

## Legislative Council,

Tuesday, 1st September, 1914.

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

### ELECTION RETURN—SOUTH-EAST PROVINCE.

The PRESIDENT announced the receipt of the return to a writ issued for the election of a member for the South-East province showing that George Malakoff Sewell had been elected.

The Hon. George Malakoff Sewell took and subscribed the oath and signed the roll.

### PAPERS PRESENTED.

By the Colonial Secretary: 1, Report on the administration of the Education Endowment Trust to 31st December, 1913. 2, Report of the Public Service Commissioner for the year ending 30th June, 1914. 3, Return under the Workers' Homes Act classifying under their respective occupations the successful applicants for Workers' Homes and Advances for Homes (ordered on motion by Hon. D. G. Gawler). 4, Correspondence relating to recent political crisis in Tasmania. 5, Report of the Department of Land Titles for the year ending 30th June, 1914. 6, Public Service list, 1914. 7, By-laws of the municipality of Guildford relating to motor and other traffic. 8, By-laws of the municipality of North Fremantle relating to motor and other traffic. 9, By-laws of the municipality

of Leederville. 10, By-laws of the municipality of Kalgoorlie. 11, By-laws of Beverley Roads Board. 12, Papers relating to the retirement of Mr. A. S. Roe, Mr. J. Cowan, and Mr. C. V. Foss.

### QUESTION — SUSPENSION OF ACTS.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Whether it is the intention of the Government to temporarily suspend the operation of the Industrial Arbitration Act, with a view of enabling existing awards to be suspended? 2, Whether the Government will consider the advisability of also suspending temporarily the operation of the Truck Act?

The COLONIAL SECRETARY replied: 1 and 2, The Government have already convened a conference of employers and employees to consider the industrial position.

### QUESTION — DEPORTATION OF ASIATIC CRIMINALS.

Hon. W. KINGSMILL (for Hon. A. G. Jenkins) asked the Colonial Secretary: 1, How many convicted Asiatic criminals have been deported from Western Australia during the past three years? 2, How many have not been deported?

The COLONIAL SECRETARY replied: 1, 16. 2, 46.

### BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

#### All Stages.

Introduced by Hon. J. E. Dodd (Honorary Minister) and read a first time.

#### Second Reading.

Hon. J. E. DODD (Honorary Minister—South) [+35] in moving the second reading said: The Bill which is now before the House is a measure designed to give some protection to the friendly societies during the present crisis. The friendly societies are allowed to fix a certain amount for contributions in order to meet the actuarial position as outlined by the

registrar, and as hon. members know, there are quite a large number of members of friendly societies who have volunteered to go away with the contingent which is to be sent to the front. In addition to that there are likely to be a large number of members out of employment, and the friendly societies have approached the Government with a view to getting some relief, that is, by a discontinuance of the contributions of those who may be out of employment or who may be going away. Hon. members will also understand that the liabilities of the societies are likely to increase by reason of those members who may be selected to go away with the expeditionary force. We all hope that their liabilities will not increase. The societies are somewhat alarmed lest they should not be able to withstand the calls which may be made upon them. As a consequence the Government have acceded to their wish and have introduced this small amending Bill in order to meet them, and allow members who may be out of employment to cease paying their contributions whilst they are so out of employment. The registrar retains the right of restriction over societies in this respect; that is, that they cannot do just as they like in remitting these contributions, and that he will take care to see that the stability of the societies is not endangered. With that end in view power is given to the registrar to ask that a levy should be made upon any society which may possibly get below what may be considered a safe margin in their finances. That is really all there is in the Bill. There is also provision, however, that, notwithstanding any suspension to which any member is entitled by reason of this measure, he shall be entitled to full benefits just the same as if he had paid his contributions. I do not think there is anything else which needs explanation in the measure. The friendly societies are almost unanimous, in fact I may safely say that they are quite unanimous in asking that this Bill be brought into operation. But it is not to be done except by way of proclamation. There is no immediate necessity for it because there are something like

13 weeks still to go in which members need not pay their contributions before being declared unfinancial. That is the position at present. I move—

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

Question put and passed.

Bill read a second time.

*In Committee, etcetera.*

Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Effect of suspension:

Hon. Sir E. H. WITTENOOM: Do I understand the Honorary Minister to say that those who go away with the expeditionary force, although they do not contribute towards the society, will still share in the benefits, just the same as those who stay behind and contributed towards it.

Hon. J. E. DODD: That is so. The clause reads as follows:—

(1) During any such suspension the member in whose favour it has been granted shall not be called upon to make any contribution in respect of which it has been granted; but after the end or determination of the suspension he shall, except in so far as the society by resolution passed at a general meeting of the members otherwise determines, be liable to pay all such contributions as will have become payable by him but for the suspension at and in such time and manner and in such instalments as the Committee may decide. (2) Notwithstanding any suspension, the member affected shall be entitled to all such benefits which he would have been entitled to if he had paid his contributions.

Hon. Sir E. H. WITTENOOM: It practically amounts to a temporary suspension.

Hon. J. E. Dodd: It amounts to a suspension as the society may determine.

Clauses 4, 5, 6—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and transmitted to the Assembly.

# BILL—BILLS OF SALE ACT AMENDMENT.

*Recommittal.* /

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

Clause 18—Bills of sale void against claims for wages:

Hon. C. SOMMERS: I asked for the recommittal of the Bill to point out that this clause is unnecessary. The wage earner is sufficiently protected at present. His wages are, by law, payable weekly or fortnightly, and if an employer fails to pay, the employee can get summary jurisdiction in 24 to 36 hours, and the offence is punishable by imprisonment. To pass the clause would make it impossible to borrow on the security of a bill of sale. If a man lent on the security of four or five horses the sum of £100, which might represent nearly their full value, to a farmer who had several men working for him, and whose wages for the month amounted to £30 or £40, it would be serious for the lender if their wages took priority of his bill of sale. In the interests of the borrower, the clause should not be passed. It is difficult enough at present to raise money on this class of security. I will oppose the clause.

Hon. D. G. GAWLER: I move an amendment—

*That the following words be added to the clause:—"Provided also that nothing in this section contained shall prejudice or affect the title of a bona fide purchaser for value of any such chattels as are not in the possession, or apparent possession, of the grantor at the time of such seizure."*

The sheriff, or other officer, under an execution seizing goods comprised in a bill of sale could follow those goods which were in the possession of the grantor a month prior to the seizure. They may have been goods sold over the counter and distributed throughout the country among many different pur-

chasers. The Crown Solicitor has framed this amendment, which is a reasonable one. The effect will be to protect the title of a bona fide purchaser of goods taken away by the purchaser and no longer in the grantor's possession.

Amendment passed.

Hon. V. HAMERSLEY: I oppose the clause as amended, because it will have a detrimental effect and will be of little use. Many farmers probably require credit for stock, and employees may launch a claim for wages on the strength of the stock arriving on the premises. This will destroy any credit which the farmer would otherwise get in this direction.

Hon. J. F. CULLEN: I appreciate the force of the arguments against the clause, but notwithstanding this, the clause is just and necessary. It is within the power of a wage earner any day to spoil the redress of a holder of a bill of sale. He can sue for wages due and can make his employer bankrupt, if he chooses.

Hon. D. G. Gawler: That is for £30 or over.

Hon. J. F. CULLEN: Yes. While every saving clause of this kind must affect the value of a bill of sale, the same argument applies to rent, and no one cries out for a saving clause for rent. If this applies to rent, why should it not apply to wages?

Hon. Sir E. H. Wittenoom: You do not give a bill of sale over furniture very often, not like property on a farm.

Hon. J. F. CULLEN: There are many bills of sale over furniture. If the law protects the landlord, how much more should it protect the wage earner! It may be said that the wage earner has immediate redress, but so has the landlord. The period of one month is reasonable. There are numbers of firms who pay fortnightly and monthly and what would be said of an employee who took advantage of the clause because one payment was owing? Although this will affect the value of a bill of sale, it will bring up the wage earner to something like parity with the landlord.

Hon. Sir E. H. WITTENOOM : My remarks will apply almost entirely to the pastoral and agricultural areas. The instances brought forward by Messrs. Sommers and Hamersley were very good, as illustrating how difficult it will be to raise money by a bill of sale if this clause is passed. In addition to the employees on a farm, who may number six or eight, the farmer often lets large contracts for clearing and wood cutting, and he is responsible for their payment, as well as for the payment of wages. If a bill of sale is to be loaded in this way, there will be little chance of obtaining loans on this security, if before he could realise, all these wages could be claimed against him. It is a very great impediment. I believe in making wages as assured as can be. I have yet to learn that there are many cases in the country where wage-earners do not get their wages when due. At the same time the wage-earner must take some risk. If I sell sheep or cattle to a butcher, I take his paper, and, with it a certain amount of risk. The wage-earner risks at most only one month's wages.

Hon. J. Cornell : It is a lot to a wage-earner.

Hon. Sir E. H. WITTENOOM : It is a lot to a pastoralist to lose £1,000 to a butcher. We all have to take some risk. The wage-earner is fairly well protected. If we are going to get the development of our lands carried out to the extent we wish we must give every facility for people to borrow on the security of what they own. It would be unwise to hamper bills of sale with the liability of wages.

Hon. C. F. BAXTER : I voted for the clause last week, but since then I have learned that if it were put on the statute-book it would be a very great blow to the farming community. It would stop all the farmers' dealings in stock, which take a very wide range. No firm of standing would take a bill of sale. Those who to-day enjoy the existing privileges would be debarred from them. From that standpoint I cannot support the clause.

Hon. J. CORNELL : Some measure of justice should be extended to the worker

under the Bills of Sale Act. Under that Act the worker has no redress at all to-day, unless the amount due is £30, or more, when he can force the employer into the bankruptcy court and so have his claim put before those of other creditors. I am surprised at Mr. Hamersley supporting the deletion of the clause, seeing that he represents a farming constituency. Mr. Sommers started out to put up a splendid case for the farmer, and ended by putting up an excellent case for the money-lender. Sir Edward Wittenoom gave us the point of view of the pastoralist, and eventually joined issue with Mr. Sommers in respect to the money-lender. I am surprised at Mr. Baxter, who has taken his first political somersault in the Chamber. Mr. Baxter, who represents a party of consistency, comes into the Chamber and votes for a clause, and at the next sitting votes against it, notwithstanding that the clause has been improved by Mr. Gawler's amendment. And it will be noticed that Mr. Baxter has given us no arguments at all. I hope the Committee will agree to the clause. It has been said that it will destroy credit. I know the credit that is attached to the poor individual who goes to the money-lender for a bill of sale; if he wants £20 the security required is about £100, and he has to pay about twenty per cent. interest for it. The proposition under the clause is a fair one. It is merely that a worker shall be secured to the extent of one month's wages. This, we are told, will be hard on the employer who wants to borrow money on a bill of sale. But it must be remembered that when a money-lender advances money to-day he takes into consideration the security of the landlord, who has the first call. I say the worker should have the first call. The farmers, whom Mr. Baxter represents, employ a large number of men, and the employment of those men produces wealth for those employing them. To-day the worker has no redress. The clause should appeal to everyone, for none can deny that the worker should have some justice. After all it is the great mass of the workers who make

farmers and pastoralists and money-lenders possible. I hope members will do a measure of justice to the workers.

Hon. H. P. COLEBATCH: I intend to vote for the deletion of the clause. The principle underlying it is wrong. It is that if the man who owes the wages cannot pay them someone else must do so. I oppose the clause in the interests of the workers themselves; because if we are going to cast additional difficulties in the way of the small employer making use of his credit we are going to decrease employment. This is an attempt to throw difficulties in the way of the small employers, who will have quite enough trouble as it is to persuade people to finance them.

Hon. J. W. Kirwan: What is the good of the employment if the men are not paid?

Hon. H. P. COLEBATCH: But they will be paid. There is no suggestion to the contrary. If they are not paid, they can sue for their wages. To pass the clause would be to offer an inducement to the employer and the employee to let the wages hang up. The matter of rent has been referred to, and we hear a great deal of the protection afforded to the landlord. In whose interest is that special protection afforded to the landlord? Chiefly in the interest of the tenant, so that he will not be disturbed when he cannot pay his rent every week.

Hon. J. Cornell: If that was the intention, it has miscarried.

Hon. H. P. COLEBATCH: I do not think so. The operation of the clause has been more in the interests of the tenant than of the landlord. A person lending money on a bill of sale knows that the bill of sale is subject to the landlord's claim for rent. If we are going to make it apply to wages also there are many cases in which the lender of the money will not know what his limit is. He knows it is a month's wages, but for how many men? He will never know the limit. Therefore the clause, if passed, will result in embarrassing people who want to borrow money to keep their businesses going. In another portion of the Bill we have given special

privileges to the man advancing seed and fertilisers. Why? Not in his interest, but in the interest of the person getting the advance, the farmer; and I think we should be undoing much of the good effect of that principle if we insert this clause.

Hon. C. SOMMERS: I understood Mr. Cornell to say that if a farmer went insolvent the employee would, under this clause, be protected to the extent of three months' wages against every other creditor. I take it, however, that if I hold a bill of sale over farm stock and the farmer goes insolvent, then the goods I hold would not be subject to any claim for wages. The legal members will no doubt correct me if I am wrong, but I take it that if the sale of the stock brought less than the amount I was entitled to, then I could claim on the estate for the balance, and that if the sale of the stock brought more, then the surplus would go to the estate. I rose because I do not think Mr. Cornell understands that position.

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

Ayes	..	..	..	17
Noes	..	..	..	8
Majority for				9

#### AYES.

Hon. J. F. Allen	Hon. A. G. Jenkins
Hon. C. F. Baxter	Hon. E. McLarty
Hon. H. Carson	Hon. W. Patrick
Hon. E. M. Clarke	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. C. M. Sewell
Hon. F. Connor	Hon. C. Sommers
Hon. D. G. Gawler	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. J. Duffell
Hon. J. J. Holmes	(Teller).

#### NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. F. Cullen	Hon. C. McKenzie
Hon. J. E. Dodd	Hon. H. Millington
	(Teller).

Clause thus negatived.

Bill again reported with a further amendment.

On motion by Hon. A. G. JENKINS Bill again recommitted for the purpose of further considering Clauses 3 and 17.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.  
 Clause 3—Amendment of Section 6:

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

*That the following words be added to Clause 3:—"Provided that it shall be sufficient for the purposes of this section if the bill of sale states that the rate of interest shall be the current bank rate for the time being."*

A similar provision to this is contained in all mortgages taken by financial institutions. The mortgage instrument does not provide a rate of 7 or 8 or  $6\frac{1}{2}$  per cent., but provides that the mortgagor shall pay whatever the current bank rate may be for the time being. The course is one which suits both the borrower and lender, and inflicts no injustice on anyone. As I have indicated, the principal is not new.

