

Legislative Council,

Wednesday, 25th October, 1922.

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

ASSENT TO BILL.

Message from the Lieutenant-Governor received and read notifying assent to the Supply Bill (No. 2) £668,000.

BILL—WYALCATCHEM-MOUNT MARSHALL RAILWAY (EXTENSION No. 2).

Second Reading.

Debate resumed from the previous day

Hon. E. H. HARRIS (North-East) [4.36]: I was absent when the Leader of the House made his second reading speech, but I have carefully read his remarks in "Hansard." He stated that the original measure in 1919 authorised the laying of 25 miles of railway. His argument in support of the extension of the line for a further seven miles would seem to be justified on the statements he made, that the line had been favourably reported upon and that if the railway was not built, severe hardship would be inflicted on 50 or 60 settlers who would have to cart their produce distances of 17 to 20 miles to the railway. That is very strong argument in favour of an extension of a railway laid in an agricultural area expressly for the convenience of settlers. At the same time I know of no promise having been given, when the 25 miles was authorised, to construct a further section. Another reason given by the Minister in support of building this extension was that it would be more economical to construct it while the necessary plant was at the head of the road than it would be to remove that plant and later on have to return it to the same spot. That is no justification whatever for the construction of this line to the detriment of another district.

The Minister for Education: How is it a detriment?

Hon. E. H. HARRIS: The rails which are to be used for this extension might have been used for the construction of another agricultural line authorised by Parliament four years before the passing of the Mount Marshall Railway Act in 1919. It is eight years since another agricultural railway was authorised by Parliament, and not a solitary rail has yet

been laid. There is every justification for protest, particularly from goldfields members, who have listened on more than one occasion to the promises of the present Premier, to say nothing of those of his predecessors, as regards the construction of the Esperance-Northward railway, a purely agricultural line. The 23 miles of Mount Marshall line was built to the detriment of the settlers in the other districts. Esperance is an important part of the State. The report submitted regarding the quality of the land in the Esperance district cannot be impeached, and the settlers there are not 17 to 20 miles distant but 30 miles away from their natural port. The railway promised them in years gone by has not been built; none of the promises made have been fulfilled. These people have suffered privations owing to the lack of railway facilities, just as settlers in other districts have suffered. The Government have frequently announced as a plank of their policy the opening up of the wheat areas in the different agricultural centres. The people of the Esperance district have been waiting patiently for the last eight years. All their appeals through the local governing bodies, by deputation and through members for the district, to the Government have been unsuccessful. It would seem that the policy of the Government as regards this district is to deliberately fool the whole of these people, and I say this realising what it means. The Administration are not deaf, but they are very hard of hearing when one has anything to say in advocacy of the Esperance railway.

Hon. J. W. Kirwan: At election time they are very free with their promises.

Hon. E. H. HARRIS: Immediately prior to the last elections the Premier specially emphasised that the Government would immediately proceed with the construction of the Esperance railway. No other interpretation could be placed upon his remarks. Yet it seems to have been a political dodge played on the people of the goldfields, who were led to believe that the Government intended to fulfil their promises. The only constitutional course open to us to see that justice is done to the people of this district, and bring the Government up with a round turn, is—

Hon. G. W. Miles: A separate State!

Hon. E. H. HARRIS: Is to vote against any further railways for other agricultural districts. We are not antagonistic to the construction of any railway which shows a prospect of securing a reasonable volume of traffic, but remembering that the quality of the Esperance land is equal to that of any other district, we have reason to protest against the Esperance line not being built. We can say this without hostility to any agricultural district in the State. In looking into the development policy of the Government I have noted a few words uttered by the present Premier. He said—

The policy of railway construction inaugurated by my leader when in power is essentially the right one and should be continued as speedily as possible. It is not

sufficient to merely introduce a Bill and promise the people a railway. The line should be built and built as soon as possible.

Those are the words of the Premier, uttered when discussing the construction of agricultural railways. The Wyaleatchem-Mt. Marshall railway was authorised four years later than the Esperance Northwards line. This latter line is easy of construction, the country being fairly flat. Therefore it would not cost a great deal. The Minister for Works, we have been told by the Leader of this House, said that the Government were pushing forward the Esperance line as rapidly as circumstances would permit. It would have been more correct had the Minister for Works said that the line was being pushed on as rapidly as the vacillating policy of the Mitchell Government would allow. I have heard Sir Newton Moore as well as Sir James Mitchell reiterate that the construction of the Esperance line would be pushed along. When the Esperance Northwards Railway Bill was before this House, our present leader said—

I think the House is entitled to know exactly what the Government propose to do in regard to the building of this line. We should be told which of the lines are going to be built, and which are not.

