

## AYES.

Mr. Brown	Mr. Keenan
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. J. Price
Mr. Hardwick	Mr. F. Wilson
Mr. Hayward	Mr. Layman
Mr. Jacoby	(Teller)

## NOES.

Mr. Angwin	Mr. O'Loghlin
Mr. Bath	Mr. W. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. Troy
Mr. Johnson	(Teller).
Mr. McDowall	

Question thus passed.

*House adjourned at 10.33 p.m.*

## Legislative Council,

*Thursday, 9th December, 1909.*

	PAGE
Sitting days, additional ... ..	1985
Bills: Electoral Act Amendment, 3a. ...	1986
Metropolitan Water Supply, Sewerage, and Drainage, Report, 3a. ...	1986
Transfer of Land Act Amendment, Report, 3a. ...	1986
Agricultural Bank Act Amendment, Report stage ...	1986
Boyup-Kojonup Railway, 2a., Com. ...	1986
Fisheries Act Amendment, Assembly's insistence ...	1995
Land Act Amendment, Com. ...	2001
Adjournment, Monday sitting ...	2004

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

### MOTION—SITTING DAYS, ADDITIONAL.

The COLONIAL SECRETARY moved—

*That in addition to the business days as prescribed by Standing Order 48, the*

*House for the remainder of the present session do meet on Mondays and Fridays at 4.30 and sit till 6.15, and if requisite, from 7.30 onwards.*

It was hoped that, perhaps by the end of next week we should be able to close the session, therefore he was bringing forward this motion with the object of enabling members to meet on additional days. The Notice Paper was not in a congested state, but he had thought members would prefer to meet on additional days rather than to crowd the business into a few sittings. Probably the House would meet to-morrow, although there might not be very much to do; still it would give an additional day for discussion, and then it might not be necessary for members to meet on Monday. If there were no business to be done there could be an adjournment until next Tuesday.

Hon. J. F. CULLEN: It would be a pity to meet on the following day as most of the country members had arranged to go home. Personally he would have no objection whatever, to devoting the whole of next week from Monday to business, but he would certainly regret if a sitting were held to-morrow.

Hon. F. M. CLARKE was quite ready to support the motion providing there was no sitting on the following day. If the House were to meet then he could not be present as he had business to transact which he could not postpone. All business on the Notice Paper ought to be cleared off to-day.

Hon. C. A. PLESSE: It was to be hoped the Minister would not make a start with the extra sittings until Monday. He would be quite prepared to meet on that day.

The COLONIAL SECRETARY (in reply): It was not necessary to alter the motion, for there would be no sitting on the following day unless it was necessary. His object in including it in the motion was that there were three Bills on the Notice Paper which would only go through the report stage to-day, but by sitting to-morrow they would be able to be read a third time and sent on to the Legislative Assembly. We might, however, be able to deal with these Bills to-day if the Standing Orders were suspended so as to

permit of their third reading being carried. He expected that two Railway Bills, the Dowerin-Merredin and Goomalling-Wongan Hills, would be sent up from another place to-day, and his idea was that they could be introduced to-morrow. The motion might be carried and members could decide later on whether to meet on the following day or not.

Question put and passed.

#### BILL—ELECTORAL ACT AMENDMENT.

Read a third time and transmitted to the Legislative Assembly.

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

Report of Committee adopted.

The Standing Orders having been suspended, Bill read a third time and returned to the Legislative Assembly with amendments.

#### BILL—TRANSFER OF LAND ACT AMENDMENT.

Report of Committee adopted.

The Standing Orders having been suspended, Bill read a third time and transmitted to the Legislative Assembly.

#### BILL—AGRICULTURAL BANK ACT AMENDMENT.

Report of Committee adopted.

Bill returned to the Legislative Assembly with amendments.

#### BILL—BOYUP-KOJONUP RAILWAY.

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: As I will have two other similar railway Bills ready in a day or two, I would like to refer generally to light agricultural railways. Four years ago, in the session of 1905, when the system of building these light agricul-

tural railways was first introduced, three railways were passed, namely the Kataning-Kojonup, the Goomalling-Dowerin, and the Wagin-Dumbleyung.

Hon. J. W. Hackett: Does the hon. member take credit for these?

The COLONIAL SECRETARY: The credit for those goes to the Hon. Mr. Kingsmill. I am afraid I was not in a position to take much part in the question.

Hon. W. Kingsmill: You were in a position to give a lot of trouble.

The COLONIAL SECRETARY: Speaking from memory, I am not aware that I offered any opposition to those railways. However, the railways were passed, and let me say that was the introduction of the building of light agricultural railways in this State. I think I am right in saying those particular railways were more cheaply constructed than any other railways built in Western Australia, or indeed in Australia. At that time the mileage of our railways aggregated 1,605 miles. Since then the construction of these light railways has gone on apace not only in the interests of agriculture, but also in the interests of the mining industry, and to-day the mileage open for traffic is about 2,100 miles, in addition to 318 miles now being constructed. If Parliament approves of this Bill, and of the two others now before another place which will probably be considered next week, we will have an addition of another 184 miles, making a total length of railways in the State of 2,600 miles. This means roughly that we are constructing railways at the rate of 200 miles per annum or, in other words, we have increased the mileage of our railways since we started building these cheap lines by 1,000 miles. The benefit of these light railways must be apparent to everyone. It is enormous; they benefit not only the settlers whom they help to get their land under cultivation, but they are a very big benefit also to our existing railways. Undoubtedly there are people who went on the land not many years ago with practically nothing, and who to-day are in an independent position. This in a large measure has been due to the system we have adopted of constructing these

light agricultural railways. Then again, I think that fact is borne out when we consider that in 1905 we had something like 182,000 acres of land under wheat with a yield of 2,000,000 bushels. This year it is estimated we will have 549,000 acres under wheat with an estimated yield of 6,000,000 bushels, while the total area under crop throughout the State has reached nearly 1,000,000 acres. The result of the working of these district railways will be seen in the report of the Commissioner of Railways on page 75. It is, I think, unnecessary for me to repeat the figures, as hon. members no doubt have already read the report. If they have not done so it is available to them. I certainly think the result of the working of these railways must be considered satisfactory, although they have not in every case paid working expenses, while in other cases they have paid interest. Although the result of the working of these railways shows a loss if interest is charged up, yet I say the result is satisfactory. This may seem contradictory, yet it must be remembered that although they have not in themselves paid directly they have been a big gain to the State. One reason why they have not paid is that only long distance rates are credited to these lines, with the addition of one shilling terminal charge.

Hon. J. W. Hackett: Why apply that argument to this line? This has paid from the very first.