The COLONIAL SECRETARY: I have not had time to look into this amendment. In fact, I was not aware that it was to be moved.

Hon. A. G. Jenkins: I gave you a copy of it last week.

The COLONIAL SECRETARY: Unfortunately, the copy has been mislaid. However, after hearing the amendment read, I cannot perceive any objection to it. If both parties agree that the rate of interest shall be the current bank rate of interest, I do not see how anyone could take objection. I am of opinion, however, that under the Act as it stands at present a bill of sale containing that provision could not be registered.

Hon. D. G. GAWLER: Section 6 of the Bills of Sale Act sets out, amongst other things, the necessary facts which must be stated in a bill of sale in order that the bill of sale may be valid. It would be a sufficient compliance if the bill of sale stated that the bank rate of interest for the time being was to apply. I see no objection to the amendment.

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

Clause 17—Amendment of Section 18, Bills of Sale Amendment Act, 1906:

Hon. J. J. HOLMES: I move as an amendment—

*That in Subclause (b), line 3, the words "before or" be struck out.*

There are several classes of merchants concerned with the farmer: the merchant who deals in seed wheat, the merchant who deals in fertilisers, the merchant who deals in jute goods, and the merchant who deals in the necessities of life. In accordance with a general honourable understanding, these merchants have all been supporting the farmers during the past season, and indeed for several years. If we allow the words "before or" to remain in the clause, the effect will be that we shall give protection to the seed wheat merchant, to the fertiliser merchant, and to the jute merchant, but not to the merchant who supplies the necessities of life. That is not a fair thing. If the proposal were to protect the seed wheat, fertiliser, and jute merchants for the future, it would be right; but to give the clause a retrospective operation for their benefit is not fair. There is now in existence the Government Seed Wheat Board, which agrees to supply the farmer with seed wheat, fertiliser, and so forth, to tide him over a period of stress. I have a copy of the contract which is entered into between the Agricultural Department and the farmer in this connection, and even in that contract all the merchants are protected. There are, however, hundreds of cases in which one merchant has supplied the farmer with seed wheat, another merchant has supplied him with fertiliser, and a third merchant with stores. I do not think it is a fair thing to benefit one section at the expense of another.

The COLONIAL SECRETARY: It does not matter much now what amendments are made, because I am sure the measure in its present form will not be acceptable to another place. The clause is drafted to protect merchants as well as the Government. The Government and the merchants have been acting in unison. Every penny advanced to the farmer has been advanced in this way. Assignments have been registered and there has not

been notice of intention. There was not time. In South Australia, where they deliver seed wheat to farmers by way of relief, it is done through district councils. They do not take a bill of sale over a growing crop, but the amount of the value of the seed wheat is a first charge against the crop. We are not going as far as South Australia; we are simply asking Parliament to relieve us of the obligation of giving notice of intention.

Hon. J. J. HOLMES: I am in accord with the legislation passed in South Australia, but not in accord with the legislation it is proposed to pass here. We propose to make it retrospective. If the wheat board had supplied all the wheat and fertilisers and stores, there would be no objection to the clause, but the wheat board has only supplied a portion. I understand the whole of the advance by the Government is £90,000, but we can take two merchants in this country and prove that they have advanced a quarter of a million of money.

Hon. A. G. Jenkins: The merchants get good profit for what they advance, the Government do not.

Hon. J. J. HOLMES: The hon. member gets good profit for what he does, and surely he would not deny it to others.

Hon. A. G. Jenkins: You want to treat the merchants the same as the Government, and they are not entitled to it.

Hon. J. J. HOLMES: The hon. member would not be a party to obtaining goods under false pretences, because that is what it would mean.

Hon. J. DUFFELL: Judging by the remarks made by the Colonial Secretary that another place will not accept this measure as it has been amended, and because of the fact that it is a contentious measure, we could well afford to let it remain in abeyance for six months. There is at the present time an honourable understanding between the Chamber of Commerce and the Government's representative, Mr. Sutton, in regard to what this clause would effect. I contend that this is not the time to discuss contentious matters. What would be the position if the merchants got their backs up and said, "We will not allow any further

credit." There would be chaos immediately. There can be no more seed wheat required for six months, and taking that into consideration, together with the fact that an honourable understanding exists, why should we go on with this measure any further, especially in the light of the remarks of the Colonial Secretary that the Government will not accept the amendments which have been made by this House?

Hon. J. F. CULLEN: I am a little concerned as to whether Mr. Holmes and Mr. Duffell really represent the attitude of the business people.

Hon. J. Duffell: I have been in consultation with them.

Hon. J. Cornell: Mr. Holmes represents the squatters.

Hon. J. J. Holmes: I represent all sections of the community.

Hon. J. F. CULLEN: These gentlemen say that there is an honourable understanding and they recognise fully the fact that the Government have taken what purport to be ample securities for the advances they have made. The business people who have been helping the farmers know well that the Government have taken what is believed to be ample security, but the business people look at it in this way: the Government have stepped in as representing the whole of the people, not some competing business house, but the whole of the country. The Government have stepped in to do something that business men could not do to save these farmers from absolute ruin. Would the position be better if the Government said, "Let them go"? But the Government step in as representing the people and declare that they will do their part to save this section of the community. Will it mend matters to refuse to validate securities that were given to the Government and that the business people knew all about? The duty of the House is to validate these agreements.

Hon. V. HAMERSLEY: Mr. Cullen seems to misunderstand the position. As Mr. Holmes has pointed out, the business houses throughout the State have advanced a hundredfold what the Government have advanced towards keeping the

settlers on the land, but a great many would not be there but for the relief the Government have given to them. The firms, except for the honourable understanding referred to, have no security for what they have advanced, except the growing crops. The Government hold security all the time; they hold the security of the land. They decline to grant transfers and take away any chance the men have of obtaining money from financial institutions. And the Government are not in a position to advance stores and goods to keep these men going on the land. In this measure the Government have tried to get still further security and it looks as if advantage were about to be taken of those men who are entirely in the hands of the Government. I am not supporting the amendment, because I believe that the alteration already made to the clause is all that we desire.

Hon. H. MILLINGTON: I will support the clause as it stands. I find I have been looking in vain for friends of the farmers, and as a farmer myself I am not satisfied with the representation I am getting from some of the alleged farmers' representatives. It has been pointed out, or hon. members have endeavoured to point out, that the Government must receive the same treatment as merchants. If they insist upon it, it will amount to this: that the only friends the farmers have left, the Government, will withdraw their support. So far as the merchants are concerned, they are in the business for what they can get out of it, and whatever business the merchants do with the farmers is done with their eyes open. Whatever transactions the merchants have with the farmers are purely business transactions and the merchant is well able to protect himself. On the other hand, the Government purely assists the farmers. If the same concessions are to be given to the farmers in the future as have been given in the past we must have a clause of this nature.

Hon. J. J. HOLMES: The Seed Wheat Board only deals with people on the land who are in destitute circumstances. Men on the land comparatively wealthy a year ago are in very precari-

ous positions to-day. They are up against a bad season, and the merchant who supplied wheat to the farmer or fertiliser to the farmer when he was well off a year ago was content. If we are to protect the advances made by the Seed Wheat Board we should also protect the merchant who has made the advances to the farmer.

Hon. A. SANDERSON: Gradually the object of the Government has become clear and no doubt the Committee will not consent to the clause. The Colonial Secretary has told the Committee that the Government are not prepared to assent to the amendment. Under these circumstances we shall hear nothing further of the Bill. As to this particular clause I am in accord with the remarks of Mr. Holmes. The Government have carried on operations with their eyes open and now they come to Parliament and seek to protect themselves as against members of the community who are equally interested.

Hon. R. J. LYNN: I would like to confirm what Mr. Holmes has said from the Fremantle merchants' standpoint. They consider the words should be deleted, and no bill of sale should be retrospective. The clause should be deleted. Why interfere with existing agreements? If any agreement is entered into and advances made by merchants they are entitled to security just as much as the Government.

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

Ayes	..	..	..	16
Noes	..	..	..	9
Majority for	..	..	..	7

#### AYES.

Hon. J. F. Allen	Hon. E. McLarty
Hon. C. F. Baxter	Hon. W. Patrick
Hon. H. Carson	Hon. A. Sanderson
Hon. E. M. Clarke	Hon. G. M. Sewell
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. Duffell	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. C. McKenzie
Hon. J. J. Holmes	(Teller.)
Hon. R. J. Lynn	



## NOMS.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. F. Cullen	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. H. Millington
Hon. J. M. Drew	Hon. J. Cornell
Hon. V. Hamersley	(Teller)

Amendment thus passed.

Clause as amended agreed to.

Bill again reported with a further amendment.

# BILL—PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING ACT AMENDMENT.

Received from the Assembly and read a first time.

## NOTION—MAGISTRATES' RETIRE- MENT.

Debate resumed from the 4th August on motion by Hon. H. P. Colebatch, "That all papers relating to the retirement of Mr. A. S. Roe and Mr. James Cowan, respectively, be laid upon the Table of the House," and upon the amendment moved by the Hon. J. J. Holmes that after "Cowan" the words "and Mr. C. V. Foss" be inserted.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.59]: Mr. Colebatch in moving the motion—

The PRESIDENT: Is the hon. member speaking to the amendment or to the whole question?

The COLONIAL SECRETARY: To the whole question.

Hon. H. P. COLEBATCH: Would it facilitate matters if, as mover of the motion, I accepted the amendment?

The PRESIDENT: That can be done.

Hon. H. P. COLEBATCH: If the amendment were put and carried, the motion as amended would be before the House, and the Colonial Secretary could reply to the whole.

The COLONIAL SECRETARY: There is only one file dealing with the whole of the retirements, and the amendment is unnecessary.

The PRESIDENT: I think I had better put the amendment.

Amendment put and passed.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [6.3]: The Hon. Mr. Colebatch, in moving the motion, said that he had been influenced in his action by the belief that an injustice had been done to the civil service, and he added that the civil service had been shamefully treated over the matter of appeals. That statement had no bearing whatever on the motion, but it has been made and it calls for a reply. I would point out to hon. members that the Government have spared no effort in the direction of facilitating the hearing of appeals. Civil servants some three years ago were anxious that the personnel as to the chairman of the board should be changed; the Government accordingly introduced a Bill to Parliament with that object in view, and the Bill became law, and the result was that the President of the Arbitration Court became the Chairman of the Court of Appeal. There is no doubt that there was some delay in the hearing of the appeals. It was impossible for the President of the Arbitration Court to deal with the appeals and also with the work of the Arbitration Court as well. Each civil service appeal dealt with one man, whereas the business of the Arbitration Court dealt with large numbers of men, consequently the President of the Court had to give priority to Arbitration Court business. The delay in the circumstances was, therefore, unavoidable. It was foreseen by the Government, but the fact that it was foreseen was not, I contend, sufficient reason to deter the Government from introducing legislation and bringing about the reform which was effected. Commenting on the retirements of Messrs. Roe and Cowan, the Hon. Mr. Colebatch said that it looked as if an attempt were being made to deprive the service of the protection extended to it under the Public Service Act. The Hon. Mr. Colebatch contended that Section 66, dealing with the retirement of public officers, provided that an officer was entitled to retire from the service if he desired to do so, after he had reached the age of sixty. That is quite correct—there is

no denying it—and the Government have never attempted to take up any other position. There is little doubt also that Section 66 contemplates that after officers have reached the age of 60 years the matter can be reviewed by the Government as well as by the officers themselves. If, for instance, after the age of sixty an officer wishes to retire he can do so without in any way forfeiting his rights under the Public Service Act or under the Superannuation Act. Then on the Government side, the Government can also retire a public officer without in any way reflecting upon his integrity or upon his efficiency. Under that Act it was quite different when an officer was under the age of 60 years. The matter can only be investigated under Section 47 of the Public Service Act dealing with dismissals or removals, or under Section 56, which deals with incapacity. It is evident that in dealing with officers of the age of sixty, Section 66 was framed having in view the provisions of the Pensions and Superannuation Act. Under Section 10 of the Superannuation Act, assuming that an officer is superannuated, or granted a pension allowance on retirement from office, before the age of sixty is reached, he is liable to be called upon to fill any public office or situation under the Crown for which his previous public experience renders him eligible. If he declines to accept such office and it is available, and is offered to him, his right to any pension or allowance ceases from that moment. Section 66 confirms this provision, and it enables an officer to retire at his will after the age of sixty, without jeopardising his rights. We contend that if an officer has that right to retire at the age of sixty years, the Government also have the right to retire him, if they think fit.

Hon. D. G. Gawler: Where does the Commissioner come in; has he not to recommend?

The COLONIAL SECRETARY: There must of course be a recommendation from the Public Service Commissioner, and there was a recommendation

in this case. Section 66 is also careful to reserve to the Government the power to superannuate, as the hon. Mr. Gawler suggests, on the recommendation of the Public Service Commissioner. In individual cases, where the health or ability of the officer is called in question, the Commissioner would have the duty of reporting to the Government as to the state of affairs after due enquiry. There can be no doubt that it must rest with the Government of the day to decide upon any question of general policy. The action of the Commissioner surely cannot be questioned if the Government decide to review any set of officers when the age contemplated by the Public Service Act and also by the Superannuation Act is reached. And if he gives his recommendation after that age is reached for the retirement of a public servant not on account of any demerit on the part of any individual officer, but on account of the policy laid down it cannot be said that he is acting in any way inconsistently with the Public Service Act. The hon. Mr. Colebatch went on to speak about the aim of every British-speaking community being to place members of the Bench above temptation and want, and suggested that such practice had proved admirable in the way of removing them from criticism. I may say that insofar as funds have permitted that practice has been followed in Western Australia. The magistrates of this State, however, are in the same position in this regard as the rest of the public servants. It is impossible, in a country like this, with a small population, to pay as generously as they do in much larger populated States. But the amounts paid are in proportion to those paid to other public servants. In any event, the present Government have done nothing in the direction of reducing the salaries of the magistracy of the State. Any magistrate retiring in accordance with the general policy of the Government will receive all the benefits to which he is entitled. If some magistrates have had a short term of service, and there are some who have had, the fault surely does not rest with the Government? The hon.

Mr. Colebatch went on to say that the Attorney General had apparently overlooked the fact that Mr. Roe was a legal practitioner. As a matter of fact the Attorney General did not overlook that, but drew attention to it, as will be observed from the file, when I place it on the Table of the House, which I propose to do at the conclusion of my remarks. It is abundantly clear that Mr. Roe's case was considered, together with the question of policy as regards the age of civil servants. The hon. Mr. Colebatch informs us that he submitted the motion because he was entirely dissatisfied with the answers given to the questions regarding the matter. Mr. Colebatch probably anticipated, from the manner in which he had prepared his questions, that the answers would show that Section 66 of the Public Service Act had not been complied with. There never was any desire on the part of the Government to hide what has been done. Months ago, when Mr. Troy was retired, it was known that it was the intention of the Government to consider the question of retiring all magistrates when they reached the age of sixty years.

