

provisions. I have devoted about a week to it and I have not been able to master it. There are 13 statutes in this State dealing with property, and to some of them I can find no reference in this Bill. Part of a statute of Queen Anne is taken into account in the Bill, but the other part is left out. Having regard to the honour of this House—

Hon. J. Nicholson: Or responsibility.

Hon. A. LOVEKIN: Well, having regard to the responsibility of this House, I would not like the Bill to be sent to another place until it has been thoroughly considered.

The Minister for Education: That was never intended.

Hon. A. LOVEKIN: So long as we are given until next session, that will be satisfactory.

Progress reported.

ADJOURNMENT—ROYAL SHOW.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.8]: I move—

That the House at its rising adjourn till Tuesday, the 17th Oct.

Question put and passed.

House adjourned at 5.19 p.m.

Legislative Assembly,

Tuesday, 10th October, 1922.

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

SELECT COMMITTEE—THE PERPETUAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY (W.A.), LIMITED (PRIVATE) BILL.

Extension of Time.

On motion by Mr. Mann, the time for bringing up the select committee's report was extended to the 17th October.

BILL—LICENSING ACT AMENDMENT.

Recommittal.

On motion by the Premier, Bill recommitted for the purpose of further considering Clauses 29, 56, 58, 59, 60, 62, and 64, and a new schedule.

In Committee.

Mr. Stubbs in the Chair, the Premier in charge of the Bill.

Clause 29—Assessment of fees on returns of liquor purchased:

Capt. CARTER: I had a definite assurance from the Premier that Clause 20 would be recommitted.

The CHAIRMAN: It cannot be considered now.

Mr. CLYDESDALE: Cannot we deal with Clause 16, to which there is an amendment on the Notice Paper?

The CHAIRMAN: No. The Bill has been recommitted for the purpose of further considering certain clauses and a new schedule, and I cannot possibly allow any discussion of Clause 16 or Clause 20.

The PREMIER: I informed hon. members last week that certain amendments would have to be redrafted. In connection with Clause 29 the Committee desired to make the percentage on license fees, but we have actually made it on excise duties. Therefore it is necessary to strike out Subclause 2 and insert a new subclause. I move an amendment—

That Subclause 2 be struck out, with a view to the insertion of a new subclause.

Mr. Underwood: This amendment is not on the Notice Paper.

The CHAIRMAN: No.

The PREMIER: The present amendment merely corrects the drafting of the amendment which the Committee has passed. The subclause which I propose should be substituted reads as follows:—

(2) Every licensee being the holder of a spirit merchant's license shall, on the 20th day of June and the 31st day of December in each year, or within seven days thereafter, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some person acting with his authority and on his behalf, setting forth, with regard to the six months ended on the 30th day of June and the 31st day of December, respectively, the quantity of liquor of various kinds sold or supplied by the licensee during such period of six months to persons other than persons licensed to sell liquor or registered clubs or State hotels; and together with each such return the licensee shall, on the delivery thereof, pay to the Receiver of Revenue, as a moiety of the annual fee for the license (in addition to the minimum fee paid on the issue thereof), a sum equal to Five pounds per centum of the amount paid or payable by the licensee for the

liquor sold or supplied, excluding the duties of Customs or Excise thereon, whether purchased in Western Australia or elsewhere.

The new subclause makes it perfectly clear that the payment is by way of license fee, and not by way of excise. There will be an additional subclause to stand as Subclause 13, dealing with rebate and license fee. But that is another matter.

Mr. Corboy: Is the license fee at the beginning set off against that?

The PREMIER: It will be deducted.

Mr. McCALLUM: The amendment moved by the Premier makes the same mistake as the original subclause, which provides for the tax being ten per cent. of the amount paid or payable by the licensee. Those words are repeated in the amendment. It means the amount the licensee pays for the liquor, the cost price. It should be the price at which he sells. If the tax is to be on the amount paid by the spirit merchant, we shall be losing revenue and, moreover, placing the licensed victualler in an unfair position. It should be on the selling price.

Hon. P. Collier: On the amount received or receivable from the sale.

Mr. McCALLUM: It should be on the price which is received. "Paid or payable" puts it on a wrong basis. I suggest that the tax be collected on the basis of sales. We on this side must protect the Treasury.

Mr. UNDERWOOD: The principle we have already decided upon is that the tax shall be paid on the cost price, meaning the cost price to the licensee.

Mr. Corboy: The retail licensee.

Mr. UNDERWOOD: I will support the amendment that the tax be collected on the cost price, whether the liquor be bought from a merchant or imported. Many of the licensees import it. They pay tax on their cost price, which I think is correct.

Mr. MANN: When the Bill was originally in Committee I had an amendment on the lines suggested by the member for South Fremantle. Clause 3 provides that the brewer has to make a return of his sales. It is apparent that the tax should be collected on the sales; otherwise how are we to fix the purchase price? Is it to be the price in Scotland, less freight? If so, it does not say so. Is it to be the price in the country where the liquor is purchased?

The Minister for Agriculture: No, at the port of entry.

Mr. MANN: Well, it does not say so. The tax should be collected, as from the brewers, on the price to the retailer.

The CHAIRMAN: The amendment is merely to strike out Subclause 2.

Mr. PICKERING: But it might be that we desire to retain this subclause. How can we tell, until we know exactly what it is proposed to insert in its place?

The CHAIRMAN: The proposed new subclause has been read out to the Committee.

Mr. PICKERING: It is rather discourteous on the part of the Premier that

he has not troubled to place the amendment on the Notice Paper. It is very difficult for members to follow a long amendment like this without having it before them. Had the point taken by the member for South Fremantle not been raised by him, it might have escaped the attention of other hon. members.

The MINISTER FOR MINES: The amendment does not alter the previous position. Its object is merely to make it clear to the Federal authorities that they cannot interfere with the proposed license fee on the ground that it is an additional excise fee. That is the whole purpose of the amendment, which otherwise is on all fours with what has been agreed to already. If the spirit merchant sells liquor to other than another licensed person, the sale makes the spirit merchant a retailer to that extent. On all the spirit merchant's sales to licensed persons, a tax is paid by the purchasers of the liquor. All that we collect from the spirit merchant is a tax on what he has sold to other than licensed persons. The question arises whether it is right to allow the spirit merchant to sell retail to other than a licensed person and to pay a tax on the cost price, instead of on the selling price.

Hon. W. C. Angwin: If you make the spirit merchant pay on the selling price, you ought to make the other licensees pay in the same way on what they import.

The MINISTER FOR MINES: He pays on the value of the liquor when he sells it.

Mr. Corboy: Not if he sells it over the bar.

The MINISTER FOR MINES: If he sells it over the bar he pays on the price he charges over the bar. At all events, the amendment merely alters the purpose of the clause from excise duty to license fee.

The PREMIER: The member for South Fremantle wants the duty to be collected on the amount received by the licensee.

Mr. Munsie: For a spirit merchant's license, certainly.

The PREMIER: I have no objection to collecting a little more revenue. I think if we were to add the words "calculated on the amount received by such licensee from such sales," it would meet the point.

Hon. W. C. Angwin: You will have opposition to that.

The PREMIER: In effect the amendment has already been agreed to by the Committee. If we are to get from the spirit merchant revenue on the amount he receives from sales, the words I propose to add to the amendment will achieve that object.

Mr. McCallum: Will you not strike out "paid or payable by the licensee"?

The PREMIER: I do not know that it will be necessary.

Hon. W. C. ANGWIN: If the Premier amends the motion in the way he suggests he will put a general licensee in a better position than the spirit merchant. If the general licensee imports his own spirits he

pays on the price at which he purchases and not on the price at which he sells. If the spirit merchant has to pay on the price at which he sells he gets an advantage over the general licensee. I have been informed that there are licensees in this State who import their own spirits.

Mr. Underwood: Of course there are.

Hon. W. C. ANGWIN: Then we are relieving them of an amount which they should pay by way of tax and we are making the spirit merchants pay it. The general licensee will willingly pay tax on the price at which he pays for the spirit at the port of entry. Suppose I wanted two gallons of whisky.

The Minister for Mines: It would be a great stretch of the imagination.

Hon. W. C. ANGWIN: If the law were altered as the Premier suggests, the general licensee can sell me that whisky cheaper than can the spirit merchant, because the general licensee would only pay tax on the sale at the price at which he imported it, while the spirit merchant would have to pay on the price he charged me. Both should be on the same footing and should pay at the port of entry.

Mr. PICKERING: The object of the Treasurer is to get as much revenue as possible, and therefore no undue advantage should be given one trader over another.

Mr. MUNSIE: I trust the Premier will adhere to the amendment he suggested. It is no good saying, as some hon. members have done, that spirit merchants do not carry on a retail business. Many people go to spirit merchants and order a case of whisky or something else, and because they do that they should not get it cheaper than the man who buys it from the hotel a bottle at a time. We place the individual who is in a position to go to the spirit merchant and buy his spirits by the case in a better position than anyone else, because we are allowing him to buy on the cost price to the merchant who can therefore sell cheaper than the licensed victualler. The House has no right to give the spirit merchant an advantage over the publican. The Premier introduced the Bill as a means of reform as well as taxation. If it is intended to go in for reform—

Mr. Underwood: Go to the merchant and cut out the publican.

Mr. MUNSIE: No; cut out the sly grog selling. If the amendment goes through as it was originally proposed, we shall encourage sly grog selling, because the sly grog seller will be able to sell cheaper than the hotel keeper by reason of the fact that he makes his purchases from the merchant. This, too, will encourage the merchant to sell to the private consumer.

Hon. W. C. Angwin: Not if the licensed victualler imports his own spirits.

Mr. MUNSIE: How many of them do import their own liquor. Ninety per cent. of the quantity of liquor sold in a licensed house is purchased from merchants; not more

than 10 per cent. is imported direct. So that while we are putting an additional tax on that 90 per cent., we give the 10 per cent. an advantage.

