

the Federal Government, so that this car was no longer needed.

Vote put and passed.

This concluded the estimates of Revenue and Expenditure for the year.

Resolutions passed in Committee of Supply granting supplies not exceeding £4,905,893 were formally reported.

BILLS (2) RETURNED.

- 1, Agricultural Lands Purchase Amendment
- 2, Busselton-Margaret River Railway Deviation.

Without amendment.

House adjourned at 11.28 p.m.

Legislative Council,

Thursday, 11th January, 1923.

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BILL: Northampton Reserves, 2a.	2520
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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL—NORTHAMPTON RESERVES.

Read a third time, and passed.

BILL—KOJONUP AGRICULTURAL AND HORTICULTURAL SOCIETY'S LAND.

Second reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.36] in moving the second reading said: This is a Bill similar to several others which have been presented during recent sessions enabling local agricultural societies to substitute for an unsuitable piece of land a suitable piece of land. For some time past the Kojonup Agricultural and Horticultural Society has held the Crown grant of Kojonup lot 20, shown in green on the at-

tached plan, for the purpose of an agricultural hall site. They also held vesting orders under Section 42 of locations 19 and 21 for the purpose of a show ground. These blocks were considered too small for the purpose, and the society acquired other land from the Crown. Under the impression that they held the title for the three blocks, they sold them to the Kojonup hospital committee for £200. The hospital committee purchased the land for the purpose of erecting a hospital, but decided that they only required lot 19 for that purpose. They in turn sold lots 20 and 21 for £400, which money has been paid to the National Bank, Kojonup, in escrow. The Kojonup Lodge of Freemasons, who purchased lot 20, again sold same to Mrs. Margaret Norrish for £250, which amount is also held in escrow. The hospital committee have retained lot 19 on which they have let a contract for the building of a hospital. Since these transactions became known to the department the Crown grants of lots 19 and 21, with the approval of the Executive Council, have been issued to the Kojonup Agricultural and Horticultural Society, so they are now the proprietors in fee simple of lots 19, 20 and 21; and in order to validate all the foregoing transactions it will be necessary for a Bill to be passed by Parliament granting the trustees of the said society power to sell and transfer such land freed and discharged from any trust, and for that purpose the Bill is submitted. The Bill provides that the proceeds of the above sale shall be applied towards the improvement of the new site. This site has been approved by the members, vested in the society under Section 42 of the Land Act, and has been improved and is being utilised as a show ground. I move—

That the Bill be now read a second time.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.39]: This form of legislation is becoming somewhat monotonous. There seems to be a boom in these exchanges. Seeing that legislators are liberal in this regard, a general rush has set in. Only yesterday we had a similar measure in connection with a block of land at Northampton. To-day we are asked to repeat the dose for Kojonup. It is about time the attention of the Government was drawn to the fact that we are getting tired of this sort of legislation. It is about time a stop was put to this sort of legislation. However, I do not see that we can very well refuse to pass this Bill. We are likely to have every centre throughout the State taking advantage of altered conditions and using them to its particular advantage and perhaps to the disadvantage of other people.

The Minister for Education: What makes you say that?

Hon. J. DUFFELL: I am not au fait with the conditions as regards the blocks. However, these changes are following on, and appear likely to follow on. We may be benefiting one set of individuals to the detriment of others.

The Minister for Education: Every one of these things has been unanimously approved by the local communities.

Hon. J. DUFFELL: A community in the metropolitan area is sometimes unanimous; but, unfortunately, all sorts of questions are raised here. An instance in point is that of the blocks of land granted to some school girls for a tennis court. We should have all possible information when we are asked to pass such a Bill as this. I raise my protest against the continual bringing forward of these Bills. However, we cannot make fish of one and flesh of another, and therefore, subject to my protest, I must support this Bill.