Hon. D. G. Gawler: He was 66.

The COLONIAL SECRETARY: The question of filling Mr. Troy's position was held over until the whole of the magistrates who had reached the age referred to could be dealt with together. In due course the question was considered, and it was deemed advisable to review the position when one of these officers reached the age of sixty. The Commissioner was duly seized with the wishes of Cabinet. He was given to understand what the question of the general policy was.

Hon. J. F. Cullen: So that is the explanation?

Hon. D. G. Gawler: Was there no recommendation?

The COLONIAL SECRETARY: And he took action accordingly.

Hon. J. F. Cullen: He was acquainted with the wishes of Cabinet first?

The COLONIAL SECRETARY: I have said he gave a recommendation. The hon. Mr. Colebatch pointed out

that there was a recommendation, and that Mr. Cowan, although over 65, was recommended to be retained, and claimed that the recommendation that Mr. Roe should be retired, although only 62½, was for no other reason than that he was sixty. There is no inconsistency in the position. It is true the Public Service Commissioner was referred to, and did grant his certificate under Section 68, with regard to its being desirable for Mr. Cowan to continue in the service, but such certificate expressed the opinion of the Commissioner in regard to an individual case, and without regard at all to the policy of the Government. It was subsequently brought to his knowledge that the Government desired to adopt a certain course, and he took no responsibility whatever in recommending in accordance with the general policy which had been laid down. There have also been statements with regard to Mr. Dowley and Mr. W. Cowan. What right, the hon. Mr. Colebatch asks, had the Government to anticipate any recommendation from the Commissioner? The facts of the case are these: Mr. Cowan quite recently reached the age of sixty, and it became the duty of the department to draw his attention to the matter, in accordance with the policy which had been propounded by the Government. The Government would have considered Mr. Cowan under that policy, but just at that period he was under a very considerable personal anxiety of a family nature, and it was decided that no action should be taken. Subsequently it was discovered that Mr. Dowley would reach a similar age about the end of this year, and the Public Service Commissioner recommended Cabinet to refrain from dealing with Mr. W. D. Cowan's position until the two could be considered together. The Government have made no secret of their intentions to place professional men on the bench. That policy was regarded with favour by previous Governments. The Government were desirous of giving effect of the policy, and to bring it into operation, when the magistrates attained the age of sixty years, and to retire them and place professional men on the bench.

Hon. J. F. Cullen: And laymen in the Arbitration Court.

*Sitting suspended from 6.16 to 7.30 p.m.*

The COLONIAL SECRETARY: Before tea I was pointing out that the Government had made no secret of their policy to place professional men on the bench, and also that that policy has been accepted by previous Ministers. Of course the anomaly exists in the case of Mr. Roe who was a lawyer, but it will be understood that there was a general policy of retirement at 60, and his case must be considered from that standpoint. The hon. Mr. Colebatch said that he had not touched on the question from the point of view of the cost to the public of paying a pension to one man and a salary to another. It can be assumed that the Government did not lose sight of those points. The officers had in any event the right to retire when they reached the age of 60, and if they had retired then a pension would have had to be paid to them. The hon. Mr. Holmes's speech showed the amount of consideration the Government may expect from some hon. members of this so-called non-party House. It showed bias and venom, I must say, in a very marked degree. The speech was not merely abusive; it was characterised by the imputation of the basest of motives without a shadow of evidence being given in support of it. He stated that the reason Mr. Roe was retired was that he had fined the Minister for Works some years ago for a breach of the law. He said the reason Mr. Dowley had been notified that he would be retired at the end of the year was that he had imprisoned pilferers on the wharf at Fremantle who were members of a large association. Would the hon. member dare to say that outside? He would not dare to do so, and if he would not dare to say it outside it is cowardly to use those expressions within the precincts of this Chamber. The speech was not a criticism; it could not be classed as vituperation; the only way in which I can describe it is to say that it was the language of the ale-house and of the racecourse

spieler, but I say it without casting any reflection on the hon. member in that connection. He said members of Parliament should have free access to departmental files; that they should be able to go to the heads of departments and demand any file in possession of the Government, and inspect that file. This shows just what knowledge the hon. gentleman has of the manner in which the civil administration is carried on throughout all civilised communities. There is absolutely no precedent for such a course in any part of the British dominions, and I maintain it would be a dangerous power to give, even to members of Parliament. It might be of great personal advantage to them to be able to peruse some of those files, and no doubt it would suit the hon. gentleman admirably if he could see some of the files in the departments. The hon. member said, "I will not tolerate the system." I would be glad to know what action the hon. member intends to take. I am sure we will be in no way frightened by his bluff and bounce. He declares that a reign of terror exists in the civil service.

Hon. J. J. Holmes: I repeat it.

The COLONIAL SECRETARY: He mentioned the State steamers and the Royal Commission appointed in connection with the same, the appointment of manager and the manager's qualifications, and then he dealt at some length with the Auditor General. One would think that the hon. member was dealing with a no-confidence motion against the Government. You, Mr. President, admitted that you were allowing him plenty of latitude, and I hope you will grant me the same favour because I intend to pursue him in his devious wanderings. I want to discount his sweeping and unsupported statements and to show he has no claim to be regarded as a friend of the civil service, and he is the last man in Western Australia who should speak of a reign of terror existing in connection with the civil service of this State. It is necessary that I should supply evidence in order to support the attitude I have taken up because Mr. Holmes's statements have been scattered broadcast throughout the community. They have

been published in the Press and no doubt have been believed by a great number of people. I would like to know who is this new-found Solon who is criticising the administration of the civil service of the State, and I would like to know whether he is qualified to adopt the role of censor of the Government in connection with their administration in this particular direction. I dispute Mr. Holmes's qualifications. He was Minister for Works in 1901, and he created a reign of terror in the civil service—a reign of terror without parallel in the history of the civil service administration.

The PRESIDENT: I think the hon. member is verging on the personal.

The COLONIAL SECRETARY: Well the hon. gentleman accused my Government of creating a reign of terror.

The PRESIDENT: Two wrongs do not make a right.

The COLONIAL SECRETARY: I want to prove that the hon. gentleman created a reign of terror in the civil service during the time he was a Minister of the Crown, a matter of three or four months, and, if necessary, I will move an amendment to permit myself to do so.

The PRESIDENT: No amendment will permit of abuse.

The COLONIAL SECRETARY: We were accused of creating a reign of terror, and I want to prove without indulging in abuse, that the hon. gentleman created a reign of terror when he occupied a ministerial position in 1901. The hon. member proceeded to chop down two worthy civil servants. He suspended the general manager of railways without adequate cause, and a board of inquiry appointed by his own Government reinstated that gentleman, and ultimately bought him out with an honorarium of £1,000. Then he drove out the under-secretary—

Hon. F. Connor: How often did he suspend them at that price?

The COLONIAL SECRETARY: The hon. member drove out the under-secretary. To quote his own words, he said—

Next I had to deal with Mr. Alpin Thomson. As he had been 22 years in the service I had to handle him as

gently as I could. The next thing that cropped up was the appointment of a secretary to assist me in my office. I made inquiries and I found one who had been in the service and who was a capable and qualified man.

Now this chivalrous champion of the civil service proceeded to rout Mr. Alpin Thomson who had been 22 years in the service and had six months previously, on account of his good conduct and efficiency, been given a rise of £50 a year. Who did the hon. member put in his place? A man who had been dismissed from the railway service for manipulating cash, and who had also been guilty of disgraceful conduct. The hon. Mr. Holmes was publicly charged—

The PRESIDENT: I do not think that has anything to do with the motion.

The COLONIAL SECRETARY: Then I will move an amendment if necessary. The hon. gentleman was allowed considerable latitude.

The PRESIDENT: I am allowing you to make any reply to the remarks made by the hon. Mr. Holmes in his speech. You will confine yourself to that.

The COLONIAL SECRETARY: I am endeavouring to prove that the hon. gentleman is not qualified to criticise the Government in connection with the civil service administration.

Hon. J. J. Holmes: You prove that the Government have not created a reign of terror.

The COLONIAL SECRETARY: The hon. member accused us of inconsistency in connection with the public service appointments, and I want to show that he is not qualified to criticise anyone, let alone the Government.

Hon. J. J. Holmes: It would take more than you to prove that.

The COLONIAL SECRETARY: The hon. gentleman was accused of using this man as a pimp and the only reply he had was, "Is the information correct?" Then he spoke about the late manager of the steamships. He condemned the appointment, but the capable and qualified man he appointed as a confidential under secretary was, as I said before, nothing better than a low down pimp and a cash

manipulator. That is not all, and I wish to say that all my remarks are bearing on the administration of the civil service. Mr. Holmes, who has been gallantly defending the service here, appointed to the vacancy a man from outside the service in defiance of the Public Service Act, and this was pointed out to him at the time. He passed over a man who is now secretary for railways, and who was entitled to the position vacated by Mr. Thomson. Protests were raised on every side and the newspapers of Perth—I have seen the files—commented strongly against his action and ultimately the confidential secretary he appointed was kicked out of the service. A board of inquiry was appointed, and the report of that board was to the effect that he was not a fit and proper person to be the confidential officer of a Minister of the Crown. Yet the hon. gentleman has the effrontery to criticise and condemn the Government in connection with certain appointments. Then he referred to the Commission appointed to inquire into the State steamship service thus—

These gentlemen have done service to the Ministers instead of to the State. Already one of these Commissioners is being pushed forward. Instead of reporting to the Governor he, with his colleagues, reported to the Minister. Whether he received promotion or not I do not say, but the fact remains that he is now Under Treasurer in this State. The other Royal Commissioner, who is assistant Public Service Commissioner, is entitled to promotion and the position is dangled before him. He is entitled to it for rendering service to the Ministry in defiance of the interests of the State.

The hon. gentleman proceeded to call this plain language. It may be plain language, but it is certainly not brave language; it is the reverse of brave.

Hon. J. J. Holmes: It is my honest opinion.

The COLONIAL SECRETARY: The hon. gentleman has assailed these public servants from the fortified castle of Parliament. He should have had the courage

to go outside and say it, but he has not. These words imply that these two particular servants are venal, corrupt, and have sold their honour and bartered their manhood for the sake of promotion. That is what the hon. gentleman said in effect; his words plainly implied that they had sold themselves to the Government. It is plain language, but it seems to me it is a gross abuse of the privileges of this House. Even the Auditor General did not escape his shafts. He insinuated that the Auditor General is under the malign influences of the Ministry. He said if the Auditor General's salary has to come before the Colonial Treasurer for ratification that power should be taken away. Every school boy knows that the Auditor General's salary does not come before the Colonial Treasurer for ratification, and that it does not come before Parliament even for ratification, but that it is already provided for under the Audit Act. Although the hon. gentleman has been a Minister himself he apparently is not aware of this fact. I shall now leave Mr. Holmes and come back to the motion.

Hon. W. Kingsmill: A significant confession.

The COLONIAL SECRETARY: I wish to express in a few words the attitude of the Ministry in regard to the superannuation of Mr. Roe, Mr. Cowan, and Mr. Foss. The Government are prepared to take the full measure of responsibility in connection with those retirements. What has been done has been done in consonance with the general policy laid down in respect to every officer. That policy may not be acceptable to Mr. Colebatch and Mr. Holmes, or even to a majority of the House, but this House has no right whatever to interfere in matters of policy. It does not represent the people. It represents merely a minority of the people. The House that represents a majority has offered no objection. It is in sympathy with the policy of the Ministry in this particular direction.

Hon. F. Connor: Why are you here? You should resign.

The COLONIAL SECRETARY : If Mr. Colebatch and Mr. Holmes want the policy changed, they must first change the state of parties in another place. It is hopeless for them to attempt the task here.

Hon. W. Kingsmill : Not in the least.

The COLONIAL SECRETARY : Mr. Colebatch said the Government had violated the Public Service Act. If this is so, the public servants referred to will be illegally retired and will have their remedy. He said it was also stated by members of the House that Captain Hare was illegally retired. Captain Hare has taken no action. I am sure, if he had had any grounds for action, he would have appealed to the law; but he has not done so, and consequently the action of the Government stands upheld. We have no objection to the production of the papers. They are all contained in one file. I brought them with me and I shall lay them on the Table now.

Hon. H. P. COLEBATCH (East—in reply) [7.47]: As the Minister has agreed to the motion and done all I desired he should do, it is not necessary for me to say anything further than this: throughout my remarks in tabling the motion I accepted it as a fact that all that had been done had been done in pursuance of the policy of the Government. I desired this information because it is my right, and the right of any member, to attack that policy if we do not agree with it. I disagree with the policy of the Government in determining to retire all public servants at the age of 60, because I think it is detrimental to the best interests of the public—the Colonial Secretary may not agree with me in this—detrimental to the interests of the civil servants and the justice due to the civil servants, and because, notwithstanding what the Minister has said, I am still of opinion that it is contrary to both the letter and the spirit of the Public Service Act. Having got the information, that is all I desire.

Question put and passed.

The Colonial Secretary laid the papers on the table.

## BILL—PLANT DISEASES.

### *Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [7.48] in moving the second reading said : This is an amendment of the Insect Pests Act. The title has been altered to that of Plant Diseases Bill. The main object is to give the officers of the Agricultural Department greater powers than they now possess. It is advisable that I should point out the difference between this measure and the existing legislation. In the first place, we are taking power to deal with neglected orchards. At present we have no such power unless there is specific evidence of disease. Neglected orchards have been proved to be a menace to the fruit-growing industry. They are a danger to the orchardists who make their livelihood by growing fruit, and a menace also to those who have invested money in the cultivation of gardens and who keep those gardens scrupulously clean, whereas others leave dead fruit lying about, which is a prolific cause of the spread of disease. The Bill enables action to be taken in order to suppress this evil. The owner of a neglected orchard will be notified, and in default the staff of the Fruit Industries Commissioner may step in and do what the owner of the property has hesitated to do. Under the existing Act there is no power to compel orchardists to clean up fallen and decaying fruit, unless it can be proved to be affected with a specific disease. There is no doubt many orchardists collect the fallen and decaying fruit. For them such legislation as this is unnecessary; but there are others who do not observe the practice and, therefore, it is becoming necessary for the Government to take action to compel them by legislation to do the right thing. The power will be needed to deal with the fruit fly, which is commencing to spread in districts adjacent to the metropolitan area. Then we seek to enforce the stripping, on days to be specified. This only refers to non-commercial fruits such as citronelles and several oranges and

lemons. The object is to prevent them from carrying over for the fruit fly during the winter months. The proposal is that fruit shall be stripped on a particular day in each year. Another provision prevents the storage or carriage within the State of secondhand fruit cases. These are stated to be the disseminators of disease to a large extent. Cases containing affected fruit are emptied and very often sent into clean districts, with the result that disease is created in that locality.

