

# Legislative Council,

Wednesday, 17th November, 1915.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

## PETITIONS (4)—SALE OF LIQUOR REGULATION BILL.

Hon. A. G. JENKINS presented petitions from the West Australian United Licensed Victuallers' Association and the Metropolitan Licensed Victuallers' Industrial Union of Employers, from the Western Australian Brewers' Association, from the Wholesale Wine and Spirit Merchants' Association, and from the Western Australian Liquor Trades Industrial Union of Workers, praying to be heard at the bar of the House in opposition to the Sale of Liquor Regulation Bill.

Petitions received and read.

Hon. A. G. JENKINS: I move—

*That the petitions be taken into consideration upon resumption of the Order of the Day for the adjourned debate on the second reading.*

Question passed.

## BILL — METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT.

Introduced by Hon. W. KINGSMILL and read a first time.

## BILL—ROAD CLOSURE.

*In Committee.*

Resumed from the 3rd November; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill. Schedule:

The CHAIRMAN: The Schedule has already been amended.

The COLONIAL SECRETARY: I move a further amendment—

*That under the heading "In the Municipality of Fremantle" the following words be added:—"That portion of High-street starting from the south-west corner of Fremantle Lot 1, and bounded thence by lines extending 249deg. 50min. 1 chain 23 7/10 links; thence 165deg. 11min. 55 9/10 links; thence 69deg. 55min. 1 chain 29 1/10 links; and thence 339deg. 44min. 55 9/10 links to the starting point. (Substituted for paragraph under same heading in Schedule to Act No. 33 of 1915.)"*

Amendment passed; the schedule as amended agreed to.

Title—agreed to.

Bill reported with amendments.

## BILL—LAND ACT AMENDMENT.

*In Committee.*

Resumed from the 3rd November; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Postponed Clause 3—Annual rent under conditional purchase leases not to exceed 6d. per acre:

The COLONIAL SECRETARY: Since we last met I got into touch with the Under Secretary for Lands, and received from him this morning the following explanation, in reply to statements made by Mr. Colebatch with regard to the measure we are now considering—

When the Amending Land Act was in Committee in the Council, Mr. Colebatch raised the question of the cash values of £1,000 worth of land purchased under 20 or 30 years' terms:—Annual payment for 20 years on 2,000 acres at 10s. (£1,000) £50; cash value £643. Annual payment for 30 years on 1,000 acres at 20s. (£1,000) £33 6s. 8d.; cash value £528; difference £115; showing that the pound an acre proportion has an unfair advantage over the 10s. per acre, and probably suggesting that an equal term of lease (30 years) should apply throughout.

2, Mr. Colebatch's figures cannot be refuted, and the only method of removing the inconsistency would be to make an even term of tenure 20 or 30 years. This would defeat one of the main objects of the Bill, which is to place all payments in line, on a 6d. per acre per annum basis, with the understanding that any payments exceeding that amount will be spread over the term of the lease. The minimum and maximum terms of leasing are to be 20 and 30 years respectively. The proposed term of leases would bring about the following results:—Price per acre 10s., annual rent 6d. per acre; price per acre 15s., annual rent 6d. per acre; price per acre 20s., annual rent 8d. per acre; price per acre, 30s., annual rent 1s. per acre.

3, The Minister for Lands fixes a price for the land, and the selector is allowed to make the payments half yearly, in 40 instalments, for a term of 20 years, and the latter is not called upon to pay any interest. This is often lost sight of. The lessee actually pays only 5 per cent. for 20 years on the capital value fixed by the Minister. 4, Although the contention of Mr. Colebatch cannot be refuted, it is hypothetical, because in practice the department does not recognise immediate cash value in land sold on deferred terms. Therefore the only advantage in these cases arises through the currency of extended leases; the State ultimately secures the same capital in both instances. 5, It is to the advantage of the State to have the higher-priced lands developed, and consequently it is only reasonable to offer better terms of payment.