The PREMIER: I agree to make the suggested amendment to the proposed new subclause and will move—

That the words "paid or payable" in the fifth last line, be struck out, and "received" be inserted in lieu.

Amendment passed.

Mr. UNDERWOOD: It is very difficult to follow such a long amendment without having a copy of it before us. We should adopt one system of taxation. It should be made to apply as evenly as possible so that taxpayers may not have any difficulty in finding out what they have to pay.

Mr. Munsie: There will be no difficulty about this.

Mr. UNDERWOOD: I can buy a case of whisky from a publican or a gallon license holder as cheaply as I can from a spirit merchant. We cannot have two licenses paying under different systems.

The Premier: That is not so.

Mr. UNDERWOOD: Most of the licensees will be paying on their costs, and others will be paying on their sales. We should have the one system.

The Minister for Mines: So far as it can be made equitable between all the persons who are to be taxed.

Mr. UNDERWOOD: That is what I want. The amendment specifies another system of taxation. The ordinary licensee pays on costs, and the spirit merchant is to pay on sales. The difference in the sale price is so small that it is not worth while making a difference between the license holders. I hope the Committee will not make this difference between one license and another.

The MINISTER FOR MINES: We may impose a tax on different persons and make it appear to be uniform, but it may at the same time be inequitable. Some licensees import their liquor direct, and the difference between the price they sell at and the price they purchase at represents their profit. For the purpose of their license fee, they are only charged on the landed value less the import duty. The spirit merchant is in the same position up to that point. If they are paying on the liquor purchased, each will pay on the same basis. The spirit merchant, however, must make some profit. He does this by selling wholesale to licensees who do not import their own spirit. If we tax a person on his landed cost for what he sells to other than a licensee, we are giving him an advantage. The licensee has to pay on the cost at which he purchases from the spirit merchant.

Hon. W. C. Angwin: What about the licensee who imports his own liquor?

The MINISTER FOR MINES: That licensee makes a profit on his retail price in opposition to the other license holder. If a spirit merchant sold to a person who was not

a licensee, he would be in unfair competition with the licensee if his fee were based only on the landed cost of the article.

Hon. W. C. Angwin: What about the licensee who imports and sells wholesale to other people?

The MINISTER FOR MINES: The man who purchases liquor from a spirit merchant must pay that merchant's landed costs plus his profit. The licensee who imports direct has the advantage of the other man. All these anomalies cannot be corrected. A man who can indent direct is always in a more favourable position than he who must purchase from an indent agent. In order to make the tax more equitable, it should not be imposed on the basis of the landed cost, but on the price obtained for the article when sold. This will make things more equitable between the two classes.

Hon. W. C. Angwin: Then you do not think the licensee who imports direct sells wholesale?

The MINISTER FOR MINES: If he sells wholesale to another, we do not collect twice. He is in the same position as the spirit merchant. The most equitable method of adjusting the matter is to provide that the basis on which the license holder shall be assessed shall be on the selling price to other licensees. That does not permit of any under-selling.

Mr. MONEY: I cannot see the necessity for varying the basis of taxation, in the way suggested by this amendment. It would be easier to have the one basis, the wholesale price at the port of entry or the place where the beer is brewed in Western Australia. Otherwise, a bigger staff would be required in the Taxation Department to go through the returns. The officers of the department now know the wholesale price of the various brands of whisky at the port of entry, and all they have to do is to look at the list and the table in order to arrive at the tax. It matters not whether the liquor is sold once, or twice, or three times; when the annual license fee is calculated, the price is brought down to the port of entry or the brewery. Differentiation in this matter would be wrong.

Mr. PICKERING: Most of us, when discussing this phase of the measure, were under the impression that the price was at the port of entry. Now it appears that the basis is the purchase price paid by the licensee. I suggested to the Crown Solicitor that the Bill should provide for the wholesale man rendering to the officer collecting revenue copies of invoices showing the amount sold to each retailer. That would be an effective check. The Crown Solicitor promised to submit that suggestion to the Premier; but I presume that he has not done so, or else that the Premier has not considered the suggestion worthy of adoption. As the taxation is not based on the question of cost, let us make the basis as nearly as possible equal all through.

The PREMIER: The suggestion was considered, and found to be impracticable. One can have a check at any time.

Mr. UNDERWOOD: Many people in the back country buy whisky by the case, or three or four cases at a time, buying possibly from Dalgety & Co., or Burns Philp & Co., or Bateman's. I refer particularly to the North-West squatters, who mostly keep cases of whisky on their stations. We are not entitled to put a special tax on them. We should stick to the one system of taxation, taxation on cost.

Mr. MARSHALL: The amendment takes no note of the promise made by the Premier in this Chamber as to freights. I want to remind him that the outback centres pay a heavier cost for the commodities retailed there than is paid by metropolitan retailers. The Premier suggested that that difficulty could be overcome by an amendment of the clause, making the basis more adjustable. However, he seems to have overlooked that matter. Does he propose to move a further amendment to protect the people outback in the matter of railway freights, handling charges, and so forth?

The PREMIER: The amount of the tax is now so small that it will not affect anybody. A tax of 10 per cent. might have affected people.

Mr. Marshall: But surely you do not propose to penalise outback residents under this Bill?

Mr. Underwood: Would you tax a licensee at Meekatharra on his cost?

The PREMIER: That licensee would have to pay five per cent. on cost, which would include rail freight. But if he bought from a wholesale merchant in Perth he would have to pay the rail freight just the same. The Meekatharra licensee who buys beer from the Swan Brewery pays the freight on that beer from Perth to Meekatharra. If he bought from an agent in Meekatharra, he would still have to pay the freight, and also the five per cent. tax on it. I do not see how we can provide for all these different cases.

Mr. Underwood: But that is victimising the outback man.

The PREMIER: The Bill victimises the trade, but the trade has to pay.

Mr. MARSHALL: I do not propose to let this matter drop with an explanation of that kind. I understood, when the point was raised by the member for South Fremantle, that the Premier practically guaranteed that he would find means of overcoming the difficulty. Now he says it cannot be overcome. If the tax were levied upon the actual cost in the metropolis, the difficulty would be overcome. The retailer who purchases from the Swan Brewery naturally pays the charges from the brewery to his hotel. Thus he will escape paying proportionately the same tax as the people hundreds of miles inland. Retailers at, say, Derby, have to pay shipping

freights; and under this clause the Government will require them to pay five per cent. tax on those shipping freights. The amendment should not be passed until the Premier agrees to make the necessary adjustment as promised.

Mr. McCALLUM: The Premier gave me an undertaking that this phase of the situation would be thoroughly examined.

The Premier: I have considered it, and I do not see how it can be done. There are hundreds of different freights in this country.

Mr. McCALLUM: But the Premier proposes to levy a tax on freights while letting the city man go free. The brewery delivers the beer in a city hotel free of any handling charges whatever. The brewery sells to the licensee on the goldfields or in the north free on rail or free on board at Fremantle. In the case of a licensee at Meekatharra the purchase price would include the whole of the railage, and in the case of a licensee at Peak Hill or Marvel Loch, it would include cartage charges as well.

The Premier: Are there no spirit merchants in those centres?

Mr. McCALLUM: Spirits are not manufactured at Marvel Loch or Youanmi; they have to be taken up there. The purchase price of the licensed victuallers I have in mind will be the price of the goods delivered at the hotel.

The Premier: The brewery in Perth would put the beer on rails for them.

Mr. McCALLUM: The Royal Commission had evidence that in Geraldton and Kalgoorlie there are brewery agents who have the agency for the whole district. The licensed victuallers do not know the brewery; they know only the agent. What the agent pays for the beer they do not know. All they know is what it costs them delivered on their premises. There are agent's profits and railway charges and handling costs added to the purchase price in Perth. On that price those licensed victuallers are to be taxed. The suggestion made to the Premier is that as regards beer the tax should be at the place of manufacture, and as regards spirits at the port of entry. Is there any difficulty about that? I talked the matter over with the Solicitor General, and understood from him that an amendment on those lines would be drafted. The tax should not be made greater the further a licensee is outback.

Hon. P. Collier: Every time railway rates are raised, the tax on liquor will be raised as well.

Mr. McCALLUM: Yes. I hope the Premier will agree to my suggestion. As regards the Murchison, for instance, if a licensed victualler wants to buy Swan beer there, he can get it only from an agent at Geraldton, who sells it at a price delivered at the hotel. No licensed victualler on the Murchison knows what the beer costs the Geraldton agent. The price delivered at the hotel includes freight and handling charges and so on, and also the Geraldton agent's profit. On that price the licensed victualler in the Mur-

chison district would be taxed under this clause. The same thing happens in Kalgoorlie where an agency is established. How is it possible for the tax to be levied on the price of beer as purchased from the Swan Brewery, when the hotelkeeper does not know what that price may be?

The Minister for Mines: The price would not include freight.

Mr. McCALLUM: The hotelkeeper will not know that, because the price will include freight. The agency will not allow the hotelkeeper to know what price is paid at the brewery for the beer. If there were a proviso setting out that the price shall be the price of manufacture, then the agent will have to disclose those details to the licensing court or to the receiver of revenue, but that would not be public property.

The Minister for Mines: That would not be equitable in every instance, because the brewery would allow its agents something for bringing about the sale of its product. So that the price to the agent would be less than the price to the licensee.

Mr. McCALLUM: Why should it not be the price free on rails or at the port? Some of these agents have exclusive agencies over different parts of the State, and the hotelkeeper cannot buy direct from the breweries but only through their agents. It would be simple to say that the tax shall be on the price of the manufactured article locally or, in the case of the imported article, at the port of entry. I hope the Premier will look into this matter further.