That is just the position we are in now.

Hon. J. W. Kirwan: That was uttered in 1915, I suppose?

Hon. E. H. HARRIS: Yes, on the 30th January. Our present leader further said—

It is not a fair position to the settlers to pass a whole bunch of Railway Bills and not inform them which shall be built, and which shall be allowed to stand over almost indefinitely.

Those are the words which fell from the present leader of this House in 1915, and those are the words which are now in the mouths of the Esperance settlers. Those settlers want to know exactly what the leader of the House asked on that occasion—when there was a prospect of the line being built? The earthworks, certainly, have been started; and that fact was regarded as a guarantee of the good faith of the Government. Indeed, a considerable sum has been spent on the earthworks; but now, when the Government are asked as to the laying of the rails, they discover that they cannot land a locomotive on the Esperance jetty until that structure has been reinforced. If the Government called for tenders to land a locomotive on the Esperance wharf, they would get offers very quickly. There are contractors on the goldfields who are quite prepared to guarantee the landing of a locomotive as required. I can liken the Government in their policy as regards the Esperance railway only to a team of jibbing horses. They back and fill, and pull and turn, but never make any progress with the line. Unless I can get some reasonable assurance from the leader of the House as to the Government's intentions regarding the Esperance line, I shall have to cast my vote in opposition to this Bill. Some few weeks ago I asked a question here as to the probabilities of pro-

gress with the Esperance line and the lifting of the Esperance harvest. The reply given me was to the effect that the Government hoped to lift the Esperance harvest in 1923. From the snail-like progress which has been made with the Esperance Northwards railway, it is obvious that that hope cannot be fulfilled. Therefore, failing authentic information as to the real intentions of the Government with regard to the Esperance line, I must oppose the second reading of the present measure.

Hon. G. POTTER (West) [4.51]: I have much pleasure in supporting the second reading of this Bill, because the measure aims at a vigorous policy of land development. It should be welcomed as an earnest of the desire of the Government to furnish facilities for land development. A measure of this nature shows the citizens of the State that the Government are fairly embarking on their land development policy, and that not as applied to one particular district, but in a State-wide sense. From that aspect it is regrettable that there should be a circumstance tending to cloud this moment's satisfaction. I refer to the position of settlers at Esperance and elsewhere in the State. But the odium attaching to the disregard of a whole series of neglected promises does not rest upon the shoulders of the present Government, who naturally intend to redeem the promises which have been made.

Hon. G. W. Miles: When?

Hon. G. POTTER: No Government, surely, would make promises of this nature without a full appreciation of the responsibilities? The Government certainly have responsibilities to the Esperance settlers. Whether owing to force of circumstances or to mistake, the Government have not yet been able to fulfil their obligations in that regard. But to make a mistake is not a heinous crime. To continue making the same mistake, with consequent heavy disabilities to the people, involves morally something more than neglect. Let us consider for a moment the position of the Esperance settlers. To get the proper perspective, one must go back to, say, 1915, when, if my memory serves me, the Act authorising the construction of the Esperance Northwards line was passed. Work was commenced, but it did not proceed very far. The construction of the line was discontinued, I believe, upon reports adverse to the suitability of the Esperance lands for farming purposes. A Royal Commission was appointed to investigate the matter, and the Commissioners, after taking exhaustive evidence from experienced men, were so impressed with the suitability of the Esperance lands that they recommended the construction of the line to a greater length than had been originally intended. Had that recommendation been given effect to, we would to-day see smiling homesteads and contented settlers in the Esperance area; and those settlers would be contributing to the wealth of the State, and towards its stability in the eyes of the investing public. The time has now arrived for the Government to say whether they will redeem the promises which are alleged to have been made. Surely the

hopes of the settlers who went there in anticipation of a railway will not be disappointed. Much money has already been spent on the work of construction, and if the work is not continued expeditiously a great proportion of that expenditure will have to be repeated. From that aspect alone, it would be most advisable for the Government to continue immediately the construction of the Esperance railway. In any event, it is encouraging to know that the Government are fully alive to their responsibilities to the State as a whole, which is evidenced by their bringing forward this Bill.