Hon. W. Patrick: I thought the Railways refused to carry any but new cases.

The COLONIAL SECRETARY: There are other means of communication than that of the railways. For instance, a man may come into the City, purchase fruit and take it into the country, where he opens the case and, having consumed the fruit, sells the case to someone else. A further alteration provided for in the Bill renders the destruction of prunings compulsory on all orchadists. There is no law to-day to render it necessary that they shall do so. Many do not destroy the prunings from grape vines, but place them in heaps, where they become the breeding grounds of pests. Power is given to compel the destruction of all prunings. We also provide that departmental officers shall have the right to question vendors as to where the fruit was obtained. Moreover, provision is made for the registration of fruit shops, markets, and auction rooms, in addition to orchards and nurseries. The object is that the department may have a record of the names and addresses of those who are selling fruit, in order that they may arrange for an inspection, when it seems desirable. Those represent the whole of the altered provisions. I move—

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

Hon. Sir E. H. Wittenoom: Is this all original legislation, or is it taken from another Act?

The COLONIAL SECRETARY: It is taken from the Insect Pests Act, and I have simply dealt with the alterations and additions.

On motion by Hon. E. M. Clarke, debate adjourned.

## BILL—RIGHTS IN WATER AND IRRIGATION.

### *Second Reading.*

Debate resumed from the 26th August.

Hon. H. P. COLEBATCH (East) [7.57]: I am beginning to feel a very tender solicitude for this unfortunate Bill. In its original conception all its good intentions were overshadowed by party shibboleths—absolute Ministerial control and Ministerial dictation, the abrogation of the freehold principle, and confiscation of private rights on a large scale. Session after session this House has amended the Bill so as to make it a reasonable, a workable, and a just measure, only to find on each occasion that the hurried prorogation of Parliament has rendered its work useless. At the close of the session of two years ago we were invited to a farcical conference in the very last hours of the session—farcical I say because we were told at the outset that unless we agreed to a new Bill which neither House of Parliament had ever seen—it would be impossible for the measure to proceed. Last session we reduced our points of differences—as the Minister has explained—to four, and many of us indulged hopes that a conference would result in a satisfactory arrangement. Such conference was rendered impossible because of the decision of the Speaker that this House could not press a request for an amendment to a money Bill—a decision of which I desire to say nothing further than that it was contrary to the decision of the previous session on this same Bill, and contrary to the decision of last session regarding another money Bill—the Fremantle Improvement Bill. Such is briefly the past history of this measure. What is to be its present fate? We are told that the session is to be brought to a close in a day or two, and here we have a Bill of seventy-nine clauses that has only just reached its second reading stage. The Minister will tell us that after the ex-



perience of the past two sessions members should be familiar with the provisions of the Bill, and ready to deal with it promptly. I must remind him that since last session there has been a general election to this House, which has resulted in seven new members being returned, at least five of whom represent constituencies more or less directly interested in this measure. In two of those constituencies the electors rejected sitting members who had voted with the Government on this measure, and returned candidates who supported the view taken by the majority in this Chamber, who had previously insisted upon amendments. But the Government seem to have no regard for the will of the people so emphatically expressed. A deliberate attempt was sought to persuade the people of the Harvey district—the people most immediately concerned—that the action of this House was responsible for the hanging up of the irrigation works in their district. Not only the Minister, but also the Chief Engineer for Water Supply and Irrigation went down amongst these people and submitted schemes to them. With what result? The water users and intending water users turned down the proposals, not by a mere majority, but practically unanimously. Then the election came along, and again by a great majority the Harvey people rejected the Government candidate and returned Mr. Clarke, who had taken a prominent part in pressing the amendments desired by this Chamber. It is idle to contend that this result was not obtained on a popular franchise. The water users and intending water users of Harvey are almost without exception Legislative Council electors. They have told the Government plainly what they want, and the Government refuse to give it to them. I do not intend to discuss the merits of irrigation—we all admit them. But I must again sound a note of warning against thoughtless experimenting. It is matter of common knowledge that in the State of Victoria the Government, out of a total loan ex-

penditure on irrigation of seven and a quarter millions sterling, have been compelled to write off over two and a half millions, debiting to the general taxpayer the interest and sinking fund on that large sum of money. Notwithstanding this, the different undertakings in that State still fail by £150,000 per annum to meet the interest alone on the remaining four and a half millions. In the State of California the actual cost of irrigation undertakings has exceeded the official estimates by twenty million dollars—or between four and five millions sterling; and both Victoria and California have advantages from the irrigation point of view—particularly in the matter of the larger local consuming population—that we do not possess here. Personally, as the result of some study of this question and frequent discussion on the spot with people interested, I am satisfied that the proper course for the Government to have pursued was to introduce a Bill applicable to one particular irrigation scheme, and to make a success of that before trying to give this measure a general application. In the district of Harvey everything is in readiness for such a scheme. We have the land and the men. The Government might well have put through a Harvey irrigation Bill, specially drafted to meet the requirements of that place. They could then have submitted to the land owners there a scheme for their approval, and, treating the matter as one of national concern, might well have undertaken that the estimated cost should be the maximum cost so far as the settlers were concerned. No big irrigation scheme was yet put in hand without initial loss; and by confining its operations to one scheme the State could have faced such loss, if it had arisen, without such a drain upon our resources as has resulted in Victoria from a policy similar to that which the Government have embodied in this Bill. However, the Government have chosen to disregard the emphatically expressed wishes of the people most concerned, and we are again faced with the responsibility of dealing

with this Bill in an altogether inadequate time. As for the four amendments already alluded to by the Minister, there are two to which I do not attach very great importance. Had a conference been held last year, I feel sure members of this Chamber would have been willing to abandon the proposed amendments regarding the beds of streams. The amendments made in another place on that subject will, I think, fairly meet the case. Then we have the provision in regard to the disposal of land that may be acquired by the Minister under this measure for the purpose of irrigation. The Bill provides that such land may be leased. This House desired that the land should be either leased or sold at the discretion of the Minister. Apparently the Minister—usually so anxious for arbitrary power—is afraid in this instance to trust himself with discretionary power. As far as I am concerned, the clause may now pass as it stands. A further demonstration of the futility of the leasehold principle will do no harm, and it will be an easy matter for another Government to secure the desired amendment so that freeholds can be granted. So far as the other two amendments are concerned, I hope that this House will insist upon them. The one relates to the extent of the operation of the measure. The Bill would apply it to the whole State, whilst our amendment would make it applicable to irrigation districts only. I think the principle the Government should proceed on is that where they are not in a position to do anything themselves, they should not interfere with private people who are doing something. In the present state of the exchequer I do not think it likely that the Government will be able to do much in the way of irrigation expenditure. In several parts of this State there are private people running small irrigation works from streams unsuitable for general use, and it seems the height of folly to hamper them by demanding that they shall pay license fees, and be restricted in their operations. It has been objected that if Part III. of the Bill is confined to irrigation districts it

may remove from control portions of streams the waters from which are required for irrigation purposes in an irrigation district. In order to meet this objection I have framed an amendment of which I informed the Minister last Thursday. It is in the form of a proviso at the end of Part III.: "Provided that, excepting as it applies to artesian wells, and to rivers, streams, water courses, lagoons, lakes, swamps, or marshes the water for which is required for irrigation under Part IV. of this Act, this part of this Act shall apply only to irrigation districts constituted and defined under section 27 of this Act." This, I think, will meet the objection already referred to, and give the Minister and the contemplated irrigation boards all the power they require. It will also leave people in districts unsuitable for general irrigation to go on with their small undertakings without interference. The other amendment I trust the House will insist upon is the substitution of the word "either" for the word "both" in the first line of Subclause 3 of Clause 79. I think this House will insist on reserving to itself the right to veto regulations. I do not hesitate to charge the present Administration with an overwhelming desire to legislate by means of regulation. I could furnish dozens of instances of this, but the very latest will suffice. A day or two ago the Government promulgated regulations under the Electoral Act, one of which required the electoral registrars to transfer names from the Federal rolls to the State rolls. The Act gives no authority for such a regulation, but apparently no one has any power to interfere with it. There are three other small points to which I would like to direct the attention of the House. In Clause 22 there is a proviso to meet the case of necessary works for the maintenance of artesian wells. Is the period of seven days long enough to meet the case of the owners of artesian wells in the north? Then, in Clause 58, Subclause 10, we find a provision that seems to have been inserted in error. The Bill as originally drafted gave power to control the flow of artesian

bores, but it was deemed expedient to eliminate this, and I think the subclause I have referred to should also go out. Lastly, in regard to Part IX, which deals with accounts, I have no fault to find with this part of the Bill, but hon. members who have read the Bill will understand that in certain circumstances it is contemplated that the Minister shall exercise all the functions of the board. This Part orders the board to provide accounts and submit them to the Auditor General, etcetera. All I desire is an assurance that the same will apply to the Minister when he is exercising the functions of a board. I do not know that it is necessary to submit an amendment, because the Trading Concerns Act which was passed last year will cover it. If so that will satisfy me. With the few alterations which I have suggested I have very much pleasure in commending the Bill. I think if we can pass it we ought to do so, because I am sure, in the district of Harvey in particular, much good will result. I have much pleasure in supporting the second reading.

Hon. J. F. CULLEN (South-East) [8.17]: In moving the adjournment for Mr. Colebatch I recognised that he had charge of the arguments when the Bill was last before the House, and I am glad to find that he has marked out a moderate and reasonable course on which I think both Houses of Parliament can come together. I am certain that the present definition of river bed is a big improvement on the original proposal. The matter has been so safeguarded that I think that part of the Bill can be accepted as it now stands. With regard to the tenure of land, if I read the Bill now aright it will not trouble me much. The Government takes optional power to lease the land. I have no objection to that, but I do not recognise in that that the Government divests itself of the power to dispose otherwise of the land, so I am willing to let that go, regarding it as purely one form in which the Government may be able to deal with this land, and a

form in which they will find it entirely futile to try to deal with. I have only one other point to refer to. I want to impress on the House the need to insist on the last mentioned change in the Bill; that is with regard to retaining power for either House to control regulations. The argument put forward against this is most illogical. The Colonial Secretary and other Ministers say that since two Houses are necessary to make a law two Houses should be necessary to prevent a misapplication of the law or a wrongful extension of it. These are the two things that might happen under regulations in the hands of a particular Minister. He might by means of regulations try to legislate, or he might misapply the legislation. I want to show how illogical it is to say that because two Houses are necessary to make a law, it should require both Houses to prevent the Government misapplying the law or wrongfully extending it. If they want a logical statement of the question it is this: Since two Houses are necessary to make a law two Houses are necessary to apply the law. An alternative statement of that is, that since one House can prevent Parliament making a law, much more may one House prevent the misapplication of the law by means of regulations. I hope the Colonial Secretary will see that his argument is entirely illogical, and that this House is impressed with the danger that threatens it. A Government with certain fads will torture an Act of Parliament to carry out those fads and say "Let the aggrieved go to the Supreme Court to get it upset." I see a far simpler way to get it upset, and that is to insist that either House shall have power to prevent the misapplication of the law that the legislature has passed. What a costly process it would be to go to the Supreme Court and fight the Government! The thing is preposterous. However, I hope this House will adopt the course suggested by Mr. Colebatch and accept the suggested amendment, especially as Ministers themselves put

it into a very important Bill and passed it into law. I heartily support the second reading of the Bill.

Hon. E. M. CLARKE (South-West): [8.22]: For many years I have taken a live interest in this question of irrigation, and I was one of the persons in the South-West who, in order to acquaint myself with the subject as much as possible, took advantage of a trip I made to the Eastern States to investigate the matter. The Government of Victoria were kind enough to place a motor car at my disposal, and also the services of the Engineer of Water Supply in that State, who had instructions to give me all the information I asked for. I secured plans and the report of one of the biggest schemes in Victoria, namely, that at Goulburn Valley. In short, I gathered a great deal of information. It is a most extensive scheme and beautifully carried out, but unfortunately irrigation was conspicuous by its absence. It consisted of a block of land at least 12 miles by 24 miles, and the report which I had, set forth that there had been spent upon it one and a half millions of money, and since that time I believe the amount has been increased to something like three millions. All this shows how cautious we require to be. Coming to irrigation in Western Australia I would say that conditions here are not like the conditions in the other States. There are very few large streams here, and not a great quantity of land which will lend itself to irrigation by gravitation. That being the case it does not follow that an Act which will suit a State like Victoria will suit the conditions in Western Australia. In this connection I wish to say that though there are these huge schemes in Victoria one does not see much of irrigation. In that vast scheme which I saw, there were hundreds of miles of water channels, and the main off-take was a stream 100 feet wide and running 6 feet deep, but, strange to say, in my travels through it I only saw irrigation in three places. In Western Australia I have learned a lot since the Bill was first introduced, and amongst other things I have found that irrigation is one of those matters that

must be gone into carefully. Looking over some of the lucerne plots as I have done, I have found, when water has been used on those plots, you have not reached the complete scheme, for the simple reason that there are always difficulties in the way, such as couch grass, sorrel, etc. We find that many of the patches which were irrigated several years ago are practically abandoned at the present time, and all this emphasises the fact that it is one of those things you want to be very careful about. Since I first offered opposition to these proposals—an opposition which Mr. Colebatch has so ably supported—I have been through the South-West and the general opinion there was that none of the existing rights to settlers should be interfered with until such time as the water was required for the benefit of the public at large. In several districts I went through they endorsed my action to the utmost. The Harvey people were much annoyed with me in the first instance when the Government dropped the Bill, but, as has been remarked by Mr. Colebatch, I secured a majority at Harvey on the occasion of my recent election. I have before me now a letter from the principal society—the Citrus Society—in that district advising me that the Government should compromise in such a way that it will suit them and suit the other parts of the province which I represent. I submit that the South-West is the principal place where irrigation is going to be carried on. The society suggest that there should be a compromise in the direction which Mr. Colebatch has indicated. They say with regard to the natural waters they do not want any interference with the streams, and I do not think there is a single place in the South-West where they would consent to have an irrigation scheme with the exception of the Harvey River, and in that particular case, the whole of that river for miles belongs absolutely to the Crown, and there is nothing to prevent the Government at any time, subject to the amendments already made in this Bill, getting to work and creating an irrigation scheme there. I am only voicing the

views of the electors I represent. I may be permitted to read the letter which I have received from the Wellington Agricultural Society; it is as follows:—

At a committee meeting of the Wellington Agricultural and Pastoral Society held to-day in Bunbury, I was requested to communicate with you in reference to one very important clause in the Irrigation Bill which should be amended to prevent unnecessary interference with private rights. It is considered that the Irrigation Bill should contain only such provisions as are suitable to the conditions and circumstances of the locality where it is intended to apply, and that Part III. should be so amended so as not to apply to any lands or streams, etc., outside the district of an Irrigation Board, nor any streams, etc., below the catchment area in the district of an Irrigation Board which cannot be used as feeders for the catchment reservoir. Clause 4 is apparently obtained from Victoria, New South Wales, and Queensland, where the conditions are entirely different from the conditions of the South-West of Western Australia, where in the winter season a very large portion of the land purchased by the present owners consists of streams, lagoons, swamps, etc.