Mr. MARSHALL: I can inform the Committee as to what goes on in the Murchison district. In the first place, an agent is established in Geraldton. The retailers at Meekatharra have to get their supplies through a sub-agent established at that centre. The result is that they have to pay the charges of the two agencies. There is thus a double tax on everything that comes into Meekatharra. The people there have to buy from the sub-agent who in turn draws his supplies from the agent in Geraldton, who gets his supplies from the metropolis. On the occasion of a picnic at Meekatharra, the committee wrote to the Swan Brewery asking them to despatch an 18-gallon keg of beer. The brewery wrote back saying it was impossible to supply the beer as they had an agency established in the district, and they could not and would not fulfil the order. If the amendment be agreed to, the people in the outback districts will be penalised considerably in comparison with the residents of the metropolitan area.

The Minister for Mines: You are not dealing with the clause under discussion.

Mr. MARSHALL: The Premier makes a suggestion to overcome the difficulty, and he proposes to exempt customs and excise duties from taxation. I intend to move a further amendment to provide that all charges upon liquor, handling, commission, and so on, shall be exempt.

The Minister for Mines: This clause deals only with sales to other than licensees; you want to deal with sales to licensees.

Mr. Chesson: The Premier gave a definite promise to deal with that aspect.

Mr. MARSHALL: The procedure regarding this amendment is objectionable. The amendment has been typed out and has been passed from member to member. I doubt whether those members who have perused it comprehend what it means. If the Premier gets the amendment passed, I shall wish the whole Bill *bon voyage* in another place!

The PREMIER: I considered the matter and I did not see that the duty collected would be other than on the liquor. If the Swan Brewery will not help the customers by sending the debit for freight apart from the debit for the liquor, I will be surprised. What has happened regarding the cases referred to has been that the agent at Geraldton received orders for supplies through the Swan Brewery.

Mr. McCallum: I have tried to tell you that the hotelkeepers do not know what the price is.

The PREMIER: I do not know why they should not be told. Of course, if the liquor were kept by a spirit merchant in store at Meekatharra the freight would be taxed, but there is no spirit merchant at Meekatharra with a store. I do not know how provision could be made to deal with the question raised so that it would be workable all over the State. If I could see how we could deal with the matter without great difficulties arising, I would be prepared to do so, but I cannot see how it can be done. I am surprised to hear that over large areas someone has an exclusive license to sell.

Hon. P. Collier: They have exclusive agencies.

Hon. M. F. Troy: You know there are exclusive agencies for almost every line.

The PREMIER: I know the breweries have their exclusive travellers. In any case, the point raised is a difficult one and I do not see how it can be overcome.

Mr. MARSHALL: If the beer cost £1 and freight and handling charges cost 3s. 6d., the retailer will have to face a charge of £1 3s. 6d. for the beer, or, for the purpose of the Bill, must the retailer say that the liquor cost him £1?

The Premier: Not unless he buys it direct.

Mr. MARSHALL: Surely the Premier is not going to penalise people on account of the distance they live from the metropolis. That is the position that will arise. It is almost unthinkable that the Premier should advocate that. We decry centralisation and yet we penalise the man who is living outback.

Mr. CHESSEON: I hope the Premier will make some provision in the interests of the licensees outback. All those on the Murchison have to buy through one agent, paying the landed cost plus all extra handling charges. They have not any means of learning the net cost of the beer at the brewery. The same may be said of certain brands of spirits. When, previously, this question was

before the Committee the Premier gave an undertaking that the licensees outback would not have to pay on the gross cost. Nobody would object to paying on the landed cost at port of entry or the cost at the place of manufacture.

The MINISTER FOR MINES: The sub-clause under discussion has nothing to do with the point raised by the members for Murchison (Mr. Marshall) and for Cue (Mr. Chesson). They would have the licensee pay tax on only the actual cost of the liquor purchased. That is dealt with in Subclause 1. Subclause 2, an amendment to which we are discussing, deals only with the spirit merchant's license.

Mr. MANN: So impressed were the Royal Commission with the evidence put before them at Geraldton and at Kalgoorlie that they seriously considered recommending to the Government that the tax should be calculated on the quantity rather than the value of the liquor sold. A Geraldton merchant showed that when he sent liquor to districts north of Geraldton he invoiced it at cost landed at the hotel, including railway freight and his commission. He said the publicans up there knew no other system. He agreed that if the tax were based on the cost at port of entry or place of manufacture he could show such cost in his invoice.

The Minister for Mines: This does not dealt with that.

Mr. Mann: I admit it, but if the question be dropped now there will be no chance to raise it again.

Mr. Heron: A promise was made.

Mr. MANN: Yes, the Premier undertook to consult the Crown Solicitor with a view to making readjustments.

The Premier: No, I did not.

The Minister for Mines: You can do what you like to this amendment, and still you will not get what you want.

Mr. MANN: I am merely seeking from the Premier an undertaking that he will adjust this anomaly.

Mr. MARSHALL: We can secure what we are after in this amendment insofar as it deals with the spirit merchant's license.

The Minister for Mines: Under that license the tax is collectable on only the spirits sold to other than licensed persons.

Mr. MARSHALL: It does not matter whether the merchant is compelled to pay on the quantity purchased or on the quantity retailed; it is all booked up in the spirit merchant's account. Probably we shall secure a concession for only a small number, but I will do what I can for that small number.

The Premier: This will affect everybody in the State, outside of Fremantle.

Mr. MARSHALL: It is perfectly clear that Perth, Fremantle and the metropolitan area are provided for in this, as in all other legislation. The people outback have to carry the burden. I am inclined to move as an amendment on the amendment that the following be added:—"That all incidental expenses, such as handling charges, railway freights, etc., be exempt also."

The Minister for Mines: You will be putting the spirit merchants in a nice position as compared with the others!

Mr. MARSHALL: When, previously, the Bill was before the Committee, we had from the Premier a promise that this matter would be favourably considered. Now, however, the gag is put upon us and we are compelled to accept what the Premier has given us.

Hon. M. F. TROY: I suggest to the Premier that he report progress so that this point can be fixed up.

The Premier: How is it to be fixed up?

Mr. Marshall: I will soon show you.

The PREMIER: We have considered this very carefully, yet cannot see how it is to be made workable. Even if the people of Meekatharra were to buy their beer direct—

Mr. Chesson: They cannot.

The PREMIER: Suppose a truckload of beer were sent up to Meekatharra and sold in case lots; what freight should be deducted per case? The clause affects every town in the State except Fremantle and, perhaps, Perth, for it would be ridiculous to deduct anything for Perth.

Mr. Willcock: At all events it would place everybody on the same footing.

Mr. Chesson: "Port of entry and place of manufacture" is what we are asking for.

The PREMIER: If hon. members can show me how it is to be effected, I will recommit the clause on Thursday.

Hon. M. F. TROY: It is all very well for the Premier to suggest that licensees in the back country should purchase direct in bulk lots. He must know that they have to purchase through the local agent. The same thing obtains in respect of practically all commodities.

Hon. P. Collier: It is the way in all business.

Hon. M. F. TROY: If I try to purchase direct, the head office in Perth charges me the local agent's commission.

Mr. Willcock: Or, alternatively, they refer you to the local agent.

Hon. M. F. TROY: Licensees in the back country have to pay the local agent's commission. The point before us is capable of being fixed up, although it may be difficult. We should give the people outback a fair deal.

Mr. MONEY: There ought not to be any difficulty about it. If the amendment read, "Five per cent. on the wholesale cost of liquor at the port of entry or the place of manufacture" it would cover the whole position. The returns could be furnished on the value of the liquor purchased by the spirit merchants. Of course, "amount paid" includes cost of packing, railway freight and carting, which is not right. My suggestion points an easy way out of the difficulty.

Sitting suspended from 6.15 to 7.30 p.m.

The PREMIER: I shall have the matter considered again. I have no desire to impose tax on the freight paid on liquor sent to distant places such as Meekatharra and Wyndham. I understand for the first time to-night

that over a considerable area there is one agent through whom all liquor must be bought.

Mr. Marshall: He has a monopoly of it.

The PREMIER: We shall be able to meet that, and I will have the clause recommitted again to deal with the matter.

Hon. W. C. ANGWIN: I was surprised to hear the remarks of the member for Perth who was chairman of the Royal Commission. He pointed out that the Commission had no intention of making the fees chargeable on railrage. I would have expected the chairman to know what was contained in the report of the Commission. The report says—

The Commission recommend that the fees be levied on a percentage basis calculated on the net cost of liquor purchases (i.e., exclusive of excise and duty) on the basis in the case of beer, on the price f.o.b. or at place of manufacture, and in the case of wines and spirits, on the price at the place of disposal.

Where is the place of disposal?

Mr. Mann: At the wine and spirit merchant's warehouse.

Hon. W. C. ANGWIN: No; it is at the place where it is sold. After six months of inquiry—

Mr. Mann: You have discovered a mare's nest.

Hon. W. C. ANGWIN: The Commission could not find any way of overcoming the difficulty. The Government have adopted their recommendation to charge on wines and spirits at the place of disposal, and now the chairman complains that that was not intended. Surely the chairman should not oppose a recommendation of the Commission.

Mr. Mann: You are quite wrong.

Hon. W. C. ANGWIN: The place of disposal is the place of sale.

Mr. Mann: There are two places of sale.

Mr. MacCallum Smith: Is not the place of disposal where it is drunk?

Hon. W. C. ANGWIN: Perhaps so. The liquor might be sold at Meekatharra and the price there would be the price on which the fee would be calculated.

Amendment put and passed.

The PREMIER: I move an amendment—

That Subclause 3 be deleted.

The intention is to put into proper form the amendment of the member for Perth, and with that end in view, I intend to substitute new subclauses for Subclauses 3 and 13.

Mr. PICKERING: I protest against amendments being moved in this way. Although we have the assurance of the Premier as to the effect of the amendments, it is impossible to grasp their meaning without having them before us.

Hon. P. Collier: It is a case of taking a chance with them at this stage.

Mr. PICKERING: It is impossible to do anything else. If we find out later that the amendment is not what we are told it is, we may have to induce members in another place to make it what we want it to be. All such amendments should be placed on the Notice

Paper. I am unable to record an intelligent vote on this matter.

Amendment put and passed.