The COLONIAL SECRETARY: I am speaking of district railways generally. The line under consideration is a middle line two ends of which are already constructed, namely from Katanning to Kojonup, and from Donnybrook to Boyup. The latter is undoubtedly the best paying district line we have. While, taken as a whole, these railways cannot be said to be paying directly, undoubtedly the result is satisfactory. It must be remembered that these district lines contribute largely to the prosperity and increased traffic of our main railway system, because every bushel of wheat and every hundredweight of produce grown along these lines has to be taken over a considerable length of the main system. It is necessary to take the

wheat either to port or to the mill. If it were not for these district lines the main line would not get that traffic at all, so it is hardly fair to say they are not paying when considered by themselves. Then again, there is over the railways all the back traffic created by the settlers who want food stuffs, farming implements, and a hundred and one other things. The district railways have never had credit for anything but the railage that goes over their own lengths of line. They have had no credit for the big increase of the traffic going over the main system. Touching the cost of construction of these lines it will be found that unfortunately it has increased. The cost of those lines constructed four years ago was, on the average, £1,135 per mile. This low rate was obtained by putting down the lines in the cheapest possible fashion, laying them on the ground without ballast. While this was found to act very well in the summer time, in the winter many washaways occurred, and, therefore the standard of the line had to be raised. Again, when these lines were built half-round sleepers of local timber were used. These proved not altogether satisfactory, the maintenance being too great. Again, the bridges, few as they were, were constructed of round timber obtained on the spot. That timber, salmon gum, acted very well—although, perhaps, it is rather early yet to speak with authority on that point; but up to date the timber is standing very well. In the country through which this new line will pass there is no timber of the kind available, and therefore we will have to use our ordinary jarrah timber. In the cost of jarrah there has been a big increase. Further, there has been a big increase in the cost of rails and, altogether, the costs of the different factors have gone up. For instance the railway yards on these lines have had to be fenced because it has been found impossible to carry on the business of the station yards without a fence. Then again there is the cost of the ballast which, as I said, has been found necessary to prevent washaways, while the cost

of labour also has gone up 10 or 12 per cent. These are the main reasons why the cost of the line, as hon. members will see from the printed list before them, has been increased to £1,558. In regard to the particular line under construction, hon. members will see that the cost is somewhat higher than the others bracketed with it. This is on account of the fact that it runs through wet country, and the cost of the bridges will be greater than in the drier country. The Bill is to authorise the construction of a railway from Boyup to Kojonup. Members will see by the maps on the table that it traverses country immediately to the North of Bridgetown, and joins up at Kojonup on the East. The line will afford another through connection to the Great Southern Railway. It is the completion of a railway which has already been passed by this House. The policy in respect to these spur lines is eventually to couple them up and convert them into loop lines, if only in order that the working costs may be materially reduced. This, then, is the middle of a line partially constructed from Katanning to Donnybrook. Members, if they refer to the printed circular in front of them, will see a great deal of information in connection not only with this railway but with the others to be dealt with later on. The length of this railway is 52 miles, its distance from Fremantle being, to Boyup 191 miles, to Kojonup 270 miles. Forty-five pound rails will be used in the construction and the ruling gradient is one in 40. The cost of construction is estimated at £47,000 and the cost of rails and fastenings at £34,000, making a total of £81,000 or an average cost of £1,558 per mile. In the vicinity of the line there are approximately 600 resident occupiers, the acreage held amounting to 280,000 acres. The land under cultivation this year amounts to 11,000 acres. The land cleared amounts to 16,800 acres, the land ringbarked amounts to 140,000 acres, and it is estimated there will be at least 11,000 acres under cultivation next year in addition. The average grain yield last season was, wheat 12 bushels, oats 25 bushels, and

hay 23 cwt., and this district is not a wheat growing district; but is used principally for mixed farming. The land open for cultivation within 15 miles of the line is 401,000 acres, and 15 miles of the railway is supposed to be the distance which people can profitably grow crops and cart them. The land alienated within 15 miles of the line amounts to 460,000 acres, the large holdings within 15 miles of the line are, holders of 4,000 acres, amounting to 77,380 acres. Further down members will see that the total area of land within the influence of the railway is 877,000 acres; there are 163,000 acres of first-class land, 163,000 of second-class land, and 81,000 acres of third-class land, that is pastoral country. The land on either side of the railway has been reserved for 10 miles since the land was first surveyed. When this land is thrown open it will be applied for very readily. Most of the land in the district and along the railway line has been classified and subdivided, and it is estimated there is 40 per cent. of the land surveyed first-class land, and this consists of rich red loam with good grass and dark sandy loam. It is timbered with blue gum, flooded gum, blackboy, and there is some jarrah, and the land is suitable for growing almost any crops. Probably we could get better wheat land, but it is land which is eminently adapted for growing cereals and root crops, and it is eminently adapted for dairying purposes. In some places the land is low-lying, and this is very valuable because it consists of very rich swamps readily drained on account of the undulating nature of the country. Grasses thrive well in that country, and this is very important information, because if dairying is to be carried on grasses must be obtained. It is essentially a well watered country; there are numerous permanent swamps and pools, and a considerable extent of permanent water in the Blackwood river. The water can be conserved very easily. This will be seen when it is remembered that the average rainfall there is something from 25 to 30 inches. Then 40 per cent. of the land is classified as second-

class land and the balance is third-class land. The land is ringbarked, while that classed as third-class land consists of splendid pastoral land, such as sandy country which is essential to go with the watered country to give the stock a change. It is estimated by the departmental officers that this land is capable of sustaining a family on every 640 acres. I do not think that there is the slightest doubt that when railway facilities are given to this part of the country that the estimate will be fully realised. If members notice, on the printed particulars they will see that there are 600 residential occupiers holding 280,000 acres, which does not come up to the area which I have just mentioned. One great argument in favour of the line is that the present line from Donnybrook to Boyup has been undoubtedly the best district paying line that has been constructed. This railway will traverse the same class of country as the line which I have referred to. This is a guarantee that the line will be paying in itself. There is another important reason why the line should be built, and that is that it will connect up two branch lines, making a loop line of it and thus cheapen the cost of work from a railway point of view, and it will also give direct communication to Fremantle, if they wish to use it, or to the port of Bunbury, or, indeed to Albany. There will be complete communication between the Great Southern railway and the South-Western line. I beg to move—

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

Hon. J. W. HACKETT (South-West) : I would like to say a few words on this railway, not because it runs through the province I represent, but because I happen to have some personal intimacy with the country and its qualifications. It seems to me, speaking merely as an individual, on the whole scheme of railway construction among the small lines, the linking-up lines, few can compare with this line before us—that from Boyup to Kojonup: first from the grounds that commend it to our consideration, this spur line itself, and,

secondly, the attraction of the tract of ground that this line will bring into use. I remember an old settler who had had much experience in Western Australia, saying to me almost when I first arrived in this Colony, it is a curious thing that the land on the Western Australian rivers, speaking as a whole, improve as you ascend the streams, and diminish in value as you descend. It was rather a sweeping generalisation, but if members apply it to the rivers within their knowledge they will find it is true. It is certainly true as to the Blackwood; the higher up, the better the crops and the better the wood, so with many other rivers I could mention. As you ascend, the country distinctly improves. This railway intercepts the most important area of the high waters of the Blackwood, not the main Blackwood, but at all events all those manifold streams that go to make the Blackwood in its lower course; all those streams traverse, without exception, land of great fertility, crying for occupation, but left almost neglected until now. The question simply arises, speaking simply of the Kojonup to Boyup line, the question arises, why, with all these merits of soil and climate, for it is one of the most delightful in the world—I have enjoyed it at all seasons, and in a word it is Devonshire with a warmer summer—

Hon. M. L. Moss : I thought it was the garden of Eden from the way in which the hon. member was speaking.