Hon. W. PATRICK: When progress was reported on this clause, I had intended to vote against the clause with the view of deleting it and with the object of substituting another. The statement the leader of the House has just read supports the contention I made at the time, and also that of Mr. Colebatch, that the only fair way will be to put everyone on the same footing. I pointed out that what was proposed

would bear very hardly in some cases. One man might buy £1,000 worth of land worth 20s. an acre, and any other man might buy £1,000 worth at 10s. an acre, and the man who bought the cheaper land would be required to pay 1s. an acre per annum, while the other would only have to pay 6d. per acre. Under the clause as it appears in the Bill, the man buying the inferior land will be handicapped. He will have to pay twice as much as the man who buys the better land, and in every way he will be worse off. In the amendment I propose to move I intend that the extended terms shall be made applicable to all leases. I put the question to the leader of the House that I understood he did not consider this clause applied to lessees who had taken up repurchased land, and the Colonial Secretary replied that it did not. That is the reason why I wish to embody in my proposed amendment a paragraph to the effect that the clause shall apply to repurchased land.

The COLONIAL SECRETARY: Mr. Patrick wishes an extension of time for repayments in connection with land sold under the Lands Purchase Act, from 20 to 30 years. If he desires to attain that object it will be necessary to amend the Lands Purchase Act, which clearly specifies that these payments shall be a certain sum. Sections 12, 13, and 14 of that Act will have to be amended, as well as the second schedule which specifies the rate.

Hon. J. F. Cullen: What about the advisability of doing what the hon. member suggests?

The COLONIAL SECRETARY: When the amendment is in proper order we will be in the position to discuss that aspect of the question. I do not think it is practicable, because the whole principle of the Bill we are now discussing is based upon recognition of the payment of 6d. per annum per acre rental. The selling price of this particular land varies from £1 to £4 an acre. Mr. Patrick's proposed amendment would cause much complication, and would not achieve the object he has in view.

Hon. J. F. CULLEN: All that would be necessary would be to preface the amendment with the words "Notwithstanding anything to the contrary in the Land Act or in the Agricultural Lands Purchase Act." That is easily done. The Minister has not touched the real point, as to whether Mr. Patrick's object is desirable, that is, to extend the term for all purchases under the Agricultural Lands Purchase Act. The Minister might say definitely whether his answer that Denmark lands will come under this Bill was correct. I think the Bill does not contemplate that, but if Denmark land does come under the Bill, why not other lands sold under the Agricultural Lands Purchase Act? If these repurchased lands do not come under the Bill, do the Government intend to remedy injustices at an early date? There are hardships under the Agricultural Lands Purchase Act, especially in regard to the Denmark estate, far greater in degree than under the Land Act.

Hon. W. PATRICK: The object of the clause is to give extended terms to settlers, and surely they should be given to all alike. The man on inferior land should receive the same advantage as the man on good land. If the clause is negatived, I intend to alter the latter portion of my proposed new clause to read—"This section shall also apply to the conditional purchase leases issued under the Lands Act, 1898, and subject to the conditions embodied in the Agricultural Lands Purchase Act, 1909." The same relief can easily be given to settlers on repurchased estates, but there is nothing in the Bill to provide that they shall be assisted. As regards the objection of the Colonial Secretary, the Agricultural Lands Purchase Act states that it is to be read as one with the Land Act.

The COLONIAL SECRETARY: Some time ago the hon. member and others waited on the Minister for Lands with a request that land under the Agricultural Lands Purchase Act should be dealt with under this Bill. The Minister told them that as soon as this Bill be-

came law, he would concentrate attention on the necessities which have arisen in those cases. Surely hon. members will accept that assurance.

Hon. J. F. Cullen: Will Denmark be included?

The COLONIAL SECRETARY: A note from the department states—

The board has also been instructed to deal with the lands in the Denmark estate. It is admitted that the prices placed on Denmark lands are too high, but a schedule for these particular lands has not yet been determined on.

The Minister intends to visit Denmark to consider the matter on the spot.

Hon. W. PATRICK: It is about a year since the member for Greenough (Mr. Cunningham), Mr. Carson, and myself waited on the Minister for Lands, and surely there has been plenty of time for the Government to determine what they are going to do for settlers on repurchased lands. If the Minister will distinctly promise that immediately this Bill is passed another will be introduced to deal with settlers on repurchased estates, I will withdraw my opposition. A Bill could be drafted in ten minutes and passed by both Houses in an hour.

The COLONIAL SECRETARY: I cannot give such an assurance. It would take a considerable time to go into the question from every standpoint.

Hon. W. Patrick: Can it be done this session?

The COLONIAL SECRETARY: No.

Hon. W. Patrick: Then I shall persist in my proposal.