The PREMIER: I move—

That the following be inserted to stand as Subclause 3:—“Every licensee being the holder of a brewer's license shall on the 30th day of June and the 31st day of December in each year or within seven days thereafter, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some person acting with his authority and on his behalf, setting forth, with regard to the six months ended on the 30th day of June and the 31st day of December, respectively, the quantity of beer sold or supplied by the licensee during such period of six months to persons other than persons licensed to sell liquor or registered clubs or State hotels, and together with each such return the licensee shall on the delivery thereof pay to the Receiver of Revenue as a moiety of the annual fee for the license (in addition to the minimum fee paid on the issue thereof) a sum equal to £5 per centum of the amount paid or payable to the licensee for the beer so sold or supplied, excluding the duties thereon: For the purpose of this subsection a two-gallon license held by the brewer for the year ending the 31st December, 1922, shall be deemed a brewer's license.

Amendment put and passed.

The PREMIER: I move—

That subclause 13 be struck out and the following be inserted in lieu:—“In the application of this section to licenses held for the year ending the 31st day of December, 1922 (to which licenses subject as hereinafter provided this section shall apply) the returns to be furnished on the 31st day of December, 1922, or within seven days thereafter, shall not extend to liquor purchased or sold or supplied, as the case may be, prior to the 1st day of September, 1922; but in the case of returns under Subsection 1 of this section the proportionate part of the minimum annual license fee for which credit is to be given shall be one-third thereof.

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

Clause 56—The poll:

Mr. MacCallum SMITH: I move an amendment—

That a new paragraph immediately preceding the words “In the year one thousand, etc.,” be inserted as follows:—“For the purposes of this Part the State shall be divided into six divisions as defined in the Twenty-seventh Schedule.”

It was with great regret that a large number of electors found that the local option clauses of the Act had been dropped from the Bill.

Mr. Pickering: It is open for discussion.

Mr. MacCallum SMITH: The Committee have passed it. It is a great disappointment to many that this principle has been abandoned by the Government.

Hon. P. Collier: How have you ascertained their views?

Mr. MacCallum SMITH: They were shown by the voting at the last poll. At the last general elections almost every member pledged himself to allow the people to be the deciding factor in this case. The principle of local option has been dropped, and all that is left is prohibition. The whole State will have to vote as one electorate. Owing to the size and varying conditions of Western Australia, it will be impossible to get a satisfactory vote under that system. My proposal is a compromise between the system embodied in this Bill and the system of the present Act. I propose to subdivide the State into districts which will comprise so many of the electorates, selected and arranged so that the community of interests may be identical as far as possible. The North-West and the Kimberleys will be combined to make one division, and the Murchison, Cue, Magnet and Geraldton electorates will make another division, and so on.

Mr. Underwood: Suppose you went dry and we kept wet, what about the shipping?

Hon. P. Collier: It would not be a difficult matter to people the North then.

The Minister for Mines: Is this map the forerunner of the New States movement?

Mr. MacCallum SMITH: The voting would be far more satisfactory with a subdivision of this nature. At present the metropolitan area could combine with the South-West against the Murchison and the Kimberleys.

Hon. P. Collier: You outvote us now politically.

Mr. MacCallum SMITH: This is interfering with the liberties of the people. It would be very unfair for any one district or section of the State to foist its ideas as to liquor on any other district or section.

Mr. PICKERING: I trust hon. members will not agree to the amendment, because the resulting position would be ridiculous. If my electorate went dry, I could conveniently transfer myself to a wet electorate. If there is a dry vote, the whole State should go dry. It would be impossible to get a complete vote, wet or dry, in districts as suggested by the member for North Perth.

Mr. MacCallum Smith: What do you prefer?

Mr. PICKERING: I prefer the well-considered decision arrived at by this Chamber, that there should be a poll with a three-fifths majority, wet or dry.

Hon. W. C. ANGWIN: Those who made the divisions in the map of the member for North Perth did not scrutinise the areas closely. Just after the Royal Commission reported, Mr. Mather said that the Alliance entirely agreed with the principle of a

State-wide poll. Of course he disagreed with the system of voting, desiring a majority vote. This would be about the end of July. On the 11th September members received a circular from the Council of Action of the Alliance suggesting that Parliament should divide the State into six districts as now proposed by the member for North Perth. But would any hon. member agree that Midland Junction and Fremantle should be joined with Perth, while Armadale and Kelmscott were excluded?

Mr. MacCallum Smith: I said that the boundaries could be adjusted.

Hon. W. C. ANGWIN: The same thing might apply in other districts. It is evident that the matter has not been fully considered by the Council of Action, since they change their opinion in a few weeks. On the 2nd October the council issued another circular stating that it did not make much difference whether the voting was State-wide or by divisions. How in such circumstances can the Government bring in a Bill satisfactory to all parties?

The Minister for Mines: It is an evidence that the Alliance are willing to accept something.

Hon. W. C. ANGWIN: The Government have carried out the wishes of the Alliance, because these earlier circulars were issued before the Bill was drafted. I am not sure whether it would be advisable to have a State wide poll, but I am certain that cutting the State into six divisions would make the areas too small.

Mr. MacCallum Smith: How many divisions would you have?

Hon. W. C. ANGWIN: I shall not express an opinion for people outside the metropolitan area. In moving his amendment the hon. member gave no reason for believing that the people outside the metropolitan area agreed or that they disagreed with a State-wide poll. He did not give us any indication as to whether they desired the area to be limited so as to take a poll on their own account. We have had no indication in that direction and it has to be remembered that nearly every member of this Council of Action is a resident of the metropolitan area.

Mr. Underwood: You would not get any of that class to go outside of it either.

Mr. MacCallum Smith: Most of the members of this Chamber are residents of the metropolitan area, although many of them represent country constituencies.

Hon. W. C. ANGWIN: It is necessary for some to reside in the city during the Parliamentary session. Many of them, however, do reside in the country districts. The Premier goes to Northam every week end.

Hon. P. Collier: And roams about the country a good deal in addition.

Hon. W. C. ANGWIN: The Minister for Agriculture did not live in the city until he became a Minister. I hope members representing country constituencies will inform the Committee whether it is the desire of the people in those parts to take a vote on their own account.

Mr. MacCallum Smith: They object to being ruled from Perth.

Hon. W. C. ANGWIN: If the people desire separate divisions, they are justified in asking for them.

Mr. DAVIES: I join in raising a protest against the repeal of the local option clauses.

Hon. P. Collier: It is too late now.

Mr. DAVIES: While the House has agreed to a State-wide poll, we cannot overlook the fact that we discriminated on some points that have been dealt with. Regarding the bona fide traveller clause, we decided that there shall be no drinking within the metropolitan area on Sundays, but drinking can continue in the country districts. I do not know that we consulted either the country or the metropolitan area on that point.

Mr. Pickering: We did consult them.

Mr. DAVIES: Then as to the hours of trading, the hotels on the goldfields and at distant places can remain open till 11 p.m., whereas hotels in other parts of the State have to close at 9 p.m. That is an admission that the House cannot enact legislation that will cover the whole State.

The Minister for Mines: It can on a question of total prohibition.

Mr. DAVIES: I doubt whether we can have a State-wide poll in a sparsely populated State like Western Australia. Both sides may have regarded the result of the last local option poll as a failure; at the same time, that poll taught us a lesson in other directions. In reviewing the results recorded in division No. 1, Perth and Fremantle carried continuance by 2,200 votes, whereas Canning, Claremont, Leederville and Subiaco, also included in that division, carried reduction by 3,800 votes. Thus, in the combined division they would carry reduction. The anomaly created by the local option poll was in the congested areas. In Leederville-Subiaco, where there is one license to every 3,000 people, they carried reduction, whereas in places like Broome, Cue, and Day Dawn, where there is one license for every 50 people, they carried increase. However, these figures point to the justification for the division of the State into areas in preference to taking a State-wide poll. The strongest argument in support of that contention is to be found in the fact that we have already made provision in the Bill to differentiate between the country and metropolitan areas. If it is good in the case of bona fide travellers and the hours of trading, the principle should be good regarding the State-wide poll.

Hon. P. Collier: The same argument applies to 50 per cent. of all our legislation. Nearly all our Acts operate harshly in parts of the State.

Mr. DAVIES: In some parts, we can find areas where there are no hotels within a mile and they are very desirable residential localities. The people do not leave those localities to reside in districts where there are hotels. West Guildford, which is now known as Bassendean, has seven or eight churches but no hotels, and it is recognised as one of

the most progressive towns in the metropolitan area.

Mr. Willcock: That is because land is cheap there.

Mr. DAVIES: I would not be so foolish as to say it is because there are no hotels in the district, but the fact remains the people are not leaving the district on that account.

Mr. Underwood: They are not leaving Perth because there are hotels there.

Mr. DAVIES: Conditions in Western Australia are dissimilar and I think we should agree to the division. I admit that the first division could well be amended, and I would suggest that it be made to cover the area defined in connection with the bona fide traveller clause.

Hon. T. WALKER: To change from the old local option divisions to a State-wide poll is an excessive leap. The fact that there are different habits and conditions prevailing in different parts of the State cannot be ignored when legislating to meet special exigencies and requirements. It has been pointed out that in some places there is bound to be a vote for continuance, and that is where hotels are numerous and where conditions of life vary considerably from those obtaining in the metropolis. We have already recognised in our laws, and particularly in the administration of them, the difference between the goldfields and Perth. We allow certain latitude on the fields that would not be permitted in Perth regarding the liquor trade. There are different conditions prevailing in the Kimberleys. The agricultural population may be said to be a population in itself, and the metropolis has its own interests also. In the application of the principle of the right to vote wet or dry, it would be manifestly wrong, as a preliminary experiment at all events, to suddenly leap from the minute divisions under which the local option poll was taken, to one that will include all these different states and conditions throughout Western Australia. The amendment provides a wise compromise. I know it will be dreaded in some quarters because it will be imagined that if we have these divisions, there is a possibility of getting some of them to vote dry. But if we have a State-wide poll, there is a very remote chance of getting any part of Western Australia free from alcohol.