Hon. J. W. HACKETT : The hon. member, I hope, is not going to oppose the railway; he has put me off an important track in a most serious and malicious manner. If my friend will suffer me to proceed, it may be asked, and reasonable men may inquire, why it is this country has been left so long unoccupied, or has made so very little progress. The answer is simple enough, the clearing is most costly, and I may say the shade of the huge timber that covers the plains and the downs is of a particularly noxious character to the grasses under it. You will see an area as large as the whole of the Chamber underneath a Wandoo tree bearing not a

blade of grass; secondly there is the trouble which is found by every man, unfortunately in the South-Western districts, that is the dogs, with this aggravation, that unless fencing of a particular kind be put up the dogs are sure to get the mastery. In places like the Williams no increases of stock were experienced, all the settlers could do for a long while was to hold their own. The fact was, it was too costly to put up sufficient fencing and there were other difficulties in the way of roads being bad, and the poison was to be found in every direction. The result was the country had remained idle until the last few years, until the last five or six years, almost in a state of nature. I do not mean the Kojonup country, that was earlier settled and achieved an amount of success. The combined effect of these objections opposing successful settlement of the country was that the country was left alone. I remember on my first visit it seemed to me nothing but patches of poison plant, but a great difference has taken place since. The first impression on seeing the poison plant and land of wonderful resources underneath it, was that Providence had interposed to prevent the land being mopped up into large estates. Providence at least seems to have saved that country from being mopped up and enclosed in large areas, where man was almost unable to do anything to confront and defeat the difficulties that opposed him. Whether it be Providence, or the poison plant, whatever it was, this land was left idle and unutilised until the last few years, and since settlers have come there the result has been remarkable. I am not speaking of the land to the east of Kojonup, but of the land to the westward, that I am particularly acquainted with myself. Ordinary species of cultivation have been tried and have been found suitable, and have had most distinguished success. It has not yet become a fattening country because the land has not been sweetened, but short of a fattening country it would hold its own against any other land in Australia, whether it be in the matter of wool production, or grain production, or cattle rearing, or whatever you

desire. to put it to. The result has been that much of the country remains unoccupied. The richest lands in this country are those that are liable more to the elements, and carting has to be done in the summer, while the winter has to be left to take care of itself. Time went on and the Government published a map showing two railways, and the connecting link which it was intended to construct. The first two were the railways from Katanning to Kojonup and Donnybrook to Boyup, and the connecting link was the line that we are engaged upon at the present time. Coincident with the issue of that map, and with the promise of the Government to do something for the settlers, settlers to the number of hundreds crowded in upon these areas. One of the largest of these areas, the Dinninup area, was cut up; hundreds of blocks were taken up and this proposed railway will run through the south end of the block. Probably it is the best quarter, at all events it opens up that block of 40,000 acres. I speak with some assurance of what that country can do. It was my lot to take up two or three blocks of land for my wife and myself and I was so pleased with the country, and so anxious to place my own relatives upon the soil there that I took up land also in their names. Members may remember the diverting incident which took place in consequence, when I was accused of having a surreptitious son and no actual facts could be ascertained about him.

Hon. M. L. Moss: I can see that you read the newspapers.

Hon. J. W. HACKETT: I had to on that occasion, they were full of it. I had to explain that there was no son but there was a nephew, who was a namesake, and a godson, who has been and is still learning farming in Canada, and I hope a little later on will bring brain and muscle to bear in this country. If, as it was called at the time, the family settlement was to be there, I know of no part of Western Australia where it would be more desirable to place it, or where a richer reward could be obtained than in this part of the country. I do not wish to be egotistic but my experience is this—I have a few

thousand acres of land swarming with poison, with dogs howling round it every night and morning of their lives; I planted myself there 3½ years ago and am now proving that it is possible to carry 5,000 sheep on 8,000 acres. This is what I have done already and I have determined, if the thing is possible, to show that the land will carry one sheep to the acre before another two years are over. If that is so, and my friend Mr. Throssell's calculation be correct, that 60 million acres are available as farming country in the South, and if the same methods can be applied that I am applying, I say if that be so, and even supposing that the country will only carry one sheep to two acres, we will show that it will be possible for 30 millions to be depastured upon the lands in the South-West, south of Geraldton. This is a most encouraging state of things; I am so pleased myself with it that I am recommending everyone else to go there. I do not know that they will all take my advice but it is certain that with this railway they will have the opportunity of seeing for themselves, and having seen for themselves, there will not be the least doubt what the answer of the great majority will be. Meantime I would commend the members of this House to follow the example of two worthy gentlemen who have taken up land there, and who have not been seduced from their allegiance to their State by the life and attractions of Melbourne or Victoria. I refer to Messrs. Fraser and Lynch, of the Federal Senate, who have taken up blocks on the Dinninup area and are working them in a most admirable and successful manner. Hon. members cannot do better than follow in the footsteps of those two gentlemen. From whatever point of view we regard this railway, whether as opening up the country, whether as linking two great branches of our railway system or whether from the fact that it is likely to pay from the first—at the present time the forests of Boyup have only one outlet and when this railway is completed, they will have another to the eastward—when we consider all these advantages I can assure the House that they will never

regret to their last moment having voted for this railway.

Hon. C. A. PLESSE (South-East): In rising to support the Bill before the House I may say that the proposed railway will run through a portion of the province I have the honour to represent. I suppose there is no one in this Chamber to-day who is as well able to speak in connection with this district as I am. I have only just returned from that locality, having spent the last week end and the beginning of the present week there, which has accounted to a great extent, for my absence from the first two sittings of the Chamber this week. I was never more surprised in my life at the development which has taken place in this district during the last two years; it is simply marvellous. I saw at a gathering there a number of the settlers, all of whom were men who seemed capable of developing that class of country, and with their wives and children were all happy and contented, and full of hope. I was surprised to find what they had done in a very short period. Comments have been made with regard to this locality in connection with the quantity of poison which exists on the land. It might be interesting to explain the history of this poison country, and the reason why it was not taken up until comparatively recently. This part of the State was held in huge areas, one being of 160,000 acres, and others of 140,000 acres, 80,000, 50,000, and so on. It was taken up a quarter of a century ago and I know all about it because I had the pleasure of deriving some profit from it, in supplying the surveying parties that were there in those days with the meat that they required. As we all know the Western Australian Land Corporation took up a million acres and the bulk of it was in that locality. The lands have not been waste lands in spite of the poison on them because the Government received every year £1 per thousand acres from the Land Company. This was one of the conditions on which the land was given to the Company; they had to clear the poison from the land, and then having done so, after a period of twenty-one years, the land would become their own. The Company

paid the £1 per thousand acres for 17 or 18 years, but did not clear any poison from it, and consequently the whole of the property reverted to the Crown. That is the reason why this part of the State has not been settled before. This area possesses the finest climate in the State; the country is influenced by the Leeuwin to a marvellous extent, all the strong breezes which come up from Cape Leeuwin fan the whole of this locality, and have a marked influence on the growth of the timber and everything else over a great distance. As far as the country is concerned it is there to speak for itself. To-day we find a hopeful and prosperous community already there; no doubt they have done well so far and are making ends meet, but it will be a very much better state of affairs if we can give them this railway line. Dr. Hackett has referred to the success of sheep farming on the land that he holds. I know of one place in this area, however, where sheep farming has been equally successful, and one man is carrying one sheep to the acre on 1,000 acres. This man only started in a small way about three years ago, and now he is practically independent. There is no shortage of land in this locality; there is a huge area available still, but there is no doubt that until we get railway conveniences we will not be able to encourage people to go down there and settle. As we build railways the people will go on settling in the direction of Albany and south towards the Leeuwin, and as time goes on we will have to face the question of constructing new railways throughout this vast area. We will find that session after session Bills will have to be brought down for the construction of railways in various parts of the State. I can call to mind at least a dozen places which should have railway facilities, and there is no getting away from that fact. It is useless to ask a man to go 30 or 40 miles away from the railway and expect him to compete with the man who has railway facilities to assist him. In connection with this proposition I can say that if ever a line was justified, and Parliament was justified in passing a Bill for a railway in this State, it is justified on this occasion. I hope hon. members

will see their way clear to give this measure their hearty support.