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

Ayes	..	..	..	14
Noes	..	..	..	3

Majority for .. .. 11

#### AYES.

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. H. Carson	Hon. C. McKenzie
Hon. J. F. Cullen	Hon. H. Millington
Hon. J. M. Drew	Hon. A. Sanderson
Hon. Sir J. W. Hackett	Hon. G. M. Sewell
Hon. V. Hamersley	Hon. J. Duffell

(Teller).

Nobis.

Hon. F. Connor  
Hon. J. Cornell

Hon. W. Patrick  
(Teller).

Clause thus passed.

New clause:

Hon. C. F. BAXTER: I move—

*That the following be inserted to stand as Clause 4:—"In respect of any land held under conditional purchase lease, which is more than twelve miles from any station or siding on an existing railway, the Minister may exempt the lessee of such land from payment of rent for any period up to five years, and may extend the term of the lease, subject to the conditions set out in the last preceding section."*

In this I am supported by the land classification board, who recommended that exemption should be given. I am not asking for a general exemption on the lines proposed by the board, but for those settlers more than 12 miles from a railway. All authorities agree that wheat growing beyond 12 miles from a railway is not a payable proposition. In other States settlers are treated better than they are here, irrespective of the distance from a railway. The exemption in Queensland is 10 years, New South Wales five years, South Australia 10 years, and in Victoria the land board have recommended very low rates during the first four years. Where most of the settlement has taken place outside the 12 miles radius, railways were promised before selection and the promises have not been kept. It is the duty of the Government to assist such settlers by exempting them from rent, and when the promised lines are built, the settlers' claim to exemption will cease. It will be observed from the latter part of the clause that it is not proposed the Government shall give away anything, but merely exempt from payment of rent for a certain period—the money thus coming back to the Government later. To-day practically the whole of the settlers outside the 12-mile radius cannot pay their rents, and in fact are not paying them; so that no loss of revenue is involved in the carrying of my amendment, except in so far as loan money is at present being turned into revenue by

book entries in this connection. Certainly the Government will benefit by keeping on the land a number of people who cannot be kept there without assistance. Especially in view of the gloomy outlook for the wheat market, it is not possible to cart from outside the 12-mile radius and pay expenses. Moreover, a farm cannot be made profitable in less than 10 years, and in the meantime the Government benefit from the taxation paid by the settler. Therefore, the concession my amendment asks might well be granted. I may point out that this Bill already amends the existing Land Act in two respects. As the Bill reached this Chamber, it was only a worthless husk. In fact, it was useless, since the Minister could do by regulation all that the Bill originally proposed. One pound in the early stages of making a farm is worth £20 later, and I feel, therefore, that this clause is needed.

The COLONIAL SECRETARY: Mr. Baxter has not put the case quite fairly. It is quite true that the Lands Reclassification Board recommended that certain lessees should be granted exemption from payment of rent for a period of five years, but that was on the basis of the old prices. The board did not recommend both that the prices should be lowered and that the concession now sought by Mr. Baxter should be granted. Mr. Bath thought it necessary to reduce the prices, and it is scarcely fair to ask the Government to go further and grant a five years' exemption as well. The effect on the finances would be serious. I hope the Committee will not support the amendment.

Hon. J. F. CULLEN: I do not think the Colonial Secretary need be afraid of serious complications as the result of the adoption of this new clause. Undoubtedly the Lands Reclassification Board made an excellent suggestion, and I think it is one we can take up seriously as a general principle when next dealing with the Land Act—to give all settlers an easy start. In my opinion, it would be a most profitable step to defer payment of rent for five years from the date of selection, while, of course, insisting on improve-

ments. Mr. Baxter's proposal, however, is simply to relieve those settlers who were misled, by promises which could not be fulfilled, into settling at such a distance from existing railways as makes wheat growing unprofitable. Until the development of the State brings those people within easy reach of transit for their produce, they deserve special consideration. The power proposed is permissive. Really, exemption is not proposed, but merely postponement of payment. I do not think grazing leases would be included in the amendment, and perhaps the mover will specifically insert them.

Hon. V. HAMERSLEY: I support the amendment. I understand Mr. Baxter's desire is that the five years' exemption should operate at any period during the term of the lease. Many settlers when first taking up land invest the whole of their capital, and such a period as we have recently passed through deprives them of all income for the year, so that they actually have not the money to continue their payments of rent. Relief at any time during the term of the lease would be only right in such cases. The difficulties of settlers outside the 12-mile radius are undoubtedly very great. The result of carrying the new clause would not be serious to the Treasurer, while exemption is more important to many of the settlers now than is reduction of price.