I do not want to labour the question. I want to support the Bill, but at the same time to leave the settlers in the full enjoyment of the privileges, which they now have, to use the water for irrigation, conditional of course on their not interfering with the rights of those situated below them. I want these people to go on experimenting and this is their wish. With regard to interference with ordinary riparian rights, I am aware that the Government wish to control these streams in order to prevent litigation. In this connection, I want to say that one person who was very much in favour of this Bill and of the Government controlling the streams volunteered to me the other day that he thought the majority of the people had enough commonsense not to get into litigation over this matter and

that they would settle their differences amongst themselves. On this particular stream they did have two or three tilts, but at the same time they are absolutely unanimous now that they could fix it up amongst themselves and that they did not want any interference from the Government in this respect. A great deal has been said about the stream at the Narrogin brook. There was litigation over that but I think now both parties are sorry they ever touched it. I am more than ever satisfied that it would be against the interests of all concerned to do anything in the direction of controlling these waters by the Government. These people will fix things up amongst themselves. Take the Serpentine, for instance. It is a case in point. I think that there are some 14 or 15 settlers there. There is one gentleman down below who is not using the water for irrigation purposes and who, I think, objects to it. The same thing applies to the Narrogin brook, for the litigants there will settle things amongst themselves. The verdict of the people in the South-West province, with the exception of Harvey, is that it should be left alone until such time as the lands are wanted for irrigation purposes. The amendment which is already made will meet the case, so that no waters outside that irrigation area shall ever be interfered with until they are required for public purposes. I am delighted to find that the Government have come to the same view that we hold in regard to the Bill, which is that the people should have the right to the veto that is in the new Bill. When these amendments, which are to be moved by the hon. Mr. Colebatch, are inserted in the Bill, I think it will be as much as is required for the present. There is this point, that the Government do not know as much about irrigation as many of the individuals who have been at the game. Therefore I say let them make a success of one small patch, and then I am perfectly certain if they do make a success that the settlers in their own interests would be willing later on to give the Government the power that they are now asking for. I do not like to find fault, but if any hon.

member will go down to the State farm and would refer to what has transpired there they will find that the "rich lucerne patch" is not now a rich patch of lucerne, but to a great extent a patch of couch grass mixed with some other grass. It is no use disguising the fact. I could give in detail instances of where they are a positive failure. It is idle to say that the reason is so and so. It is a failure, no matter what the reasons are, and shows want of knowledge in the matter of irrigation. I want to support the second reading of this Bill, but I hope the Government will see their way to grant the concessions indicated. The question of vesting the whole of the waters in the State as a preliminary I shall certainly oppose. I shall be pleased to support those amendments that are to be moved by the hon. Mr. Colebatch.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.38]: I suppose we will have to go through the tedious farce of the Government introducing a highly contentious measure at a time when we wish to assist them, and when they must wish themselves to be devoting the whole of their attention to the administration of the country. It is quite obvious from what the hon. Mr. Colebatch and the hon. Mr. Clarke have said, for both may be considered to be authorities on the matter to a large extent, that they have taken up a certain stand with regard to several of these clauses and are prepared to discuss them at considerable length.

Hon. J. W. Kirwan: They have changed their minds as a result of the recent elections.

Hon. A. SANDERSON: My hon. friend has even more recently come from the elections than the hon. member who has interjected. He has come with this authority.

Hon. J. W. Kirwan: He has climbed down.

Hon. A. SANDERSON: He has not climbed down, he is prepared to discuss the Bill clause by clause. Here we have had the Bills of Sale Act, the Plant Diseases Bill, and now we come to the Rights in Water and Irrigation Bill. I

would venture to say, and I want to impress it upon the leader of the House, that at the present juncture, without making things worse than they are, no one can appreciate more than the Colonial Secretary himself the importance of careful administration of the affairs of this country, without any further Acts of Parliament except those which are absolutely necessary to enable the Government to carry on. I would be prepared to reject the measure without hesitation in the same way as the Plant Diseases Bill and the Bills of Sale Act Amendment Bill, freely admitting that they are questions of some importance, and that in other circumstances possibly it would be advantageous to put them through with or without amendments. We had the assurance of the leader of the House, as we had last week, that he wished to carry through the urgent business of the country as quickly as possible, that the general elections had been fixed, and yet we are called upon to go through the solemn farce of passing the second reading of a Bill, knowing perfectly well that there is not the slightest chance of the Government putting it through. I do not know that any appeal I can make would influence the leader of the House, so I am going to ask his supporters if they cannot see the force of the argument and if they will not appeal to him to have done with this. I do not wish to touch on the critical state of affairs, because I am convinced, and every day convinces me more, that there is no one more acquainted with the seriousness of the position of affairs than the leader of the House himself. We have members who are supporting the Government and to whose utterances they doubtless attach great weight, at any rate a great deal more weight than mine. If this Bill goes into Committee there are two members at least who have spoken on the second reading and who represent a considerable section of the community and who have spoken with personal knowledge of the districts affected, who will have a good deal to say on the clauses. We know perfectly well that when we get into Com-

mittee they will, I will not say wrangle, but discuss the measure, clause by clause. I, at any rate, cannot be accused of having delayed the business of this country during the last few weeks. I have been tempted on more than one occasion to give utterance to my thoughts, but I have refrained. The only thing I have done is to assist so far as I possibly could, and I think the leader of the House will do me the justice to say that I did assist him in getting through a measure which he declared, rightly or wrongly, was essential for the Government in order that they might meet the present position of affairs. I strongly supported him, practically giving him a blank cheque in connection with two Bills which he said, and I took his assurance for it, were essential for the Government of the country. Can he say so on this occasion? Here is a Bill which involves expenditure. Does the hon. member think that the present moment is opportune to bring forward a measure of this kind involving further liabilities on the credit of the State? It is quite obvious that I am unable to effect my object without the assistance of these supporters of the Government. I sincerely trust they will use means which they have at their command in order to prevent the House and the Government from wasting their time. They know perfectly well the position of affairs. Everybody here, even the man in the street, is able to form some opinion of the present position. If the Government will insist on dragging us into a highly technical and highly contentious debate such as we have already had in the Bills of Sale Act Amendment Bill and will have over the Plant Diseases Bill and such as we shall certainly have over this Rights in Water and Irrigation Bill, I shall certainly vote against the second reading, and if we get into Committee the Government will have only themselves to thank for a serious waste of time.

Hon. J. CORNELL (South) [8.41]: It is with a certain amount of diffidence that I rise to speak to the Bill. I believe I am correct in saying that this is

the first occasion on which I have spoken on any stage of this Bill during the three occasions which it has been before the House. The hon. member who has just sat down has referred to the introduction of the Bill as a solemn farce. I hope before I resume my seat to change that solemnity into a little bit of humour. It must be taken into consideration that this Bill was introduced before the present crisis eventuated in Europe. I take it that the Ministry has deemed it of sufficient importance to proceed with it despite the gloom by which we are surrounded at the present time. Probably it is also necessary to provide a little powder and shot to meet that issue which is paving the way for the peaceful passing of the Bill. The action of this House reminds me very much of the retreat from Kabul, with the exception that there was one man left to tell the story. Evidently there is not on this occasion going to be any man left here so far as the opponents who have opposed it right through the piece are concerned. I accused the hon. Mr. Baxter this afternoon of turning a somersault, and I now reciprocate so far as those arrayed against the Bill before us are concerned. This Bill in the past was more bitterly contested and more bitterly fought than even the celebrated Arbitration Act. But this Bill, so far as I am concerned, and the party with which I am identified, has never been made a party Bill and I am free to vote as I think fit and have been free to do so ever since it was first introduced. There are certain clauses of the Bill which have been opposed through two sessions. The Bill, to use a familiar term, has been slaughtered in Committee—there are more ways than one of killing a Bill in this House. I think it reached the stage of a conference and Mr. Colebatch in his very graceful back down—

Hon. H. P. Colebatch: I have not backed down at all. The Bill is exactly what we have tried to make it all along.

Hon. W. Kingsmill: He is very annoyed because we will not throw it out.

Hon. J. CORNELL: Mr. Colebatch referred to Part III. of the Bill dealing

with the beds of watercourses, and said he was prepared to waive it had it gone to another conference. Though I have stuck to the Minister in charge of the Bill right through the piece, I intend to divide the House on this measure if I can get another supporter.

Hon. H. P. Colebatch: Do not you want it now?

Hon. J. CORNELL: I do not want it, but I want to show to the country in their true light its so-called representatives and their hurried retreat from the position they took up.

Hon. H. P. Colebatch: They have not done anything of the kind. We are prepared to pass the Bill in the form we want it.

Hon. J. CORNELL: Coming to the leasing of irrigable land, I do not think hon. members who have opposed the Bill right through will say I am wrong when I assert that they have backed down, and absolutely too.

Hon. J. F. Cullen: Be thankful if you get something.

Hon. J. CORNELL: I am thankful for nothing. I admire consistency. We have two bows with which to fight at the elections—the bow of consistency for two sessions in opposition to the Bill, and the bow of inconsistency—a death-bed repentance at the eleventh hour.

Hon. W. Patrick: A rainbow.

Hon. J. CORNELL: The question of leasing land was fought in season and out of season. The opposition ranged against the Bill endeavoured to make the tenure freehold.

Hon. H. P. Colebatch: That is wrong.

Hon. J. CORNELL: When they did not succeed in that, they were prepared to make it optional, leasehold or freehold.

Hon. W. Patrick: That statement is incorrect. We always had the alternative proposal.

Hon. J. CORNELL: I do not want to refer to *Hansard* and take up the time of the House. Since I entered this Chamber I have only once referred to *Hansard*.

Hon. W. Kingsmill: But you have filled a lot of it.

Hon. J. CORNELL: And I will fill a lot more. That occasion was in connection with the Electoral Districts Bill, and I am sure opponents of this Bill do not desire me to refer to *Hansard* on this occasion and to use their own arguments with which to choke them. I think they were satisfied with my quotations from *Hansard* on the last occasion, and do not desire me to again use their own arguments as an answer to what they have put forward. This question of leasehold *versus* freehold has been fought consistently, and I would like to see it fought consistently to the finish. Now, however, hon. members back down and the very thin veneer—a pin would not be needed to scratch it—is that they are prepared to give this away because they think that the people who take leasehold will not be successful. This is a very thin argument. Hon. members who have now climbed down could have easily climbed down when the Bill first came before the Chamber, and their pessimism would have had a chance to be converted into optimism as the measure could have been in operation 18 months ago. There is another provision on which hon. members intend to insist, and that is the veto of regulations. Mr. Cullen has said he thinks it imperative that the Council should insist on either House of Parliament being able to disagree with regulations.

Hon. J. F. Cullen. You will admire consistency, will you not?

Hon. J. CORNELL: Yes, if it were practised when other Governments were in power. It was never practised before, and this House has not insisted in the past because it had no rights in this direction. Since 1898 the matter of the veto of regulations has been optional. Section 11 of the Interpretation Act provides that both Houses of Parliament shall disagree with regulations, and Mr. Cullen has questioned the leader of the House on his logic and stated that either House should be in a position to disagree with regulations. It takes both Houses to make an Act of Parliament; this House cannot make an Act of Parliament without the concurrence of the



other, or *vice versa*. When both Houses have concurred on a piece of legislation, why should one House be able to disagree with a regulation framed by the Administration?

Hon. V. Hamersley: Because it is not law.

Hon. J. CORNELL: It is because hon. members are finding out that the Government now in office can get over the doings of this House and the checking of their legislation by the passing of regulations. That is why they want the power. If this House had insisted on this right when other Governments were in power, there might have been some consistency in its attitude, but it did not insist because the Government in power previously looked through the same kind of spectacles as members here did.

Hon. W. Patrick: That is all rubbish.

Hon. J. CORNELL: It may be.

Hon. W. Kingsmill: It is amusing, anyhow.

Hon. J. CORNELL: I am pleased that I am amusing some members. I have not heard of this House having disagreed with a regulation made by any Administration which preceded the Scaddan Government.

Hon. W. Patrick: Oh!

Hon. J. CORNELL: And until my assertion is refuted I will stick to it.

Hon. W. Kingsmill: There was Wilson's regulation under the Education Act.

Hon. J. CORNELL: The State steamers would never have been established—

Hon. F. Connor: And a good job too.

Hon. J. CORNELL: That may be so, but there are many other things which would never have been established. There are the State sawmills.

Hon. F. Connor. A good job too.

Hon. J. CORNELL: Yes, so far as the people the hon. member represents are concerned, but probably not a good job so far as the people whom I endeavour to represent are concerned.

Hon. W. Patrick: A fine job for the finances, at any rate.

Hon. J. CORNELL: But where the shoe pinches is that the Government have done by regulation much which they could not do by legislation, and this is

cutting into the trousers' pockets of many of the people whom some hon. members here are supposed to represent.

Hon. F. Connor: They will get to the seats presently.

Hon. J. CORNELL: And if the Scaddan Government get another lease of life, a lot of those people will not have seats in their trousers at all.

Hon. W. Kingsmill: Much less in Parliament.

Hon. J. F. Allen: Why not take their trousers from them?

Hon. J. CORNELL: Then some of them may be had up for having no visible means of support. I will divide the House on this question and I appeal to the Minister—

Hon. W. Patrick: To oppose his own Bill.

Hon. J. CORNELL: Not to back down one iota. He has you in a corner now. You are apologising and trying to gloss it over, and I hope he will stick to his guns.

Hon. J. F. Cullen: Even if he loses the Bill?

Hon. J. CORNELL: And that he will force a division on all clauses, because I am satisfied there is either a divine inspiration—

Hon. F. Connor: I rise to a point of order. The hon. gentleman has said he has "you" in a corner. If he addresses the House through you, Mr. President, we will understand him, but whom does he mean when he says he has "you" in a corner?

The PRESIDENT: The hon. member will address the House through the Chair.

Hon. J. CORNELL: If I have not made myself clear, I desire to say that the leader of the House has hon. members who have consistently opposed this Bill in a corner.

Hon. H. P. Colebatch: Not a member of this House has opposed the Bill.