Hon. F. CONNOR (North): I wish to say a few words in connection with this Bill, and to compliment the Government on the fact that they have not gone back on the policy of railway construction which they started on, in order to bring about the settlement of people on the land in this State. There can be no question that it is a proved fact that with the proper class of settler on the land, particularly in the South-West and Great Southern districts, the land will give good results and will justify our putting settlers on it. Any Government deserves the support of every politician and budding statesman in the country if it will adopt a policy of placing people on the land and developing the grand estate we possess in this State. Dr. Hackett discussed sheep. That is a great proposition. We know that Australia is going to supply the world for a long time with a particular class of wool that cannot be grown anywhere else. I speak with some knowledge of this matter because I have been in the wool trade for a great many years, and I can tell hon. members that in the South-West, and more particularly in the Great Southern district we can grow wool that will produce the highest price in the world's markets to-day because of its lightness in texture, and because of its cleanness. This particular class of wool is required by America, and can only be grown here. But I will pass wool and sheep. I say advisedly, having had some experience, not so much as Mr. Piesse, but a fair amount, that the great proposition we want to cater for here to-day is not wool, and not even fruit, which is a great thing, but wheat. We should get people to settle on the land to grow wheat. I have no hesitation in saying that we can beat Australia if we get the right class of settler, and the best way to get that settler from wherever he comes is to give him facilities to get to the land. There is only one way of doing that. The old proposition of having roads and bridges has vanished; it was useful in its time; but now we



must build railways in every direction ; and as long as I have the honour to be a member of Parliament wherever it is proposed to build a railway to develop agriculture I shall support it. Should a railway be needed, the State will not be doing its duty, and the Government in power will not be doing their duty, if that railway is not built. I compliment the Government on the stand they have taken up in connection with the development of the country by the building of railways. They cannot go too far in this direction, and I think every member of the House should support them, particularly when it is a question of building a railway for the development of agriculture.

Hon. E. M. CLARKE (South-West) : I am heartily in accord with the building of railways. I think it is history that Sir Jules Vogel laid the foundation and future success of New Zealand to a great extent by this policy of building railways which our Government have adopted. Some of us may have had some slight doubts about the immediate results of building these railways, but there can be no possible doubt of the ultimate success of the lines. I have never yet opposed the construction of a railway in Western Australia, and I hope I shall not be found doing so. We have along this particular route land that is not only calculated to grow wheat and wool, but is suitable for dairying and will grow fruit and a multitude of other produce. If a man does not choose to grow wheat, he can grow wool, and if he does not choose to grow wool he can grow fruit and other things. There are energetic people along the route of this line who, owing to the distance, have not up to the present developed their property to one quarter of its capabilities, but we can depend on it that the time is coming when they will get a move on. There are individuals among them who will get a move on when they find the convenient way of getting their produce to market. We have in this connection to bear in mind that the first section of the line up the Preston River, which I predicted would pay from the jump, has paid, and hand-

somely, straight away. It has been said by the Minister that it may be claimed these lines do not pay. All I can say is that if we are going to wait until we are assured that each and every new railway is going to pay we shall never have another mile of line constructed. It has been said that the whole of the stuff that comes along a spur line is also carried along the trunk line to the port of destination, and that being so it is only due that these spur lines should be credited with a certain amount of traffic on the main trunk line. There is no need to say more on this Bill except that we must not look for these new spur lines to pay straight away. They pay indirectly at once, and they are bound to pay directly in the future. They are going to be the success of Western Australia in the near future.

Hon. J. F. CULLEN (South-East) : I have only a few words to say but I must say them because part of the line will lie in the province I have the honour to represent, and the only opposition to it is from part of my province. It is a testimony to the sound judgment of this House that there is no opposition in the House to the line ; but some people have been dubious about it. There has been no opposition to the line on its merits. Part of the opposition has been from a fear that, as the line will complete a loop between the South-West and the Great Southern Railway, it may divert some of the trade from the Great Southern district to the South-West ; but the answer to that is very simple—broad views must be taken of questions affecting the development of the country ; little local questions must not be allowed to stop the march of progress ; in the interchange of commerce and trade between the Great Southern and South-West districts there will be give and take, and any little loss that may result to one corner of the district will be fully compensated by this interchange of trade. Another set of opposers take this line—they say that the country cannot find the money for all the railway projects that are opening up, and therefore they must oppose this railway that might delay

other railways in which they are most interested. The answer to that is—the policy of the Government. The Government's policy is a large, liberal, confident, and sound policy, which simply means that wherever there is good land, either with settlement already on it, or where there is an immediate prospect of settlement for it, there is no fear about a railway paying, and it is sound business to borrow money and build the railway; because there will never be difficulty in getting money for such a project. I say the answer to the second objection is the Government's policy. The Government say they are looking all over the whole State and wherever there is a prospect of freights to carry, they are prepared to project these railways. The Government are to be commended for this very liberal attitude in regard to the development of the country.

Hon. T. H. WILDING (East): I rise to support the Government in the building of this railway. There is no doubt about it the Government are to be commended on the policy they have adopted in the building of light agricultural railways. There is no other means by which we can open up this great State of ours except by building these railways. They are almost as cheap as roads, and we should not spend too much money on roads except as feeders to railways. We should build railways wherever the land is good enough. Dr. Hackett in speaking of the land through which this railway will pass has led some members to believe that it is not a fattening country.

Hon. J. W. Hackett: Not at present.

Hon. T. H. WILDING: About eleven years ago I purchased 500 wethers raised and fattened on Dinninup Brook. I have never passed through the country: therefore I cannot say anything from having seen it; but among those on the land there is an old saying of "Show us the stock raised and bred, and we can tell you what the land is like." Having seen that stock I know there is first-class land there suitable for cereal growing as well as for feeding stock. I paid £1 per head for these sheep on rail at Wagin. It tells me there

is good land there, and I shall support the Bill before the House. I hope members will realise it is necessary to have these agricultural railways built.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Clauses 1 and 2—agreed to.

Clause 3—Deviation:

Hon. T. F. O. BRIMAGE: On the plans the deviation shown was ten miles on either side of the line. In this case the deviation was shown as five miles. Which was correct?

The Colonial Secretary: The Bill settled the matter.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Purchase money to be determined under the Public Works Act, 1902:

Hon. F. CONNOR: Was the purchase money determined by arbitration it necessary?

The COLONIAL SECRETARY: Yes; there was full procedure under the Public Works Act. Unless an agreement was arrived at in the nature of a settlement between the two parties there were arbitration proceedings provided for.

Hon. C. A. PIESSE: Although there might have been a provision it was not always carried out. He had a case in point in connection with the construction of the Wagin-Dumbleyung railway when 20 acres of land were taken from a man by the Government and no compensation was granted to him. It was to be hoped there would be no more of that sort of thing. On several occasions he had appealed to the then Minister for Works with regard to the matter.

The CHAIRMAN: Was the hon. member speaking to Clause 5?

Hon. C. A. PIESSE: Yes, he was referring to the failure on the part of the Government to grant compensation to a man whose land they had taken away.

Clause put and passed.

Clauses 6 and 7—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment; the report adopted.

# **BILL—FISHERIES ACT. AMENDMENT.**

## *Assembly's Insistence.*

Resumed from the previous day.

