refer it to the Parliamentary draftsman to see if it would meet the situation. The local authorities generally would understand that this was merely validating what had been done by some councils illegally, and was not a precedent to be followed in the future. As a result of inquiry he thought it would be unfair not to validate what had been done on this occasion, because a number of people had paid the rates, and it was doubtful whether they could recover them back from the councils, in which event they would be placed at a disadvantage compared with those who had not paid. Those controlling the local authorities should know in future that if they came to Parliament for the validation of a rate there was no legal right for having struck, they would be sent away without getting what they wanted.

Progress reported.

House adjourned at 9.52 p.m.

Legislative Assembly,

Wednesday, 13th November, 1912.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Minister for Lands: Report of the Woods and Forests Department for the year ended 30th June, 1912.

By the Hon. W. C. Angwin (Honorary Minister): By-laws of the Menzies Roads Board.

MOTION—MT. ARROWSMITH AND CARRABIN LANDS.

On motion by Mr. MONGER (York) ordered: "That the report of the official appointed to inquire into the lands to the eastward of Mount Arrowsmith and the lands north from Mount Arrowsmith to Carrabin, be laid upon the Table of the House."

PAPERS—MINING LEASES, BAYLEY'S CONSOLS AND KING'S CROSS.

On motion by Mr. McDOWALL (Coolgardie) ordered: "That all papers in connection with the application for forfeiture of Bayley's Consols and King's Cross leases be laid on the Table of the House."

BILL—PHARMACY AND POISONS ACT AMENDMENT.

Postponement.

Order of the Day for the resumption of the debate on the second reading from the 16th October read.

Mr. HEITMANN (Cue): I move—

That the Order of the Day be postponed.

Hon. Frank Wilson: What is the matter?

Mr. MONGER (York): Cannot we get this objectionable measure struck off the Notice Paper. I move an amendment—

That the Bill be read a second time this day six months.

Mr. SPEAKER: I cannot take that amendment.

Motion (postponement) put and passed.

BILL—GAME.

Message.

Message from the Governor received and read recommending the Bill.

In Committee.

Resumed from the 30th October; Mr. Holman in the Chair, Hon. H. B. Lefroy in charge of the Bill.

Clause 25—Regulations:

The ATTORNEY GENERAL: Provided we did not pass Clause 24, the clause which had occasioned the Governor's Message, was the power to make regulations prescribing the issue of licenses intended to be a tax indirectly on the people, or was it intended to limit the licenses to a favoured few?

Hon. H. B. LEFROY: It would be for the Government to provide under regulations what the licenses were to be. The Bill provided for gun licenses, and licenses would need to be taken out by persons who killed game for the purpose of selling game or skins, and by persons who wished to sell game or skins. Any person killing a turkey or a kangaroo for his own consumption need not take out a license. Restrictions were only imposed when persons desired to destroy game for the purpose of sale.

The Attorney General: Will the licenses provide enough revenue to avoid the necessity for Clause 24?

Hon. H. B. LEFROY: It was the desire of the Message from the Governor to provide for passing Clause 24.

The Minister for Lands: That does not commit us.

Mr. B. J. STUBBS: According to Clause 9 no person could kill game without a license.

Hon. H. B. LEFROY: Clause 9 dealt with imported game. It was only right that if useful game was imported people must take out a license to destroy that game.

Mr. UNDERWOOD: Regulations suitable to the South-West were in many cases unsuitable to the North-West. For instance kangaroos were preserved in the South-West, but they were a pest in the North-West, and there should be no restrictions on persons killing kangaroos where they were proved to be a decided pest. When the last Game Bill was before Parliament the member for Northam, who was then Honorary Minister and had charge of the Bill, promised that the licensing provisions would not refer to the North-West, and the then Premier said it would be seen that licenses were not charged in the North-West, but that was not given effect to and license fees were charged in the North-West. If a white man had to pay fees, why not the black man also?

Hon. H. B. LEFROY: Until the Act was proclaimed in a district it would not come into force in that district. If it was found unnecessary to make the measure operative in the North-West the Government need not proclaim it in that part of the State. It remained in the hands of the Government, who could see that the Bill fulfilled the object it had in view without unnecessarily harassing individuals or forcing it on any part of the State where it was considered unnecessary.

Mr. UNDERWOOD: It was to be trusted that the promises of the present Government were more likely to be honoured than those of past Governments. According to the 1907 *Hansard*, the Honorary Minister at that time in reply said it was not intended to apply the Bill above Jurien Bay, and that the license fee for kangaroo hunters would only be nominal. As a matter of fact men had been prosecuted in the North-West, and compelled to take out licenses. The Honorary Minister never carried out the promise.

Hon. J. Mitchell: You did not remind me of it.

Mr. UNDERWOOD: The present Government should recognise that kangaroos were a pest in many parts of the North-West, and that it was not advisable to apply the measure there as it would be applied to the South-West.

Mr. McDONALD: The clause dealing with the license to sell native game did not mention the Governor, or districts. It was mainly because of the opposition of the pastoralists to the kangaroo shooters that he offered opposition to the Bill. There was certainly urgent need to preserve native game, but men making a living by killing native game should be protected just as much as those engaged in any other industry. A regulation prescribing the maximum number that might be killed in one day might apply to some

of the native birds, but would inflict hardship in relation to the killing of kangaroos. He had anticipated that the issue of licenses was dealt with in one of the Acts repealed by the schedule, but Mr. Kingsmill, a former Colonial Secretary, had told him to look up the Fisheries Act to find why licenses were required for kangaroo shooting. Nevertheless he had been unable to find it. It was found in the North-West that the possession of these licenses gave no privileges at all to the holders. It was well known that most of the kangaroo shooting was done near wells and pools where the kangaroos went to drink. The licenses gave no privileges except so far as the natural waters were concerned; even there the shooter had no security of tenure so far as their camps were concerned, for if the pastoralist came to the conclusion that his stock were endangered he could give the shooter notice to quit and if he refused to move, the shooter would on returning to his camp find that it had been accidentally burnt. It was his intention to go further in the matter of licenses and to insist that they should be done away with altogether, or else that greater powers should be given to those who held them. As far as kangaroo shooting was concerned he had heard a gentleman in the City boast of having on one of the North-West stations shot 200 kangaroos in one month for sport. He had no sympathy with such a man and he was in accord with every provision in the Bill that would prevent sport of that kind, but when men were making a legitimate living out of the sale of skins and in some instances the flesh as well, there was some justification for it. The member in charge of the Bill might give the Committee a further opportunity of discussing some of the clauses before the measure reached its final stage.

Clause put and passed.

New clause—Disposal of penalties:

Hon. H. B. LEFROY moved—

That the following be added to stand as Clause 24:—The Colonial Treasurer shall in each year pay from Consolidated Revenue to the Zoological and Acclimatisation Committee of Western Australia a sum equal to one-half of the total sum received during the said year from the sale of licenses granted under this Act and from penalties recovered for offences under this Act.

The object of this clause was to enable a certain amount of revenue to be handed over to those who would to a certain extent have the administration of the measure. It was proposed under the Bill that the bulk of the administration should be offered to the Acclimatisation Committee, a body of gentlemen who took an active interest in matters of this sort, and, moreover, who had acquired considerable knowledge on the subject. The Acclimatisation Committee were prepared to take upon themselves the administration of the Bill, but as their funds were limited, it was desired under the proposed new clause to assist to tide them over difficulties by offering them half the amounts which were received from the sale of licenses and from penalties.

The Premier: What will the amount be per annum?

Hon. H. B. LEFROY: It would be impossible to say; it would depend upon how many licenses were taken out and how many offenders were punished, but the amount would not be very large. The introducer of the measure desired that this clause should be inserted and it had been pointed out that a similar provision existed in South Australia and in Victoria.

The MINISTER FOR LANDS: When the Committee were dealing with another clause on a question raised by the Attorney General, he pointed out then that it was his intention—although the Government were providing a Message in order that the hon. member in charge of the Bill might have an opportunity of discussing the clause—to ask the Committee not to adopt it. It was wrong on our part to ask the Committee at this stage to enter into a statutory obligation irrespective of financial considerations to pay a fixed sum to the Acclimatisation Committee.

Hon. H. B. Lefroy: Not a fixed sum.

The MINISTER FOR LANDS: It was a fixed sum in the sense that it was a

certain proportion and that a statutory obligation was implied by the measure. Parliament already provided for a certain sum for the assistance of the Acclimatisation Committee and while the Government would be prepared to give assistance to those who took a personal interest in such a matter, we ought not to be asked to adopt this clause and so commit Parliament for the future until such time as Parliament was in the position to amend the Bill. We should rather leave it to the discretion of Parliament year by year to fix the sum that would be granted for the work that was accomplished, and if it was found that a larger sum was necessary, he had no doubt Parliament would make a larger sum available. From that standpoint he was going to ask the Committee not to adopt the new clause.

Hon. H. B. LEFROY: It was with regret that he found the Minister for Lands opposing this innocent clause which provided for the payment from Consolidated Revenue of a very small amount.

The Premier: You cannot tell what the amount is.

Hon. H. B. LEFROY: Whether the Treasurer was prompted to take up that position owing to the state of the finances at the present time was not for him to say, but objection was raised to the clause because it was stated that a fixed sum should be handed annually to the Acclimatisation Committee.

The Minister for Lands: I made clear during the previous discussion the attitude that I intended to take up.

Hon. H. B. LEFROY: The hon. member might have thought over the matter since then and changed his mind. There was no proposal to take anything out of Consolidated Revenue that was there already; the Bill itself provided that certain revenue might be collected from licenses and fines and that half of it should be handed over to the Acclimatisation Committee to help them in the administration of the Bill. The Acclimatisation Committee were not a rich body, and he was doubtful whether they would take over the work unless some slight encouragement was given to them.