The Minister for Mines: That is a question of opinion and I think you are wrong. There are many people who would not vote on the question of wet or dry in a division.

Hon. T. WALKER: Let the divisions vote for themselves!

The Minister for Mines: They will not go to the poll.

Hon. T. WALKER: If we have divisions, all will be working for wet or dry.

Mr. Underwood: No, they will not.

Hon. T. WALKER: And if you get one to go dry it will become an example for the rest.

The Minister for Mines: It may be a bad example.

Hon. T. WALKER: They started with one State in America.

The Minister for Mines: Not a State like some of these divisions.

Hon. T. WALKER: They even started with municipalities.

Mr. MacCallum Smith: Some of the States are smaller than these divisions.

Hon. T. WALKER: That is so, and the experience of those States has been a guide to others. Step by step has the movement spread from the family to the nation. It has been, not an instantaneous process, but a process of education, training and experience. We cannot get that experience with a State-wide poll. There are portions of our State which will not go dry.

Mr. Chesson: Will they swamp the other portions?

Hon. T. WALKER: If they do not want to be dry, they will not be swamped by the other portions of the State. We recognise the same principle in our electoral divisions, where we consider community of interest, if not variations of climate. The Committee has decided that this question, when submitted to the people, shall be carried by a three-fifths majority. There is in that an enormous protection to the trade; and, in addition, it is now sought to further protect the trade by declaring a State-wide poll.

Hon. P. Collier: It is not necessarily a protection to the trade.

Hon. T. WALKER: It must be. We can effect a change in a small compass much more readily than we can in a State-wide compass. Let us have a trial in a small compass. Surely the amendment is a great advance on the 1911 Act! The whole State is to be divided into not more than six parts. It means covering a tremendous area before any division can be induced to go dry. I agree that there should be for the divisions around the metropolis a 20-mile compass. Let there be some chance for reform. No reform can be evolved from a State-wide poll.

The Minister for Mines: Why not select a part of the State and make it go dry, as an example?

Hon. P. Collier: As America did with her 100 million people. They did not vote "dry."

Hon. T. WALKER: I do not approve of compulsion. I believe in trusting the people. When a man is prepared to stand up against the liquor traffic, we can be sure he is true to the note sounded in the nation. He must be convinced that he is on the right track before he will go against such a colossal vested interest.

Mr. Willcock: Have not the temperance party some power?

Hon. T. WALKER: Yes, but infinitesimal in comparison with the influence of the trade.

Mr. Willcock: They are getting the numbers.

Hon. T. WALKER: Because intelligence is abroad and the people are awakening to the necessity for reform. In America the people have so clearly recognised the evil influence of the trade that they have compelled it to give way. If we are not to have the small divisions, let us have larger divisions,

but do not let us have the question decided in one great division embracing the whole State.

Mr. LAMBERT: If we are to have prohibition, it should be backed by the full force of public opinion. I scarcely think that members who have considered the question will support the amendment.

Mr. MacCallum Smith: Are you in favour of prohibition being forced upon your electorate by the metropolitan electorates?

Mr. LAMBERT: I am prepared to abide by any sanely arrived at decision of the electors. Until we can get such a decision, I am not prepared to be stampeded into accepting any other decision. I do not care whether those concerned are councils of action, councils of churches or alliances. I desire to see the liquor trade put on a proper footing. I am not concerned about losing political support or having political guns brought against me at election time. It would be a deplorable thing to split the State into sections as suggested. When this measure has had a fair trial and after the first vote is taken in 1925, we should have a decision of which we can take notice. A sectional decision would have no lasting effect.

Hon. T. Walker: It has in America.

Mr. LAMBERT: If the hon. member pleases he may applaud the degrading spectacle of having one State dry and another wet. If we are going to adopt divisions, let us start with Kanowna and go dry there.

Hon. T. Walker: It is going dry.

Mr. LAMBERT: From the great temperance citadel of Kanowna, let us radiate in all our temperance beneficence.

Hon. T. Walker: Let us radiate from this Chamber.

Mr. LAMBERT: Let the intelligence of this Chamber radiate by consulting the electors of the State, trusting to the composite body to arrive at a lasting decision applicable to the whole body.

Mr. SIMONS: It would be wrong to split the State into sections to record this vote. I have come to this decision from an actual study of the operation of prohibition in sectional parts of California. The advocates of prohibition are unwise in aiming at a policy which would mean attempting to dry up Western Australia in spots. The reform cannot be carried out in that way. It was never successful in the United States until it was applied to the whole of the States and eventually to the whole nation. Members should recollect the experience of New Zealand, another country which had dry spots, and couple with it experiences from the unchallengeable history of California and the other States of America where the abominable trade of boot-legging became one of the most serious forms of law breaking ever known. Members should be seized of the responsibility which would rest upon the Government if one section of the State went dry and another section remained wet. The constant illicit importation of drink which would go on would distract the Government almost as much as it did the Government of the United States. It is too

great a responsibility to put on the Government, and the experience would be so vexatious that there would be a reaction against prohibition. Every student must recognise that prohibition is one of the big issues confronting the present generation. Signs are not wanting that we must have a considerable reform of the trade or absolute prohibition. Prohibition cannot be put into effect unless the whole State is made dry. Western Australia is in a unique position to experiment as a dry State, because we have not any border line separating us from a large centre of population, as was the case in the United States. For the purposes of administration, we are as detached as if we were an island. Booze could be brought here only by one line of railway, which could be easily policed, or by sea where it could be easily intercepted.

Hon. T. Walker: You have forgotten aeroplanes.

Mr. SIMONS: The expense of boot-legging per aeroplane would be much different from the expense of boot-legging between Perth and Northam. Our very detachment makes this an ideal State for such an experiment. We should not make a law for one part of the State and another law for another part of the State. The border line would probably be a street. On the south side of the street an hotel would be closed, and another hotel on the north side could merrily conduct its business without interruption. The same would apply to breweries. The hotel property on the side which remained wet would increase in value from £2,000 to £15,000 or £20,000. We have insisted upon the three-fifths majority and we cannot remedy that defect by making another defect. It would be wrong to bring in legislation to make the State dry in spots.

Mr. MacCallum Smith: You make the week dry in spots by closing hotels on Sunday.

Mr. SIMONS: That is a sufficiently big reform to start with. Every speaker in favour of prohibition has overlooked that the United States and other countries which have gone dry only attained that end after 20 years of hard reformatory work.

Mr. MacCallum Smith: In spots.

Mr. SIMONS: Not at all.

Hon. T. Walker: Yes, in Kansas.

Mr. SIMONS: I know Kansas and I know that it went dry as an entire State.

Hon. T. Walker: But Kansas started.

Mr. MacCallum Smith: Some of these divisions are bigger than Kansas.

Mr. SIMONS: We have to consider the relative population. An elephant is a big animal, but it has not as much intelligence as a monkey. Every prohibitionist overlooks the fact that for 20 years preparation was made in the United States, not only to wipe out booze, but to provide a substitute. No similar effort has been made here. Well-meaning reformers have made no attempt to supply substitutes.

Mr. MacCallum Smith: What about spot lager?

Mr. SIMONS: I am not here to give spot lager a free advertisement. An integral part of a reform policy, taking a pattern from the countries which have made prohibition a success, is to provide substitutes for liquor. No such effort has so far been made here. If prohibition is to be brought about, let it be brought about by a majority of the people throughout the State.

Mr. HICKMOTT: I support the amendment. No sound argument has been advanced against the suggestion to divide the State into sections. There is no parallel between the United States and Western Australia. Our population is practically concentrated in one portion of the State. If one division went dry, it would be an example to the people in the other divisions. I favour the simple majority. In most cases where prohibition has been tried people have been so satisfied at the end of three years that they have not desired to return to the old order of things. I am going to vote for the amendment.

Capt. CARTER: We have had a series of directions from the temperance or reform section of the community. In July Mr. Mather, the leader of the Alliance, gave an interview to the Press in which he declared one set of opinions to be his ideals. The following month these opinions were contradicted, and in the month after there was a letter telling us that the matter was one on which there was no set information. I have just been perusing the evidence placed before the Royal Commission. Mr. Mather was asked if he wanted a State-wide vote for wet or dry, and he replied, "That is the object in every State but Victoria." He was then asked if he wanted a board appointed to deal with reductions and to control the trade, and he replied in the affirmative, with the Act amended in a certain way. We now find members being buttonholed in the corridors of this House asking us to vote one way or the other. There is one gentleman in particular who attempted to interview me to find out how I was going to vote on this amendment. I told him it was not a fair thing that members should be lobbied in the corridors as to the direction in which they intended to vote. I take strong exception to this kind of thing. I will not be bludgeoned by either side as to my vote. I can only take my directions from the acknowledged leader of the temperance reform party in Western Australia.

Mr. MUNSIE: I intend to vote against the amendment. If we are to get prohibition in Australia the only way is to have it in one State first. The amendment will mean lack of uniformity which will lead to one part of the State being wet and another dry. If that position occurs the entire police force will be unable to prevent people from passing through a dry district and obtaining drink in a wet one.

Amendment put and a division taken with the following results:

Ayes	..	..	..	10
Noes	..	..	..	28
Majority against				18

AYES.

Mr. Broun	Mr. H. K. Maley
Mr. Davies	Sir James Mitchell
Mr. George	Mr. J. M. Smith
Mr. Harrison	Mr. Walker
Mr. Hickmott	Mr. Clydesdale
	(Teller.)

NOES.

Mr. Angelo	Mr. McCallum
Mr. Angwin	Mr. Money
Mr. Carter	Mr. Munsie
Mr. Chesson	Mr. Pickering
Mr. Collier	Mr. Plesse
Mr. Corboy	Mr. Sampson
Mr. Durack	Mr. Simons
Mr. Gibson	Mr. J. H. Smith
Mr. Heron	Mr. J. Thomson
Mr. Johnston	Mr. Troy
Mr. Lambert	Mr. Underwood
Mr. C. C. Maley	Mr. Willcock
Mr. Mann	Mr. Wilson
Mr. Marshall	Mr. Mullany
	(Teller.)