Hon. C. F. BAXTER: I am unable to follow the Colonial Secretary's contention that the carrying of the amendment would produce a serious state of affairs financially. The new clause is permissive, not mandatory. It gives power to the Minister to grant exemption in cases where he thinks it is justifiable. The Colonial Secretary stated that the Lands Reclassification Board recommended exemption from payment of rent, but not at the same time reduction of price. I am ready to admit that; but at the same time the reduction in prices will give very little relief, whereas the exemption from rent would be of great assistance. The Colonial Secretary would have us believe that a large number would want

to come under this exemption. I do not think so. I feel sure the numbers will be very small. I do not agree that grazing leases should be included in the proposed new clause. It will be better to restrict it to conditional purchase land.

The COLONIAL SECRETARY: The proposed new clause is very sweeping. And it is very cleverly drawn; it applies not merely to land taken up after 1909 but to any land taken up during the last 20 years.

Hon. H. P. COLEBATCH: How can it, seeing that in such case the first five years have gone by long ago?

The COLONIAL SECRETARY: On my reading the provision relates, not merely to the first five years, but to any period of five years. Under this the Minister could grant exemption to anyone. I would not put such power into the hands of any Minister.

Hon. C. F. BAXTER: Yet you will have the whole of the administration of the Bill placed in the Minister's hands.

The COLONIAL SECRETARY: As to its not being mandatory, my interpretation of "may" is "shall." How could the Minister grant exemption to one and not to another?

Hon. H. P. COLEBATCH: Probably Mr. Baxter would have no objection to inserting in the clause words which would bring it into conformity with the Bill. Personally I do not think it is necessary to do this. I think the proposed new clause as it stands is sufficient protection, but I would suggest to Mr. Baxter that he make it clear by inserting the words "taken up after 1909." I think that would meet the Colonial Secretary's objection.

Hon. J. F. CULLEN: Hon. members must not confuse grazing lease with grazing country. It is merely a technical term for poor land. In proportion there is nearly as much cultivation on grazing leases as on conditional purchase land. At the same time, I do not wish to prejudice Mr. Baxter's new clause in another place, and so I will not press my proposal regarding grazing leases.

Hon. C. F. BAXTER: If the Colonial Secretary thinks the clause will be ren-

dered safer, I am willing to insert the words "taken up after 1909."

New clause put and passed.

New clause:

Hon. C. F. BAXTER: I move—

*That the following be added to stand as Clause 10—"The land shall be divided into six different grades, as shown in the schedule hereto, marked respectively A, B, C, D, E, F. The selling price for the land shall not be more than that shown in the Schedule under the respective grades, according to its distance from a railway station or siding, as indicated therein."*

The Bill has been brought forward as a repricing measure. Yet the only mention of the pricing of land is contained in Clause 2, which states that the minimum price shall be not less than 3s. 9d. That is not new; it is already in the Act. The Bill would be useless without the schedule. The Colonial Secretary on a previous occasion declared that these matters should be left in the hands of the Minister. I do not see any reason why they should be. It is rather for Parliament to decide. For instance, we may have a change of Government, and a new Minister for Lands out of sympathy with this repricing. In that event, what authority have we for saying to him, "You must carry that out"? I had originally intended to endeavour to have the map included in the Bill, but we are told that the map is incomplete. As it stands to-day, that map is virtually misleading. The proposed new clause will suffice without the aid of the map. Undoubtedly the schedule should be part of the Bill, indeed it should be the main feature of the Bill.

The COLONIAL SECRETARY: Mr. Baxter complains that the matter should not be left in the hands of the Minister. This proposed new clause will absolutely place it in the hands of the Minister. If I were Minister for Lands and wished to get over the position, I would simply manipulate the zones so as to secure the purpose I had in view. The hon. member desires that the map should be included. That map is not complete, it is only a fragment. The inclusion of the

map in the Bill would be of no use unless the map was first completed and made to show each block and its price. Alternatively we might provide for inserting in the schedule every block and its new assessment.

Hon. J. F. CULLEN: The schedule proposed by the hon. member would be no bond at all. If there had been a completed map showing a complete classification of the country, there would be a bond. If the schedule were in the Bill the question would still rest with the reclassifying officer. I believe maximum prices might be fixed in the Bill for first, second, or third-class land, but even then it would be in the hands of the Minister or the reclassifying officer, who would say, "I count this first-class land, whereas you count it third-class." We must leave ourselves in the hands of the reclassifying authority. I would like to see 15s. fixed as a maximum for rural land, as the board advised. Beyond having the minimum fixed, I do not think we can go. I am sorry I cannot support the hon. member.