The MINISTER FOR LANDS: All the assistance that was desired for the future protection of our game could be provided for by Parliament in the annual allocation of sums necessary, either by way of a direct vote under the Estimates or by an increase of the vote annually made to the Acclimatisation Committee. That being so it would be unwise for us to make it a statutory provision which could only be altered by an amendment of this particular measure. That was, to his mind, the undesirable character of the proposed new clause. If the work was desirable, and he agreed that it was, Parliament should year by year provide the funds necessary for the adequate protection of our native game.

New Clause put and negatived.

First and Second Schedules—agreed to.

Third Schedule:

The MINISTER FOR LANDS: Included in the third schedule were to be found "doves." This was one of the species of imported game which had been introduced as a result of the efforts of the Acclimatisation Committee. He understood from certain quarters that the increase in the number of doves in the metropolitan area was becoming a menace to those engaged in the poultry raising industry. It was all right so long as the doves were confined to the Zoological Gardens and their vicinity, but the increase had been such that the doves now frequented the whole of the metropolitan area, and the poultry farmers found that those birds raided their poultry yards and captured the feed intended for more remunerative poultry. Those poultry farmers had made representations to the effect that the Acclimatisation Committee should be asked to restrain their efforts in the direction of propagating doves in the metropolitan area. If in the future the doves were to extend their depredations to the wheat-growing areas the position would become serious, and with the introduction of these birds into the wheat districts we would have added one more to the imported pests which had become so expensive to the people of Australia.

This was one of the directions in which we required to go slow in fixing drastic provisions for the protection of imported birds or animals, the introduction of which eventually might prove disastrous to the interests of certain sections of the community. He mentioned this in the hope that the hon. member would bring the matter before those with whom he was co-operating in the introduction of the Bill.

Hon. H. B. LEFROY: This was the first he had heard of the doves being a nuisance to poultry raisers. Doubtless the information furnished to the Minister on this point was correct. All that he (Mr. Lefroy) knew of the dove was that it was a pretty little bird frequenting the environs of Perth, and short of any serious objection he would like to see it encouraged. At the same time we had once thought the sparrow an interesting bird.

The Minister for Lands: The starling is another cheerful kind of bird.

Hon H. B. LEFROY: We had also looked on the rabbit as an innocent, inoffensive little animal, but that was long ago. If the dove was likely to be of any trouble, of course it would not be wise to protect it under the Bill. If the Minister would allow the schedule to pass the question of the doves would be further investigated. In any event the Government had power under Clause 5 to interdict the birds by proclamation.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

RESOLUTION—PROPORTIONAL REPRESENTATION.

Hare-Spence Method.

Order of the Day read, for consideration of a resolution from the Council that the proportional representation system on the Hare-Spence method be adopted in the Parliamentary electoral system of the State.

Mr. FOLEY: I move—

That this Bill be read this day six months.

Mr. SPEAKER: It is not a Bill at all, it is a Message. The motion is out of order.

Mr. McDOWALL: I move—

That the Order of the Day be postponed.

Mr. FOLEY: Are you not going to take my motion?

Mr. SPEAKER: The hon. member's motion is out of order and cannot be accepted.

Motion (postponement) put and passed.

BILL—HAWKERS.

Second Reading.

Mr. O'LOGHLEN (Forrest) in moving the second reading said: I think I can apply to this Bill the phrase so popular with the member for Northam (Hon. J. Mitchell), namely, that it is a simple, innocent little measure, and it is not likely to do any harm. It merely provides for the repeal of existing legislation. In 1892 a petition was presented to Parliament praying for the repeal of the Hawkers Act then on the statute-book. The petitioners asked Parliament to deal with the measure, because they contended that the hawkers, and particularly the Asiatic hawkers, were a menace to the country, while they served no useful purpose in hawking their wares through the various districts. Parliament decided to repeal the Hawkers Act, with the result that to-day hawking is illegal outside of municipal districts. My object in introducing the Bill is to make it once more legal, and I do it for the reason that although hawking is illegal and there is no power on the statute-book enabling hawkers to ply their trade, yet scores of them to-day are plying their trade in the country districts, and reaping a great advantage by the privilege of competing against country storekeepers without contributing a penny towards the coffers of the State. This measure is introduced for the purpose of providing some control. During the last three years I have repeatedly endeavoured to get the Government to take action towards prosecuting a number of persons illegally hawking, al-

though a report furnished by the police indicated that hawking was not carried on, except by a couple of skin buyers in the Greenough district. Notwithstanding this I say I can find at least 30 hawkers plying their calling in the districts in the South-West, and the late member for Williams also declared that hawking was carried on extensively in that district. Having come to the conclusion that it is almost impossible by the aid of the police department to put down this hawking outside of municipal districts, I believe the best thing we can do is to recognise that it is going on, and endeavour to gain some revenue from it. I have no intention of repeating the arguments advanced on the previous occasion when the Bill was before the House. On that occasion, namely in 1892, it was pointed out by several members that in those days of internal communication, with railways dotted all over the State, hawkers were not a necessity. If that was the case in those days it might be contended there is no necessity to-day, but we must not close our eyes to the fact that they are carrying on this trade and are likely to do so, no matter what restrictive legislation is put on the statute-book. In this little measure, exemption will be granted to those hawking fish, fruit, butter, eggs, and vegetables. I also intend if the Bill gets into Committee, to have a clause inserted dealing particularly with the Asiatic, and I do not wish to put it in such direct terms as perhaps were contained in the draft of the Bill as I first received it. I wish to insert a clause providing that these people applying to the magistrates for a license to hawk or peddle goods should be called upon to pass an education test. That I believe will remove the objection held by a great number of members in this Chamber in 1892 when they brought such a damning indictment against the Indian hawker. They said that the hawker was a menace to the people in isolated portions of the State, and often intimidated the woman folk into buying their wares. The Asiatic hawker is to-day hawking goods at his own sweet will and the police are evidently powerless to deal with him, so that there is a necessity for this Bill.

Mr. Taylor: Irrespective of nationality.

Mr. O'LOGHLEN: The provision of an education test will be aimed at the Indian hawker who carries his pack. That is the only way of overcoming the difficulty. I want to debar the Indian hawker. If hawking is to be made legal our own people should have the right to enter into this business without these restrictive provisions.

Mr. Taylor: If he can pass the education test he will be all right.

Mr. O'LOGHLEN: In allowing the Indian hawker to ply his trade in the country, it might be well to point out that this class of men, instead of being on the decrease is on the increase. In 1892 the then Premier, Sir John Forrest, stated that if the Hawkers Act was repealed and hawking was made illegal this class of people would leave the State because there would be no occupation for them.

Mr. Taylor: They would be no loss.

Mr. O'LOGHLEN: No. But instead of leaving the State they have increased in numbers. I notice that they have increased greatly, particularly in the timber and farming districts. I have a statement made in Sydney recently by an Indian barrister, Mr. D. M. Manilal, M.A., which does not place a very high estimate on the virtues of those men who are carrying their packs throughout the country—

> The leading men of India are strongly averse to the emigration of indentured labour. We hope the day will soon come when it will be stopped altogether. Only the riff-raff go as a rule—often those who have got into disgrace—but we don't want to lose even them. We can find employment in our own country for them all. I am afraid those who know only the Indian hawker in Australia, or the Indian coolie in Fiji, have not a very good opinion of the Indians as a whole. But you must never forget that the better class of Indians are not to be found in the

coolie lines, nor peddling goods from farm to farm in the country.

That is not a very high tribute coming from a cultured Indian.

Mr. Taylor: It is largely true.

Mr. O'LOGHLEN: I believe it is. What I want under this Bill, if I succeed in getting that far, is to make provision that the Indian hawkers, and in fact all hawkers, should submit to an education test similar to that enforced under our Federal statute—the Immigration Restriction Act. Provision is made as to the granting of licenses by the different courts and also for power to look into the packs of the hawkers. It seeks to give the police power to inspect a pack and also to give a general supervision over the licenses held by the pedlars. In referring to the fees I have made provision that for a hawker's pack a fee of £5 a year shall be charged and for a vehicle, that is for a hawker travelling in a van, a fee of £10 shall be paid.

Mr. McDonald: That is too much.

Mr. O'LOGHLEN: The fees might appear too much at first sight.

Mr. Taylor: Does a pack mean a horse?

Mr. O'LOGHLEN: No, it means a bundle, but in some instances it may be carried on horseback. The highest fee of £10 would have to be paid by hawkers who use vans. I do not think these fees are excessive.

Mr. McDonald: They have to pay a wheel tax as well.

Mr. O'LOGHLEN: Many earnest and upright citizens of Western Australia would like to get an opportunity to go hawking in different parts of the country, but the law prevents them from doing it, and unless they break the law and place themselves within its reach they cannot undertake hawking at the present time.

Mr. Taylor: They are not as successful as the Indians.

Mr. O'LOGHLEN: No; the Indians defy the law and do it with impunity. It is a very great privilege which enables the hawker to come into competition with people who have established businesses and who have to pay rates and taxes and assist every deserving object in the district in which they reside, and seeing that hawking is such a great privilege the fees are not too much. Possibly it will be contended that as these people have to contribute to so many avenues of State taxation we should not permit a Bill of this character to pass at all.

Hon. W. C. Angwin (Honorary Minister): Your fees would be very small for a man who owned half a dozen carts.

Mr. O'LOGHLEN: He would have to pay the fee for every cart.

Hon. W. C. Angwin (Honorary Minister): It does not say so.