Hon. J. CORNELL: And I hope he will keep them in the corner, and remember the old adage that once an enemy begins to give ground do not give any, and he will eventually give the lot. So far as the fate of the Bill in this House is concerned, it appears there will not be

much difference whether it is passed or lost, except this, that if it is passed we will be able to point out to the people to whom we will appeal in connection with the elections for another place shortly, that a big section of this House were responsible for irrigation not being applied during the last two years.

Hon. W. Kingsmill: You will do that anyway.

Hon. J. CORNELL: And that it was only on a death-bed repentance that they agreed to the Bill being passed at all. No doubt my remarks are irritating to a lot of hon. members. I will let Mr. Allen off and absolve him from all sin. I am not directing my remarks to hon. members who have just been returned to the House.

Hon. J. F. Allen: Then we are not in the corner?

Hon. J. CORNELL: I hope those hon. members have not been touched by the divine inspiration or by the party lash which has brought about this somersault.

Hon. J. J. Holmes: It is the new influence being felt.

Hon. F. Connor: What do you mean by "somersault"?

Hon. J. CORNELL: The hon. member has seen more than one circus and ought to know. I have nothing more to say except to tell hon. members that had they followed the lines of consistency and fought this Bill to the last ditch, as I expected them to do, I would never have got up to speak. I leave the matter entirely in the hands of the Minister, and hope he will insist on the Bill as printed being agreed to.

Hon. D. G. GAWLER (Metropolitan-suburban) [9.1]: I wish to say only a few words on one aspect of the Bill, namely, the definition of "watercourses" as interpreted under the judgment delivered by the Full Court in a recent case, shortly referred to by Mr. Clarke. That judgment will have a rather serious effect on the Bill. A particular case was brought in connection with the Narrogin Brook, and I understand there are many other streams in Western Australia similar to the Narrogin Brook. It was held by the Full Court in that case that the

Narrogin Brook was not a watercourse. If that is so, and there are many other such streams in Western Australia, it seems to me that the definition of "watercourse" in the Bill will require considerable amendment before the Government can bring those streams under the operation of the measure. I pointed it out to the Solicitor General, and he admits there is a great deal to be said for this, but unfortunately it is now too late to go into the question of amendment. The Chief Justice held that the brook was a watercourse; but the evidence before him showed that, although the stream ran at certain times of the year, still in places it did not have a definite channel. But he said he thought he could apply the English decisions, where definite channels and banks were necessary, to the conditions of an Australian watercourse, and he thought there were sufficient indications of a watercourse about this particular brook to enable him to arrive at a decision. The Full Court said that whereas the Chief Justice very rightly had been guided by the English decisions, still on his own showing this was not a watercourse; and they held that he was wrong in declaring it to be a watercourse. In these circumstances I submit that the definition of "watercourse" will have to be considerably altered before any of those streams can come under the operations of the measure. There is another point. Part of the definition of "watercourse" is that it flows in a natural channel. One of the great features of our brooks is that many of them do not flow in natural channels, by reason of the fact that many owners have guided the streams in their own direction by cutting and widening and deepening the channels. Strictly speaking such a channel is not a natural channel within the legal definition of the word. One of the unfortunate owners, bringing an action under his riparian rights, was not allowed to succeed, and therefore he is now thrown back on the position that really if the stream was a watercourse he would be better off under the Bill than without it; he would have more

advantages under it than under his ordinary riparian rights. I have the same knowledge of the Bill as Mr. Colebatch has, and I am quite prepared to go the length he has gone, even at the risk of having it thrown up at me that I am climbing down. We are told that this House should compromise, and directly we do that we are told that we are climbing down.

Hon. J. W. Kirwan: Why did you delayed the passage of the Bill for two years.

Hon. D. G. GAWLER: When we come, as has been suggested, to our right senses we are told we should not do anything of the sort, but should still go on obstructing what they call democratic legislation.

Hon. J. W. Kirwan. Why did you not climb down two years ago?

Hon. D. G. GAWLER: My friend is taking a weak and childish view of it. I am prepared to take the risk before my constituents of climbing down on the measure. All I am doing is meeting hon. members in a fair compromise, and if they do not recognise it as that I am prepared to leave it to my constituents. I have nothing further to say in regard to this. I am prepared to follow Mr. Colebatch's lead and endeavour to make this a workable Bill. In regard to the feeling of the country, it must be remembered that the Government took care that the Bill and all that the Council did in regard to it should go before the country at the last election. Yet we find that the very district where the Bill was most needed unhesitatingly returned Mr. Clarke.

Hon. V. HAMERSLEY (East) [9.8]: At the risk of taking up a little time I do not intend to remain in my seat when accused of being prepared to support the Bill by climbing down. It only makes me feel that the Bill requires a very much closer scrutiny than we have given it. I understood that we were to have none of these contentious measures brought before us, that we were not to have this Bill dealt with in the closing hours of the session. Yet when it is suddenly launched

upon us we are accused of climbing down because we evince a desire to do our best to meet the Government; and Mr. Cornell tells us of the great disappointment he will feel if we pass the measure, and that rather than see it passed by us in an amicable spirit he would be inclined to divide the House upon it. It makes me feel that we must go very carefully into the details of the measure, and not accept the assurances of Mr. Colebatch and Mr. Clarke and others, that the Bill is all right. Personally, I was quite prepared to go as far as possible in meeting the Government in their desire to get a workable measure before the country. But I wish to warn hon. members that right through this measure are clauses taken from the Queensland Act, particularly those referring to the artesian bores, which are not likely to give satisfaction. I can produce correspondence from Queensland warning the squatters of the West to accept none of those clauses. Those clauses were allowed to get into the Queensland Act in the belief that they would prove workable, but after a very brief experience of their effect the squatters organised deputations to the Government asking to have the sections dealing with artesian bores excised from the Act. Those sections have been found unworkable and detrimental to many interests, particularly the pastoral. We require irrigation in the South-Western portion of the State, but I do not see why we should rashly embrace the artesian wells throughout the length and breadth of the State. These artesian waters provide opportunities for private enterprise to spend thousands of pounds in the further development of areas which probably the Government will be unable to handle for some years to come, and by exercising control of them the Government will only interfere with those who may wish to put down artesian bores, and will certainly hamper them in other directions. I do not see why duties should be taken on by the Crown which are likely to interfere with the pastoral interests as they have done in Queensland. In Victoria the commissioners, as Mr.

Colebatch announced, have found it necessary to write off huge sums of money, and one of the most recent acts of the Victorian commissioners was to recommend that the Government send away for experts to show their people how to grow vegetables. It was claimed that the Chinamen in Victoria could show them how to do that without sending out of the country to America and elsewhere for experts. Something of the same kind may eventuate here after we have spent millions of money on the schemes. From the remarks which have fallen from those hon. members who twit us with having climbed down I recognise that they will be disappointed if the Bill goes through. I am prepared to join with Mr. Cornell at every stage and on every clause on which he cares to divide the House.

Hon. W. Kingsmill: This a double somersault.

Hon. V. HAMERSLEY: It is no somersault at all. Every time there is a division in regard to artesian bores I will do my best to delete the clauses from the Bill, because I recognise that they have been detrimental in Queensland, and there is no necessity to include them in this measure. I was quite prepared to forego any discussion of this Bill, and to obviate any wasting of the time of this House; but I will not calmly sit down and be twitted with being a somersaulter, or with climbing down, or with anything of that sort. There is no doubt about the attitude of Mr. Cornell. He hopes that the Bill will not get through the House, because its rejection is going to be one of those sweet little dishes Mr. Cornell's party are going to present to the electors shortly, when another Chamber is to go before the country. They want to create some screen for the purpose of hiding something that I am not quite sure of; they evidently want to make use of the Upper House as a screen for some shortcomings with which we are not concerned at present.

Hon. J. W. KIRWAN (South) [9.16]: I am one of the members who have taken an interest in this Bill since it

first came before the Chamber, although the electors whom I represent are not immediately concerned with the measure, inasmuch as it would not affect them in any material way. However, I have seen the operation of irrigation works in other parts of the world, and I have felt it my duty, as a member of this House, to do my utmost to assist the Government in having the Bill passed. In my opinion it is a great pity that so much of the waters of Western Australia should be running to waste in the sea, and I have recognised that this Ministry is the first Ministry in Western Australia that has made an attempt to save that wealth for the people of the State. I am extremely pleased to observe that some members of this House are now approaching the Bill in an altogether different spirit from that which they displayed when the measure was previously before the Chamber; and I trust that, as the result of the spirit in which those members are now viewing the proposals of the Government, some arrangement will be arrived at by which this Bill will be placed on the statute-book before the session closes. I hope that this is the last we shall see of the Irrigation Bill in this Parliament. I would like, however, to point out what a pity it is that a similar spirit was not displayed during the last couple of years. The Government, during the past two years, have given way on a number of points. I think it is some 17 points upon which the Government gave way, while members of the Opposition in this House would not give way on one particular point. I am pleased indeed to see that those members have altered their minds in that respect. What is the cause of that spirit of compromise which has been shown? It may be that the election which has taken place in the Harvey district, where this Bill was particularly desired, has had something to do with the change. I do notice that a very commendable change of spirit is exhibited in the speech of Mr. Clarke, as well as in that of Mr. Colebatch. I regard the attitude they are now taking up on this question as an acknowledgment that they

have been wrong all along in their opposition to this measure, as an admission that by a spirit of uncompromising hostility to the proposals of the Government on some of the points referred to by Mr. Colebatch they have unjustifiably delayed this measure for two years, and that the criticism which has been levelled against them is absolutely justified. Mr. Colebatch has given way, no matter how he may represent it, and I am very glad that he has done so.

Hon. H. P. Colebatch: On two points only.

Hon. J. W. KIRWAN: He has come to a sense of reason which he has not displayed during the last couple of years in this House. I congratulate those hon. members that even at this late hour they have come along in a spirit which, providing they give way on some further points, may possibly result in the saving of the Bill. I do not know what will ultimately be done, what attitude the Government will take in this matter; but I do hope some arrangement will be arrived at for saving the Bill. I cannot, however, but express regret at the delay which has occurred. I can sympathise with what Mr. Sanderson has said—this Bill will mean a good deal of expenditure when it is brought into operation. We all know that at the present juncture the expenditure of money in all directions is bound to be limited. Possibly, if the Bill be passed, the bringing of the measure into operation may be delayed for a year, or two years, or possibly many years. Let us hope that the crisis will soon have passed, and that the measure may be brought promptly into operation. But whether it be soon, or whether there be a long delay, those who are in the district particularly concerned will know who is responsible for the delay. The responsibility rests on the majority of the members of this House who have up to the present so strenuously opposed the giving of legislative effect to certain proposals upon which now those hon. members, I am glad to see, are ready to agree with the Government. I trust that some arrangement will be come to by which

the Bill will be passed during the current session; and all I can say is that I sincerely regret that such an arrangement was not arrived at a couple of years ago, in which case possibly the Bill would now be in operation and we should have in several parts of this State a very different condition of affairs from that existing at the present time—a very much better condition.

Hon. E. McLARTY (South-West) [9.23]: I shall not delay the House for many minutes. I support the second reading of this Bill, but I regret the tone of some of the speeches delivered to-night. A spirit of compromise is being shown. Last year there were some 20 points of difference between the two Houses; and another place gave way on, I think, 17 of those points. Now we are down to merely four points of difference. The Bill has been brought forward again in a greatly improved form; and I trust that members of this House are prepared to meet the Government, or to meet another place, so far as they reasonably can, and endeavour to bring the measure into effect. I regret very much that any hon. member of this House should think it his duty to twit other hon. members—who have taken a great deal of trouble in order to arrive at a compromise—with climbing down after delaying the passage of the measure for the past two years. Personally, I am quite satisfied that the electors of this State thank this House for the two years' delay. The Bill to-day is a very different Bill from that which we had to consider when it was first brought before this Chamber. At that time the measure was not acceptable to the people concerned, and I venture to say that the same Bill brought before the House to-day would not be acceptable either. The people who are most closely concerned in the matter desire that the Bill should be either improved by this place or else rejected altogether. For my part I am anxious to see the measure passed, because I believe that it is required, at all events in the Harvey district, where the people are anxious to have an irrigation scheme. In that district enormous sums

of money have been expended in the planting and production of citrus fruits, and some of the orchardists there complain that they are unable to carry on their industry successfully without the aid of irrigation. For that reason I am anxious to assist those people; and I should have been pleased if the measure had, in the first instance, applied only to the Harvey and Collie districts. I am sure that the Harvey River and the Collie River would engage the attention of the Government for a very long time to come. For my own part I do not care a straw about the irrigation question, because I believe it is going to prove a source of expense, and will mean heavy additional taxation. I am confident that it is not going to prove the success that the Government anticipate; and I can bear out what Mr. Clarke has said, that in many instances where private enterprise has embarked on irrigation it has not proved successful. I myself know of many instances of failure. However, in deference to the wishes of my constituents, I shall support the Bill, and as regards the few points of difference which remain I hope a reasonable compromise will be arrived at. I do not wish to twit another place, if they accede in some little degree to the wishes of this place, with climbing down and stultifying itself. I do not think that is the spirit in which legislation should be carried on in this Chamber, and to my mind certain speeches which we have heard this evening are most regrettable. Certainly, some of the speeches had no bearing on the question at all, but tended merely to create a feeling of irritation and to set one party against another, for which there is no need at all, seeing that this is not in any way a party question. It is a question concerning the progress of the country generally. Surely hon. members should take a different view, and give credit where credit is due to those who are prepared to concede a little in order to have the Bill passed. I do not propose to labour the question. I shall support the second reading; and, as I said before, I am quite sure that the delay which has taken place—if this House

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has been the cause of that delay, which I am not prepared to admit—has been beneficial. The delay has done a great deal of good, and the Bill in its present form will prove much more acceptable to the community. We know that the experience of Victoria and other States is that irrigation has not been a great success. I know that in New South Wales a year ago it was the general talk that enormous amounts of money had been wasted in irrigation. The general opinion in that State was that the money would never be repaid. I am satisfied that those who take an extremely sanguine view of what is going to result from irrigation here will be disappointed. Even at the present time people on the land are taxed to such an extent that they cannot fully develop their properties; and if this irrigation measure is going to lead to further taxation I think they will wish that they had never heard of irrigation at all. However, for the sake of that one particular district where irrigation has already been started, I hope the Bill will be persevered with. If irrigation is a success in the Harvey district, then irrigation works should next be started on the Collie River. Later on, if the Government have the money—and I think the day is far distant when they will have it—irrigation, if successful, can be extended to other parts of the State. I have pleasure in supporting the second reading of the measure; and, so far as I am able to, I shall endeavour to bring about a reasonable compromise.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [9.30]: It is not my desire to delay the consideration of this Bill. I wish it to go into Committee as soon as possible, and I was in hope that we would have made some progress with it to-night, but this is impossible.

Hon. C. Sommers: Sit on.