Hon. W. PATRICK: I support the amendment. This is called a repricing Bill, but there is not a word about repricing in the measure. Mr. Cullen said that it might be an advantage to have in the Bill the maximum prices of first, second, and third-class land, and that is exactly what the amendment does do. The amendment makes sure that there will be something in the Bill that will enable us to know that there is to be a repricing. As far as reclassification is concerned, there will be very little trouble, as that has already been done. But we want an assurance that there is to be a repricing.

New clause put and passed.

New clause—Regulations and by-laws:

Hon. J. F. CULLEN: I move—

*That the following be added as a new clause:—"1. Any regulation or by-law made or purporting to be made under or by virtue of this Act shall (a) be published in the "Gazette"; (b) take effect from the date of publication or from a later date to be specified therein; and (c) be judicially noticed, and*

unless and until disallowed as herein-after provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid. 2. Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. 3. If either House of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute."

The operations of the Bill will almost entirely be carried out by regulations. The Assembly has accepted this principle in other Bills, and I do not think they will object to the principle being inserted in this measure.

New clause put and passed.

New schedule:

Hon. H. CARSON: I move—

*That the following be added as a new schedule:—*

		5m.	10m.	15m.	5m.	10m.	15m.	
A	1st	25/0	20/0	16/0	20/0	17/6	15/0	B
	2nd	9/0	7/3	6/9	8/3	6/9	6/0	
	3rd	6/0	4/9	3/9	5/3	4/6	3/9	
C	1st	15/0	13/0	11/0	13/6	12/0	10/0	D
	2nd	8/0	6/6	6/0	7/9	6/3	5/0	
	3rd	5/0	4/3	3/9	4/9	4/0	3/9	
E	1st	12/0	10/0	9/0	11/0	9/0	7/0	F
	2nd	7/0	6/0	5/0	6/6	5/9	5/0	
	3rd	4/6	4/0	3/9	4/3	4/0	3/9	

New schedule put and passed.

Title—agreed to.

*Recommittal.*

On motion by Hon. H. CARSON, Bill recommitted for the further consideration of Clause 3.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 3—Annual rent under conditional purchase leases not to exceed 6d. per acre:

Hon. H. CARSON: I move an amendment—

*That the following be added to the clause:—"Provided also that the conditional purchase leases issued under the Land Act, 1898, and subject to the conditions embodied in the Agricultural Lands Purchase Act, 1899, be extended from 20 years to 30 years, and payments adjusted accordingly.*

I voted for Clause 3 as it stood, but I desire to see some proviso to meet the selectors of repurchased lands. Members recognise the disabilities settlers have been labouring under for some years. Twelve months ago the Minister for Lands suggested that something should be done during this session of Parliament, but nothing has been done so far, and nothing is likely to be done unless we have such a proviso inserted in the measure. There are three repurchased estates in the Victoria district and a considerable amount of money has been expended on them in improvements, and the last four years are the worst in the history of that district. Settlers have been unable to carry on satisfactorily, and meet the heavy payments, for not only have they to pay for their land but for the roads through the areas, and the reserves taken out for schools and other purposes. I am afraid there is another calamity coming on that district, for the rust is a serious matter. The return will be very little indeed from most of the areas.

The COLONIAL SECRETARY: This is the same old comet with a different tail. It is precisely the same amendment except in different words, as that moved

by Mr. Patrick, and debated here and defeated by a large majority. If it was desirable that such an amendment should be carried, it would mean many amendments to the Land Act. The Committee, not half an hour ago, defeated a similar amendment only clothed in a different garb.

Hon. W. PATRICK: The Colonial Secretary is not exactly correct when he says the amendment is the same as the one which I moved. It has the same object, but my amendment was coupled with another amendment, and it is quite possible that, while the Committee objected to the alteration of the clause entirely, they may not object to this proviso. It is undoubtedly the same in its operation as the new clause already debated. Some time before last Christmas, in company with Mr. Cunningham, the member for Greenough, and Mr. Carson, I waited on the Minister for Lands, who said that a Land Bill was to be introduced—that is last session—and several votes in this House were given on the understanding that a Land Bill would be introduced, which was, in fact, not introduced last session. Now it is introduced at the tail end of the session and the Government say that they cannot deal with the urgent matter of the settlers on repurchased estates. They have now made it impossible to deal with it and say it will take a long time to prepare a Bill of that kind. It could, however, be done within 24 hours, if necessary, and to deal with such a small matter should not take any longer. I have pleasure in supporting the amendment. It is one of the most urgent matters before the country at the present time that these settlers should get fair and just treatment.

