not claim it. We can only hope to make a useful jury list by having on it people likely to have continuity of residence and a stake in the country. Therefore I will oppose the clause.

Hon. A. LOVEKIN: I am afraid we have not been given the full text of the New Zealand Act. In Sections 26 to 30 of that Act I find a distinction is drawn between the man in the street and the man of qualifications. Under the New Zealand Act, once a year the justices meet to compile jury lists, and are assisted by constables in that work. Provision is made for the setting out of the qualifications of each man on that list.

Hon. T. Moore: But that is in respect of the special jury.

Hon. A. LOVEKIN: It applies to all juries. The New Zealand Act clearly contemplates some qualification.

Hon. T. Moore: Only for a special jury.

Hon. A. LOVEKIN: The Bill before us also seems to contemplate a good deal more than the Minister suggests. Under Section 9 of the principal Act, provision is made for the compilation of jury lists. The provision takes in the qualifications of both common and special juries, and the second schedule provides for the setting out of each juror's qualifications. This section is not touched by the Bill; so if we pass the clause we leave Sections 9 and 10 of the parent Act, and the schedule, all standing. If the clause is agreed to, further amendments of the parent Act will have to be made. Coming to the merits of the clause, it seems to me we are getting down to the worst form of class legislation. It is legislation for the very gutter class. We are to take any man, even from the criminal class, put him on the jury list and allow him to be called in court as a jurymen. We shall be getting, not the greatest competence in the community, but the very least. The qualification for a common juror is little enough as it stands. The property qualification is not the best imaginable, but it is the best likely to be devised as a guarantee of character. I will vote against the clause.

Hon. A. J. H. SAW: Almost invariably am I misrepresented by members opposite. Speaking on the second reading, I was careful to say that I cast no reflection on people who had not this humble qualification, but I maintained that amongst those who held this qualification there was a larger percentage of honest and intelligent people than was to be found amongst those who did not hold the qualification.

Hon. T. Moore: What does that mean?

Hon. A. J. H. SAW: Exactly what I say. The monetary qualification, I admit, does not stand for everything; but there is no possibility of devising any other test that will get us on a slightly higher level, and so I think we must let the monetary test stand.

The HONORARY MINISTER: Mr. Lovekin drew the long bow when he suggested that men of the criminal class were likely to be included in the jury. That was a reflection on the past administration of the

Act. It must be remembered that the police have a voice in the compilation of jury lists. Surely they, in conjunction with the justices, are in a position to compile a jury list without the inclusion of any of the criminal element.

Hon. J. Nicholson: But under this, the criminal could claim to be included.

The HONORARY MINISTER: Of course, anybody can claim to be included.

Hon. A. Lovekin: If you leave it wholly to the constables, they might do an injustice to the criminal.

The HONORARY MINISTER: The hon. member is satisfied with the compilation of the jury list to-day.

Hon. A. Lovekin: But you are sweeping it away.

The HONORARY MINISTER: Oh no, we are merely amending it. If the hon. member's sole objection is that the standard of the jury list will be encroached upon by the altered conditions, I can assure him that nothing of the kind will occur.

Hon. J. Cornell: It needs further amendment.

The HONORARY MINISTER: Perhaps so. However, if that is the hon. member's only objection, the difficulty is easily overcome, because the same safeguards will be there.

Hon. A. LOVEKIN: On the Minister's statement how could a jury list be compiled? He says we must obviously make some further amendment because the jury list at present is compiled of men with qualifications. If he is going to have no qualification, what will be the method of compiling the list? We ought to be informed. Are the constables to go around the highways and byways and to every hotel and house and thus compile the list? The Minister says the police could exercise discretion. I do not know whether it is wise to leave the compilation of the list to the police.

Hon. J. CORNELL: Since I spoke on the second reading I have discussed this matter with a couple of prominent legal men, who have given me to understand that if the qualification for a common jurymen remains, we could very well dispense with the qualification for a special jurymen without altering the principle of special juries. Then when a special jury was required for a special case, it could be chosen from the common jury list. I shall oppose the clause, but shall vote for the abolition of a special jury list.