Hon. J. MILLS (Central) [4.57]: Whilst I regret that new railways are not being constructed in the order of their approval by Parliament, I agree that the Government, having the plant and the men on the spot, should now build this matter of seven miles, instead of bringing the plant and the men back at a later date for that purpose. I know for a fact that at the present moment the Manager of the Agricultural Bank with a considerable staff is in the Esperance district, and that it is the intention of the Government to proceed with a vigorous policy of development there. I am sure that they would not think of expending public money as they have done and are doing in the Esperance district, unless they earnestly intended to build the Esperance Northwards railway. Accordingly, I have much pleasure in supporting the second reading of this Bill.

Hon. A. BURVILL (South-East) [4.58]: I support this Bill because I have faith in the Government's intention to keep their promise in connection with the Esperance Northwards railway. I fully realise the feeling of gold-fields members in that connection. I can quite understand that they are sore in view of the fact that one Railway Bill, passed in 1915, still awaits the laying of the first rail, whilst a railway authorised in 1919 has been completed and is now proposed to be extended. From the point of view of economy it is quite right that while the plant is on the spot the Wyalcatchem-Mt. Marshall line should be extended by the seven miles proposed; but it is asking rather much of gold-fields members that they should support such a proposal while on the Esperance line not a rail has been laid. The Esperance settlers have been there for many years. As a matter of fact, the construction of the Esperance line was promised when I came to this State in 1896. Another railway which was promised then is that from Albany to Bridgetown. It has not yet even been authorised. The Esperance line, however, has been authorised, and the settlers are there, and there must be no breaking faith with them. Being a settler myself, I know that to cart produce a distance of 30 miles is altogether over the odds. I hope, in fact I believe, the Government intend to redeem their promise and get that railway through in time for these settlers to bring in their harvest this year. I trust the Minister will give us something de-

finite to go upon. In the meantime, I have pleasure in supporting the extension of this railway.

Hon. J. W. KIRWAN (South) [5.1]: The Bill before the House is much more important than it seems. It is not merely a Bill for the extension of a railway through an agricultural district for a further seven miles. It is a Bill that, in the estimation of a number of members both in another place and in this Chamber, and certainly in the estimation of my constituents, involves a breach of faith on the part of the Government. Because we feel it to be a breach of faith on the part of the Government, and also a defiance of instructions issued to the Government by another place, a conspicuous importance is added to the Bill far beyond that of its immediate object. I do not know whether the Government are so lost to all sense of what is right as to ignore the fact, but nevertheless this is the first Bill I have ever known to be opposed on the grounds of a breach of faith by the Government. It shows to what an extraordinary position public affairs have reached as the result of the Government's doings, that a large section of another Chamber, representing not one party alone, but including men like the Leader of the Opposition and members of the Country Party, have taken the extreme course of opposing an agricultural railway. For 14 years have I been a member of the House, yet never before have I opposed an agricultural railway. There are the members who represent that part of the State where the breach of faith on the part of the Government is keenly felt, and there are others who sympathise with us, and we all feel so strongly that as a protest we are compelled to vote against the Bill. It is that sort of thing, a long series of broken promises, which has tended to reduce Parliament to the position it now occupies in the eyes of the public. The story of the Esperance Northward railway is fairly well known. Bills for the construction of a railway to Esperance were brought before Parliament over and over again. It is extraordinary that the strongest and most bitter opponents of the Bill were the gentlemen who now occupy the positions of Premier and of Minister for Works. Whenever the question arose, they decried the district and did all they could in opposition to the passage of the Bill. The whole blame for the existing position should rest mainly upon them. The Leader of the House was an opponent of that railway before it was authorised, but I believe that if it had rested with him the railway would have been completed long ere this. It is unfortunate that the men who have been most bitter in their opposition to the railway should now be in the positions of Premier and of Minister for Works. That is an important factor in the breach of faith on the part of the Government. Despite the