Hon. W. Patrick: There is plenty of time.

The COLONIAL SECRETARY: I wish to relieve some hon. members of an impression which prevails that the Bill as submitted to this House represents the

ideas of the Government on the question of irrigation. It does not represent the views of the Government. It is an effort to compromise with the Legislative Council. There is no doubt about this, or of the fact that the Government have climbed down and climbed down considerably. There were 21 amendments made by the Legislative Council last session, and the Government gave way on 17 of them, but this House refused to budge one inch, and insisted on the whole of them. It was the intention of the House to call for a conference with another place, but it was found later on that it was impossible, owing to the Standing Orders of another place, to arrange that conference. At any rate the Government have gone a long way in order to meet the Legislative Council, and the introduction of this Bill in the form in which it is now presented is an earnest of the desire of the Government to see this measure placed on the statute-book. Personally I may say I have approached several members and have asked them to give the matter deep and serious consideration, and if possible to meet the Government. They have promised that they will do so, and I believe they will keep their word when the Bill goes into Committee. If one of the amendments proposed by Mr. Colebatch is agreed to, it will mean a very serious interference with one of the principles of the measure. We will not get what the Governments of New South Wales, Victoria, and Queensland have. In those States the rights in natural waters are vested in the Crown, but if the amendment is carried it will mean that the rights in natural waters will only vest in the Crown in districts declared to be irrigation districts.

Hon. W. Kingsmill: In districts where they want the irrigation.

The COLONIAL SECRETARY: This is a very drastic alteration to the Bill, and will interfere with its usefulness to a very large extent. I am not in a position to state that the Government, if they can secure the whole of the Bill with the exception of those por-

tions to which Mr. Colebatch will propose amendments, will refuse to accept the measure, but I may say that Mr. Colebatch's amendments must be the irreducible minimum. That is the position, and later on, I feel sure that no matter what party are in power the Government will realise the necessity for introducing legislation, that is, provided the amendments are accepted, to vest the rights in natural waters throughout the State in the Crown.

Question put and passed.

Bill read a second time.

#### BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

Returned from the Assembly without amendment.

#### BILLS (5)—FIRST READING.

- 1, Supply (No. 2), £1,450,000.
  - 2, Leederville Rates Validation.
  - 3, Workers' Homes Act Amendment.
  - 4, Licensing Act Amendment (No. 2).
  - 5, Special Lease Enabling.
- Received from the Assembly.

#### BILL—KINGIA GRASS TREE CONCESSION CONFIRMATION.

##### *Second Reading.*

Debate resumed from the 26th August.

Hon. W. KINGSMILL (Metropolitan) [9.40]: When I moved the adjournment of the debate on this Bill until to-day, it was not with any hostile intention or any unfriendly feeling towards the measure, but it was simply due to the fact that the Bill was laid before this Chamber without any information which we might expect to have placed before us when considering a measure which involves the granting of a State concession to a private individual. I do not blame the leader of the House for this, because I find by reference to the proper quarters that the Bill was introduced in very much the same way in another place, that the members were left

in ignorance of what this strange substance is. Hon. members, on looking at the plans laid before this Chamber would be forced to the conclusion that the Kingia grass was a hidden sort of grass, from which it was proposed to manufacture certain articles. Again, and this is a more vital point, as hon. members will realise on reading the Bill, this measure proposes to give to a certain individual the exclusive right to cut this Kingia grass tree on certain Crown lands to the extent of 500,000 acres. If 500,000 acres comprised the whole of the Crown lands on which this production grows, it would be a very serious step indeed for this State to give to one person the exclusive monopoly of all the Kingia which exists in the world, because this particular plant does not exist outside of Western Australia. The leader of the House, when I asked him, was absolutely unable to give any information as to the area over which this plant grows. It should not be left to a private member of this House to have to make inquiries of this nature. When the Government bring down a Bill dealing with a private concession to a private individual, they should be able to deal with it as these Bills are dealt with in the mother of Parliaments. When a Bill of this sort is introduced into the House of Commons it is introduced as a private Bill. It has to go through a certain statutory form, and one of the processes is a strict inquiry by select committee.

Hon. W. Patrick: Kingia is a blackboy, is it not?

Hon. W. KINGSMILL: It is not.

The Colonial Secretary: A kind of blackboy.

Hon. W. KINGSMILL: It has no relation to the blackboy.

Hon. F. Connor: What is it?

Hon. W. KINGSMILL: I should not be asked what it is, but the question should be put to the leader of the House who introduced the Bill. It was discovered in 1818 by Phillip King when he made a landing on the shores of Albany harbour, and in the book of his voyages he mentioned that it occurred

from Albany to the Swan River. As a matter of fact it exists over a larger area. Hon. members who take an interest in gardening will realise what I mean when I say it is more nearly allied to the tree garden plant known as the dracoena than to a blackboy, and indeed it is very much like a dracoena in appearance. The structure of the front of the tree is altogether different from the structure of the blackboy. The Government could not keep humour out of this discussion, because they have provided in the agreement that the concessionaire in the fulness of his heart is to allow any "person to cut and remove any Kingia grass tree growing or being upon the special lands for use solely for domestic purposes or for fuel." I can understand anyone using one of these Kingia trees to put a fire out, but for the life of me I cannot understand anyone endeavouring to make a fire with it, because one of the points which make it valuable is the non-inflammability of the substance. The giving away of the right to private individuals to use this as fuel is distinctly humorous. The Government have shown a particular lack of desire to inquire into this matter which is most peculiar. I do not wish for a moment to say that this concession should not be granted. As a matter of fact, I think under the circumstances the concession ought to be granted. I understand the concessionaire has spent a great deal of time and a considerable amount of money in his researches, and if we are to give him the right over a fair proportion of the land which produces this plant, I do not think we shall be doing wrong. What the area available is has remained a mystery. When the leader of the House was unable to answer my question, I made it my business to interview someone, who, I thought, would know, and the most likely person was Mr. Canning, district surveyor for Perth. That gentleman was able to give me the information I required. He informed me that the area which produces this plant can be put down at 1,500,000 acres, so that in handing over 500,000 acres, we are really giving away one-third of the



total to the gentleman who, by his enterprise, has brought the matter forward. I do not say that this is an unfair thing to do, and I am going to support the Bill, and I support it with more pleasure because I suspect that owing to the failure of the Government to make this a State industry there must be some money in it. Everything else that the Government have touched has proved such a costly failure, that as they left this alone, it must be a good thing. I shall support the second reading.

Hon. J. F. CULLEN (South-East) [9.48]: Will the Minister tell us whether he is only dealing with Crown lands and that this tenant is not to hinder the taking up of Crown lands for improvement purposes? If so, how on earth is he going to get anything out of the Kingia grass.

Hon. J. CORNELL (South) [9.49]: In speaking on the second reading of this Bill I do not intend to do so at any length, nor do I intend to touch on the botanical side of the question as has been done by my friend, Mr. Kingsmill. Upon the introduction or the passing of this Bill in another place more than one man in the position to know the value of this particular grass approached me, and pointed out that no data had been given to another place, and neither has it been given to this House, as to the commercial value of the product. I might say in passing that the information which was supplied to me came from people who, I think, were representing a firm of Germans. I am not, however, going to stress that point because I am not quite sure about it. It was pointed out to me that the individual referred to in the Bill, Mr. Benjamin, had spent some £3,000 in conducting experiments. The House can rest assured that after this expenditure Mr. Benjamin has come to the conclusion that there is something fairly good in the project, otherwise he would not be prepared to enter into an agreement such as that which is embodied in the schedule. I have been informed that there is nothing new in Kingia grass, and that it has been used for various commercial

purposes in South Australia for the past 15 years.

Hon. W. Kingsmill: It does not exist there.

Hon. J. CORNELL: The gentleman who supplied me with the information holds a fairly high and responsible position in this State, and he told me that the supply of Kingia grass in South Australia is now very limited.

Hon. W. Kingsmill: It is, very limited.

Hon. J. CORNELL: And that the Government in that State will not allow it to be garnered on Crown lands. It has also been pointed out to me that the gum from the grass tree has realised up to £12 a ton on the London market, and that some of the other properties derived from this tree are valuable stains, spirits, wood tar, and the residues make the finest paper pulp known. Hon. members will agree with me when I say that we are taking on something which probably is loaded, and in passing this Bill we may be doing something unjustifiable and which may be hurled against this House and another place in the near future as a great error of judgment. I am not giving my personal opinion, but that of other individuals possessing knowledge of the subject. It has also been pointed out to me that the gum from this grass can be used in the making of motor tyres.

Hon. W. Kingsmill: There is no gum in it.

Hon. J. CORNELL: That is the point. Mr. Kingsmill says that it does not contain gum, while my source of information, who holds a responsible position and knows what he is talking about, declares that it does.

Hon. E. McLarty: I do not think that it does.

Hon. J. CORNELL: Mr. McLarty will agree that the products of this grass are not known to any member of this House. They are only known to those who have taken a scientific interest in it, and experimented with it. It has also been pointed out that it is believed there is no limit to the demand for that gum. Mr. Kingsmill has pointed out that a

million and a half acres of land on which this grass grows are available, but it must be taken into consideration that the concessionaire who is mentioned in the Bill has applied for a third of this area, and in the most favourable centres nearest to transport and where the facilities for garnering will be the cheapest. The concessionaire will be in such a position that he may prove a detriment to others entering on the enterprise. I for one am not prepared to support a Bill which will have for its object the passing over of a huge portion of the State to a concessionaire, and in granting a concessionaire half a million acres in this State, I say that the House is doing something it should not do. When we take into consideration the fact that the schedule which contains the agreement provides that other areas may be taken up, and that is likely to follow on the granting of this concession, it will be seen that the area to be worked can be greatly enlarged in the near future. It is also pointed out in the schedule that the concessionaire must be spend £5,000 on the concession within two years. It appears to me, that this House is agreeing to the passing of the Bill with its eyes closed. A body of men who have already spent £3,000 in experiments, and who are prepared to spend another £5,000 inside two years know well what they are entering into, and I think there is a pretty good thing in store for them. They are paying for this concession £250 a year in rent, and 6d. per ton royalty. The returns are to be made quarterly. I do not want to worry hon. members by going through the whole of the Bill and the schedule. My only object in speaking on the second reading is to enter a protest against Bills coming down for the alienation of a large portion of our territory, the resources and possibilities of which are practically unknown to those who are asked to pass the legislation. It will be a good thing if this concession turns out, as many others have turned out, a big financial gain to those who have entered into it, but it must prove to a

certain extent a great loss to the State by reason of the devastation of our natural resources. If that time should come, whoever may happen to take an interest in the industry, will see that I, at this stage, recorded my protest against such a large portion of our territory being alienated.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.55]: This plant grows within a few yards of my front door. I have examined it carefully during the last 20 years, and anyone who likes to look up the records in Western Australia will see that for eight years people have known the *Kingia* grass tree, and have experimented with it without result.

Hon. W. Kingsmill: For nearly 100 years.

Hon. A. SANDERSON: I am always on the safe side, as my friend knows. So far as I understand this matter, like all concessions, it requires careful consideration. Here we have someone coming along proposing to utilise the *Kingia* grass tree. I think we ought to be very glad to find that it can be turned to a profitable account, and if the concessionaire makes a success of it we ought not to begrudge him the profit. As for giving away a whole concession, that is a matter which requires the attention of the Lands Department who are familiar with the areas over which the grass grows, and the Government, doubtless, have been able to protect themselves to a certain extent. There is no necessity to give away a whole area, but what I am afraid of is that there is some ignorance, not only on the part of the House, but on the part of the Government, because apart from the *Kingia* grass, with regard to the lands used solely for domestic purposes or for fuel, it will be noticed that the schedule states "provided that the right hereby conferred shall not extend to other species of *Xanthorrhoea* than the *Kingia* grass trees for any purpose whatsoever." This is not *Xanthorrhoea* at all. At least I may repeat what Mr. Kingsmill, who is recognised as the standard authority in this Chamber and outside also has said. At any

rate, anyone who has seen the *Kingia* grass tree and the blackboy will not have the slightest difficulty in distinguishing between the two, so I hope the Minister will give us a little information on the subject touched upon by different members. Assuming that everything is in order, I shall be very glad to support a measure which promises to add what we very much require in this country, namely some new industry developing the natural resources of the country.

Hon. E. M. CLARKE (South-West) [10.1]: I have pleasure in supporting the Bill. This tree is not a blackboy at all, neither does it contain one particle of gum, so far as I understand it. Many of the trees are slim things, no bigger than a man's leg, but if you attempt to push one of them over you will find you are up against the wrong tree. You may bend it, but it is simply a bundle of wires, and will immediately spring back. I maintain that these trees have been maturing and rotting for tens of thousands of years, and the sooner they are turned to some commercial purpose the better. There is not the slightest fear that they will not grow up again. I say more power to the man who embarks on such an industry. I want to see every man who has the courage to take up an enterprise of this character meet with success. We require plenty more people of the sort to come here and embark on such undertakings. When we hear the opinion expressed that it is to be hoped the industry will be of no use to the exploiter, I have no patience with such remarks. In regard to the area covered by the concession, it is a mere speck on the map, while on the other hand you can see these *Kingia* grass-trees commencing at the other side of Kelmscott and extending right away down to the Augusta. The supply is almost unlimited, but a great portion of it is on private property. Take, for instance, the country from Kelmscott down to the Murray River; nearly the whole of that through which the railway passes is no longer Crown land. It was granted many years ago to a company of which Mr. Thomas Peel was manager. It goes away right on

down the coast, as far as you like, and for the information of hon. members I may say that some of these trees are nearly 30 feet in length, and inside is a very dense core. But they are not the ordinary blackboy, nor do they contain any gum. We have seven or eight varieties of the ordinary blackboy, but this is not one of them. We do not want any dog-in-the-manger attitude. We require that every one of the things lying useless should be turned to account, and the man who creates wealth out of what has hitherto been useless, and thereby gives employment to others, is deserving of every success as the result of his enterprise. I have pleasure in supporting the Bill.

Hon. F. CONNOR (North) [10.5]: Like the hon. member who has just spoken, I support the Bill. I would support any such Bill on fair lines. Unlike Mr. Cornell, I cannot see that because the industry may become a monopoly it should not be encouraged at this stage. If the good of the country is taken into consideration and the usefulness of what nature has given us, the Bill ought to be looked upon with favour.

Hon. J. Cornell: Why give all to those first in?

Hon. C. F. Baxter: There are millions of acres of it.

Hon. F. CONNOR: The hon. member, like a great many of us, depends for his existence on the mining industry. Do not we give to the miner what he gets out of the ground?

Hon. J. Cornell: But we limit the area of a gold-mining lease.