Hon. J. F. CULLEN: I hope the hon. Mr. Carson will not place members in the false position of voting against the proposal. It is only a particle of the redress which is needed in connection with these repurchased estates. In several of these estates there would have to be an enormous writing down of the prices put on the land. Take Denmark,

for instance, the land there would have to be written down from 25 to 50 per cent. to get anything like the market value.

Hon. W. Patrick: There is no reason why there should not be some small measure of justice accorded.

Hon. J. F. CULLEN: It is a strong reason why there should not be a cheese-paring attitude in the matter. This amendment is entirely foreign to the Bill. The hon. Mr. Patrick talks about 24 hours. As a basis for this Bill there was a painstaking and costly reclassification, or re-examination of land. There would have to be the same thing done in regard to all repurchased estates before any Bill would commend itself to the intelligence of the Legislature. I hope Mr. Carson will not place us in a false position of voting against the amendment, and will withdraw it as not being a part of the Bill.

Hon. H. CARSON: I have no intention of withdrawing the amendment because I think it is absolutely necessary that these settlers should be considered. The settlers on the areas in the Victoria district have asked the Government to give them their leases for 30 years. They are not asking for the prices to be marked down, though that would be justified to some extent. Their request will not affect the district as a whole.

Hon. J. F. Cullen: That is one estate.

Hon. H. CARSON: That can be dealt with later on. These people are desirous of getting this consideration extended to them as soon as possible. I hope the Committee will pass the amendment.

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

Ayes	..	..	..	5
Noes	..	..	..	16
				—
Majority against	..	..	..	11
				—

AYES.

Hon. H. Carson  
Hon. F. Connor  
Hon. J. Cornell

Hon. V. Hamersley  
Hon. W. Patrick  
(Teller).



## NOES

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. H. Millington
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. G. M. Sewell
Hon. Sir J. W. Hackett	Hon. C. McKenzie (Teller)

Amendment thus negatived.

Bill reported without further amendment.

## BILL—APPROPRIATION.

Received from the Legislative Assembly and read a first time.

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.40]: It is not necessary or customary for the leader of the House to move the second reading of the Appropriation Bill and to give a full explanation of the whole of the details in connection with it. The Premier, in introducing the Budget in another place, explained the financial position and many members in this Chamber attended and heard his speech, and those who were not in attendance were on the following morning able to read it in the newspaper. I move—

*That the Bill be now read a second time.*

Hon. A. G. JENKINS (Metropolitan): I second the motion.

Question put and passed.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Schedules A to E—agreed to.

Schedule F:

Hon. A. G. JENKINS: I want some information from the leader of the House in regard to this schedule. On page 11, under the heading Sundry Grants and Services, there appears a grant of £200 to the Young Australia League. Will the leader of the House

tell me what this item is for, whether it was an advance or a loan, and give the Committee full information in regard to it?

The COLONIAL SECRETARY: I cannot supply the information straight away, but I will get it for the hon. member. I presume it is a grant; it certainly is not a loan. I promise the hon. member to give him the information to-morrow.

The CHAIRMAN: The question is that the Schedule stand as printed.

Hon. A. G. JENKINS: I understand that the further consideration of the schedule will be postponed until to-morrow.

The CHAIRMAN: There is no motion to that effect.

Hon. A. G. JENKINS: I do not want to report progress against the leader of the House.

On motion by COLONIAL SECRETARY consideration of Schedule "F" postponed.

Schedule G—agreed to.

Postponed Schedule F:

Hon. A. G. JENKINS: I do not want the schedule to be passed. If the information which the Colonial Secretary will supply is not satisfactory I propose to take action.

The CHAIRMAN: I will leave the Chair for 10 minutes.