opposition of those two very influential men, after a great deal of fighting the Bill did get through both Houses, and was passed in February, 1915. The Government that passed the Bill began the construction work. A certain quantity of material was assembled at Esperance, a good deal of embankment work was done, and 12 miles of rails were landed at the port. But that Government went out of office in July, 1916, while the work was still under construction. The Government that came into office was composed of men all of whom had strongly opposed the construction of the Esperance line. At that time some belated report was discovered, a report which it was said had been concealed. That report stated that the quantity of salt in the land down at Esperance precluded the possibility of the district becoming of much use for agricultural purposes. At the time it was regarded as a pitiful excuse for the stopping of the work, especially since a number of settlers had gone there, and everybody believed that the work of the previous Government would be proceeded with. After many men had spent their all down there, endeavouring to carve out homes for themselves and their families, the Government, composed of men hostile to the line, stopped the work and appointed a Royal Commission, the personnel of which they chose themselves. Many of those in favour of the Esperance railway objected to the personnel of that Commission, as did also the people of Esperance. Three members of that Commission went to the Eastern States and inspected the mallee land, took a considerable volume of evidence, and were very careful and accurate in the preparation of their report. As it proved, that report was highly favourable to the construction of the line; indeed, the Commissioners went further, and recommended that the railway should be extended to Norseman. When the report was published, Sir Henry Lefroy, the then Premier, was on the goldfields. He at once declared that in accordance with promises made by the previous Premier, the late Hon. Frank Wilson, and Mr. George, the then Minister for Works—both of whom had stated that if the Commission reported favourably the work would be continued without delay—the construction of the line would be proceeded with. Sir Henry Lefroy in many speeches assured the people that the Government would get on with the work immediately. Subsequently, Sir Henry Lefroy ceased to be Premier, and the present Leader of the House, Mr. Colebatch, succeeded him. From what I know of Sir Henry Lefroy and of Mr. Colebatch, I am convinced that both those men have so high a regard for public good faith that had either of them continued in office as Premier the line would have been working to-day and the district carrying a prosperous community and proving to be a fertile province added to Western Australia. However,

unfortunately for the State, Mr. Colebatch did not remain in office. I say, unfortunately, because he was succeeded by the present Premier. Sir James Mitchell came into office in 1919. He very soon said that the policy outlined by his predecessors in respect of the Esperance railway would be continued. He has been saying that ever since. Then the general elections took place in March of 1921. Here, I think, is where a serious breach of faith is involved. Mr. Harris this afternoon said rightly that Sir James Mitchell had assured the people of the goldfields that there would be no delay in pushing forward with the construction of the Esperance railway and the development of that district. Three men were returned from the Eastern goldfields as supporters of the present Government in another place. Every man on the goldfields will agree when I say that not one supporter of the present Government would have been returned had Sir James Mitchell said, "We will take some rails from the goldfields railway and construct the Mt. Marshall railway, rather than the Esperance line." I do not say that the men who were returned would not have been returned, but they would not have been returned as supporters of the Government. There never has been a man returned for the Eastern goldfields who was not a supporter of the Esperance railway; nor with a single exception one who has ever deviated from that support and dared to face the electors; that exception was an old, experienced Minister, and he was very quickly relegated to private life. However, these three men were elected as supporters of the present Government in March, 1921. Now what was the next action of the Government?

Hon. G. W. Miles: When did the Assembly carry their resolution?

Hon. J. W. KIRWAN: In February, 1918. Prior to the general elections the Assembly had carried a resolution that the first railway to be built in pursuance of the programme of railway construction should be the Esperance Northward railway. That was carried by 22 votes to 15, and was a fair guarantee to the settlers that the railway would, at any rate, precede all others. Naturally the settlers had reason to feel that there was some certainty that the line would be constructed in the near future. After the general elections in December, 1919, the Government brought forward a Bill for the construction of the railway, the extension of which is now being asked for. I refer to the Mt. Marshall railway. The original construction was, I think, for some 20 miles, and now it is proposed to extend it another seven miles. In view of the motion which had previously been passed that the Esperance railway should precede all other railways, those interested in it were not very much concerned about the Mt. Marshall railway, and did not oppose it, believing that the Esperance railway would be constructed first. The member for the district in another place in 1919, in order to make sure on the point, asked the Premier whether the Wyalcatchem-

Mt. Marshall Railway Extension Bill, introduced in December of that year, would jeopardise the work which had been authorised in another part of the State. The Premier said "No. That is not so. I have given you my word that it will not do so." Mr. Walker then said, "That word is inviolable. I trust the word of the Premier implicitly in a matter of this kind." We on the goldfields did the same. Prior to the election we trusted the word of the Premier. Further on, the Premier in his general reply, said, "The hon. member need have no fear. This House has pledged itself to build the line the member for Kanowna refers to." In the face of that when the Bill came before this House we naturally passed it, as we did all other lines, assuming there was no danger of it preceding the Esperance line, and never dreaming that goldfields railway material would be used for such a project. Not only has the Wyaleatchem-Mt. Marshall line been built, but the Government are now asking for authority to extend it. We are driven to oppose the passing of this Bill and are very sorry for those settlers who have to cart their wheat 17 or 20 miles. Goldfields members never have opposed agricultural railways. Their sympathies are always with the agriculturist and the man who is living onback, but even Mt. Marshall settlers will recognise that although they themselves have to cart wheat 17 or 20 miles, we represent constituents who have to cart their wheat more than twice that distance, and whose railway was promised and passed long before the Mt. Marshall line was begun. If the settlers who are concerned in this extension suffer it will not be the fault of those who voted against the Bill. It is the fault of the Government, who have been guilty of so continually breaking their promises as to drive the supporters of another worthy railway to the extreme step of voting against the line in order to have attention drawn to their own case. The Leader of the House will probably say the Government are proceeding with the Esperance railway, that they are carrying out their promise and the work is in progress. My idea of keeping a promise is not to employ two men and a boy on the work. That is the sort of thing that is going on every year. The Government are continually fooling the goldfields people. I cannot refer to their action in any other terms. We have been fooled and badly fooled, in the same way as I see the Government fooling the Country Party to-day. When I see what is happening in respect of the Country Party—