The CHAIRMAN: The original motion by the Colonial Secretary was that the amendment of the Legislative Assembly be no longer disagreed with and to this an amendment has been moved by Mr. Langsford "That the amendment of the Legislative Assembly be agreed to subject to the following amendment:—Strike out the words 'or any person of Asiatic or African race claiming to be a British subject.'" The question is that the words of the amendment proposed to be struck out, be struck out

The COLONIAL SECRETARY: The Bill originated in this House, was sent to another place and certain amendments were made to it. When those amendments came before this House all were agreed to except the one now appearing on the Notice Paper. The other place, however, insisted on their amendment and now Mr. Langsford had moved to the effect that we no longer insist upon having that amendment rejected, provided that certain words were struck out. On the previous day he had reported progress on the Bill for it had occurred to him that while our Standing Orders provided that we could send the Bill back to another place, still under circumstances such as those that had now arisen, he was not satisfied that the Standing Orders of another place would allow that House to receive it. On inquiry he had found that the Standing Orders of the Assembly would not allow that body to discuss the Bill again, and, consequently, if the amendment of Mr. Langsford were carried, the Bill would go to the Assembly, and that would be the end, as they would be unable to discuss it. Even if they could discuss it, and disagreed with the suggestion and the Bill were again returned to us our only course would be to lay the Bill aside. The possibility was that if we insisted on the amendment, it would mean laying the Bill aside. It was for the House to say what they would do, but he would

point out that it was necessary to get the Bill through as the Government were desirous of getting permission to make a contract with a company to gather the product of the sea other than food fish along the North-West coast.

Hon. M. L. Moss: Was the proviso in the Bill when the Government introduced it?

The COLONIAL SECRETARY: No; the Assembly added an amendment, including it. The Bill was for the purpose of giving to the Government the right to grant an exclusive license for the gathering of products of the sea, such as turtles and sponges. The representative of a syndicate in London had told him that very morning that they were prepared to put up £25,000 to enter into the turtle industry, that the money was waiting in London providing they could get an exclusive license.

Hon. W. Patrick: Will they agree to the condition?

The COLONIAL SECRETARY: Yes; it was not essential to them that black labour should be employed, for in that respect the industry was very different from pearling. The turtles were secured along the beach. If the Bill were lost the license could not be granted, and that would be a pity for turtles existed in millions from Shark Bay northward, but no use had been made of them as yet. Here we had an opportunity of getting a profitable industry established.

Hon. R. W. PENNEFATHER: Notwithstanding the appeal made by the Minister that we should assent to the view he had urged, the House would be wrongly advised if they adopted the suggestion. There was at the bottom of this matter a large constitutional question. In the first place, since Federation, we had alienated to the Federal authorities the right to admit all aliens. What right had the State to interfere with the status of an alien? None whatever. If the Bill were passed he was sure His Excellency the Governor would refuse to give his assent to it. The Government should have studied that aspect.

The Colonial Secretary: There is the same proviso in the Mining Act.

Hon. R. W. PENNEFATHER: When was that Act passed? The point may not have been questioned, but he was sure that if not it could be very successfully questioned on the ground he had mentioned. Once a man was granted his full status as a British subject he could not be denied the right to work in British territory. If the amendment were passed it would place the Governor of the State in a false position. He would have to refuse to adopt the Bill, the matter would go Home, and the King would, no doubt, be advised not to assent to the measure. Then the position would be that this Legislature had attempted to pass a Bill that no constitutional authority could recognise. It was a pity to lose a measure that might do good to the country, but we must not pass a measure which would be a slur and reflection on this Assembly.

Hon. A. G. JENKINS: There was no reason why the House, having assented to this provision in the Mining Act, should have such grave objections to assenting to it when it affected another industry. It was to be hoped the Bill, as amended, would pass. The arguments used by Mr. Pennefather had not been raised previously. The Mining Act when before the House was thoroughly considered from all points of view, but there was no question at all about that measure being reserved for the consideration of the King.

Hon. F. Connor: That was before Federation.

Hon. A. G. JENKINS: But the Act had been amended time after time since Federation, and, in fact, a consolidating measure had been brought down by the Minister for Mines and passed since Federation.

Hon. M. L. MOSS: As one of those who on the 24th November had voted for the striking out of the proviso he wished to draw attention to the fact that four others who had voted the same way on that occasion were not in their seats at the present time. It would be unfair to those gentlemen if anything in the nature of a snap vote were to be taken.

The Colonial Secretary: Surely they have had sufficient notice. What was

the total number of members present when the vote was taken?

Hon. M. L. MOSS: Nineteen. However, that was beside the point. He cordially agreed with the sentiments of Mr. Pennefather; His Excellency the Governor could not be advised to assent to the Bill with such a proviso in it. True there were similar provisos in the Mining Act and in the Factories Act, but such provisions were strongly objected to by the Imperial authorities, and properly so too. Although a strong believer in the White Australian policy, he at the same time held that there should be only one law for all people within Australia. The proviso would place a disability upon a British subject who was not undesirable from any point of view, except, perhaps, on the score of his colour. It was an outrageous doctrine. Again, if this proviso were to be applied to the pearling industry it would mean its extinction; of that there could be no doubt. The proviso had had no place in the original Bill but had been inserted to meet the whims of that class of politician who was always bidding for the acclamation of the general public.

Hon. A. G. Jenkins: It was accepted by the Government without a division.

Hon. M. L. MOSS: Even if the Government chose to swallow such medicine it was no reason why members of the Legislative Council should do the same.

Hon. A. G. Jenkins: You allowed it to go in the Mining Act.

Hon. M. L. MOSS: There was a great difference between allowing such a proviso to pass when one's attention had not been called to it, and agreeing to it after its character had been pointed out. If this were to be agreed to we would have further measures introduced creating a line of demarcation between various sections of the white community, with one class of legislation for one section and totally different legislation for another. These people, the subjects of the proviso, were rightly inhabitants of Western Australia and they had a right to the protection of the Government. Were hon. members going to commit themselves to an act of injustice? The sole consideration of the House should be the question

of what was right. It was the weakest kind of argument to say that the same proviso was in the Mining Act and in the Factories Act.

Hon. A. G. JENKINS : You have swallowed it twice.

Hon. M. L. MOSS : It might have been otherwise had his attention been drawn to the proviso. However, he would take the first opportunity of endeavouring to undo a wrong. He had no intention of receding from the position taken up in November.

Hon. J. F. CULLEN : Abstractly considered, the arguments of Messrs. Moss and Pennefather were unassailable. But could the business of the legislature be always carried out on abstract lines ? A contract had been entered into between the two parties most concerned in the Bill and both parties were ready to accept the Bill as it had come back from the Assembly. If hon. members would not accept it, it would mean the throwing out of the Bill. A protest had been made in the strongest possible way and there was no occasion for hon. members to go further. In the circumstances he would feel bound to fall in with the desire of the Colonial Secretary.

Hon. R. LAURIE : On the 24th November, Mr. Cullen had voted for knocking out the proviso. Now that hon. member said he was not going to stick to that position because the Government had entered into a contract. So far as he (Mr. Laurie) knew, no contract had been entered into ; but in any case such consideration should not be allowed to sway the opinions of hon. members in regard to the merits of any Bill. The proposal to exclude British subjects was, in his opinion, wrong. It was extremely hard that on coming to Western Australia a British subject would not be allowed to enter into an agreement to work under the Bill. While having no desire to see Chinamen trading in Western Australia he could not but think that we could well afford to have a percentage of them occupying here the positions they occupied in other parts of the world. In respect to a British subject, it was altogether wrong that he should be debarred from working on our coast. This proviso probably represent-

ed the first step in the driving out of other aliens working on the North-West coast. As one who knew some of the conditions obtaining on that coast he was convinced that white labour for diving purposes could never be satisfactorily used in the Northern latitudes. For these reasons he intended to vote as he had voted in November.