PAIR.

Aye—Mr. Richardson. No—Lieut.-Colonel Denton.

Amendment thus negatived.

Clause put and passed.

Clauses 58, 59, 60, 62, 64—agreed to.

Bill reported with amendments.

BILL—ATTORNEY GENERAL (VACANCY IN OFFICE).

In Committee.

Consideration resumed from the 30th August; Mr. Stubbs in the Chair, the Premier in charge of the Bill.

Clause 5—Minister for Justice to represent Attorney General:

Clause put and passed.

Clause 6, Title—agreed to.

Bill reported with amendments.

BILL—MARRIED WOMEN'S PROTECTION.

Third Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [9.20]: I move—

That the Bill be now read a third time.

Question put and passed.

Hon. T. Walker: I have an amendment on the Notice Paper.

The Premier: I thought we had agreed that these two small Bills were all right.

Mr. SPEAKER: The Bill has now passed the third reading.

Mr. Corboy: I think the hon. member tried to attract your attention, Mr. Speaker.

Hon. T. Walker: I was here, and I was calling.

Mr. SPEAKER: I sat and waited, and then declared the third reading carried.

Hon. T. Walker: I shall have to introduce another Bill.

Bill read a third time, and transmitted to the Council.

BILL—CLOSER SETTLEMENT.

In Committee.

Consideration resumed from the 13th September; Mr. Stubbs in the Chair, the Premier in charge of the Bill.

Clause 3—Inquiries of boards:

The CHAIRMAN: The Leader of the Opposition has moved an amendment "That in line 3 after 'simple' the words 'or held under the Crown on conditional purchase lease or otherwise' be added."

The PREMIER: A conditional purchase lease represents the sale of land subject to certain conditions as to payment of money and making of improvements. I doubt whether we can set aside the provisions of C.P. leases as they exist to-day. I know it is argued that in this respect there can be no difference between freehold land and conditional purchase land, but I think there is a difference.

Hon. M. F. Troy: Do you think you are breaking the leaseholder's contract by resuming?

The PREMIER: Yes; because the man is told that he can hold the land subject to certain payments and certain improvements.

Hon. P. Collier: Surely we have no contract that is any more binding than the contract we give in the case of freehold.

The PREMIER: I know that is argued. It may seem illogical, but the conditional purchase lease remains a lease until the holder, by fulfilling the conditions, acquires the freehold.

Mr. Underwood: Have you any information as to the area of conditional purchase land held?

The PREMIER: It is about 15 million acres.

Mr. Underwood: According to Mr. McLarty, about 50 per cent. of the land adjacent to railways is conditional purchase.

The PREMIER: I think more, taking into consideration new districts. All the lines built during the last 12 or 14 years would serve conditional purchase lands. Certainly by far the larger proportion of the land adjacent to the railways in the eastern wheat belt is conditional purchase.

Mr. MUNSIE: I hope the amendment will be carried. This is not a Bill for the purpose of taking a man's land away from him. Only under certain conditions does the measure provide for that. A man with freehold land is, I consider, in a much more secure position than the holder of conditional purchase land. The freeholder need not reside on his land, as the conditional purchase holder must. However, if a man holding land, whether it be freehold or otherwise, is not utilising it, then the State should have power to take the land from him and give it to someone else who will utilise it. Apart from conditional purchase land, there are in this country many leases which will not come under this Bill, but ought to come under it. They are leases which cannot be touched because they are situated more than the specified distance from railways.

Mr. Underwood: What leases are you talking about?

Mr. MUNSIE: Those pastoral leases that could be cut up into smaller areas. If that were done, those holdings would carry twice the number of stock and three times the number of people, giving employment to three times the number of men possible now, and resulting in three times the prosperity for the districts concerned. There are pastoral leases to which the Bill can apply. Those are the leases within 25 miles of a railway. There are some such along the Murchison line. I suppose that, too, will be one of the bugbears. If a man has a lease and is not utilising it to the best advantage of himself and the State, he should be made aware of the fact.

The Minister for Agriculture: Cannot that be done under the Land Act?

Mr. MUNSIE: No.

The Minister for Agriculture: Of course it can.

Mr. MUNSIE: If that is so, why have the Government introduced the Bill? I admit it is possible to resume a pastoral lease if it is found that the land is suitable for agricultural purposes.

Mr. Troy: That is, in the South-Western division only.

Mr. MUNSIE: But that takes in land considerably to the north of Geraldton. There are pastoral leases that may not be suitable for agriculture, but which can be cut up into smaller holdings for pastoral purposes. Some people have leases which they are not utilising, and cannot utilise at the present time. The amendment should be accepted, to give the Government an opportunity to permit others to make a living on leases where the present holders not only are not making a living themselves, but refuse to give someone else an opportunity to do so.

[Mr. Angelo took the Chair.]

Mr. UNDERWOOD: I support the amendment. I see no difference between freehold and a conditional purchase lease. We are under no compliment whatever to the holders of conditional purchase leases, because those

leases are held under certain conditions. If the amendment be agreed to, the Bill will then apply to those persons who have bought or dummied conditional purchase leases. If there be such men, the Bill should apply to them. The leases referred to by the member for Hannans are outside the scope of the Bill. Pastoral leases can be resumed for any purpose, except to replace one pastoralist with another.

The Minister for Agriculture: We cannot resume pastoral land for the same purposes.

Mr. UNDERWOOD: It has been laid down, and it is a fairly good rule too, that we cannot take a lease away from one pastoralist and give it to another.

Mr. Munsie: But why not give the Government the right to cut up the pastoral leases I have referred to?

Mr. UNDERWOOD: I think another Bill would be required to do that.

Mr. Munsie: The amendment will get over the difficulty regarding land within 25 miles of a railway.

Mr. UNDERWOOD: I do not think it will meet the position.

Hon. W. C. ANGWIN: I hope the amendment will be carried. The evidence given by the principal officer dealing with the subdivision of land, shows conclusively that the amendment should be approved by the Committee. That evidence was given before the select committee appointed by another place to consider the Closer Settlement Bill last session. The first question asked by the Chairman of the committee was, "The committee would be glad to have your views regarding the measure." Mr. McLarty replied—

The Bill, so far as it goes, covers what it is intended to cover. It is intended purely for the resumption of freehold lands which are not being worked. The Bill is not a generally compulsory Bill inasmuch as it extends only to freehold lands which are not being worked to their full capacity. Personally, I fail to see any difference between compulsorily acquiring freehold lands and compulsorily acquiring conditional purchase lands. There is no difference in principle.

Later on he was asked the question, "There would be a large area of unutilised conditional purchase land along those railways?"

Mr. McLarty replied—

Yes, within a distance of 12 miles; more c.p. than alienated land. That is especially so along the new lines. South of Bridgetown, for instance, the holdings would be practically all leaseholds. There would be very few large estates in those districts. Most of the land is held in small areas of 1,000 or 2,000 acres, though even those areas are more than a man would require for intense culture in that country. I suppose there are a few estates a little to the south of Bridgetown.

Do you think it would be desirable for the Government to acquire such leasehold lands from the present lessees?—I certainly think the Government should have

power to acquire such land if it is wanted; that is to say, land within 12 miles of a railway and not being utilised. There would be no injustice at all as long as the interests of the owners were safeguarded. I fail to see why a man with a large area of leasehold land unutilised should not be subject to the same conditions as the freeholder.

That shows clearly that there are persons holding more land than they can properly utilise. As the position stands at present, land is subject to inspection only, the board submit a report to the Government as to whether the lands are utilised and cultivated to the best advantage. If such is being done, no action will be taken. The board would not recommend interference with any person who is cultivating his land to the best advantage. The board would deal only with the man not utilising his land in that way. Then again there is the question of the tax. This aspect was considered by the committee because Mr. McLarty was asked and replied to the questions as follows:—

For the sake of argument, take the case of a man holding 1,000 acres and cultivating only 200, the other 800 acres remaining uncultivated and unused. Would it be desirable for the Government to acquire the 800 acres?—I should say it would. The first thing to be decided is what is a reasonable area of arable land to allow a man in the South-West. I certainly do not think that any man who has the ambition and the means to be more than just a cocky knocking out a bare living, should be debarred from holding a larger area of land, so long as he is prepared to utilise it. In my opinion, it would be very unfair to restrict a man to 200 acres if he had the means and the ability to use more.

But if a man is sitting back on his 200 acres and is allowing 800 to remain idle?—Then I think he should be either made to pay the tax suggested in this Bill or else compelled to utilise the additional land.

If a man is not using his land to the best advantage, the tax can be applied. It is not a matter of confiscation at all, but of compensation to the man whose land is taken. The State will pay full value and the man has the right of appeal if he is dissatisfied. Harm will be done to no one, but the interests of the State will be conserved. Then Mr. McLarty was asked by Mr. Willmott the following question—

You are largely interested in land yourself?—Yes, I have interests in land.

Nevertheless, you say you think it advisable that the Government should have the power to compulsorily purchase all lands?—Yes. So far as I am concerned, I have no objection whatever to that.

The Minister for Agriculture: It was a very cursory examination and a cursory select committee.

Mr. Pickering: The examination was very limited.

Hon. P. Collier: The Council got the Bill only in the closing days of the session.

Hon. W. C. ANGWIN: This officer has had more to do with land settlement than any other in the Public Service. He has his heart and soul in his work.

Mr. Pickering: He has too much to do.

Hon. W. C. ANGWIN: He wishes to see our population increased, and desires to put all suitable land under cultivation. He was further asked—

In the far south, in the southern corner of the State, where the land is covered with dense red gum forests, and the cost of clearing is so high, would it not be advisable to have the power to resume conditional purchase land where a man holds more country than he would be able to use to advantage within the next 10 or 15 years?

Mr. Pickering: That was a leading question.

Hon. P. Collier: McLarty would not be influenced by a question.