The PRESIDENT: The hon. member had better confine himself to the Bill.

Hon. J. W. KIRWAN: I am speaking on the question of a breach of faith. I think you will agree, Sir, seeing that the opposition to this Bill is based on the question of a breach of faith, I am justified in referring to the circumstances surrounding other breaches of faith. I say, not only has there been the breach of faith under which we are suffering, but there have been the breaches of faith that are causing the Country Party to

suffer, the party to which the present Government owe office.

The PRESIDENT: I cannot see the connection between the Country Party and this Bill.

Hon. J. W. KIRWAN: I have said all I wanted to say on that point. The Premier and the Minister for Works have over and over again in their public speeches indicated their hostility towards the Esperance Northward railway. They have stated they do not consider the railway is justified, despite what has been said by the Royal Commission, the personnel of which the Government chose. One of their late colleagues, Mr. Willmott, in this Chamber, last session or the session before, said, the day will come when Esperance will export more wheat than all the other ports of the State. That statement is only one of an endless series of statements which could be quoted as made by men who have no reason to mislead the public as to the possibilities of the Esperance district. The Premier and the Minister for Works do not share that view and are still opposed to the line. The opposition which they offered in season and out of season to the railway before the Bill was passed they wish to continue now, although Parliament has said that the line should be constructed before all others. There is only one right course for these Ministers to pursue. If they think it would be contrary to the interests of the country for the Esperance line to be built; and they are not prepared to carry out the instructions of Parliament, the proper course for them is to resign and retire from office. If the Minister for Education or the late Premier, Sir Henry Lefroy, were convinced that the construction of the line was opposed to the interests of the State, they would resign rather than build it, but these other two gentlemen will neither build the line nor resign. That is why I object to their attitude.

The PRESIDENT: Which line?

Hon. J. W. KIRWAN: I am referring to the Esperance line.

The PRESIDENT: The question before the House is the Wyaleatchem-Mt. Marshall extension.

Hon. J. W. KIRWAN: The question of breach of faith is involved in this particular Bill. When the whole of the opposition to a railway is based upon a breach of faith, one is justified in explaining what that breach of faith is. The people I represent feel very strongly on this question. They have been so befooled and betrayed, just as other people are being befooled and betrayed, that I would not venture to go before them having voted for the second reading of this Bill. I must, however, express the great gratification I feel that some of the members who are voting for this railway extension, including Mr. Baxter, in whose district the extension is to be made, recognise the justice of the indignation that is felt by supporters of the Esperance railway. He and others, both in this House and in another place, have expressed the opinion that a breach of faith is

involved and that breach justifies the extreme action we are taking.