Mr. O'LOGHLEN: I intend that it shall be so. I admit that I am disappointed with the draft of the Bill, but I cannot help that. I intend to make provision that it should apply to individuals who use only one cart.

The Attorney General: Each hawker should have a license.

Mr. O'LOGHLEN: Yes, no matter if the hawker is employed by another. As I said these fees are not excessive because hawkers enjoy great privileges and I would not be so enthusiastic about introducing this Bill were it not that I am convinced of the utter helplessness of the law to cope with the evil. These men, some of whom are not of the most desirable character, are hawking in defiance of the law and have been doing so since 1892, and if the law has been powerless so far, they will continue to hawk in the future. If they are to continue hawking we had better give them legal sanction and collect a few pounds from them in the way of license fees. At the present time we are looking for fresh revenue and I believe this is a favourable opportunity to get it. Provision is made that there shall be no exemption from the common law, and the granting of a license gives the holder no advantage which he would not possess if he did not hold a license. Penalties are provided for unlicensed persons who claim that they are licensed, and power is given to the police to arrest without warrant any person contravening the law. It may often happen that people may engage in hawking without a license or under an expired license, and

power should be given as is provided in South Australia to the officers who have the supervision of this class of trade to take drastic action. The penalties are set out as not exceeding £20, and as I have pointed out, although this Bill does not contain it, the original draft contained a provision that no impost or penalty should be placed on those who hawk fruit, fish, vegetables, etcetera, outside of the municipal boundaries. I do not think we should penalise these people at all, or those who hawk their own wares. A tailor who turns out orders for country customers should not have to come under the provisions of such a law. These are matters, however, which I can explain in Committee. I notice that one of the objections taken in 1892 to the repeal of the original measure was that no provision was made for dealing with the book fiend. As the debates show the book fiend was perhaps the greatest pest at that time, and I suppose he is to-day. He places his wares before the people, and insists on them buying. I believe that this is the case to some extent to-day, but I do not think that we can make provision for him in this Bill and, therefore, I do not propose to attempt to deal with him. The measure can be described in a few words, and it is not my intention to take up much time of the House. I want to emphasise again that my reason for bringing it forward is to gain some return for the great privilege granted by the State to hawkers. While perhaps it is not granted at the present time, seeing that hawking is illegal, no member can close his eyes to the fact that hawking is carried on. The late member for Williams told Sir Newton Moore that he believed £6,000 or £7,000 could be collected from this source, and he contended strongly that some supervision should be taken by the State over these hawkers.

Hon. J. Mitchell: Why not prevent it altogether?

Mr. O'LOGHLEN: The Act provides against it to-day, but it is helpless. When I appealed to the colleague of the hon. member to take action he was unable to do so. The police say they find it difficult to catch these people. If the Act can be put into force I will be prepared to drop the Bill. I am reminded, however, that the Bill is necessary to enable hawkers in the North-West and in the isolated station districts to ply their trade, and take their wares to the people who are so far removed from railway communication. This argument was advanced during the original discussion and probably there is something in it. As I pointed out before, the reason I am introducing the Bill is, in the first place to recognise that the law to-day is helpless and hopeless so far as removing these people who are hawking. These men, particularly the Asiatics, are going on with their hawking and defying the law and we are keeping out of the trade a great number of our deserving citizens who, if the law permitted them, would be willing to enter into this business.

Hon. J. Mitchell: Move a vote of no-confidence in the Minister.

Mr. O'LOGHLEN: No, the Minister has not the power to enforce the law as he has to be guided largely by the Police Department. We have to ask whether it is a fair thing, seeing that hawking is permitted in every other British State that I know of, to have the police on the tracks of men harassing them all the time. However, it is impossible to put down this hawking, and seeing that it is impossible, I think we might give the official sanction of the State to this trade and collect the necessary revenue. I am not prepared to say how much revenue would be derived, but I think £3,000 to £4,000 per annum could be collected. If the license fees do not realise so much, we would have some assurance that genuine white men engaging in the business would not be interfered with by the law. I speak with a knowledge of the state of affairs, not only in my own electorate, but in other districts throughout the State. Shops are not to be found everywhere, and the Minister has found himself helpless to bring about a better state of affairs. When I appealed to him on two occasions his reply was that he could not enforce the law, and deputations from the Jewish section of the community asked the last Parliament to do

something to legalise hawking in order to put Britishers on the same footing as the Asiatics. To-day I am trying by this little Bill to prevent the Asiatic from doing what it was thought the 1892 Act would accomplish. I desire to give deserving citizens of Western Australia desirous of entering into this class of trade an opportunity of prosecuting it, and to gain some revenue for the State from those who take out licenses.

Hon. J. Mitchell: Where will it apply?

Mr. O'LOGHLEN: It will apply only outside the municipalities.

Hon. J. Mitchell: Why?

Mr. O'LOGHLEN: The municipalities deal with all classes of hawkers in their own districts. We do not propose to touch this class of trade at all. Outside the municipalities there is no power to-day unless perhaps it is a permissive power, under the Roads Act, which is never exercised. If we have a statute that will deal with the State as a whole we will at least do justice to those who are denied it to-day, and I believe it will put this trade under proper supervision and perhaps remove the menace that exists owing to the Asiatic plying this calling in defiance of the law. Members are acquainted with the necessity for such a measure. They know where hawking is required and if they say that hawkers are not required they can vote against the Bill. If they do I hope they will make some observations as to the best methods by which we can remove the unfair competition which exists to-day, and by which we can prevent the people to whom I have referred breaking the law, and who are depriving the State of much of that which it is entitled to receive. Hoping for the speedy passage of this measure, I have much pleasure in moving—

That the Bill be now read a second time.

Mr. SPEAKER: I have allowed the hon. member to move the second reading of this Bill, even though I felt that it was not permissible on his part to introduce a measure which provides for taxation or by which any form of taxation under the measure would go into the Consolidated Revenue. The responsibility of such measures is the responsibility of Ministers of the Crown alone, and therefore it is not permissible for a private member to introduce a Bill of this character. I therefore have to disallow the measure.

Mr. O'LOGHLEN: I accept your decision, Mr. Speaker. I had some slight doubt myself on this score when submitting the measure, but I have at least given publicity to the proposal, and I trust that one of the Ministers will take up the Bill and pilot it through.

The MINISTER FOR LANDS (Hon. T. H. Bath): I give the hon. member an assurance that at an early date the measure will be considered by the Government, and if it is considered desirable we will take the responsibility of submitting it to the House in conformity with the Speaker's ruling. I beg now to move—

That the Bill be withdrawn.

Motion passed; the Bill withdrawn.

MOTION—FREE EDUCATION.

Debate resumed from the 18th September on the motion by Mr. E. B. Johnston, "That in the opinion of this House it is desirable that all education at the University of Western Australia should be free, and that the practice of charging fees at State educational establishments should be entirely abolished."

Mr. DOOLEY (Geraldton): I desire to say that while I am not opposed to the principle of free education, and while I am not opposed to the idea of making education entirely free in our State schools, I think that when a proposal of this kind is brought forward, seeing that it is a matter involving a great deal of expenditure from the public purse, hon. members should be prepared to suggest some scheme by which the expenditure which will follow will be defrayed. We find that the education vote for 1912-13 amounts to £273,502, and yet we find that the population generally are clamouring for better facilities entailing an even greater expenditure. Wherever we go throughout the various districts this is the case. I know, so far as the district I represent is concerned, [illegible] though we

are a fairly compact community, the Education Department are giving anything but satisfaction in the way of providing proper facilities regarding the education of the children. Taking that as an example, I can understand the difficulties the department have been experiencing in outlying districts where the children have to go a great distance, and where the people are clamouring so loudly for better facilities. I think there is a good deal of cant displayed with regard to the virtues of university education. I think we should endeavour to see that elementary education is made available to every child in the community, and to see also that they all get a thorough grounding in primary education before we attempt to burden ourselves with a free university. The principle is absolutely sound. We cannot educate ourselves too much, but let the system be worked from a sound basis. The hon. member who introduced the motion quoted American authorities who lauded the virtues of education, and who referred to what it meant from all the different economic, moral, and other aspects, and the great advantages to be derived from it. So far as my readings and the observations I have made are concerned, I find that the men who have moved the world along and have written their names in history, and who have achieved greatness have, in most cases, been men who have practically educated themselves, and who have had to get their education in the best way they could, and I think if the ambitious or the studious person is given the fullest primary facilities to improve himself, the question of higher education will come to a great extent of its own accord. With regard to Western Australia, we find that the cost of education is mounting up. To my surprise I notice that the cost per head of educating each child in the State amounts to £5 10s. 6½d. If we take that as a criterion we shall discover that university education in this State will run into a pretty stiff figure. At any rate I think when bringing a proposal of this kind forward it is the duty of the member introducing the subject to show just how and where we are going to raise the money with which to finance such a scheme.

Mr. E. B. Johnston: It will only cost £5,000 a year on a revenue of four millions.

Mr. DOOLEY: £5,000 a year to give everyone a free education?

Mr. E. B. Johnston: To subsidise it.

Mr. Dwyer: The Act provides for £13,500.

Mr. DOOLEY: I do not think the statement that it will only cost £5,000 or even £13,000 per annum will bear analysis.

Mr. Dwyer: The University Act provides for a special appropriation of £13,500.

Mr. Gill: But that is only a preliminary vote.

Mr. DOOLEY: The motion desires that free university education shall be given to everyone in the State, that is to those juniors who desire to take advantage of it.

Mr. Dwyer: The motion does not go so far.

Mr. DOOLEY: It says free university education. How are we going to limit it?

Mr. Dwyer: By examination for admission.