*(Sitting suspended from 6.15 to 7.30 p.m.)*

The COLONIAL SECRETARY : If the amendment were carried it meant that the Bill would be laid aside, because it could not be considered in another place. Some members were taking up the position that because they were unable to employ black labour in the industry, then white labour should not be employed. There were syndicates willing to put money into this industry if they could get protection, but they would not establish the industry unless they could get some protection. Under the Fisheries Act there was no power to give exclusive right.

Hon. B. C. O'BRIEN : Mr. Moss did not seem to care whether the Bill was lost or not. The Minister had pointed out the seriousness of the defeat of the measure, but as long as Mr. Moss gained his point he was indifferent as to what concerned others. Mr. Moss had referred to another big industry being interfered with. He (Mr. O'Brien) supposed the pearling industry was referred to, but if this principle were applied to the pearling industry, it would not affect that industry at all. We should protect the aliens who were among us, and he would even go so far as to allow aliens to receive old-age pensions. But there were other avenues of employment which aliens were engaged in, and they should stick to them. These aliens came to exploit us and we should realise that.

Hon. J. W. LANGSFORD : There seemed to be some doubt if another place could consider an amendment if it were passed. The Standing Orders of the Assembly were silent on the question, therefore rather than see the Bill defeated he would, with the permission of the House, ask leave to withdraw the amendment.

Hon. M. L. Moss objected.

The CHAIRMAN: The amendment could not be withdrawn.

Hon. C. SOMMERS: British subjects should have all the rights possible, but at the same time he would not like to see the Bill lost. There was not a great number of people likely to be employed in this industry, still he felt inclined to vote with the Government although he did not like going back on a vote previously given.

Hon. R. W. PENNEFATHER: Since Federation was adopted legislation on the admission of aliens or their naturalisation was entirely a question for the Federal Parliament. Once a person was a British subject what right had we to regulate the employment that person should follow. Might not the principle be extended further and say that all British subjects living beyond the 21st parallel should be engaged in certain employment. The other arguments used by the Minister, were used, he regretted to say, with force but not with conviction. This trouble would have been saved if the Government in another place exercised the power at their command and refused to pass such an amendment as this. Now an effort was being made to thrust it down the throats of members of the Legislative Council. Every member of the Council was wedded to the policy of a White Australia, but an injustice should not be perpetrated. He looked upon it as a gloomy aspect for the development of the northern part of the State if interference were carried to the extent that coloured labour should not be employed. Were we to keep these menial occupations exclusively for white labour? Would we be willing to do that? If so, we would be going the right way to decimate our white population in those parts. It was a false policy to support the popular outcry that we should employ nobody but white labour in the tropical regions of the North-West. He had seen the effects of white labour in these parts in connection with attempts to work alluvial country: as soon as the alluvial soil was turned over malaria at once spread itself. Were we to reserve such a thing for our white brothers

in the far North? He hoped that the Chamber would not lend itself to the indignity of being a party to a proposal such as that made by the other Chamber.

Hon. G. RANDELL: After hearing what he considered to be unanswerable arguments he felt that he would have to vote for the amendment moved by Mr. Langsford. It was the only reasonable and right way out of the difficulty which had arisen, a difficulty which had been forced upon the Legislative Council by another place. On the ground of natural justice, those who had been received into our country, and while here had become British subjects, should be protected while they remained. He was in entire sympathy with the remarks made by Mr. Pennefather, Mr. Moss, and Mr. Laurie on the subject, and he would not allow expediency, for that was the argument used against the amendment, to guide him in a matter of that description. If he consented to the amendment made by the Legislative Assembly he would feel that he had lowered the position he occupied in Parliament as representative of the Metropolitan Province, and, in fact, as a representative of the whole country, because it would be adopting a principle which would undermine the privileges of the House.

Hon. E. McLARTY: The amendment would receive his support. It would be monstrous after having admitted these aliens into our State that we should attempt to deprive them of making an honest living. These people had to live as other people did, and while he had no great admiration for them, and believed in a White Australia, it had to be remembered that these people were here, we had permitted them to enter the State, and it would be a wrong policy to adopt to refuse to permit them to be employed in an industry of this kind.

Hon. T. H. WILDING: Arguments had been used in favour of the amendment that it was similar to a section which appeared in the Mining Act. Personally he did not think it was on all fours with that, and, besides, the work which these people would be called on to perform in the Northern part of the

State would be quite different from that which came within the scope of the Mining Act. If the amendment went through it would strike a blow against the pearling industry, and also against future development in the North-West. We had wonderful possibilities there, and it was doubtful whether we could develop that portion of the State without the assistance of alien labour. This appeared to be only the thin end of the wedge, and if the amendment were passed that wedge would be driven right home.

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

Ayes	..	..	..	13
Noes	..	..	..	4

Majority for .. 9

#### AYES.

Hon. E. M. Clarke	Hon. G. Randell
Hon. J. W. Langsford	Hon. C. Sommers
Hon. R. Laurie	Hon. S. Stubbs
Hon. E. McLarty	Hon. G. Throssell
Hon. M. L. Moss	Hon. T. H. Wilding
Hon. W. Patrick	Hon. C. A. Plesse
Hon. R. W. Pennefather	(Teller).

#### NOES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. J. F. Cullen	(Teller).
Hon. A. G. Jenkins	

Amendment thus passed.

Hon. M. L. MOSS: There was no desire to repeat the arguments he had previously used. It concerned him not if he stood alone. So long as he thought legislation was unjust he would not shirk the responsibility of showing his colours. He sought no public acclamation. He regretted the Minister had been dangling in front of him some syndicates in Fremantle. He wished those syndicates every success but he wanted Parliament to pass no unjust law to give them concessions to which they were not entitled. It was wrong to say he cared nothing so long as he gained his point. He wanted to gain his point, but only upon the arguments he used, and upon the justice of his case. He would be the last to try to secure a victory if he thought he was doing something unjust. He simply opposed this proviso when he saw something foreign added to the Bill, something entirely unconstitutional, something al-

ready rejected by the Council, and something which, if applied to the pearling industry, would entirely destroy it. It was not a big step to go further and prohibit coloured labour from taking any employment in Perth. He would kill the Bill a hundred times before he would give his vote to anything that appealed to him as an absolute injustice.

Hon. A. G. Jenkins: Was the amendment on the amendment also pernicious?

Hon. M. L. MOSS: It was an improvement.

Hon. A. G. Jenkins: But what are you going to do with it?

Hon. M. L. MOSS: Kill it. He did not wish to see the proviso even with the amendment tacked on.

The COLONIAL SECRETARY: We were simply discussing the establishment of the turtle industry, and the question was whether, provided the Assembly agreed to the amended proviso, members were prepared to give the Government power to grant exclusive licenses for turtle fishing. Was the hon. member not going to give that right because the Bill provided that no Asiatic or African alien could take part in the industry?

Hon. M. L. MOSS: African or Asiatic aliens already in Western Australia were presumably not prohibited immigrants, and it was begging the question to say that many of them were. The vigilance exercised by the Federal authorities saw to that. We could not discuss the matter from the point of view that many of these aliens were really prohibited immigrants. Undoubtedly they were not; undoubtedly they were people rightly in the State; yet they were to be excluded from earning their living in this direction. That was an injustice.

The COLONIAL SECRETARY: The great injustice talked of was a mere nothing. The White Australia Policy practically prohibited any coloured people from coming into Australia except to maintain the numbers engaged in the pearling industry at the present standard; and in a few years there would be very few coloured people here, so no injustice could be done. Were we,

for the sake of these few, to prohibit the establishment of the turtle industry ?