Hon. J. W. HICKEY (Central) [5.28]: I intend to oppose the second reading of the Bill for very much the same reasons as outlined by Mr. Kirwan. Upon all questions that come before this Chamber I do not take a parochial view, and usually vote for anything that involves the development of the country, particularly the agricultural industry. This, however, is a proposition different from most other questions that come before us. In the words of Mr. Kirwan, this represents a breach of faith. If I vote for this railway extension, as I feel disposed to do, in the interests of development, how am I to know where it will all end? This argument has centred round the construction of the Esperance line. As has been pertinently pointed out, the Bill affords an object lesson of breaches of faith by successive Governments. I do not hold previous Governments blameless in this regard. I have in mind various railway extensions, some in my own province, that have been more justified than the extension now under discussion. I intend to vote against the second reading of the Bill as a protest against the breach of faith on the part of the present Government. I have been long concerned regarding the construction of the Esperance railway, and those who have advocated that line know that I have always supported it. I will continue to oppose the construction of railways where facilities exist to-day, until consideration is given to the Esperance district. It is useless going over the whole of the ground, but one of the arguments used against the extension of the railway from Piawaning was that rails were not procurable for its construction. At the same time, we find that the Government are able to find rails for the extension of the particular line under discussion. I know both districts, and I am aware that the people in the Mount Marshall district have better facilities than have the settlers in the Piawaning district, where men have to cart their produce for 17 or 18 miles to the head of the road. Those conditions do not apply in the other direction, and certainly there the roads are better. Until people in such districts receive more consideration, I will oppose the passage of Bills similar to that before the Chamber at the present time, unless something better can be brought forward to justify the construction. I have advocated railway construction whenever I have had an opportunity of doing so, but I must enter a protest on this occasion, for the reasons I have outlined and which have been mentioned by others who have opposed the Bill. I took particular note of the utterances of those who are not opposing the Bill and it seemed to me that they were reluctantly supporting it. There are many reasons why this railway should be built, but the arguments used by those members in supporting the Bill are, perhaps, the best that could be used against the construction of the line. I refer parti-

cularly to the remark of Capt. Potter. After all, the opposition to the Bill comes back to a question of centralisation. The opposition to the construction of the Esperance railway has always come from those who have advocated centralisation and those are the persons who are responsible for the position in which we find Western Australia to-day. I can hardly understand the reasoning adopted by those members who are supporting the Bill. They justify the arguments against the Bill and realise the force of those arguments, but at the same time they intend to support the measure. I intend to vote against the second reading of the Bill.

Hon. J. NICHOLSON (Metropolitan) [5.34]: I have been interested in the arguments advanced by hon. members representing the district in which the Esperance line will be situated, and I must acknowledge that, so far as they are concerned, as members interested in that particular Province which they hope will show more progress in the future than it has in the past, they are justified in viewing the promises given by various Governments at different times with resentment, and in complaining of what has not been done.

Hon. J. W. Kirwan: We very much appreciate that remark.

Hon. J. NICHOLSON: I feel it is somewhat incomprehensible that this occasion should be availed of by them and that they should express their opposition to the second reading of a Bill which is intended to work for that progress in one part of the State that they desire to see in the Esperance district. We wish to see the country developed throughout the length and breadth of the State and wherever there are suitable agricultural areas, it is the duty of the Government to seek to open up those lands and make them available for settlement. I recognise full well that in the Esperance district, there are many cases of hardship such as those instanced by hon. members who have spoken regarding the Esperance-Northwards railway. The very fact that hon. members have again ventilated their complaints on this occasion, as they have on numerous opportunities in the past, will bring home to the Government the absolute necessity for something being done in connection with the construction of the Esperance line.

Hon. R. G. Ardagh: Parliament has already instructed the Government to do the work.

Hon. J. NICHOLSON: That being so, I think there is a great possibility of the Esperance line being constructed very shortly.

Hon. T. Moore: But is there?

Hon. J. NICHOLSON: I think so. I regret that hon. members who are interested in the Esperance district intend to record a vote against the construction of a line to assist in the development of another part of the country. In this case, we have the rails already on the spot; the men are there and everything is ready to construct the short length of seven miles of railway.

Hon. R. G. Ardagh: They took the material from the goldfields to do it.

Hon. J. NICHOLSON: From the standpoint of economy, when it is in the interests of economy and in accordance with good government and good management of railways and their construction, we must recognise the special circumstances of the case and agree that the line should be constructed, particularly seeing that it is work that requires to be done, and that a certain number of bona fide settlers in the Wyalcatchem district will be served.

Hon. F. A. Baglin: Why do they not do that for the Esperance railway?

Hon. J. NICHOLSON: Various explanations have been given by different Governments. Recently, and at various times, the Minister for Works and the Minister for Railways have each given explanations regarding the failure on the part of the Government to carry out the construction of the Esperance railway.

Hon. F. A. Baglin: What were those explanations?

Hon. J. NICHOLSON: I can only take the explanations as being worth the value attaching to them.

Hon. C. F. Baxter: What did we get? We got nothing!

Hon. J. NICHOLSON: I am not charged in any way with the responsibility of explaining the value of those statements.

Hon. J. Cornell: Why condone them?

Hon. J. NICHOLSON: I do not even do that, but there is the Ministerial authority and the Minister is the man who has to make the explanation and carry the responsibility. I look at this matter from the standpoint of the progress of the State as a whole. We want to see the country progress.

Hon. J. Cornell: That is the angle from which we are looking at it.