Hon. E. ROSE (South-West) [4.42]: I am rather surprised at Mr. Duffell's remarks. The old settlers at Kojonup in the first place chose this land for an agricultural show ground. As the town of Kojonup extended, the site became unsuitable. In many agricultural centres there is an endeavour to concentrate agricultural societies, cricket clubs, and so forth on one ground, with a view to economy in administration. Parliament should assist towards that end. The local people know better than we can possibly know what is wanted. It is foolish to say that these Bills are becoming monotonous. I have much pleasure in supporting this measure, and I hope that any other agricultural society wishing to sell their ground and purchase another block will have no hesitation in coming forward with such a proposal, which is for the benefit of the locality.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [4.43]: I venture to think Mr. Duffell is entirely wrong in his interpretation of the feeling of members of this House. I think he is the only member who suggests that such Bills are an imposition on their patience. There is not a member of this Chamber except Mr. Duffell—and even he, if only he thinks the matter over—but is only too glad to benefit a community in any part of the State by legislation of this kind. When townsites are first laid out, mistakes are made. For instance, the size of the town is under-estimated. Reserves turn out to be inadequate. In such a case, if the Government have the land, they are only too glad to assist the locality by exchange, and then it becomes necessary to approach Parliament for authority to sell the land originally granted. This necessity arises out of the abundant caution of our system, which I consider excellent. When we grant a block to a public body for a certain purpose, neither the public body nor the Government can permit that land to be sold. Parliament must be approached for permission to sell. It is better that Parliament should occasionally spend a few minutes over such a Bill as this than that the safeguard should be removed. I venture to think that Mr. Duffell, on reflection, will agree with me that if a local body comes forward once a week with a proposal of this kind, we should put the Bill through. I am sure Parliament will rather do that than

adopt either of the alternatives, namely, that the community should go without the facility that is required, or that it should be competent for the local body or the Government to agree to the sale of such lands without Parliamentary authority. Mr. Duffell ought to be only too glad to think that the people of Kojonup have been able to get a thoroughly good block for their agricultural society without any expense to anybody else, and to the benefit of the local community.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—JARNADUP-DENMARK RAILWAY.

Recommittal.

Resumed from the previous day. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

The CHAIRMAN: Progress was reported after the striking out from Clause 2 of the words "to Denmark." Mr. Holmes, who moved the amendment, had also moved the insertion of the words "in a south-easterly direction to a point on the Gardiner River about 30 miles from Pemberton."

The MINISTER FOR EDUCATION: I moved to report progress in view of the fact that a number of members who voted for the striking out of the words "to Jarnadup" had expressed willingness to support an amendment which would allow of a portion of the line being started from the Denmark end. I have discussed this with the Engineer-in-Chief and with the mover of the amendment, and I now suggest that the words proposed by Mr. Holmes to be inserted, be inserted; that the Bill be then reported, when I will move that it be recommitted. If that be agreed to I will place before hon. members the amendments which I propose to submit. Since a number of hon. members wish to get away, we could then report progress until Tuesday next.

Hon. J. J. HOLMES: That suggestion meets with my approval. In fact it is somewhat on the lines proposed by me yesterday when I said that if it could be shown that it was desirable to begin the line from both ends, I would have no objection to it. I thank the Minister for the opportunity which he proposes to give us to consider his amendments.

Hon. J. DUFFELL: I also express appreciation of the opportunity afforded us by the Minister to consider the amendments indicated by him. He has adopted the proper course. Still it was strange that he should have reported progress when he did last night.

The course now decided upon should have been adopted yesterday.

The MINISTER FOR EDUCATION: In moving to report progress last night I was animated by no motive except that I did not think any single member had any idea where the natural stopping-places along the route would be. My object in moving progress was that the Committee having decided that the railway should be built in sections, we should accurately describe the sections according to the natural stopping-places.

Hon. J. DUFFELL: My reasons for voting as I did were that it appeared to me very few of us knew exactly where the 30 miles would bring us. Consequently I thought it would be wise to hold the Bill up till next session, since nothing can be done in the meantime. Next session we shall have a far more accurate knowledge of the progress and requirements of the district now being settled, and will be able to formulate a sufficiently big proposition to put before the people in London. That is why I voted for the 30 miles.

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

Bill reported with amendments.

Further Recommittal.

On motion by Minister for Education Bill recommitted for the further consideration of Clauses 2 and 3 and the Schedule.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 2—Authority to construct:

The MINISTER FOR EDUCATION: I propose to Strike out Clause 2 and substitute the following:—

It shall be lawful to construct and maintain the sections described in paragraphs (a) and (b) of the schedule to this Act of a proposed railway from Jarnadup to Denmark, with all necessary proper and usual works and conveniences in connection therewith along the lines described in the said schedule.

Then it will be necessary to amend Clause 3 by striking out the words "for the length of about 114½ miles between Pemberton and Denmark." Then the schedule will have to be amended to read as follows:—

Description of sections of railways. (a) Commencing at a point in the Jarnadup station yard on the Bridgetown-Jarnadup railway, and proceeding thence along the route of the Jarnadup-Pemberton sawmill siding to Pemberton, about 16½ miles; thence in a generally south-easterly direction for about 28 miles; as more particularly delineated and coloured red on a map marked "P.W.D., W.A. 22173" deposited pursuant to 2 Edward VII. No. 47, Sec. 96. Total length about 44½ miles. (b) Commencing at a point in the Denmark station yard on the Albany-Denmark railway, and proceeding in a generally westerly direction for a distance of approximately 35

miles; as more particularly delineated and coloured red on the said map, marked "P.W.D., W.A., 22173," deposited pursuant to 2 Edward VII., Sec. 96. Total length about 35 miles.