Mr. DOOLEY: If we state that there shall be free university education that implies that everyone in the State will be a possible student and we shall have to make provision accordingly. But my point is that before we give consideration to matters such as this we should see that the children of the settlers in the way-back places, many of whom cannot now be given even the rudiments of education, are provided with some kind of educational facilities. Until we can bring that about I shall oppose anything in the direction the motion suggests.

Mr. DWYER (Perth): I think the motion may fairly be divided into two parts, one dealing with the education at the University of Western Australia and one dealing with free education generally. As I interjected a few moments ago, we have a special Act dealing with the University which makes an appropriation of, I believe, £13,500. It is, of course, possible for Parliament to increase that amount at any time, and I

think the member for Geraldton (Mr. Dooley) entirely misread the purpose and object of the motion and seemed to think that in the establishment of the University it is practically at once throwing open the University for all and sundry to go there and get the education which it offers gratis. In the University to be established here I presume, as in all other universities, there will be some standard of examination set up which students must undergo before they can be considered fit to take up the University training. It would be useless to have a University and throw its doors wide open to persons who could not avail themselves of the advantages of it. There must be a series of steps in education before one can reach what may be regarded as nearly the highest step in education, and being one of the highest steps in the educational ladder persons cannot hope to jump to that step at once. They must take the preliminary steps and by gradations prove themselves to be fitted to receive the education at the University. Presuming this examination test is undergone and the student passes, and proves himself fitted to receive instruction at the University, it is then the duty of the State to give that instruction free. In other words, I say it is the duty of the State to educate its citizens as fully as it can and within the restrictions which nature has imposed on them in the way of intellectual gifts and attainments, the State should give the fullest opportunites to develop all the natural gifts which its citizens possess. No one should be deprived of educational facilities in a University merely because he has not the money with which to pay the fees. No son of poor parents, no daughter of poor parents should have it said in this State of ours with our modern University, or what we hope to be a University established on modern ideals, and with the tendency of modern times to make education universal, that he or she, because of poverty alone, should be deprived of educational facilities there. On the contrary we should acclaim with pride and be delighted to find a big number of citizens passing the examination and availing themselves to the utmost of the facilities offered at the University. There is another aspect which should be considered: the salaries and fees of the professors or lecturers must be paid whether pupils are there or not, and though there is a limit to the number of students any particular professor or lecturer can manage, in the initial stages we may take it none of these gentlemen will be so overburdened with such a number of students as will compel him to say that there should be any bar placed in the way of the admission of students. I think it is impossible for any person to go straight away from the primary school to the University and reap the benefits of the education to be given there. If so, it would mean that the University professors and lecturers would have their time taken up in teaching preliminary subjects which should be taught in the elementary schools. As to the other part of the motion, it says that the practice of charging fees at State educational establishments should be entirely abolished. With that I also agree. It is the settled policy of the State that primary instruction shall be free. That is the case in all the State schools here. There are only two other institutions that would have reference to, the Modern School and the High School. As regards the Modern School, I understand that from the beginning of next year—the Minister for Education will correct me if I am wrong—it is the intention of the Government to abolish all fees there, therefore that is disposed of. As regards the High School, the position of that is doubtful, it is the subject of a report now under consideration in another place, therefore it may not perhaps be appropriate to discuss it in all its bearings now, but this I say, if that school is to receive an endowment, valued at £25,000 at least, in the shape of a permanent appropriation of two very valuable blocks of land, it has just as much right to give education free as any other State institution.

The Attorney General: We cannot discuss that now.

Mr. DWYER: In deference to the wishes of the Minister for Education I do not wish to discuss that now; we may be given an opportunity later on. I had forgotten one institution, the Technical School; that will be closely allied to the University, and if we intend adopting as there is every reason to suppose will be adopted, that on the passing of an entrance examination of a fairly high standard, students shall receive education free at the University, I do not think it would be wise to stop short there, but to give the same facilities and allowances at the Technical School on condition that a certain standard of examination is passed. Indeed I may say there is very large provision made for that now. Scholarships are offered in various classes at the Technical School and on the passing of an examination there a student with fair average intelligence may gain a scholarship. I therefore have pleasure in supporting this motion moved by the member for Williams-Narrogin (Mr. E. B. Johnston) with the few reservations which I have mentioned. I hope to see the educational system of the State grow and flourish. I hope to see every child born into the State and coming into the State say to himself, "Provided nature has given me the necessary ability I will have no bar placed in my path of educational progress; I have every facility to reach the highest educational position not only in this State but in any part of the world." The Government of this country are doing good service to the State and its citizens as individuals in enlarging its educational facilities and affording its citizens the right to all education which may be received, and helping to rear citizens who will be so educated that our path of progress in other directions will be increased in an accelerating ratio.

Mr. B. J. STUBBS (Subiaco): The object of the motion is undoubtedly a laudable one, and one, I feel sure, which meets with the approval of a very large number of members in this Chamber, but I think a number of the deductions of the member who moved the motion are not quite logical. In speaking to his motion he pointed out the great assistance that free education at the University would be to the children of poor parents living in the country, and he instanced particularly the children of the miners on the goldfields and the settlers in the agricultural areas, but I want to say the very fact of abolishing all fees at our University will be of no assistance whatever to the children of those people away in the country unless they have the means to provide and keep their children here, whilst they are receiving that education at the University. Unless the Government establish a very liberal system of scholarships and bursaries for the purpose of enabling the children of those worthy settlers and those residents of the goldfields to be kept at the University whilst receiving the education which they have proved themselves fitted to receive, the abolition of the fees in themselves will be of no assistance to those people. The position, as the Minister for Education pointed out, is purely a financial one. If the Government were in a position to abolish these fees there is not the slightest doubt that would be done immediately the University is ready to receive students. Whilst I am in favour of abolishing all fees, I must say that aspect of the question appeals very greatly to me, but I want to go further and say I think the Government would be doing a very noble work, a great work, in the advancement of education, were they to supply all the school requisites free to those children attending our primary schools, because I contend that there are many children who would undoubtedly become ornaments in the University if they could reach that institution, but who are forced through stress of circumstances, to leave school in their younger years, and are thus lost to the State. I contend if we can lighten the burden of the poorer people of the community and assist them to leave their children at school by providing the requisites free, because there is no doubt in the mind of anybody who studies the question, the supply of requisites to children if there are three or four in a family is undoubtedly a severe task on the parents, especially if the head of a family is only earning the ordinary

wage of an artisan or a labourer, whilst I give my whole-hearted support to the proposal to abolish fees I think we are starting at the wrong end.

Mr. E. B. Johnston: This motion aims at abolishing all fees.

Mr. B. J. STUBBS: There are no fees charged for school books but the obligation is placed on the parents of the children of supplying the children with the books. Whilst I agree with the motion, it is starting at the wrong end of liberalising our educational system. Had the motion dealt first of all with the supply of school requisites free that would have been much better, because to those as I have already pointed out, who can afford to go to the University and be kept there, the fees that would be charged would not make much difference.

The Attorney General: The Government have not charge of the University.

Mr. B. J. STUBBS: I understand that, but it is in the hands of the Government because of the subsidy which the Government provide. Whilst the Government have no power to prescribe the fees they have, in an indirect way, by limiting the amount of the subsidy to be granted. I just wanted to point out that to my mind the member moving the motion would have done better had he started by trying to give something which would have been of practical assistance to the struggling settlers in the country, by asking the Government to assume the responsibility of providing all school requisites for children attending our primary schools. However, I trust that the Government will soon find themselves in a position that they will be able to adopt that principle, and at the same time I intend to give my support to the motion.

Mr. E. B. JOHNSTON (In reply): I wish to say very few words in reply to the criticism that has been levelled against this motion because I spoke at some length on the motion itself. I am certainly pleased with the reception given to the motion on both sides of the House, and I am gratified to know that it is to be carried without any serious opposition. I would like to explain, in reply to the remarks which the Minister for Education made, that before tabling this motion I called and saw him at his office and told him it was my intention to do so. He was kind enough to discuss the question with me, and I left his office under the impression that my action in tabling the motion had his complete approval. I feel sure that is the case from the fact that the Minister stated later on that he had no objection to the motion being carried, and that he regarded it as a flattering assurance that his work in the Education Department was appreciated and endorsed. That being so, I may say that I took exception to one or two remarks the hon. member made in regard to the motion, but the motion came forward two months ago, time is a great healer, and I have forgotten any soreness I would have felt and expressed had the motion come on again a week from that date. The member for Swan (Mr. Turvey) was in the employ of the Education Department for some time, and we all admire the zealous and loyal spirit in which he is always prepared to protect the Department should the necessity arise. He suggested that my remarks had to some slight extent disparaged the work which the department was doing, but the hon. member was out of the Chamber for portion of the time I was speaking and perhaps that is why he gained that incorrect impression. I have read through my speech in moving the motion and I find that wherever I referred to the Western Australian Education Department I did so in terms of the highest appreciation and praise of the work the department is doing everywhere, and especially in the back blocks of Western Australia. The leader of the Opposition spoke at some length on the motion, and I have nothing but thanks to offer for the manner in which he discussed it. It seemed to me, considering that he is leader of a party that is not committed to a system of free education from the primary school to the University as we on this side are, that his remarks were generous and his support was all that anyone moving such a motion could have desired; in fact, more than I really expected. The mem-

ber for Geraldton (Mr. Dooley) referred to the cost which the carrying into effect of this motion would involve. I would like to mention once again that at the present time we are receiving £3,556 per annum from the Technical School, £758 from the Modern School, and £692 from the School of Mines each year in fees. These fees total £5,006 per annum, and if the charges are abolished that is all we will lose. I am sure that is a very small amount to pay for the great and glorious privilege of free education from the primary school to the University. I am glad that it has been decided to abolish the fees at the Modern School from 1st January next. The member for Subiaco mentioned the matter of free school books. That is a proposal I am heartily in favour of, and in the course of my remarks when moving the motion I stated that school books and other requisites should be free, and, further, where it was necessary, we should be prepared to supply free mid-day meals to scholars, as is done in parts of America. Whatever it would cost, I for one would be prepared to support such a policy, as I believe every member on this side of the House would. I hope the Minister for Education will consider this phase of the question and that before long the children will have free school books as well. I have nothing more to add except to say that since the people of Western Australia are providing the site on which the University is to be established, since we have endowed the University with land from one end of Western Australia to another, since we are finding a subsidy of £13,000 per annum, and since we will probably find £50,000 for buildings for the University, I am glad that the Government do not propose to permit the University to be an institution set apart for rich men's sons, but that on the contrary, by the adoption of this motion, and the carrying of it into effect they intend that our platform shall be carried out and that education shall be free from the primary school to the University for the benefit of the children of all the people.