Hon. W. C. ANGWIN: Mr. McLarty's answer was—

If a man is not using his land and cannot use it, I fail to see any injustice in compelling him to surrender the unused portion, so long as he is reasonably compensated.

Throughout the evidence tendered by him Mr. McLarty did not advocate taking away land from a person unless that person was compensated, and then only where the owner would not utilise it. Under such conditions no hardship would be done to the individual. I prefer to take the evidence of Mr. McLarty to that of any other individual.

Mr. Pickering: Yes, you would along those lines.

Hon. W. C. ANGWIN: If the committee had sat for 12 months, they could not have got better evidence than that tendered by Mr. McLarty. He knows the position from a personal as well as from a State point of view. He has viewed this position from the point of view of the State. We are entitled to weigh his opinions carefully and try to assist him in his work of developing the State. The member for Pilbara said that pastoral leases could not be dealt with under the Bill. Nobody is desirous of resuming any land which is being properly utilised. If a pastoralist is not utilising his land to the best advantage, the board will report to the Government. It is for the board to say whether the land is being properly worked, and so no injustice is likely to be done to anybody, for resumption will not be recommended without full inquiry.

Mr. Pickering: Did Mr. McLarty say whether the land was freehold or conditional purchase?

Hon. W. C. ANGWIN: No, but there is virtually no difference between the two. An implied contract is given in respect of freehold land. If the Bill goes through, that contract will be broken. In respect of conditional purchase land, regulations are laid down representing a contract and so, as I say, there is virtually no difference between the two. The State is suffering because of

the existence of large estates, and to provide land for the new arrivals it will be necessary to make available at least a portion of some of those estates. We are not going to be satisfied with 6,000 new settlers; we shall require far more than that number to develop the State. The Bill merely gives the Government power to resume on the advice of the board. It is not compulsory legislation. It will be of advantage to include all land in the Bill. There is in the North, close to the seaboard, no land which is available for settlement. If it is necessary to provide population for the protection of Australia against the Eastern peoples, that population must be settled in the North. The Bill will give the Government power, on the advice of the board, to render available plenty of land in the North.

Mr. PIESSE: I hope the Committee will not agree to the amendment. Conditional purchase land is sold on terms. Even if it were to be included in the Bill, the Government would not have power to resume it, because of the legal contract existing between the conditional purchase holder and the Crown. Under the conditions, a man may concentrate his improvements on some one portion of his lease. So long as the conditions are complied with, the Crown has no power of resumption, while if the conditions are not complied with, the proper thing to do is to forfeit the land and make it available for closer settlement. In pastoral leases also there is a contract.

Hon. W. C. Angwin: Is not a freehold a contract?

Mr. PIESSE: No; freehold is freehold.

Hon. W. C. Angwin: It is an agreement entered into by the State to hand over the land for all time.

Mr. PIESSE: But conditional purchase land is held under contract, and unless the contract be breached it is binding. I am not so anxious about the amendment, because I feel sure that even if carried it cannot be made workable. As the member for North-East Fremantle has said, there is abundant land available for settlement.

Hon. P. Collier: Then you ought to oppose the Bill.

Mr. PIESSE: The hon. member himself said the Bill would be of no use to the Government.

Hon. P. Collier: But not because I thought abundant land was available.

Mr. PIESSE: There is available more than sufficient land to settle the 6,000 newcomers.

Mr. Willcock: Yet the Government spent three millions of money in acquiring land for soldiers.

Mr. PIESSE: Because a condition was laid down that each soldier should have 600 acres of first-class land. It was a serious error.

Mr. Mann: That was for wheat-growing, not for dairying.

Mr. PIESSE: A number of valuable estates were offered to the Soldier Settle-

ment Board, and declined because they would not cut up into holdings which would provide 600 acres of first-class land for each soldier settler. For group settlement much smaller areas are sufficient. In many instances the soldier settlers have been over capitalised; they should have had smaller holdings.

Mr. DAVIES: Some of them are on holdings altogether too small.

Mr. PIESSE: As in the Swan district, where some are living on 10 or 15 acres, planted with grape vines, but without an acre on which to keep a cow or a horse. That, again, was unfortunate. The amendment, if put into operation, will work an injustice, because conditional purchase land is held on terms, and the contract is irrevocable while the conditions are observed.

Mr. WILCOCK: What about the contract in respect of fee simple land?

Mr. PIESSE: Fee simple carries the whole right to the land. This Bill is designed to take from the holder land which the board consider is not being properly utilised.

Mr. WILCOCK: Would not the same obtain with regard to conditional purchase or pastoral lease?

Mr. PIESSE: No, that is under a contract.

Mr. WILCOCK: Freehold involves a bigger contract.

Mr. PIESSE: There is no parallel between the two. Freehold involves absolute ownership. I hope the amendment will not be accepted.

Capt. CARTER: The member for Toodyay has attacked the policy of the measure rather than the amendment. I cannot see how it is possible for anyone to be victimised, or for any contract to be broken, if the amendment is agreed to. Some members argue that the decision will be left to the discretion of the board.

Hon. P. COLLIER: The same applies to freehold.

Capt. CARTER: Of course, but that is an attack on the policy of the Bill. If land is not being put to reasonable use the Crown have every right to resume it. I cannot see how any industrious man who is utilising his land will be victimised. If we intend to bring our lands into production, it is necessary to embrace all lands. I support the amendment.

Mr. PICKERING: I oppose the amendment. The subtlety of the reasoning of the members for North-East Fremantle and Leederville would lead one to believe that the Bill was intended to safeguard the interests of those engaged on conditional purchase land.

Hon. P. COLLIER: I can see the hand of your party in the drafting.

Mr. PICKERING: There is a big difference between freehold and conditional purchase land. One is alienated and the other is in process of alienation. Everyone who has taken up conditional purchase land has

done so with a full knowledge of the Act and the conditions.

Hon. W. C. ANGWIN: Did not the owner of freehold do likewise?

Mr. PICKERING: He is in an entirely different position. The conditional purchase land represents a contract in process. Everyone knows that during the last seven or eight years the conditions prevailing have been such that it has been almost impossible to fulfil the requirements. The cost of carrying out improvements has been almost prohibitive.

Mr. MacCallum Smith: And there has also been the difficulty of getting finance.

Mr. PICKERING: Although the owner might have desired to improve his land, he has been unable to do so. Yet we are asked to spring a mine on him by providing that his land shall be subject practically to forfeiture at any time.

Hon. W. C. ANGWIN: Would not the board take that into consideration?

Mr. PICKERING: I am not so ready to trust the board.

[Mr. Stubbs resumed the Chair.]

Capt. Carter: Why not?

Mr. PICKERING: Because a majority of the board will be Government officials. We endeavoured to increase the board from three to five in order that we might have more confidence in the board. The larger number would have been more representative of the interests to be assailed. I shall not agree to widening the powers of a board in which I have no confidence. The framers of the Bill never intended that the measure should embrace pastoral leases.

Mr. Munsie: Squeeze the little man all you can, but do not touch the big man.

Mr. PICKERING: There is any amount of land available to the Government if they desire to acquire it. Under the soldier settlement scheme, land was acquired cheaply. All the arguments regarding land for repatriation purposes have been directed, not against the purchasing, but against the cost of development.

Mr. Munzie: Some of the soldiers were charged up to £17 per acre.

Mr. PICKERING: I believe £7 was about the highest amount and it was cheap buying for that particular land.

Mr. Munsie: Why were the soldiers charged £17?

Mr. PICKERING: The best land in this State was purchased at £7 per acre and it was worth the money. I am opposed to the system of repurchasing set forth in the Bill. I am not satisfied with the proposed board and I am opposed to extending the powers of the board.

Hon. P. COLLIER: The amendment is a very simple one and I am not able to follow the logic of members on the cross benches who oppose it. The member for Sussex says that a very great injustice might be done to owners of conditional purchase land in that, because of the exceptional conditions which

have obtained during recent years, they have not been able to comply with the improvement provisions or to develop their land. If that is an argument against including leasehold land, it is equally an argument against providing for the repurchase of freehold. This Bill proposes to deal with land which is unutilised within 12 miles of a railway.

Mr. Pickering: No.

The Premier: That has been cut out.

Hon. P. COLLIER: Well, it proposes to deal with unutilised land. Many holders of freehold, because of the high cost of wire, fencing, and labour during the last seven or eight years, have not been able to effect the improvements intended and so would be subject to the provisions of the measure. If that is a hardship in the one case, it would be equally a hardship in the other. I know men who came from the North-West and purchased holdings of considerable area upon which very little improvement had been effected, although they had been held for 50 or 60 years. The war came and circumstances altered. Such land would be subject to the Bill. In such cases there would be hardship equally with the land holders indicated by the member for Sussex. I cannot appreciate the logic of members who argue about a contract. They have some sacred regard for a contract which appears to be binding to a degree that does not exist with regard to freehold. In one instance a man has purchased the land from the Crown and paid for it and it has become his possession. He is free to do as he likes with it. Yet members say we are justified in compulsorily resuming such land if it is not being developed. The man who is still in the purchasing stage, who has a contract with the Crown to purchase, has a contract no more binding than the man who handed over his money and received his title deeds. This was a contract completed, but the other was an incomplete contract. The hon. member, nevertheless, asked us to say the one is a more binding contract than the other.

Mr. Piesse: Undoubtedly it is.

Hon. P. COLLIER: The owner of freehold property regards it as more tangible than the owner of conditional purchase land regards his property.

Mr. Mann: Do you suggest a conditional purchase holding should be taken away from a man because he has not made it freehold?

Hon. P. COLLIER: I cannot understand the argument that there is something more binding upon the Crown in the case of conditional purchase land than in the case of freehold. To-day we are seeking to force into utilisation land adjacent to our railways. If such land is held in a state of unproductivity, it is only reasonable that someone else should be given an opportunity to render it productive. If a man is using his land in a reasonable way, we do not propose to touch it. Mr. McLarty says that more than 50 per cent. of land adjacent to our railways is unutilised conditional purchase land. Why, therefore, should we come down upon the owner of freehold and not upon the other

class of owner? If we are to assume that the board will do an injustice to owners, and will be supported by the Government, we have no right to pass the Bill. Where conditional purchase land is not being used to advantage, we should have power to deal with it.