*Sitting suspended from 4.48 to 4.57 p.m.*

The COLONIAL SECRETARY: I have ascertained that a similar grant was made by the previous Government to the Young Australia League. The grant was made to Mr. Simons for delivering a series of lectures. Mr. Simons is at the head of the Young Australia movement and it was considered that during his travels lectures by him would be of some service to the State. They were regarded as such by the previous Government and also by this Government and 12 months before the war started the Young Australia League approached the Government with the request that this sum should be provided. They wanted an assurance

that the amount would be provided before they sent their advance agent to America. The Colonial Treasurer promised that the grant would be made. Then the war occurred and the Treasurer was inclined to repudiate the promise. The leader of the Opposition was consulted by the Premier, who also interviewed the members of his own party in connection with the matter, and evidence having been submitted to the effect that if the tour were abandoned the Young Australia League would be involved in a loss of about £3,000 the conclusion was arrived at that, under the circumstances, the promise should be respected. Consequently the £200 was paid over.

Hon. J. F. Cullen: How many such grants have been made?

The COLONIAL SECRETARY: I cannot say.

Hon. A. G. JENKINS: I move an amendment—

*That the item "Grant to Young Australia League, £200" be struck out.*

The explanation does not convince me. I care little for the Premier's idea of keeping his promise or the opinion of the leader of the Opposition that this money should be paid to a nigger minstrel troupe at a time when the Empire is engaged in the greatest war in history and struggling for existence. I have never heard of such a thing as sending a lot of young fellows around the world partly at the expense of the country at such a time. There are times when promises might be repudiated and this is one of them. I regret the Premier did not stick to his guns and say that, as it would cost £3,000 to abandon the trip, the £200 from the State would not make much difference. If we pass the item, we shall be practically approving of this trip and of giving these boys, who are nothing more or less than a travelling troupe, £200 for their expenses. I would not advocate giving them one shilling of the public money. If £200 was granted by a previous Administration, the cases are not on all-fours because the leaders of this league should have abandoned this trip or done without the country's £200.

Hon. J. F. CULLEN: The hon. member is quite justified in calling attention to this expenditure and his remarks should be a guide to Ministers in future, but we should not now strike out a sum which has already been paid, and paid on precedent. If it were a question of making a fresh grant now, I should oppose it. I do not altogether agree with Mr. Jenkins's estimate of the Young Australia League. There are great dangers in taking boys from their proper work but such a movement might have good purposes also.

Hon. A. G. JENKINS: If, every time we object to an item, we are to be told the amount has been paid, it will mean that the Estimates are sent here as a matter of form, and we can take them or leave them irrespective of our opinions. That the item has been paid does not worry me. It should never have been paid and, although the position is difficult, I intend to press my amendment. This league might have some good purposes but it was decidedly improper to send these young fellows around the world at the present time.

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

Ayes	..	..	..	11
Noes	..	..	..	7
				—
Majority for	..	..	..	4
				—

#### AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. G. M. Sewell
Hon. J. J. Holmes	Hon. A. J. H. Saw
Hon. A. G. Jenkins	(Teller).

#### NOES.

Hon. R. G. Ardagh	Hon. C. McKenzie
Hon. F. Connor	Hon. H. Millington
Hon. J. Cornell	Hon. J. F. Cullen
Hon. J. M. Drew	(Teller).

Amendment thus passed.

Hon. F. CONNOR: Will the Minister explain the item—"Purchase of Three Springs Cemetery Site, £1 2s. 6d.," and who are buried there?

Schedule, as amended, put and passed.  
Schedule G, Preamble—agreed to.

Bill reported with a requested amendment.

*Recommittal.*

On motion by Hon. H. P. Colebatch, Bill recommitted for the further consideration of Schedule D.

*Schedule D:*

Hon. H. P. COLEBATCH: The Minister should report progress at this stage. The items covered in this schedule will be dealt with under the Supplementary Loan Bill, which will be next considered, and we shall be in a curious position if, after having passed this expenditure, we later find it necessary to delete some of the items.

The Colonial Secretary: Yes.

The CHAIRMAN: I would point out for the guidance of members that Schedule D deals with the services of the year ending 30th June, 1916, from General Loan Fund as detailed in the Estimates of expenditure passed by the Assembly. Members will therefore read Schedule D in conjunction with the Loan Estimates which, I understand, have been distributed.

*[The President resumed the Chair.]*

Progress reported.

**BILL—SUPPLEMENTARY LOAN, .**  
£1,300,000

Received from the Assembly, and read a first time.

**BILL—SALE OF LIQUOR REGU-**  
**LATION.**

*Second Reading.*

Debate resumed from the 7th October.