Question put and passed.

On motion by Mr. E. B. JOHNSTON ordered that the motion be transmitted to the Legislative Council for their concurrence.

BILL—LANDLORD AND TENANT.

Second reading.

Mr. DWYER (Perth) in moving the second reading said: This Bill was passed practically without amendment in another place and that for a very sufficient reason. It is intended merely to bring our existing law into line with recent enactments in England and in all the Australian States and New Zealand. In many particulars our conveyancing law is very backward. We have in this State at the present time a conveyancing law as it stood in England up to the year 1881 when the English Conveyancing Act was passed. Since that date and up to recent time in all the other Australian States and in New Zealand, the various Governments have brought their conveyancing laws up-to-date in one large consolidating measure. I am sorry that the Attorney General has just left the Chamber because I wished to suggest to him the advisableness of having passed in this State, as in all the other States, a Consolidating Property Act, so that not only in regard to the particular matters contained in the Bill, but in other respects also we can claim to be up-to-date. It is a pity that we should remain so far behind the times and that we should not have enacted provisions which have been the law in England since 1881. I hope that before this Parliament is finished we will have placed on the statute-book a conveyancing Act similar to that in the other States, whereby the practice of conveyancing will be made easy and convenient, particularly to the public, and also to the legal profession. The books on precedents, the books on conveyancing, and the authorities consulted at the present time are those which were in operation in England prior to 1881. That is a poor state of affairs, and it should have been amended long ago. I think that previous Governments might easily have found

time to have brought our law in this respect up-to-date. The Bill before the House is an attempt to modernise the conveyancing law as regards leases. Most hon. members will know that in nearly every lease drawn up there are a great number of covenants to be observed by the lessee—covenants to repair, to insure, to pay rent, to pay rates and taxes, to paint and paper the house, and so on. With the exception of the covenant to pay rent and to insure, if the lessee commits a breach of any of the other covenants of the lease the landlord can enter into possession and turn him out, lock, stock and barrel, and there is no redress. That position is intolerable and requires amendment. That is what the Bill attempts to do.

Hon. W. C. Angwin (Honorary Minister): You do not believe in a person keeping his covenant.

Mr. DWYER: Yes, but I do not believe that through some chance slip or some omission to carry out some minor covenant in the lease the lessee should be thrown out and his property taken possession of by his landlord. What I think should be done is what the Bill provides, namely, that the landlord should give the lessee notice of what he requires to be done, and if the lessee does not comply with the notice within a reasonable time, then the landlord might exercise his right as against the lessee under the covenant of the lease. In view of the fact that this has been the law in England since 1881, it is not too much to expect that this Chamber will adopt it here. The Bill makes a few exceptions as regards relief for non-observance of covenants in a lease. The two cases in which no relief is to be experienced are given in Subclause 7 of Clause 3. One is where the lessee becomes bankrupt or allows his goods to be taken in execution, and the next is where, if he is an hotel-keeper, he commits a breach which would endanger the license. We all know that if a lessee commits three breaches of the Licensing Act the license becomes forfeited. And in case he has done anything which would render the license liable to forfeiture, I think the landlord might fairly enter and claim that he had done such an act as to exclude him from being given any relief. The same holds good with regard to bankruptcy and levying of execution. Another point dealt with in this Bill is: in most leases that are drawn there is a clause to the effect that the lessee shall not assign, underlet or part with the possession without the consent of the lessor being first had and obtained. That means of course that if circumstances arise in which the lessee wishes to hand over to somebody else his interest in the lease and premises, then he has to go to his lessor or landlord and ask for his permission. It has been found from experience that in many of these cases the landlord will not give permission without insisting upon the payment of a fair amount by way of bonus, or premium or fine, which he has the right to do at the present time, but if this Bill is passed then he will have no right to do it except it is a particular stipulation in the lease instrument itself. Another clause in the Bill gives the under-lessee certain powers, in case the lessee proper, that is, the one from whom he holds, has committed certain breaches of the covenants of the lease, whereby he can stand in the lessee's place and have certain rights as against the landlord and prevent his rights in the lease being forfeited through no fault of his own. When the Bill reaches the Committee stage, as I hope it will, I intend moving an amendment to the effect that as regards tenancies from year to year—and in this I am following a New Zealand precedent—that this tenancy shall not be implied merely by the payment of rent alone, but there must be some other evidence of it. The position existing here at the present time is that if a person goes into a house and pays his rent from month to month, the law raises the presumption that his tenancy is a yearly tenancy, and six months' notice, terminable at the end of a year of the tenancy is required to quit or to deliver up on either side. That is a very irksome regulation, and the probability is that when the person went into possession he thought he could deliver up the premises on a month's notice or could

receive a month's notice on the other side. It is to remedy a difficulty of that kind that this new clause is proposed. In view of the fact that the measure is one that has received the endorsement of the Legislatures of all the Australian States and New Zealand and of the British Parliament, I hope that a speedy progress will be given to it in this Chamber. I have pleasure in moving—

That the Bill be now read a second time.

The MINISTER FOR LANDS (Hon. T. H. Bath): There is no very great objection to the provisions of this Bill except that the drafting is rather difficult to understand. I do not know whether it is the hon. member's drafting or whether he had the Bill drafted by the Crown Law Department.

Mr. Dwyer: It comes from the other Chamber. The verbiage is practically the same as in the New Zealand and Imperial Acts.

The MINISTER FOR LANDS: I would like to urge on the hon. member that in a measure of this kind surely we could approach to some greater clearness of language, because it is almost impossible for the ordinary layman to get a grasp of its meaning, and it makes it obligatory on his part to consult a lawyer to understand where he stands. Probably the original measure was just as obscure, but one would like to see in the ranks of the lawyers in this House some reformer who would arise and be so far solicitous for the interests of the ordinary members of the House, as well as for laymen outside, as to frame such a measure in a simpler form. This measure is absolutely obscure in the verbiage in which it is couched.

On motion by Hon. W. C. Angwin (Honorary Minister) debate adjourned.

PAPERS—FREMANTLE HARBOUR EXTENSIONS.

Order of the Day read for the resumption of the debate from the 16th October on the motion by Mr. Carpenter, "That all papers in connection with the proposed extensions of the Fremantle Harbour be laid upon the Table."

The MINISTER FOR LANDS (Hon. T. H. Bath): I move—

That the Order of the Day be postponed.

Mr. CARPENTER (Fremantle): I hope the Minister will withdraw the motion. This debate has been adjourned once already and I had the distinct promise from the Minister for Works when I submitted the motion that he would agree to its being carried. I know nothing to prevent the papers being laid on the Table. There may have been some reason for adjourning the debate or for withholding papers if we had had no pronouncement from the Government on this question; but the Government, through the Premier, have announced publicly what their policy is and what they intend to do with regard to the extension of the Fremantle harbour. That being the case, I cannot understand why in the first place the Premier moved the previous adjournment. It happened that the Minister for Works was away and the Premier, somewhat hastily, I think, moved the adjournment of the debate. Now that the matter has been made public, there can be no reason whatever for a further adjournment, and I am very much afraid if it be adjourned I cannot get the papers this session. I hope the Minister will not press his motion but will leave the House to discuss it and carry the question before it.

The MINISTER FOR LANDS: I have not had an opportunity of knowing the opinion of the Minister for Works in regard to this matter, except that it strikes me that where a question is under consideration it is not desirable to have the papers placed on the Table. I hope the House will consent to the postponement to enable me to consult the Minister for Works. Then if he is agreeable to the papers being placed on the Table it will not be necessary to wait until this motion can be considered at a later stage, for the Minister on his own initiative can place the papers on the Table.

Mr. Carpenter: I can give you my assurance that he told me I could get them.

The MINISTER FOR LANDS: I wish to have the opportunity of ascertaining the attitude of the Minister for Works.

Motion passed, the Order of the Day postponed.

RESOLUTION — WICKEPIN-MERREDIN RAILWAY DEVIATION.

Council Select Committee's Report.

Order of the Day read for the consideration of the Legislative Council's Message requesting the concurrence of the Assembly in a resolution adopting the report of the select committee appointed by the Council to inquire into the Wickepin-Merredin Railway.

Mr. MONGER (York): At last I have an opportunity, and there is only one regret I have for the moment, and that is the absence of the Minister for Works. I would like him to be present, but perhaps he may be here after the tea adjournment, when I hope still to be going. As far back as last December I moved—

Mr. SPEAKER: The hon. member must be prepared to move some motion in respect to this message.

Mr. MONGER: I move formally—

That the report from the Legislative Council on the Wickepin-Merredin railway be agreed to.