Hon. J. NICHOLSON: I shall be pleased to join with members from the goldfields in welcoming the opening of the Esperance line at an early date. Surely the goldfields members will not make the Esperance railway a cause for retarding the progress of another part of Western Australia. I support the second reading of the Bill.

Hon. T. MOORE (Central) [5.40]: I oppose the Bill. I do so for the reason indicated by several members who have already expressed their opposition. I do not think the Government are giving the whole State a fair deal.

Hon. C. F. Baxter: Would you expect it?

Hon. T. MOORE: I used to expect it before I entered Parliament; but I see that I expected too much from the Government in power. As to the construction or non-construction of the Esperance railway, I believe the Government have dilly-dallied with the work. I believe they could have constructed the line had they desired to do so. The point raised by Mr. Hickey was that, while the Government could find no rails or materials for that line, it is a remarkable thing that they can find rails for this particular line.

So far as the economical working of the scheme is concerned, the line has been justified, because the plant happened to be there. That is the weakest argument I have heard put forward. Mr. Marshall will not be the end of the line. The plant will have to be shifted, and it will have to be taken back there in the future. As to the treatment meted out to different parts of the State, the Government should deal fairly with all parts of Western Australia. Let us compare the length of time the people have been down in the Esperance district, with the period the settlers have been in the district to be served by the line we are discussing. The people in the former district are growing old and grey waiting for their railway.

Hon. R. G. Ardagh: Some have been there three times as long as others.

Hon. T. MOORE: Some who went there at my own age, will probably be looking for a cemetery rather than for the construction of the line.

Hon. J. Cornell: Like the Spartans, they will soon be dead.

Hon. T. MOORE: That is what is happening. The Government promised to construct a line to that part of the State; people went there and started to produce. They cannot get their requirements to the markets because there are no facilities. They are not like those people who have to cart their produce for 17 or 18 miles; they are out in the cold altogether. They are unable to progress because they cannot get their produce to the markets at all. Surely these people are entitled to be looked after first. It would not be fair to regard the opposition to this line from the standpoint suggested by the criticism of some hon. members. We are here to look after the interests of the State as a whole. The Esperance people have waited so long that the protest is justifiable at this stage. We should defeat the Bill for the time being, in order to show the Government that something must be done in the direction in which we feel convinced action should be taken. Surely there is nothing wrong with such an attitude. On those grounds, I intend to oppose the Bill.

Hon. C. F. Baxter: Why punish settlers for the shortcomings of the Government?

Hon. A. LOVEKIN (Metropolitan) [5.44]: So much has been said about the Bill that I do not intend to take up more than two or three minutes. I sympathise with those members representing the goldfields provinces in the position they take up in consequence of the non-construction of the Esperance railway. I am constrained to vote for the Bill in the interests of economy. It does not seem to me a sound business proposition to remove the plant and then take it back again, in order to construct seven miles of railway.

Hon. J. W. Kirwan: What if they bring in a Bill for a further extension?

Hon. A. LOVEKIN: When they do that, I will be prepared to deal with that phase. The length suggested is only a small one and if a further extension be asked for it

will become rather a different matter. We must consider the question of economy at the present time. I intend, therefore, to support the Bill. I would like to intimate that I shall not be able to vote when the division is taken, because I have paired with Mr. Dodd.

On motion by Minister for Education, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

In Committee.

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

Clause 2—Bonus debentures and shares (partly considered):

The MINISTER FOR EDUCATION: I have discussed this clause with the Solicitor General and he points out that the shares of a company to be issued would be in the circumstances paid up shares, but he says there can be no objection to making it clear in the Bill that they must be paid up shares. In order to make the matter clear I move an amendment—

That in line 6 between the words "or" and "bonus" "paid up" be inserted.

Hon. A. LOVEKIN: I scarcely think that covers the position, unless the Minister moves another amendment in the latter part of the clause. Would it not be better to add a proviso to the clause which would meet both cases? I would suggest a proviso on these lines, "Provided that such bonus debentures or bonus shares shall not or do not carry any liability for future payments or contributions on the part of such shareholders." Some shares have already been issued and this Bill is validating those shares, and they may or may not have been paid up.

The MINISTER FOR EDUCATION: I do not think that matters a bit. The hon. member can amend the clause in the form he suggests if he likes. I shall not object to the proviso. I will withdraw my amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That the following proviso be added to the clause: "Provided that such bonus debentures or bonus shares shall not or do not carry any liability for future payments or contributions on the part of such shareholders."