Hon. A. G. JENKINS (Metropolitan) [5.18]: In connection with this Bill I presented to the House various petitions. In accordance with the prayer of the petitions, I move—

*That the petitioners be heard at the Bar of the House.*

Hon. J. F. Cullen: All of them?

Hon. A. G. JENKINS: That is the motion I must move, because that is the prayer of the petitions.

Hon. F. CONNOR (North) [5.19]: I second Mr. Jenkins's motion.

Hon. J. F. Cullen: Surely the House is not going to hear all the petitioners? Motion put and negatived.

*Point of Order.*

Hon. J. DUFFELL (Metropolitan-Suburban) [5.20]: I desire to draw attention to the fact that this Bill is not in order, inasmuch as it does not comply with Standing Order 173 of the Council, which reads as follows:—

The Title of a Bill shall coincide with the Order of Leave, and no clause shall be inserted in any such Bill foreign to its title.

The position is as follows: The Bill purports to be a Bill for an Act to regulate the closing time of licensed premises during war time. Clause 2 of the Bill contains a definition of licensed premises which is as follows:—

"Licensed premises" means premises in respect of which a license under the Licensing Act, 1911, has been granted and is in force, and includes State hotels, refreshment rooms, and restaurant cars, a vessel for which a packet license is held, and registered clubs.

It will thus be seen that registered clubs are included in the definition. Turning to the Licensing Act, 1911, it will be found that licensed premises do not include registered clubs. Consequently, if the Bill is passed in its present form it amends the Licensing Act, 1911, by bringing in clubs under the term of "licensed premises," and making provisions for dealing with them which were not in the original Act. Under these circumstances it seems clear that the Title is defective. I may mention that an almost exactly similar case occurred in the Council in November of 1912. On the 28th of that month, as recorded in *Hansard*, volume 45, page 3962, a Bill was before the House called the "Government Tramways Bill," and attention was drawn to the fact that the Title was defective, inasmuch as one of the provisions was outside the scope of the Title; the provision referred to being, in fact, an amendment of the Government Rail-

ways Act, 1904. You, Sir, ruled to this effect, and a message was sent to the Assembly drawing its attention to the Title, and as a result a new Bill was subsequently brought in and passed, omitting the provision which attempted to amend the Government Railways Act, 1904. In the present case, it is clear that the Title of the Bill should be "A Bill for an Act to regulate the closing times of licensed premises and registered clubs during war time," or "An Act to amend the Licensing Act, 1912." I ask you, Mr. President, to give a ruling in regard to this matter.

The PRESIDENT [5.23]: I hold that the Bill now before the House violates Standing Order 173 of the Council. In these circumstances the Bill is certainly out of order. If it had originated in this House, the proper course would be to discharge the order for the second reading; but, as the Bill originated in the Assembly, and leave was obtained there to introduce it, I think the more courteous procedure would be for this House to send a message to the Assembly drawing its attention to the matter, and for this House to adjourn the further consideration of the Bill until such time as a message from the Assembly in reply is received.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.24]: I move—

*That a Message be transmitted to the Assembly as follows:—"The Legislative Council acquaints the Legislative Assembly in reference to Message No. 14 from the Legislative Assembly forwarding a Bill for an Act to regulate the closing time of licensed premises during the war, that objection has been taken to the Bill on the ground that the definition of 'Licensed premises' contained in Clause 2 of the Bill is outside the scope of the title of the Bill, and that, consequently, the Bill is not in order. Under these circumstances, the Council informs the Legislative Assembly that, pending a further communication from the Assembly, it does not propose to deal further with the Bill."*

Motion passed, and a Message accordingly transmitted to the Assembly.

## MOTION — COMMONWEALTH DEFENCE ACT, CONSCRIPTION.

Order of the Day read for resumption of the debate on the motion of the Hon. J. Cornell "That in the opinion of this House any attempt to extend the conscription sections, as set forth in the Commonwealth Defence Act, other than to amend the existing provisos therein relating to exemptions, so as to provide that age or physical infirmity shall be the only qualification for exemption, would be inimical to the best interests of Australia, and would not at this juncture assist the Empire and its Allies in prosecuting the present war to a successful conclusion."

Hon. J. CORNELL (South) [5.25]: I ask leave to withdraw the motion.

Motion by leave withdrawn.

*House adjourned at 5.26 p.m.*

## Legislative Assembly.

*Wednesday, 17th November, 1915.*

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The SPEAKER took the Chair at 3 p.m., and read prayers.