As far back as last December I moved that a select committee be appointed by this Chamber to give effect to the wishes of a great number of the people residing in these areas, and I regret very much at that time my request was not given effect to; in fact there was not one member on the Government side of the Chamber who gave me the slightest consideration or gave my motion other than a silent vote against; and, strange to say, more than seven months later——

Mr. SPEAKER: I shall have to take action some time during the debate, and perhaps it would be as well to take that action now. In strict accordance with the Standing Orders I have to take up the attitude that under Standing Order 176 this motion can not be discussed in this Chamber. Therefore I have to rule that the motion is not in order.

Mr. MONGER: I was to a certain extent prepared. Standing Order 176 says—

> No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

May I ask you, Mr. Speaker, to read the two reports? May I ask you to consider whether the report as prepared by the member for Subiaco (Mr. B. J. Stubbs), supposed to be representing the views of the select committee of the Assembly, and the report as sent down from another place for our consideration are the same or in any way identical? Knowing you to be absolutely fair, I think you will agree with me that the matters are altogether apart. The two are altogether apart. We have not in this Chamber compared the report as furnished in another place with the report which the member for Subiaco prepared, and which was dealt with here at a very early hour in the morning. I want to say that if you saw his original report, and saw the way in which it was knocked about———

Mr. SPEAKER: Order. I have given a ruling because I had to. The hon. member cannot discuss it; there is but one course open to him.

Mr. MONGER: Then I move—

That Mr. Speaker's ruling be disagreed with on the grounds of misdirection in respect to the interpretation of Standing Order 176.

May I now proceed,

Mr. SPEAKER: The hon. member must discuss the reasons for disagreeing with the ruling.

Mr. MONGER: Standing Order 176 reads—

> No question shall be proposed which is the same in substance as any question which during the same session has been resolved in the affirmative or negative.

My contention is that the resolution from another place is absolutely contrary to the resolution which was moved here and carried at a very early hour in the morn-

ing some little time back, and I contend that I am absolutely in order in asking for an expression of opinion from hon. members on the question as submitted from another place. At the earliest moment I would like to make comparisons as between the two reports. Anyone reading the report furnished by the member for Subiaco, and reading that furnished by another place, could come to no other conclusion than that they are two absolutely contrary reports, and therefore I think when asking for support from this Chamber in regard to the Message from another place I am absolutely in order, and am not trenching upon a question which has been previously adopted in this Chamber. With that desire I am anxious to open up the whole question. I want to see if there is still left in the composition of those gentlemen opposite——

Mr. SPEAKER: The hon. member cannot discuss that; he must discuss the motion that the Speaker's ruling be disagreed with.

Mr. MONGER: Well I am going to ask the House to agree with me that your ruling be disagreed with, and I think I am perfectly justified in so doing, that I am perfectly justified in appealing to hon. members on the other side, even to my friend the member for Subiaco, to give me honest support on an occasion like this. I know—well I won't tell you what I know, but I must say I believe there is a certain amount of manhood still left amongst some hon. members on that side of the House, and I ask for some little fair play on this occasion.

Hon. FRANK WILSON (Sussex): I understand the position is that you have ruled under Standing Order 176 that this is a question which is the same in substance as a question already decided this session. The view that I take of the matter is that we are asked to agree in the resolution which has been sent down to us by another place. The Message on the Notice Paper is that the Legislative Council acquaints the Legislative Assembly that it has this day adopted the report of the select committee appointed to inquire into the Wickepin-Merredin Railway, and that the Legislative Council requests the concurrence of the Legislative Assembly therein. I believe the member for York (Mr. Monger) has moved that we should concur in this resolution which the Legislative Council has sent down to us, and that being so I maintain that we can consider the Message and debate it and come to a resolution in connection therewith. First of all we do not know yet what the nature of the report is which they have sent down to us. They have considered the report of a select committee of another place, and have adopted that report. We do not know what that report is; we have not yet had it circulated amongst us.

Mr. Taylor: Yes, we have it.

Hon. FRANK WILSON: I have a copy of it, which has been put in my hands now, but I inquired a few moments ago and found there were no spare copies, that there was only the one sent down to us by the Legislative Council.

Mr. B. J. Stubbs: You have read the report.

Hon. FRANK WILSON: No.

Mr. B. J. Stubbs: But on a previous occasion you quoted from it very fully.

Mr. SPEAKER: Neither can the question as to whether or not the report is available be discussed. I have ruled that since this matter has been already disposed of in this House it cannot be again discussed during the present session. That ruling has been taken exception to, and any discussion must be confined to the exception taken to that ruling.

Hon. FRANK WILSON: That is what I am trying to put before the House at the present moment. We take exception to your ruling because at the present time we do not know that this report is the same as that we discussed and decided upon. You have said it is, and I am not disputing that; but it is for the House to come to a decision as to whether your judgment is correct. We are not here to absolutely abide by the ruling of the Chairman or Speaker as the case may be. If the House, or a majority of the House, thinks that a ruling is contrary to the best interests of the State, it is not incumbent upon us to abide by it. I maintain we are entitled to discuss this report, we are entitled to know what is in it by the

speech of the hon. member, or of other hon. members who have read it. For instance, the member for Subiaco has apparently gone carefully through it, and just now I would like to hear from him, as he knows the contents of the report, and have a comparison made, so that we may come to a decision. It is the right of the House to hear the explanation of hon. members who have read this report. If after the debate has gone on it becomes apparent that the whole question has already been considered—I maintain it has not; certainly this report has never been considered—then it will be time enough, surely, to rule the decision out of order on the grounds that the matter has already been decided upon by the House upon a previous occasion. I do not want to labour the question at the present juncture, but I do maintain that we have a right, nay a duty to perform in comparing this report and coming to a conclusion as to whether the two reports are one and the same. I suppose I am not permitted to refer to the previous discussion of a report of a select committee of this Chamber, but at that time we took exception to not having this information before us, and therefore I think the House is entitled to have the fullest information before being asked to come to the conclusion that your ruling is in order.

Mr. B. J. Stubbs: You are slightly mixed.

Hon. FRANK WILSON: No I am not.

Mr. B. J. Stubbs: There was no objection to us not having this report.

Hon. FRANK WILSON: Certainly it was referred to in your motion.

The ATTORNEY GENERAL (Hon. T. Walker): I submit that your ruling is the only ruling that can be given. The question you have to decide is not whether when on a previous occasion this matter was discussed, all the information was available to members to lead to a correct decision. What you have to decide is whether the matter, either with or without sufficient information, has been disposed of by this Assembly. Has the question before it been considered by this House and disposed of? If the question has, it does not matter what other information there may be which was not utilised. The question is finally dealt with and our Standing Orders prohibit it being resurrected in any form whatsoever during the currency of the present session. This is the position which is clearly laid down. The only point that has to be decided is whether this is the same question, and every member of this Chamber knows that the subject matter of the select committee appointed by this House and the subject matter dealt with by a select committee in another place is one and the same.

Mr. Monger: I beg to join issue with you. Mr. Speaker——

Mr. SPEAKER: Order! Is the hon. member rising to a point of order?

Mr. Monger: I desire to call the Attorney General's attention——

Mr. SPEAKER: Order! That is not a point of order. The hon. member must resume his seat.

Mr. Monger: I would like the Attorney General to know they are two absolutely different motions.

The ATTORNEY GENERAL: They are differently worded motions, but the motions, however worded, deal with the same subject matter.

Mr. Monger: From an absolutely different point.

The ATTORNEY GENERAL: That is the whole point the Speaker has to decide. Standing Order 176 states, "No question shall be proposed which is the same in substance——"

Mr. Monger: May I hand you over the two reports to show that they are absolutely different?

The ATTORNEY GENERAL: I do not care how many the hon. member hands over. In substance they are the same thing; they deal with the Wickepin-Merredin railway.

Mr. Monger: I would like to have you arguing on my side.

The ATTORNEY GENERAL: I have no doubt of that, but my conscience would not allow me, and as the hon. member has made an appeal to the honesty and honour and good conscience of those on this side of the House I am obliged

to side with Mr. Speaker. Standing Order 176 states—

> No question shall be proposed which is the same in substance as any question which during the same session has been resolved in the affirmative or negative.

The subject matter of the Wickepin-Merredin railway deviation has been submitted to this House, has been debated by this House, and has been resolved in a certain manner. Now comes another resolution dealing with exactly the same subject matter. However differently phrased the motion may be or under whatsoever disguise it may enter into this Chamber, it is one and the same thing, the Wickepin-Merredin railway route, and having been resolved in a certain way in this Chamber this Chamber cannot stulify itself by again going over the matter and possibly coming to another conclusion. It cannot twice in the same session do that. It is rightly provided for in the Standing Orders that it should not be doing to-day and undoing to-morrow and doing again the next day, and so wasting public time.

Mr. Monger: That is what the committee of this House did when considering this particular question.

The ATTORNEY GENERAL: Then it is all the more honour to the Speaker that he will not allow any more follies of that kind to be permitted and has stopped it. I do not know that further words are necessary.

Hon. Frank Wilson: It is rather disgraceful of the Government for pushing the previous select committee's report through as they did.

The ATTORNEY GENERAL: That may or may not be true, but that does not affect the position.

Hon. Frank Wilson: It ought to have some bearing.

The ATTORNEY GENERAL: It has no bearing. If the Government, which I deny, did act indiscreetly and precipitately as alleged, that has nothing whatsoever to do with the question whether the Speaker is right or wrong in his ruling, and has no bearing on it whatsoever. The matter having rightly or wrongly been disposed of previously cannot be resurrected under another form.

Hon. Frank Wilson: It can under a suspension of the Standing Order.

Mr. Monger: Are you afraid to debate it.