Hon. J. F. CULLEN : The twelve members who had supported Mr. Moss previously voted on the principle of excluding British subjects, and not on the issue that Mr. Moss now raised. In fact the vote was mainly on the very point Mr. Langsford's amendment had now struck out. One could hardly conceive twelve members voting with Mr. Moss to stand up for Asiatic and African aliens. Now the proviso was altered it was a serious ground for any member to take that attitude.

Hon. M. L. MOSS : The hon. member conveyed the idea that he (Mr. Moss) was in favour of the African and Asiatic aliens coming into the State to take part in these industries. That was a wrong impression. He wanted to see no Asiatic or African aliens employed unless they were rightly or correctly in the State or were persons properly domiciled in the State. In such cases it was an unjust law that prohibited them from being employed in this particular industry. He would oppose any Bill to bring in black labour to compete with white men, but were members to say that people properly in the State were to be debarred from employment in this industry ? To carry the argument to its logical conclusion we would next prohibit these people from doing carpenters' work.

Hon. B. C. O'Brien : They have absolute possession of the cabinet trade.

Hon. M. L. MOSS : Where was the crime ? It might be undesirable, but we were discussing the question whether it was a just or an unjust law to make with regard to people properly in the State. Surely there was British justice in the community.

Hon. A. G. Jenkins : Not at the expense of the white worker.

Hon. M. L. MOSS : One was sick and tired of that kind of argument.

Hon. A. G. Jenkins : We judge that from your remarks to-night.

Hon. M. L. MOSS : Some members wanted to mix up the importation of Asiatics and aliens into this country, and their competition with white men, with

the present proposal. We were not discussing that. He would be the first to protest against such a thing. A certain number of coloured people came into the country according to law. He had thought it was the boast of the British people that once a person entered a British country he was entitled to as much freedom as the person who had lived there before.

Hon. A. G. JENKINS : In one breath Mr. Moss said he did not want the people here, and in the next he said if they were allowed here they should do as they liked. If people were undesirable they should be got out of the State as quickly as possible. Their employment should be restricted as a means to this end. In the present case we were going to give away very valuable concessions, and all we asked the people who obtained the concessions was that they should employ British subjects and that no alien labour should be employed.

Hon. R. W. PENNEFATHER : If the proposition Mr. Jenkins urged were correct, how would it act against the legislation passed by the Federal Government on this question of coloured labour ? With regard to coloured labour at Broome, and in tropical parts, the Federal Parliament had to modify their policy to the extent of admitting that without tolerating coloured labour on the pearling grounds the industry would be destroyed. The result of that was that every three years the coloured workers returned to their country and a fresh lot came here. Why draw the line at other fishing industries connected with those latitudes. The member might with some degree of reason suggest that coloured labour should not be employed south of the 21st parallel of latitude. The coloured men were particularly fitted to work in tropical regions, and it was only with such labour that the North-West could be developed. It was idle for the Colonial Secretary to say that because this syndicate were willing to forego certain rights they otherwise might have we should pass a Bill containing a clause which would reflect a stigma on the intelligence of this Chamber for many years to come.



Hon. R. LAURIE: While not in favour of coloured labour, it was evident that there were parts of Australia where that kind of labour could be used under proper conditions with advantage to Australia. He had listened to Mr. Moss and Mr. Pennefather, and had determined to vote with them on this question, for the reason that the clause was being made to apply to any part of the North-West coast of Western Australia. Alien labour in the turtle industry might make it more payable to those engaged in it, in fact it might be the very life of the industry. He was at one with those who were opposed to the position taken by Chinamen in the manufacturing industry, so much so in fact that he would not purchase anything from their shops. He believed in a white Australia as much as anyone else in the House. He had been particularly struck with the fact that the people who purchased from the Chinamen's shops were those who expressed themselves as being most strongly in opposition to their existence in Australia. When the Government brought the Bill down originally there was no such clause as that now under discussion inserted. If it had been thought necessary by the Government that there should be no aliens or Asiatics employed on the coast surely there would have been a clause inserted in the original Bill. Members of another place had made an amendment which the Government accepted, but he was strongly against this House agreeing to it.

Hon. G. RANDELL: The question was now in a very different position from what it was before the amendment was passed. The Government were desirous of entering into a valuable contract with a certain syndicate and it would be wise to agree to the amendment as it now stood so that this industry could be established. The amendment would prohibit the syndicate from introducing on their own account, and probably some of those forming the syndicate had this in their mind, that class of aliens referred to in the amendment. A fair compromise had been arrived at on the question inasmuch as at the present moment aliens and Asiatics were pro-

hibited from entering the State; therefore he would vote for the remainder of the amendment.

Amendment as amended put and passed.

Resolution reported, the report adopted, and a Message accordingly returned to the Assembly.

## BILL—LAND ACT AMENDMENT.

*In Committee.*

Clauses 1 to 5—agreed to.

Clause 6—Amendment of 62 Victoria, No. 37, S. 136:

Hon C. A. PIESSE moved an amendment—

*That after the word "surveyed" in line 5, the words "with the consent of the applicant" be inserted.*

His object was to prevent the infliction of an injustice. Under the clause if a man had several holdings in one group with only the outside boundary surveyed, and he determined to forfeit one of these holdings, he would be called upon by the Government for the cost of completing the survey of the holding forfeited. And the monstrous part of it was that in the event of his neglecting to pay within a time to be specified by the Minister, the remainder of the holdings, with their improvements, would be taken from him. The lessee might have spent thousands of pounds on the other blocks, yet the Minister would not only have the right but, under the clause, he would be compelled to forfeit them with all improvements. It would mean a grave injustice.

The COLONIAL SECRETARY: The amendment will mean a grave injustice to the department. It will be impossible to pay for the surveys.

Hon. C. A. PIESSE: In many instances the lessee would have asked for the survey in the first place, and would have been refused, perhaps on the score of pressure of work. How unfair, then, to insist upon his paying for the survey when subsequently he forfeited a portion of his holding.

The COLONIAL SECRETARY: The amendment would not even bear the meaning intended by the hon. member

Seemingly the hon. member misunderstood the clause. If one of a group of holdings were forfeited, and any man were to take up the forfeited portion, the department would be able to claim from the new man the cost of survey. Surely it was only right that if the holder of a 3,000 acre block were to forfeit 1,000 acres and a second man came along and applied for this 1,000 acres the applicant should be expected to pay for the survey of the 1,000 acres.

Hon. C. A. PIESSE: It seemed that it was the Minister who misunderstood the clause. Clearly it was the man who would forfeit a portion of his block who would have to pay for the survey.

Hon. W. PATRICK: Under the clause it was perfectly plain that if a lessee forfeited a portion of his lease the man who forfeited, and not the man who came along and took up the forfeited part would be called upon to pay the cost of the additional survey rendered necessary by reason of such forfeiture.

Hon. C. SOMMERS: Why should he not?

Hon. W. PATRICK: Probably there was no reason at all why he should not; but there were many good reasons why he should not be called upon to lose the remainder of his holding if he failed to pay the survey fees within the time prescribed by the Minister. Of course it was only fair that the lessee should pay for the additional survey caused by the forfeiture.

Hon. C. SOMMERS: If the holder of, say, four blocks decided to forfeit one, his action would render it necessary that a new boundary should be surveyed. Surely it was only equitable that the lessee should pay the cost of that boundary.