Also the title will require to be amended by inserting after the words "construction of" the words "sections of."

Progress reported.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

Debate resumed from 9th instant.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.58]: I can only repeat the remarks I have made on previous occasions when this Bill has been before us. The original Bill was of a temporary nature and it is necessary that we should have this continuance Bill each session. On Tuesday evening I was very pleased to hear Mr. Kirwan forecast an amendment which he intends to move in Committee. I think it will have a beneficial effect. It will show the people who are relying upon the I.A.B. that they cannot expect this assistance to continue for all time. It will be admitted that the facilities granted by Western Australia to new arrivals are the most liberal in the Commonwealth. I have yet to learn that any country in the world can approach Western Australia for liberality in this direction. If we were in a position to do so, I should like to continue this sort of thing, but the Premier does not know where to look for money. We have a huge deficit, increasing every year and the expenditure continuing to mount up. There must be a stop sooner or later. Unless we do something in the way of practical economy, we shall reach such a serious position that it will be difficult to get out of it. Something will have to be done in the way of retrenchment and economy. The I.A.B. is one of those institutions which must come up for early consideration in this respect. We have a sister institution in the Agricultural Bank under magnificent management. I regret that owing to stress of work, the managing trustee has recently broken down in health. Why should we continue this liberal assistance to settlers when we have not the money for the purpose unless we borrow it? I am heartily in accord with Mr. Kirwan's suggestion to limit the operations of this Bill to a certain date. This will give the settlers time to realise that this assistance cannot go on, and that they cannot for ever rely upon the generosity of the State. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of principal Act:

Hon. J. W. KIRWAN: I move an amendment—

That after the figures "1924" the words "and no longer" be inserted.

The words "and no longer" are readily understood in most Bills, but a question may be raised in connection with this amendment. These words would have special significance in this Bill because it has been continued from year to year for seven years. The amendment would be taken as an intimation to the Government that the Council is of opinion that a Bill of this character should not again be brought before us. I do not wish to imply that the work carried on by the board should cease altogether. A select committee appointed by another place referred to the need for this board being taken over by the Agricultural Bank. The time has arrived for the Government to say whether this I.A.B. is to be a permanent institution or should be terminated. In my opinion the board should be wound up within the next 13 or 14 months. The more one peruses the report of the select committee and the reports of the I.A.B., the more satisfied one becomes of the necessity for terminating the existence of the institution. If in future, circumstances again arise calling for the meting out of such assistance to settlers, advances can be guaranteed by the Agricultural Bank and made on business lines. The I.A.B. was not formed originally along the same business lines as the Agricultural Bank. It has existed for seven years and the time has now arrived for winding it up. If the bank were to take over the affairs of the board, it would lead to economies in the matter of staff, let alone in other directions. It is in the interests of economy, efficiency, and the good business management of the assistance that may be rendered to the agricultural industry that I move this amendment.

The MINISTER FOR EDUCATION: I intimated on the second reading that the Government were considering the report of the select committee, which recommended that the operations of the board should be finalised. I am not in a position now to say what decision the Government have arrived at, but I would not have the slightest objection to the amendment if it could be made. The section of the Act this clause proposes to amend says that no commodity shall be supplied or moneys advanced under the principal Act or its amendments after the 31st day of March, 1924. Mr. Kirwan will admit that his amendment could hardly be embodied in a section of that description.

Hon. J. W. KIRWAN: I confess that I did not read the original Act when I suggested the amendment. I admit the force of the point raised by the Leader of the House. At the same time although the words "no longer" are not exactly applicable there are

words which might be inserted to express what is desired. I do not know whether the words "at any later date" might be inserted. At any rate we might report progress and before the resumption of the Committee stage we may arrive at a solution of the difficulty.

Progress reported.

BILL—FEDERAL REFERENDUM.

Second Reading.

Debate resumed from 9th January.

Hon. F. A. BAGLIN (West) [5.20]: It is my intention to move an amendment. The motion before the House is "That the Bill be now read a second time." My amendment is—

That all the words after "That" be struck out and the following inserted in lieu:—"In order to ensure the financial stability of the States the Government be requested to negotiate with the Governments of the other States with a view to holding a convention to consider the existing relationship between the Federation and the States and the need, if found to be necessary, of securing an amendment to Section 51 of the Commonwealth Constitution."