The ATTORNEY GENERAL: No, not in the light of the facts or the circumstances, but I am content to stand by the Speaker when he protects this Chamber against an abuse of its rules to resurrect a matter which has been decently buried.

Hon. Frank Wilson: Indecently buried.

The ATTORNEY GENERAL: Decently buried. The leader of the Opposition and the member for York danced high jinks at the funeral. We must stand by the Standing Orders and agree to Mr. Speaker's ruling.

Hon. Frank Wilson: Suspend the Standing Order and let us discuss it.

Mr. SPEAKER: Probably if I give a few authorities in support of this ruling, it may do something towards bringing about finality. The member for York (Mr. Monger) knows well the ruling has not been made without consideration, in fact there was an occasion when I thought it possible to allow discussion, but I find that the opinion of authorities is absolutely in support of the position I have taken up in objecting to the discussion. Under our own Standing Orders the objection is made in Standing Order 176, which states—

> No question shall be proposed which is the same in substance as any question which during the same session has been resolved in the affirmative or negative.

This question now before the House and proposed by the member for York is the same in substance as a motion already discussed and determined, and although it may not be in the interests of the country to prevent discussion, yet certainly it is in keeping with the intention of the Standing Order to insist that there shall be no further discussion in this connection. One of the Australian authorities, *Blackmore*, deals with the matter. He points out—

> The object of the Standing Order is self-evident. It is framed to avoid contradictory decisions, to prevent surprises and to provide something like finality. Otherwise the same questions might be brought forward again and again and affirmed and negatived according to chance majorities.

May also deals with the question and states—

> It is a rule in both Houses which is essential to the due performance of their duties that no question or Bill shall be offered that is substantially the same as one on which their judgment has already been expressed in the current session.

Canadian authorities bear out the very same thing in connection with the practice in that country, thus—

> It is an ancient rule of Parliament that "no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session." The old rule of Parliament reads: "That a question being once made, and carried in the affirmative or negative, cannot be questioned again, but must stand as a judgment of the House" Unless such a rule were in existence, the time of the House would be constantly frittered away in the discussion of motions of the same nature, and the most contradictory decisions would be sometimes arrived at in the course of the same session.

I might say that on the question of whether these motions are substantially the same, one has only to glance at the two reports to be satisfied that they deal with the very same subject, but that the decisions arrived at are contrary to one another. Even if this House did carry the motion moved by the member for York, it would be stultifying itself in respect to the motion already agreed to, and in that regard would be in contravention of Standing Order 177. But as to the interpretation of what is the same in substance, I want to read a few passages from a House of Commons authority which deals somewhat comprehensively with the matter. *Cushing* states—

> It is a rule of Parliamentary practice, which has already been generally considered, that no question or motion can regularly be offered, upon which the judgment of the House has been expressed during the current session. This rule is essential in order to avoid contradictory decisions, to prevent surprise, and to afford proper opportunity for determining questions as they severally arise.

As to whether the ruling can be applied in this case I think these quotations show that it can—

> The terms made use of to indicate the identity or similarity of two propositions, namely, "of the same argument and matter" and "of the same substance," which signify the same thing, clearly imply, that if the propositions in question are the same in substance and effect, however different in form, they are within the rule.

These propositions may be different in form, but they are the same in substance, and therefore, they are within the rule of the objection. Again—

> It does not seem to be essential to the application of the rule, that the proposition already passed upon should have received the judgment of the House by itself, provided it is distinct from any other proposition, with which it might have been accompanied; or that the new one should be made by itself, provided it is distinct from and independent of any other, in company with which it may be brought forward.

Even if this matter were embodied in any other motion it would still be open to the same objection as I have taken. I assure members that no other course is open to me, and I hope, therefore, that the member for York will not persevere in his motion.

Mr. Monger: I will go to a division if possible.

Motion (dissent) put and negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. B. Lefroy drew attention to the state of the House; bells rung and a quorum formed.

BILL—NATIVE FLORA PROTECTION.

Second Reading.

Hon. H. B. LEFROY (Moore) in moving the second reading said: This Bill, which has for its object the protection of the native flora of Western Australia, is a very small measure transmitted to us by the Legislative Council. I am not aware that legislation on this subject is on the statute-books of any of the other States of Australia, but at the same time I do not think that can be held as a reason why we in Western Australia should not attempt by some means, small though they may be, to protect our native flora. Western Australia is world-famed for the beauty of its native flora, and painters have visited the State from many parts of the world in order to reproduce some of the most beautiful specimens of wild flowers, and these painters have handed on their pictures for others to view, and so, by means of art, other parts of the world have been able to acquire a knowledge of our beautiful native possessions. I think we are all proud of the natural flowers of this State, and we should be always anxious to do what we can to protect them. There is no doubt that people are very often thoughtlessly inclined to destroy the plants instead of plucking them in the ordinary way. There are some people who, strange to say, are never satisfied to see the flowers growing, but they must tear them up from the ground. Many of us view with regard the flowers which we see growing in gardens or in their natural wild state as they do here, and the object of this measure, which has been forwarded to us by the Legislative Council, is to secure for us complete protection over all the flora existing on the Crown lands of the State. The measure has had some attention in the Legislative Council. It has been discussed there, but has been passed without much controversy, and now we have been asked to agree to it. The Bill provides that it shall not be lawful for any person on any Crown lands to destroy or mutilate, so as to eventually destroy, any of the trees, shrubs, or plants which are mentioned in the schedule. The schedule provides for a small number of plants, but, I think, simply with a view of establishing the fact that it is our desire to protect the native flora, and with the object later on of adding other names to the list. The Bill provides, amongst other things, that no one shall be allowed to uproot the natural flora, and it provides for the imposition of a penalty if anyone does so uproot the plants, or for selling a plant which has been uprooted. Anyone who may be found in possession of flowers showing evidence of destruction will be liable to a penalty, as well as those persons who sell such flowers. Many of the plants mentioned in the schedule are, no doubt, well known to hon. members, and I think we all view with admiration the flowers which we see from the railway trains. One in particular, the Leschenaultia, is perhaps the most admired of our bush flowers on account of its brilliancy of colour and the profuse manner in which it is scattered throughout the country. The desire is, before it is too late, to endeavour in some way to protect this and the many other beautiful flowers we have, and I think, for scientific reasons it is well that these flowers should be protected, as well as for other reasons, perhaps of a sentimental character. We desire also to see that the young people should grow up with a natural love for flowers, and with a desire to protect them. If a measure such as this does not become law very soon, it may be too late in future years to pass such legislation. We have seen in Perth people selling beautiful boronia, and in many instances I know this sweet smelling flower has been pulled up by the roots. If the plants are continually pulled up in this way, the time will shortly come when they will cease to exist. As I have said, the Bill only applies to Crown lands, and consequently will not affect any individual, nor any rights that anyone may assume that they have over the natural flora of the country. It is provided also that the Governor may at any time add, by proclamation, to any of the flora described in the schedule. There is also provision that a police constable may examine and detain flowers which he may find in the possession of

anyone, and he may demand the names and addresses of those in whose possession the flowers are found. There is a further provision that the Commissioner for Railways may refuse to carry or allow to be conveyed on the Government railways any flowers that show evidence that, in the process of plucking, they have been destroyed or mutilated in such a way as to lead to their ultimate destruction. I do not think there is any need to dwell at length on this measure. The title is sufficient to disclose what its objects are. The provisions are not extensive, and I think that, by its adoption, it will show that the Legislature of the State are not unmindful of endeavouring to protect the natural flora of which the people are so proud, and which we would be sorry to see exterminated by devastation which may take place in the future, and which, to a certain extent, is taking place at the present time. The Bill has been thoroughly discussed in another place, and I trust that it will receive the sympathy of this House and that members will assist me in placing it on the statute-book as it was introduced by the hon. gentleman who has transmitted it to us from the Legislative Council. I have much pleasure in moving—

That the Bill be now read a second time.

The MINISTER FOR LANDS (Hon. T. H. Bath): The motive which influenced the hon. gentleman in another place to introduce this measure was of the very best kind, and hon. members will realise the labour of love it must have been to that gentleman, knowing how deeply he is interested in the preservation of the native flora and fauna of Western Australia. The measure is one which I think will commend itself to every member of this House. My only fear is that in the present stage of development in Western Australia we are unmindful of the necessity for devoting any attention to the preservation of these things, the object which is sought to be gained by the measure before us. We are, if I may use the expression, in the bread and butter stage, where a comparatively insignificant amount of our time is devoted to the cultivation of the finer sentiments, the appreciation of art and the development of interest in botany and in natural history, and the result is that with so few having the leisure to devote to this kind of thing the mere passage of this Bill is not likely to achieve the object sought by the mover in another place. Of course, without the strong interest of public opinion behind those for the time being in charge of the administration, it is almost impossible to prevent the destruction of the native flora which is going on, and I can readily endorse, from knowledge which I have gained, the statement that ruthless and indiscriminate destruction of the native flora has resulted in considerable areas being entirely denuded of what is perhaps their finest attraction. It was only the other day, and largely by accident, and owing to the interest evinced by a resident in the southern portion of this State, that we were able to reserve to the public for all time the area which is the native habitat of the red flowering gum. Fortunately for the preservation of this beautiful example of the flora of Western Australia, we have been able to cultivate the red flowering gum, not only in King's Park, but also in other parts of the State, and its attractiveness is likely to result in a greater extension of that culture. But in other directions where it is almost impossible to reproduce it, the destruction which goes on largely through thoughtlessness may ultimately lead to its loss altogether to the State. In those circumstances, I cordially support the measure introduced by the hon. member for Moore, and I trust that as time goes on, with the development of a love for our natural surroundings, which I am glad to say is being instilled in the minds of the children in our State schools, a generation will arise in which there will be a wide-spread public interest in the preservation of these things, to the consequent advantage of the State.