Hon. F. CONNOR: But the area covered by these trees is unlimited. We are only doing the same in connection with this as we are doing in connection with the gold-mining industry which is represented by the people who rule this country to-day—the mining Government, the mining Parliament, the mining people who run the State. We cannot do too much to help people who are prepared to launch out in new industries. If we give this syndicate the concession—there is not much of a concession in the Bill, and I fancy the concessionaire must be somewhat of a fool—and if they do make

a success of it, why should we begrudge them? Why should we not help the people who put their money into it? The abuse we have heard from a section in the House comes with very bad grace.

Hon. J. Cornell: I have a free hand.

Hon. F. CONNOR: And a free tongue. We cannot do too much for these people. Anybody who will come along and produce capital to open up the country is deserving of our assistance. We do not want to give them monopolies and make presents to them, but if they are prepared to expend their money here they are the people whom it is our bounden duty to assist and encourage in the best way we can. It is the principle which we should support. It seems somebody has come along and said, "Here is a useless piece of country, good for no other purpose; we will utilise it and produce from it wealth by which the country will benefit." They offer to produce wealth from useless country, and surely that ought to be sufficient. I find myself supporting the Government for the first time in my life, and in so doing I am opposing one of their staunchest supporters. Our duty should be to encourage enterprise to the best of our ability. Every movement which has for its object the development and utilisation of the products which nature has given to the State should be supported. Here is one particular product which we are told is unique. The ground on which it is growing is of no use—

Hon. E. M. Clarke: The poorest of the poor.

Hon. F. CONNOR: And yet we find when people come here to develop and utilise it they meet with opposition.

Hon. J. Cornell: It was once said that the sand-plain was no good for wheat growing, yet it is now turning out some of the best.

Hon. F. CONNOR: Well, why does the hon. member oppose this concession? I am afraid the hon. member's argument is so forcibly in favour of the Bill that it is unnecessary to say more about it.

Hon. C. F. BAXTER (East) [10.13]: Every hon. member is seized with the fact that an opportunity has arrived when we can turn what has been termed a useless tree into some account.

Hon. J. Cornell: You know nothing about the subject.

Hon. C. F. BAXTER: I know more about it than does Mr. Cornell, especially when he says that the plant is growing in South Australia. Why, it is practically unheard of in South Australia. He also said that one of the by-products was gum. I venture to say that no gum can be found in the Kingia grass-tree under any test. The plant is really a nuisance, and we ought to be glad to get rid of it. We find a gentleman prepared to expend within 15 months £2,500 in the erection of a plant and the establishment of a new industry; in addition to that, twelve months afterwards he is to spend another £2,500, and on top of this he is to supplement the revenue by £250 per annum, and pay a royalty of 6d. per ton on this particular plant. I do not think we need look any further than that the plant has been worthless in the past, and is now being turned to good account, and that it will mean the establishment of an industry bringing in a revenue to the country. I do not think we should have any hesitation in passing the measure through.

Hon. W. PATRICK (Central) [10.16]: Notwithstanding the eloquence of my hon. friend Mr. Connor, and the hon. Mr. Baxter, I certainly am not going to vote for the concession of half a million acres to anyone until I know something about the subject. I know nothing whatever about the Kingia grass, but I must say that if any one with the name of Benjamin wants it, there must be money in it. Before a Bill of this kind is brought before us, involving a huge area like this, which may prove valuable, I think we ought to know something more about it. We ought to know what area would be involved.

Hon. J. Cornell: The hon. Mr. Baxter has asserted that it is limitless.

Hon. W. PATRICK: If the proposal had been for 50,000 acres at the outside,

I might have been inclined to consider the question. I shall not vote for giving a concession of half a million acres to any one, upon which there is a plant about which I know nothing. There is a big sum of money in it, or a gentleman of the name of Benjamin would not have applied for the concession.

Hon. E. McLARTY (South-West) [10.18]: I think the hon. Mr. Cornell, who has always the interests of the workman at heart, must lose sight of the fact that the Bill will give employment to a number of men. There is a great number of men now who are walking the roads with packs on their backs, if they are fortunate enough to have packs, who would, perhaps, be better employed in cutting this king head blackboy, as we call it. They are now walking about asking the settlers to keep them from starving. This particular class of blackboy is usually an indication of poor land, and the only use for it, a purpose that I have frequently used it for myself, is to make a flooring of stables, sheds, and so forth. It will last for years. It is a very tough kind of substance and will last on a stable floor for a very long time, and is also springy under foot for horses.

Hon. W. Patrick: Do you saw it?

Hon. E. McLARTY: No. The trees are round and they make a very good floor. I agree with the hon. Mr. Baxter that an industry of this kind will bring revenue to the State. I am quite satisfied that the gentlemen who have been asking for the concession of half a million acres will have very little difficulty in supplementing that area by a considerable amount from private owners. No one has thought of making use of this tree in the past, and the land that it grows on is of no value whatever. Besides giving employment, this industry will tend to improve the country. Where the blackboys grow thickly on the land there is very little grass, and the more you clear it away the better it is for the land, and the better does the grass grow. I shall support the Bill.

The COLONIAL SECRETARY  
(Hon. J. M. Drew—Central—in reply)

[10.20]: It is not necessary that I should say much in support of the Bill. It has already received the support of the majority of the House. Until the measure was placed in my hands, I had never previously heard of Kingia grass. Since then, however, I have made inquiries and have discovered that in the past it has never been put to any commercial use. This gentleman, however, has come along and thinks that he will be able to put it to profitable commercial use. I do not think, by reason of the fact that we may imagine that he will make big profits out of it, that we should stop this concession. This plant has been growing in Western Australia for ages, ever since the State was populated, and no one has attempted to put it to any commercial use. I think we should give this gentleman an opportunity of doing something with it and should be highly delighted if he proves successful in his venture. We are granting him no land at all. We are not giving him one acre of land. We are simply granting him the right to remove the Kingia grass from 500,000 acres of land. We are giving him the same kind of right that is enjoyed by the pastoralists, who have the right to graze the land, and the same right as that enjoyed by the woodcutter, who has a license to cut timber off Crown lands. We give this man the right to remove the kingia grass, that and nothing more. As soon as he removes the plant the land will be open for selection, and if it is required for selection, and it contains still more of this plant, he will be given instructions to clear it and pave the way for selection.

Hon. V. Hamersley: Do you lose the grazing rights while he is cutting on it?

The COLONIAL SECRETARY: No. If it was a pastoral lease before, we can pass over the land to the lessee of the Kingia grass concession, but he must get the consent of the pastoral lessee. If he does that there can surely be no objection. The license is to clear the Kingia grass tree from pastoral leases, timber leases, and saw mill permits, having an aggregate area of approximately 500,000 acres. It is also provided that so far as

these lands are the subject of any reserve, timber lease, timber concession, saw milling permit, or any other lease, concession or license whatsoever from the Crown, the right granted shall be exercisable only with the consent of the Minister, the lessee, concessionary permit holder or licensee, as the case may be. The holder of this license may also select in a manner satisfactory to the Minister, land other than the land that is the subject of the agreement, not being the subject of any reserve, conditional purchase lease, or pastoral lease, etc. That is, if he cannot come to terms with the pastoral leaseholder, the Minister may grant him the right to select other lands which are not in pastoral or timber leases, or any other form of lease in substitution, to the extent of 500,000 acres. Personally, I can see no objection whatever to the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etcetera.*

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill. Clauses 1, 2, 3—agreed to.

*Schedule:*

Hon. A. SANDERSON: I hope the Minister will give us some light upon the clause which provides that the right hereby conferred shall not extend to other species of *Xanthorrhoea* than the *Kingia* grass tree.

The COLONIAL SECRETARY: Other concessions have been granted in respect to the blackboy, and it is desired that they should not clash.

Hon. J. CORNELL: I desire to move an amendment to Clause 1 of the schedule, namely—

*That in line 16 the word "five" be struck out and "two" inserted in lieu.*

My reason for moving the amendment is that I am still satisfied that this House is not conversant with the area upon which the *Kingia* grass tree grows in Western Australia. Mr. Baxter says it is unlimited and the hon. Mr. Kingsmill has also said that it is contained in about a million and

a-half acres. I think 200,000 acres is a fair start for this gentleman. If members will read the schedule down they will find that he is not restricted to 500,000 acres, and that he can secure other areas and can cut or reserve the right to remove the grass tree from private freehold lands.

The Colonial Secretary: He cannot exceed 500,000 acres.

Hon. J. CORNELL: It says that the area shall be 500,000 acres. The Bill grants the concessionaire 500,000 acres. Three months after the ratification of the agreement, he may take 10,000 acres more, which would not be subject to this clause. The position in connection with this concession will be as in connection with every timber concession, that the concessionaire will seek other avenues, just as the timber companies have been doing, and exploit Crown areas easy of access and of good quality, and then eventually fall back on his own concession. I think 200,000 acres is a fair slice to give away to this gentleman.

The COLONIAL SECRETARY: I do not know how the hon. member proposes to amend an agreement which is already in existence, and which is submitted merely for ratification. It has to be either accepted or rejected. If the clause is amended to make the area 200,000 acres, that would probably be regarded as a suggestion to the Government to go further into the matter, to reconsider it, and to endeavour to make another agreement; but it kills the Bill.

Hon. W. Patrick: There is no great hurry.

The COLONIAL SECRETARY: There are certain conditions imposed on this gentleman by reason of the grant of 500,000 acres. If the area granted is reduced to 200,000 acres, his expenditure would have to be proportionately decreased. Mr. Cornell errs in his statement that the concessionaire can get more than 500,000 acres: all he can do is to substitute other land for some he may be already holding. He will never have more than 500,000 acres, though he may have less. If he selects other land, he

has to give up a certain proportion of his area under this Bill; and if he wants to go outside his area of 500,000 acres he cannot trespass on any land held either under conditional purchase or pastoral or timber lease.

Hon. W. Patrick: He can go all over the State and take 10,000 acres here and there.

The COLONIAL SECRETARY: Yes.

Hon. W. Patrick: That means he picks the best of it.

Hon. E. M. CLARKE: There are tens of thousands of acres of the area to be granted on which none of this vegetable grows; none whatever; and it is absolutely necessary that the concessionaire should have a large area, because a great deal of the country is absolutely barren. Hon. members should bear that in mind.

Hon. J. J. HOLMES: I hope Mr. Cornell will not press the amendment. Apart from the possibility of this plant being of some commercial value—as to which there is considerable doubt—there is the possibility of getting a large area of Crown land cleared of a useless growth, and so preparing it to grow something useful. The right to be granted under this Bill extends only to the grass tree. We know what the value of the sandal-wood industry has been to the State, and I hope that possibly the grass tree industry may turn out something the same.

Hon. J. CORNELL: I am sorry to disagree with the Colonial Secretary, but I cannot read the schedule as he reads it. My reading of it is that an area of 500,000 acres is granted to the concessionaire for 21 years, and that within three months of ratification of the agreement he may select further land, subject to the approval of the Minister, in 10,000 acre blocks. If he makes application for one 10,000-acre block and the Minister approves of it, the block will be granted; and then the concessionaire may apply for another 10,000-acre block, and that may also be granted. I recognise that the effect of passing the amendment means the staying of the Bill, that the House has either to accept the agree-

ment or drop the Bill. But there can be no hurry for passing the Bill. We shall re-assemble in nine or ten weeks' time, and during the interval inquiry can be made, and a truer appreciation of the position obtained. Anyone objecting to this portion of the agreement must either swallow it or adopt the course I have taken.

The COLONIAL SECRETARY: When I first read the Bill I came to the same conclusion as the hon. Mr. Cornell. I thereupon wrote a minute to the Solicitor General and asked him to explain this portion of the measure, and have received the following opinion from him:—

Within three months of the ratification of the agreement, the licensee may, with the approval of the Minister, in lieu of getting permission of the pastoral lessees, etc., select other Crown lands, which are not under pastoral or timber lease, etc., in substitution for so much of the lands comprised in the 500,000 acres as are under lease. In other words, the licensee has the option for three months to take up in lieu of and by way of substitution for such of the concession lands as are comprised in pastoral and timber leases (which can only be entered with the consent of the lessee) other waste lands of the Crown which are not the subject of any pastoral or timber lease, etc.

Hon. F. CONNOR: The leader of the House has introduced a Bill and a staunch supporter has opposed it, and the Minister acknowledges that his supporter is right in opposing it. Where are we? What sort of a way is this to pass legislation?

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

Ayes	..	..	3
Noes	..	..	16
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Majority against	..		13
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#### AYES.

Hon. F. Connor  
Hon. J. Cornell

Hon. W. Patrick  
(Teller).

## NOES.

Hon. R. G. Ardagh	Hon. C. McKenzie
Hon. C. F. Baxter	Hon. E. McLarty
Hon. H. Carson	Hon. H. Millington
Hon. E. M. Clarke	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. G. M. Sewell
Hon. J. M. Drew	Hon. C. Sommers
Hon. V. Hamersley	Hon. J. F. Cullen
Hon. J. J. Holmes	(Teller).
Hon. J. W. Kirwan	

Amendment thus negatived.

Schedule put and passed.

Title, Preamble—agreed to.

Bill reported without amendment, and the report adopted.

*House adjourned at 10.48 p.m.*

## Legislative Assembly,

*Tuesday, 1st September, 1914.*

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

### PAPERS PRESENTED.

By the Minister for Mines: Return of exemptions granted during the year ended 30th June, 1914.

By the Premier: 1, Report of administration of endowment trust under the Public Education Endowment Act. 2, Correspondence relating to the recent

political crisis in Tasmania. 3, Report of Public Service Commissioner for the year ended 30th June, 1914.

By the Attorney General: 1, Amendment of Supreme Court rules. 2, New regulations under the Electoral Act, 1907. 3, Annual report of the Department of Land Titles.

By the Minister for Works: 1, By-laws of the Beverley roads board. 2, By-laws of the municipalities of Kalgoorlie, Leederville, North Fremantle, and Guildford.

### LEAVE OF ABSENCE.

On motion by Mr. LAYMAN leave of absence for two weeks granted to the hon. member for Claremont (Mr. Wisdom) on the ground of urgent private business.

### STANDING ORDERS SUSPENSION.

The PREMIER (Hon. J. Scaddan—Brownhill-Ivanhoe) moved—

*That for the remainder of the session the Standing Orders be suspended to enable messages from the Legislative Council to be taken into consideration on the day on which they are received; also, so far as to admit of the reporting and adopting of the resolutions of the Committees of Supply and Ways and Means on the same day on which they shall have passed those Committees.*

Question passed.

### BILL—SUPPLY (No. 2) £1,450,000.

#### Message.

Message from the Governor received and read recommending appropriation in connection with the Bill.

#### Committee of Supply.

The House having resolved into Committee of Supply, Mr. Holman in the Chair,

The PREMIER moved—

*That there be granted to His Majesty on account of the service of*