Hon. E. H. GRAY: I cannot follow Mr. Lovekin's argument, because safeguards are provided in the principal Act. He is wrong in saying that criminals and gutter-snipes might be included in the jury list. Section 11 provides for the magistrate to delete from the list all persons disqualified from serving by reason of deafness, blindness, mental infirmity, or any other cause amounting to a disqualification. No one would advocate a jury list composed of undesir-

able characters, but to insist upon a property qualification is an insult to the great body of workers.

Hon. V. Hamersley: What nonsense!

Hon. E. H. GRAY: Very often the best of people have not a shilling in their pockets. According to Mr. Lovekin's ideas, Christ and his disciples would be disqualified. There are men and women who devote almost the whole of their time and money to helping others, and they would be disqualified. It makes me wroth to hear such a ridiculous argument that the possession of money makes a desirable citizen.

Hon. A. Lovekin: Who said that?

Hon. E. H. GRAY: I guarantee that better citizens are found amongst ordinary people than amongst the wealthy. Many of the wealthy are not fit to clean the boots of hosts of poor people.

Hon. A. Lovekin: Who used those arguments?

Hon. E. H. GRAY: That is the effect of the argument of every member opposing the clause. So long as there is a money qualification, it is an insult to thousands of decent citizens.

Hon. A. Lovekin: I never argued for the money qualification.

Hon. E. H. GRAY: Every member who has opposed the clause has done so on the ground that a certain amount of money goes to make a good citizen. I hope the clause will be retained.

Hon. J. M. MACFARLANE: Qualifications are necessary, so that when the police compile the jury list they will be able to find men of some permanency of residence. If the jury list included men without stake or standing in the country, it would be practically useless. I oppose the clause.

Hon. W. H. KITSON: I resent the imputation that because a man has not a certain amount of money, or has to move about the country in order to earn a living, he is not as competent to be a common juror as is a man possessed of wealth and property. It is fallacious to argue that the possession of money is a qualification.

Hon. A. Lovekin: That is not contended.

Hon. W. H. KITSON: It has been contended that we would get a bigger proportion of men of integrity amongst people possessed of property than amongst other classes. I challenge that statement.

Hon. E. H. Harris: Who said that?

Hon. W. H. KITSON: Dr. Saw said it.

Hon. A. J. H. Saw: I say it still.

Hon. W. H. KITSON: A member who makes that statement shows a very limited knowledge of the average worker. I would far sooner trust myself to the judgment of men from the working class than men drawn from the ranks of the wealthy.

Hon. J. M. Macfarlane: Surely such a man would have £50 worth of furniture.

Hon. W. H. KITSON: There are plenty of men who have not.

Hon. J. M. Macfarlane: Then they are too uncertain to be available for a jury list.

Hon. W. H. KITSON: If a man has to move to another part of the State in order to earn a living, is that to be a bar against his sitting on a jury? I hope the clause will be agreed to.

Progress reported.

House adjourned at 6.15 p.m.

Legislative Assembly,

Thursday, 23rd October, 1924.

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

QUESTION—RAILWAYS, SHORTAGE OF TRUCKS.

Mr. E. B. JOHNSTON (for Mr. Griffiths) asked the Minister for Railways: 1, Will he endeavour to have it made possible for settlers, sandalwood pullers, and others to get trucks supplied on the Merredin-Narrembeen line? 2, Is he aware that settlers cannot get trucks at present?

The MINISTER FOR RAILWAYS replied: 1, Line is now being inspected with a view to allowing Government trucks to be run over same. Report should be available in the course of a day or so. 2, Ample trucks will be available, provided line is certified safe for traffic.

PAPERS—OPENING OF PARLIAMENT.

The SPEAKER: I have here correspondence relating to the opening of Parliament.

The MINISTER FOR LANDS: I move—

That these papers be printed and be laid on the Table of the House.

Question put and passed.