Mr. ANGELO: The member for Hannans said "Hands off the big man." I would point out that it is not the big man that will be affected by this measure, but the small man. I refer to the small squatters who, for lack of means, have been unable to make the full use of their holdings except by degrees. A certain number of small holdings will, therefore, come within the scope of this Bill. I would also point out that there is already provision in the Land Act dealing with the utilisation of pastoral areas. Some years ago, when the leases were drawing to a close, it was a difficult matter to induce the banks to advance money upon pastoral property. That was the chief reason why Parliament increased the tenure by another 20 years.

Hon. P. Collier: Tell that to the way-backs.

Mr. ANGELO: If pastoral leases are included in this Bill and are made subject to resumption, the banks may be disinclined to advance money upon them, and a considerable amount of harm may be done to the industry. Already the banks have advanced from 10 to 12 million pounds to the industry, and even if they are prepared to continue to advance, it will be difficult to induce them to go any deeper into the industry. We know what harm similar legislation to this did in another State.

Mr. Munsie: It did a lot of good.

Mr. MANN: I fail to perceive any analogy between the freehold and the conditional purchase holder. In the case of the latter there is provision for forfeiture if he fails to comply with the conditions of his lease; but there is no power to interfere with the freeholder. A father and two sons, say, take up three conditional purchase blocks, and concentrate their work on one of them in the meantime. Under the Bill the board might forfeit the other two blocks. Conditional purchase holders are mostly poor men, or men of moderate means.

Mr. Lambert: Almost every farmer in this State to-day has too much land.

Mr. MANN: I cannot support the amendment.

Mr. PIESSE: I wish to say, in explanation, that I did not express any fear of injustice on the part of the board under the Bill. What I did say was that there is plenty of land available.

Hon. P. Collier: That is an argument against the whole clause.

Mr. PIESSE: We cannot by this amendment annul a contract.

Hon. P. Collier: Is not a freehold a contract? Your argument is childish.

Mr. PIESSE: A freehold is not a contract, but represents an absolute right. The amendment, if carried, would be *ultra vires*.

Hon. P. Collier: Then why worry about it, and waste time opposing it?

Mr. LAMBERT: It is presupposed that no matter what the conditions under which land is held, Parliament has the right to control the land of this State for all time.

Hon. P. Collier: Of course Mr. McLarty, when recommending that conditional purchase lands should be brought under this Bill, did not know what he was talking about.

Mr. LAMBERT: It is a dangerous thing for the Legislature to admit in any way that it has not the power to alter its land laws as changing conditions may render desirable. The member for Gascoyne spoke of the small pastoralists. I do not think he was here when the amendment relating to pastoral holdings was bludgeoned through Parliament.

Mr. Angelo: There would not be money advanced on pastoral properties but for that.

Mr. LAMBERT: I do not suppose the matter influenced the financial institutions of this State one iota.

Mr. Angelo: I know it did.

Mr. LAMBERT: Then probably that accounts for the bludgeoning through of the 1917 measure—a most disgraceful thing, bartering away 50 per cent. of the public estate. I hope there will be some effort to codify the land laws. The argument that there is a difference between freehold and conditional purchase leases is absurd. The amendment will bring land alongside the railways within the scope of the Bill.

Mr. MONEY: The question as to which is the better title, freehold or conditional purchase, is shown in the title. For freehold the title is endorsed on parchment.

Mr. Angelo: Not now, they are economising.

Mr. MONEY: In the case of a conditional purchase lease, the contract is set out on paper. Undoubtedly the freehold title is the better of the two. That is not the principle, however, of the Bill, which is to overcome difficulties in the administration of the State and to bring into utilisation large blocks of land adjoining railways which have never made any return for the capital expenditure involved in the construction of those lines. In the majority of cases, land that will be affected by the Bill is not that held for five or ten years, but for 25 or even 50 years, without those improvements that should have been effected having been carried out. The Land Act and the regulations framed under that measure provide all the improvements and the payments necessary in connection with conditional purchase leases. Having laid down those conditions for a certain period, the Government should not interfere within that period, unless the necessary improvements and payments have not been observed. It is those people who carry out the conditions, and having secured their title, sit down and do nothing more, that we desire to get at.

Hon. P. Collier: If a man has improved his property for 20 years, there should not be any more improvements to do.

Mr. MacCallum Smith: But the land might not be utilised.

Mr. MONEY: I know of certain instances where improvements made on conditional purchase land took the form of buildings and in due course the title was obtained. Nothing more was done, because it was the desire of the holder to retain the property for the values to be received later on. Such cases could be dealt with. In one case the buildings were removed to another property after the title had been issued. I do not think it would be wise to interfere with an arrangement under the conditional purchase lease system if a man strictly complied with the conditions laid down over a period of years, but if after three or four years nothing more is done with the land, although the title is good, it may become a question of whether the State can afford to allow such land alongside existing railways to remain idle for an indefinite period. That cannot be allowed. Some means must be devised to prevent such a thing going on for ever. We should not ask newcomers to settle 250 miles away when we have land within 50 miles which is equally good, but which has been lying idle for 25 years, having been held as freehold for the whole of that period. Many of these freeholds were granted under conditions not laid down under the present Land Act. In some cases they were given as a gift or in recognition of the holder having brought so much furniture or money into the State. In other cases, no conditions were laid down although the sum paid for the land was purely nominal. Those are the estates the Bill is aimed at.

Mr. HICKMOTT: I move—

That progress be reported.

Motion put and negatived.

Hon. W. C. ANGWIN: I was hoping for some information that would show us the difference between a contract given by means of title deeds and a contract given through a conditional purchase lease. Apparently the only difference is that the one is on parchment and the other on paper.

Mr. Money: No, No!

Hon. W. C. ANGWIN: That was the only difference shown us by the hon. member.

Hon. P. Collier: Give me the parchment one every time.

Hon. W. C. ANGWIN: By violating the parchment contract we are doing more injury than by violating that on paper, for the parchment contract is the more enduring. The hon. member pointed out that a conditional purchase leaseholder might be doing his utmost to carry out the conditions. The hon. member overlooked the fact that a number of people have taken up each several conditional purchase leases, and are permitted to fulfil the conditions on one holding while the others are left in their natural state.

The Premier: Only temporarily.

Hon. W. C. ANGWIN: Still it means undeveloped land. Many people have taken up

more land than they can utilise. If others are willing to use that land to the best advantage, it should be made available to them. If a man who has 2,000 acres is not in a financial position to work the 2,000 acres, it is in the best interests of the State that we should give the Government power to resume the unimproved area and hand it to somebody who will work it. When Mr. McLarty was asked whether he was apprehensive of any Government doing an injustice to any landholder, he said "No, so long as the measure gives the owner the usual protection in the way of an appeal to an arbitrator." The Bill gives that protection. It will not do any person an injury. It is devised for the benefit of the State. There is right of appeal.

Mr. Pickering: No.

Hon. W. C. ANGWIN: At all events there is right of arbitration.

Mr. Pickering: Only on the improvements.

Hon. W. C. ANGWIN: Compensation will be paid for improvements. There is no danger of any hardship being inflicted.

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

Ayes	..	..	..	16
Noes	..	..	..	13

Majority against .. 2

AYES.

Mr. Angwin	Mr. McCallum
Mr. Carter	Mr. Munsie
Mr. Chesson	Mr. Simons
Mr. Collier	Mr. Troy
Mr. Corboy	Mr. Underwood
Mr. Gibson	Mr. Willcock
Mr. Heron	Mr. Wilson
Mr. Lambert	Mr. Marshall

(Teller.)

NOES.

Mr. Angelo	Mr. Mann
Mr. Broun	Mr. Money
Mr. Denton	Sir James Mitchell
Mr. Durack	Mr. Pickering
Mr. George	Mr. Piesse
Mr. Hickmott	Mr. Sampson
Mr. Johnston	Mr. Scaddan
Mr. C. C. Maley	Mr. J. H. Smith
Mr. H. K. Maley	Mr. J. M. Smith

(Teller.)

PAIR.

Aye, Hon. T. Walker | No, Mr. Mullany
Amendment thus negatived.
Progress reported.

ADJOURNMENT—ROYAL SHOW.

The PREMIER (Hon. Sir James Mitchell—Northam) [11.2]: I move—

That the House at its rising adjourn till Thursday, the 12th October, at 4.30 p.m.
Question put and passed.

House adjourned at 11.3 p.m.

Legislative Assembly,

Thursday, 12th October, 1922.

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

QUESTION—ROAD MAKING, COMMONWEALTH ADVANCE.

Mr. CHESON (for Hon. M. F. Troy) asked the Minister for Works: 1, What amount has been advanced or loaned to the State by the Commonwealth Government for the purpose of road making or repairing? 2, What are the conditions attached to the grant or loan? 3, Does he propose to distribute this money on a fair basis of distribution to the road boards operating throughout the State, so that these boards may carry out urgent and necessary works?

The MINISTER FOR WORKS replied: 1, The Commonwealth Government are granting approximately £16,000 to be subsidised by the State Government to the extent of £16,000. 2, The conditions are that work is to be found for men, with preference to returned soldiers. 3, The question of distribution through Road Boards is not involved. The matter is one of carrying out necessary works.

QUESTION—PRIMARY PRODUCERS ASSOCIATION AND THE GOVERNMENT.

Mr. McCALLUM asked the Premier: 1, Does his answer to my question of 4th October, dealing with the relationship of the Government and the Primary Producers' Association, mean that he contradicts the following reported statement of the President (Mr. A. Monger), namely:—"The Country Party are to be fully consulted by the Government in regard to policy and legislation prior to Bills being introduced to the House"? 2, If he is not prepared to contradict this statement, will he explain to the House just what arrangements have been made between the Govern-