Hon. J. NICHOLSON: I think the amendment moved by the Minister was the better one.

Hon. G. W. Miles: There are a number of shares already issued.

Hon. A. Lovekin: We do not know whether they are paid up or not.

Hon. J. NICHOLSON: We ought to have retained the Minister's amendment and

then added words to the end of the clause, having reference to the shares already issued.

Hon. J. W. Kirwan: Is it not better to have a proviso than to overload the clause?

Hon. J. NICHOLSON: Instead of Mr. Lovekin's amendment we might add these words, "Shall be deemed to be fully paid and free from all liability."

The MINISTER FOR EDUCATION: Is not that merely repeating the words? I am advised by the Crown Solicitor that there is no need for any amendment, and I certainly cannot see what benefit can result from the amendment suggested by Mr. Lovekin or that suggested by Mr. Nicholson.

Hon. J. NICHOLSON: I move an amendment on the amendment—

That the following words be added to the proposed proviso, "Shall be deemed to be fully paid and free from all liability."

Hon. J. DUFFELL: It is not possible to cast an intelligent vote now. All amendments when submitted to a Bill in Committee should appear on the Notice Paper.

Hon. A. LOVEKIN: The object of the proviso is that shares which the companies are about to issue shall be free from liability. Bonus shares or debentures which have already been issued shall also be free from liability if it is desired that the issue shall be validated by this Bill.

Hon. E. H. Harris: What would be the position if the shares had been issued and not yet received?

Hon. A. LOVEKIN: The shares whether issued in the past or in the future must be free from liability.

Hon. H. STEWART: If the words "fully paid up" were inserted in both instances, that would meet the position. In the memorandum and articles of association the distribution of trading profits in the form of bonus shares is prohibited. In some cases a distribution has been made, but in every instance fully paid up bonus shares have been issued. Under the measure only fully paid up bonus shares can be issued.

Hon. J. NICHOLSON: I ask leave to withdraw my amendment on the amendment.

Amendment on the amendment, by leave, withdrawn.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That the following proviso be added: "Provided also that no debentures or shares shall be issued under this section in excess of the portion of profits available for the time being for distribution as aforesaid, and no such bonus shares shall be issued in excess of the authorised capital of the company for the time being.

It is not likely that any company would do such a thing, but the Solicitor General considers it wise to provide against the possibility.

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

Title—agreed to.

Bill reported with amendments.

BILL—MARRIED WOMEN'S PROTECTION.

Second Reading.

Debate resumed from the previous day.

Hon. J. EWING (South-West) [6.6]: I have perused the Bill carefully and I must congratulate the Government on having introduced it. The measure, it appears to me, will have a beneficial effect so far as women are concerned.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1, 2, 3—agreed to.

Clause 4—Constitution of court:

Hon. A. LOVEKIN: Clause 12 makes provision for a special magistrate to vary or discharge an order and it would be wise to provide for a special magistrate as well as a police or resident magistrate in this instance. I move an amendment—

That in line 3 "or" be struck out and after "resident" the words "or special" be inserted.

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

Clauses 5 to 11—agreed to.

Clause 12—Special magistrate may vary or discharge order.

Hon. A. LOVEKIN: I consider this a very necessary and much-required Bill. Clause 12 creates almost a new departure in that it allows the same court to re-hear a case. This can be done under the State Children's Act and it has proved a very useful provision.

Progress reported.

BIILLS (2)—FIRST READING.

1. Dairy Industry.

2. Geraldton Racecourse.

Received from the Assembly.

House adjourned at 6.12 p.m.

Legislative Assembly,

Wednesday, 25th October, 1922.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 2), £650,000.

QUESTION—ART UNIONS AND LOTTERIES.

Mr. PICKERING asked the Premier: 1, Is it a fact that a decision has been arrived at by Cabinet with regard to the privileges of art unions and lotteries? If so, will he state the nature of such decision? 2, Has a distinction been made between churches and racing clubs in favour of the former? 3, If so, how does he justify such distinction in view of the fact that the former stands for condemnation of the practice whilst the latter constantly endorses it?

The PREMIER replied: 1, Yes, raffles, sweeps, and art unions which are held in aid of charitable and other worthy objects with the approval and support of a large section of the public are being permitted, as it was considered if they were entirely suppressed it would mean the closing of many channels of benevolence and departing from a rule followed by previous Governments. 2, It is not considered racing clubs come within the scope of charitable objects, nor yet are they an object for benevolence. 3, Answered by Nos. 1 and 2.