Whilst I am not opposed to a referendum or the people being taken, as suggested by the Bill, I consider if we are to have Federation, it should be true to its name. It would not be possible for one State to stand by itself. The better course to follow would be to induce the Western Australian Government to endeavour to arrange for a convention of the States so that the whole matter might be thrashed out. We are all aware that Western Australia has suffered possibly more than the other States and that the people are calling for some relief. At the same time I do not consider that a referendum of the people, even if it resulted in favour of secession, would get us very far. A convention as I have suggested, might be arranged and then the matter of amending Section 51 of the Constitution might be referred to the people. The recent Federal elections prove that the people have not been too satisfied with the representation in the Federal Parliament, hence the change. We hope that the new representatives will see that Western Australia gets more justice than it is has received in the past. Out of eight representatives from this State only two have been sent back and of those one was returned unopposed. That is sufficient proof that the people of Western Australia are not satisfied. I trust the amendment will be carried because I feel that the better course to adopt will be that of summoning a convention and allowing the convention to determine the advisableness of referring to the people Section 51 of the Constitution.

On motion by Hon. J. W. Kirwan debate adjourned.

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

The **MINISTER FOR EDUCATION** (Hon. H. P. Colebatch—East) [5.23]: I am sorry that I find it necessary to oppose this Bill. I think we are going a step too far. Hon. members who have been in this House for any length of time will remember the frequent struggles we used to have in order to preserve what we conceived, I believe rightly, to be the privilege of this Chamber. A number of Bills were presented from time to time giving power to the Government to frame regulations and in nearly every case provision was made that those regulations could be disallowed only by a vote of both Houses of Parliament. This House took up the attitude that as it had taken both Houses to pass a law, so both Houses of Parliament should be agreed as to the justice of the regulations framed, and therefore that one House should be sufficient to disallow those regulations, because if one House disagreed with them it meant that the two Houses were not in accord with the regulations. The contention of the other side was that we had to get both Houses to disagree before regulations could be disallowed. That really meant legislation by one House of Parliament. I am afraid there has been a tendency in this House recently not merely to disallow regulations, but to put up others which really meant legislation by one House of Parliament, just the thing from which we have endeavoured to get away. When the Interpretation Act was passed it was a great triumph for the views set out by this House that not only did it make provision that regulations should be subject to disallowance by one Chamber, but it also provided that notwithstanding anything that might be contained in any existing Act—even though the Act specified that regulations must be disallowed by both Houses—disallowance by one House was enough to cancel the regulation. Having obtained that we have got all we are entitled to.

Hon. A. Lovekin: It is a farce.

The **MINISTER FOR EDUCATION**: It would have been quite competent for me to retain my seat and to have allowed the Bill to go through as printed, and then pointed out that the Bill was an absolute farce, and that it would not accomplish what the mover of it intended.

Hon. A. Lovekin: I would like you to do so.

The **MINISTER FOR EDUCATION**: I will do so, because it is not my habit to allow anyone to be misled even if it is against myself. It is a farce because the section of the Interpretation Act regarding regulations is Section 36 and the hon. member is not proposing to amend Section 36. What he proposes to do is to add a proviso to Subclause 4 and that relates only to regulations made by persons other than

the Governor. If the Bill passes as it is, any regulation made by the Governor will have exactly the same force as at present and will not have to await Parliamentary sanction or the prescribed 14 days. The only regulations which will be subject to the hon. member's Bill will be those under paragraph 4 of Section 36 which states—

When by any Act it is provided that regulations may or shall be made by any authority other than the Governor. That is to say the restrictions the hon. member proposes will in reality only apply to regulations made by local governing bodies.

Hon. A. Lovekin: The proviso will apply to the whole section.

The **MINISTER FOR EDUCATION**: Nothing of the kind. The Bill as it is is not worth the paper it is printed on. If the hon. member is satisfied with his Bill as it stands I will not oppose it.

Hon. J. W. KIRWAN (South) [5.28]: I intend to support the second reading of the Bill, although I think the mover should be grateful to the Leader of the House for pointing out to what extent it does not achieve the purpose he has in view. There is no doubt the Minister is perfectly right in what he states, but I think with a simple amendment which may be effected in Committee, the mover of the Bill can attain his object. I consider that the Government have to a great extent brought this Bill on themselves. They have been rather abusing the Interpretation Act in the matter of regulations which have been passed. Mr. Lynn spoke in opposition to the Bill the other evening and he said that if it were carried it might embarrass the Government, inasmuch as it would interfere with the collection of revenue. The case made out might appear to one who had given the matter only superficial consideration sufficient argument against the Bill, but when the measure is studied it is seen to be quite different. It will merely delay the collection of revenue. The proviso states—

Provided also that no regulation which imposes fees or charges shall have any force of law unless it has lain upon the Table of both Houses of Parliament during 14 sitting days without disallowance by either House.