Hon. C. A. PIESSE: The man who forfeited the one block should not be called upon to pay survey fees in regard to it when, perhaps, he had asked to have it more completely surveyed in the first instance. Apparently the lessee was not to be considered in the matter, except that he would have to pay up as soon as called upon. The question was, did the Government intend to collect also from the incoming lessee? With the permission of the Committee he would with-

draw the amendment because it did not carry out his intention.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: In the first place a settler took up a large block of land and got it surveyed; after while he did not want one block and the necessitated a resurvey. Why should he not pay for that resurvey? Mr. Piesse now took exception to the penalty in Section 137 of the original Act referred to for forfeiture for non-payment of rent. This clause provided that if a man did not pay survey fees within the time fixed by the Minister then the land would be forfeited.

Hon. J. F. CULLEN: The rent might be a large sum but the survey fee was only a small amount. Might not the clause be made to read, that the remaining holdings of the group with the improvements thereon "may be" forfeited. He suggested that the word "shall" in line 9 be omitted and "may" inserted in lieu.

Hon. C. A. PIESSE moved an amendment—

*That the words "and unless such cost is duly paid within the time to be fixed by the Minister the remaining holdings of the group, with the improvements thereon, shall be forfeited" be struck out.*

If we struck out these words the Minister could insert other words more reasonable. The cost of the survey could be made recoverable at common law, but at present the penalty was extreme and out of all reason.

Hon. C. SOMMERS: It was to be hoped the amendment would not be pressed because at this stage of the session we could not tell if we would get the Bill back again. This proviso was not likely to be enforced at any time, but the Minister should have power, if certain things were not done, to take certain steps.

Hon. G. RANDELL: The words referred to were opposed to the principle of the Government, that of giving the most liberal terms to those who settle on the land. The penalty imposed was beyond all reason. To say that because a man did not pay for a resurvey of land

which might be rendered necessary by the forfeiture of a portion of the land, the remaining holdings should be forfeited, was not right.

Hon. J. F. CULLEN: It would not be fair to put the Minister on the same basis as an ordinary creditor, to recover in the ordinary way in the courts, but the rational course was to give him permissive power to forfeit. If we gave the Minister mandatory power it would enable the jumper to force the hands of the Minister, also it was not wise to create fear in the minds of the mortgagee.

Hon. C. A. PIESSE: Hon. members could refer to the old Act. and they would see that this was a new position which was created. It was a provision whereby the surveys of forfeited blocks would have to be paid by the owner, and a penalty was provided in case he did not pay. It had always been a mystery to him how we had gone so far in connection with land settlement in the face of the poor security which was given to the financial institutions, or to private individuals who lent their money to those holding the land. The securities were bad enough, and we were making them worse by adding this clause. Parliament had agreed that the security should be limited, and it was a wonder to him that so much money had been lent on these securities. The Minister had stated that this provision was contained in the old Act, but two wrongs did not make a right. The Minister could make a provision if he liked that it should be collected from the lessee, and added to the instalments paid, but in justice to that man when they let that land again they should repay him for the portion which had been taken from him.

Hon. F. M. CLARKE: It might be advisable to postpone the further consideration of the clause until after the others have been dealt with. He would not like to vote against the clause, nor did he feel inclined to vote for it. By postponing its consideration members would have the opportunity of looking into the matter and seeing how it was going to operate.

The COLONIAL SECRETARY: There was no objection to postponing the

further consideration of the clause. He moved—

*That the consideration of Clause 6 be postponed.*

Motion passed.

Clause 7—agreed to.

Clause 8—Amendment of 5, Edward VII., No. 22, Section 8:

Hon. C. A. PIESSE: The measure made it compulsory on the part of a selector to pay all survey fees. Would the Minister inform the Committee whether this payment would count as an improvement to the land. If we were going to make the selector pay £10 or even more for his survey we should be prepared to allow that as an improvement to the property.

Hon. C. SOMMERS: It should not be forgotten that the payments for these surveys were extended over a period of 20 years. If what the hon. member suggested were carried out, it would only be doing something that would prove of no value to the selector.

Hon. C. A. PIESSE: If it was of no value to the selector, the Government had no right to make the charge.

The COLONIAL SECRETARY: The hon. member was not serious in making the suggestion. If it were put in force it would certainly assist in dummyming, and the hon. member surely did not believe in that. Moreover it was not known how a survey could be possibly classed as an improvement.

Hon. C. A. PIESSE: Dummyming was the word which was always used to get out of a difficulty. A survey was an improvement, and sooner or later it would be adopted as such. The day was not far distant when the Government would embody the principle in a land Bill.

Hon. C. SOMMERS moved an amendment—

*That in line 3 of subclause 2 after the word "suffice" the words "unless otherwise desired by the selector" be added.*

Hon. C. A. PIESSE supported the amendment, but if it were carried it would be necessary to alter the clause previously sought to be altered. We

would give the applicant power to say whether he should have the holding surveyed into blocks, or whether it would simply be one outside boundary.

The COLONIAL SECRETARY: The amendment was unnecessary. The department would survey the block with one boundary if the applicant desired, but it would be a pity to have the clause amended. This might be the only amendment, and it would be necessary to go through the whole procedure of having the amendment agreed to by another place.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 9 to 14—agreed to.

Clause 15—Installments of purchase money not to exceed 3d. an acre during the first three years:

Hon. C. A. PIESSE congratulated the Government on the first liberal step taken in connection with the repayment of land rent. He would rather exempt the holders altogether for the first three years, because with the increased price the Government were now demanding, notwithstanding the wishes of the bulk of members to the contrary, a man would be required to pay £50 rent instead of £25, and the £50 would make a considerable difference to the improvements a man could carry out if he could hold the money instead of paying it to the department. However, with the provision that the instalment should not exceed 3d. an acre the payment would not be more than £25 on the maximum holding.

Clause put and passed.

Clause 16—agreed to.

Progress reported.

#### ADJOURNMENT—MONDAY SITTING.

The COLONIAL SECRETARY moved—

*That the House at its rising do adjourn until 4.30 p.m. on Monday.* A motion authorising the House to sit on Friday had been carried, but it was not necessary now on account of the suspension of the Standing Orders temporarily to-day. However, we would

meet on Monday so as to have the full week, and have a happy termination to the session.

Question passed.

*House adjourned at 9.25 p.m.*

## Legislative Assembly,

*Thursday, 9th December, 1909.*

	PAGE
Papers presented	2004
Questions: Public Service, absent officers	2004
Narra Terra Estate, alleged preference	2005
Special Land Settlement, Railway Officers' allowance	2005
C.P. Leases, Avon district	2005
State Battery, Boogardie	2006
Papers removed from Table, Mines Loan to R. Berteaux	2006
Censure on a Minister, Mines Loan to R. Berteaux	2007
Bills: Electoral Act Amendment, 1st.	2057
Transfer of Land Act amendment, 1st.	2057

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

#### PAPERS PRESENTED.

By the Attorney General: Papers relating to the appointment of the chief clerk in the Electoral Office, Perth, and registrar for the West Province.

#### QUESTION—PUBLIC SERVICE, ABSENT OFFICERS.

Mr. DRAPER asked the Minister for Mines: 1. What officer performed the duties of the Government Geologist during the absence of the latter at the Franco-British Exhibition? 2. What was the position of such officer in the public service? 3. How long did he perform the duties of the Government Geologist? 4. What extra remuneration did such officer receive? 5. Have other officers in the public service received extra remuneration for performing the duties of absent officers? 6. If so, who were they? 7. For how long did they act? 8. Whose