In view of what has been happening of late, we ought to pass the Bill with certain amendments. It is undoubtedly necessary, as the example set by the present Government is one which might be followed with injurious results by future Governments. Not only in this respect but in other directions, the Government have set a deplorable example by ignoring the authority of Parliament. Instance after instance might be quoted. It will be very hard in future to answer arguments when precedents of this nature have been established by a Government who came into office specially to restore the authority

of Parliament. Whatever can be done in order to limit the powers of the Government, who would go to the extent the present Government have gone in the way of collecting revenue and making various impositions upon the community by means of regulations, ought to be done. This Bill provides some check upon that practice. I hope the Bill will pass the second reading, and that the hon. member will bring forward amendments in Committee to overcome the object raised by the Leader of the House.

Hon. A. LOVEKIN (Metropolitan—in reply) [5.33]: I am thankful to the Leader of the House for pointing out what he considers to be a flaw which would leave the measure without effect. No doubt the Bill can be made even more clear, as Mr. Nicholson suggested the other day, if we also insert in paragraph (c) of Subclause 4 the words "subject to Subsections 2 and 4." This would make perfectly clear what is intended. On the merits I think the amendment is a good one. Something ought to be done to prevent the statute from becoming an absolute farce and travesty.

The Minister for Education: It is not much of a farce when under it you knocked out £4,500 of revenue last night.

Hon. A. LOVEKIN: It remains to be seen whether we have done that. Instead of a loss our action last night will probably result in a profit. It is all very well to try to run business on departmental lines. We want it run on business lines, and if this were done, instead of the department having a loss, it would make a handsome profit, the same as other departments are doing.

Hon. G. W. Miles: What departments are making a profit?

Hon. A. LOVEKIN: The Electricity Department for one, but the hon. member will be getting me ruled out of order if I pursue that subject. The Interpretation Act has become an absolute farce. We apparently have power to disallow regulations. The reason why one House has power to disallow regulations is that both Houses must agree to them before they become law. If the regulations came before us in the shape of a Bill, both Houses would have to agree to them. Therefore, regulations as framed by the Government must receive the approval of both Houses. In other words, either House is entitled to disallow them. But the way in which the Act has been interpreted by the departments has given entirely different results. Regulations may be framed imposing a tax of £5, £50, or £500 upon a boiler, or anything else. Under Section 36 that regulation would be absolutely good and valid, and could be enforced until it was disallowed. If the House disallowed it, the very same regulation could be put up again the next day and published in the "Gazette," and it would immediately have the force of law. The charges stipulated in the regulations could be levied at once. We have had experience of this and our experience is the

justification for the Bill. A new regulation of the same import might be gazetted and kept for 13 days after the House is sitting, and on the fourteenth day it might be put up to the House. It takes a day or two to bring it before the House, and then it would largely depend on the goodwill or otherwise of the Minister whether he would allow it to proceed, or keep it at the bottom of the Notice Paper.

The Minister for Education: It would be raised on the Notice Paper whenever the hon. member desired it.

Hon. A. LOVEKIN: I am making no reflections on the Minister. No one could facilitate or help us more than the Minister does. I am merely speaking of what is possible. It is possible for the department to put up a regulation on the fourteenth day and it is at the good will, or otherwise, of the Minister whether immediate facilities are granted to discuss it. We may not always have the same kind and genial Minister that we have at present, and during all the time the people would be levied upon under the regulation. The regulation might be disallowed again, and a day or two later it could be put up once more in the same manner. The department have only to keep this farce going, as was done with the machinery regulations in the hope that Parliament was going to prorogue on the 7th December. On the 7th December there could have been brought down a new regulation which, under the section, would have had the full force and effect of law until Parliament met again. We have evidence that this is the interpretation the department put upon the section. If we allow this to continue, the departments can flout Parliament by adopting the attitude that it does not matter if we do disallow regulations, or offer suggestions as to what we wish to be charged, the departments will have their own way, putting up the regulations as they think fit and continuing to put them up. I do not mind ordinary regulations, but where we give power to tax under regulations, we cannot allow Parliament to be flouted, and we cannot allow a section of the Act to be reduced to a farce, as has been done in this case. Therefore I hope the House will pass the second reading. If there are any imperfections in the Bill, we can provide a remedy between this and Tuesday next. In any case we ought to vindicate the authority of Parliament with regard to taxation.

Question put and passed.

Bill read a second time.

House adjourned at 5.42 p.m.