Hon. H. B. LEFROY (In reply): I thank the House for the kindly reception of the Bill and the Minister for Lands for the appreciation he has expressed of it. I would like to express my thorough appreciation of the very excellent work which is being done by the school teachers

throughout the length and breadth of this country in endeavouring to instil into the minds of the children a love for flowers and for the vegetable kingdom generally. I see it everywhere, and I am quite sure that hon. members will agree with me that the love of flowers creates in the minds of the young a feeling of refinement which must be of advantage not only to themselves but also to the State in the future. While expressing that appreciation of what is already being done in educating the minds of the children to a love of flowers, I desire to again thank the Minister for Lands and the House for the favourable acceptance of this measure.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—JETTIES REGULATION ACT AMENDMENT.

Received from the Legislative Council and read a first time.

BILL—SHEARERS ACCOMMODATION.

Council's Amendments.

Schedule of 16 amendments requested by the Legislative Council now considered.

In Committee.

Mr. Holman in the Chair; Mr. McDonald in charge of the Bill.

No. 1—Clause 1—Strike out "April," in line two, and insert "January. Strike out "thirteen," in line three, and insert "fourteen":

Mr. McDONALD: One was compelled to agree to this amendment because if it was objected to now, it might be the end of 1913 before the House would have an opportunity of discussing it again. He therefore moved—

That the amendment be made.

Question passed. the Council's amendment made.

No. 2.—Strike out the definition of "Asiatic":

Mr. McDONALD: It would be remembered in connection with another Bill that it was deemed necessary to omit all mention of Asiatics, and that some test, such as an education test, be adopted to have the same effect.

The Premier: By regulation.

Mr. McDONALD: Having that in view, the same should take place with regard to this Bill, and he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 3— Clause 5—In the definition of "shearer," add at the end of the words "or any aboriginal native":

Mr. McDONALD: Members were perfectly aware that the pastoralist would not be expected to provide similar accommodation for the natives, but had these words been added it would have been a tacit consent on our part to the employment of the natives, and members had not desired that intention to be expressed. However, he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 4—Clause 6—Subclause 2, paragraph (iii.), before the word "stretcher" insert "bunk or":

Mr. McDONALD: It was contemplated that a pastoralist might not be able to provide iron bedsteads or iron stretchers, and this amendment would enable him to supply wooden bunks. Whether this was wise or not it was too late to argue; at the same time a wooden bunk could not be kept as clean or free from vermin as an iron stretcher, but as the powers-that-be in another place had sent down their manifesto, bowing before that mighty power, he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 5—Clause 6—Subclause 2, strike out paragraphs (iv.) and (v.):

Mr. McDONALD: This was consequential on the deletion of the definition of "Asiatic." He moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 6—Clause 6—paragraph (ix.), strike out the words "and not less than one hundred yards from any water supply":

Mr. McDONALD: It was interesting to draw attention to the form of logic that could be taught in English universities. When this paragraph was being debated in another place, one gentleman said the shearers' union was one of the strongest in Australia, and surely they could get over any difficulty by refusing to work on a station.

The CHAIRMAN: The hon. member is not in order in referring to the debates in another place.

Mr. McDONALD: It was the want of logic he was referring to.

The CHAIRMAN: The hon. member must not reflect on any member of another place.

Mr. McDONALD: It was said elsewhere that the provision dealt with was an urgent need throughout every portion of the community, from a health point of view, and that it should not be conceded to a strong union while other portions of the community were in want of it. However, this could be dealt with by regulations issued by the Governor through a sympathetic Administration, and he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 7—Clause 6—paragraph (xii.), strike out "provided however that an earthen floor is not deemed a proper and suitable floor":

Mr. McDONALD: Without comment, he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 8—Clause 6—paragraph (xiii.), insert after "vessels" in line one "and water":

Mr. McDONALD: This was deemed necessary by the wisdom of another place: he was grateful; it had escaped his memory. He moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 9—Clause 6—paragraph (xiii.), line 3, strike out "and one shower bath":

Mr. McDONALD: Because these gentlemen in another place were kind enough in the former amendment to provide water in shearing sheds, they took very fine care that in this amendment they would limit the amount to be used. The Assembly asked that a certain number of shower baths should be provided for men working in a heated, dusty, greasy condition, and that when they knocked-off at sundown they would be supplied with a sufficient quantity of baths to enable them to assume a decent, cleanly state as soon as possible. However, since we could not provide enamelled baths, perfumed soap, nurses, and that sort of thing, the enemy declared that the shearers should have nothing, and that one shower bath for each station would be sufficient. How could twenty men knocking off at sundown have a shower bath in reasonable time? But the shearers had the strongest union in Australia; and whatever pressure might be brought to bear by the members of that union in connection with this clause, the onus of it would rest on those who opposed this measure. He was compelled, though reluctantly, to move—

That the amendment be made.

Question passed, the Council's amendment made.

No. 10—Clause 6—paragraph (xiii.), add at the end "and one bath for every shearing shed":

Mr. McDONALD: This amendment allowed only one bath for each shed. Being so overwhelmed with gratitude to these gentlemen for having added a plunge bath, which he had forgotten, he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 11—Clause 16—paragraph (xiv.), after the word "agent" in line 2, insert the words "or if the shearing is done by contract, the contractor":

Mr. McDONALD: Members in another place had become so accustomed to move

amendments that it became not a habit but a gift. There was no reason for the amendment. It must be plain to everybody that the contractor was the agent of the employer. However, since needs must when the other place did drive, he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 12—Clause 7—Strike out all the words after "inspector" in line 5:

Mr. McDONALD: This was an amendment to a new clause added to the Bill at the instance of a gentleman whose experience in the pastoral line was second to none, and whose experience as a legislator was second to none in Western Australia; yet it was deemed necessary to amend it by one particular gentleman with no connection with the pastoral industry, and with but a short connection with legislation. The original clause provided that the shearers would be supplied with tent accommodation to the satisfaction of the "inspector or shearers employed." This made it all the more necessary that the inspectors to be appointed should be independent. To speak the plain truth, if the tent accommodation was not satisfactory to the shearers on the northern portion of this State, in the succeeding year after the Bill became law there would be hundreds of thousands of double fleeces in the second shearing. Nevertheless he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 13—Clause 8—Strike out Subclause 1 and insert the following:—"Every room, tent, latrine, or other building or structure provided by the employer for the accommodation of shearers, not being a shearing shed, shall be handed over to the shearers in good order and clean condition, and all the shearers using or occupying or entitled to use or occupy the same shall be responsible for the maintenance of the same in the like order and condition, and whenever any such building or structure is not being maintained as aforesaid, the employer may thereupon cause the same to be restored to good order and clean condition from day to day:

Mr. McDONALD: This was merely the substitution of one set of words for another. Ther was no material alteration in the provision. He moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 14—Clause 8—In Subclause 2, line 1, strike out the words "occupying any such building as":

Mr. McDONALD: When the Bill was before this Chamber some members of the Opposition had referred to it as legislation gone mad. Looking at the amendments requested by the Council, such as the one under consideration, one could not but be struck with the idea that the mania was contagious.

The Minister for Mines: Then why are you accepting all the amendments?

Mr. McDONALD: It was of no use sending them back again. He moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 15—Clause 8—Subclause 2, after the word "building," in line five, insert "structure," and insert the word "any" before "such shearers":

Mr. McDONALD moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 16—New clause—Add the following to stand as No. 14 (Offences):—"Any person who contravenes any provision of this Act, whether by act or omission, shall, if no other provision is made by this Act for dealing with the contravention, be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding five pounds":

Mr. McDONALD: There seemed to be a certain amount of justification for the amendment, because it penalised both sides. Up to the present all penalites included in the requested amendments were aimed at the one side only, but the proposed new clause was impartial. He moved—

That the amendment be made.

Question passed, the Council's amendment made.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

BILL—LAND ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Holman in the Chair, the Minister for Lands in charge of the Bill.

Clause 2—Crown lands not to be granted in fee simple:

Mr. S. STUBBS: The crux of the Bill was contained in the clause under consideration. The Committee would be wise if they rejected the clause, because if it were put to a vote of the whole of the people the vast majority would unhesitatingly reject it. It was not in the best interests of the State that the clause should be agreed to. During the recent elections one half the people had not taken seriously the proposal put forward by those now in power to bring in a measure such as that before the Committee. We had been told that the leasehold principle was working satisfactorily in New Zealand, but inquiries made had elicited the information that this was not by any means so. For instance, a Royal Commission appointed in New Zealand to inquire into the working of the leasehold principle had returned a majority report advocating the repeal of the measure and the conversion of leaseholds into freeholds. As the leader of the Opposition had pointed out last night, one need not go further than the British dominions to find out whether people preferred leasehold or freehold. Twelve or fourteen years ago conditions in Ireland were very much worse than they were five years afterwards, when in response to numberless appeals the British Parliament had provided a large sum of money with which to buy out the landlords who, while living in affluence in England, employed agents in Ireland to collect heavy rentals from their struggling tenants. After the repurchase of these huge estates they were divided up into blocks of four or five acres and sold out to the small tenants on deferred payments of about the same amount per annum as the landlord had previously charged as rental. Surely hon. members could not require any further evidence in favour of freehold than was to be found in Ireland alone, could not require further evidence that it would be unwise to go into the leasehold system in Australia.

Mr. Heitmann: It was the very system you are advocating which made it necessary to buy back the land in Ireland.

Mr. S. STUBBS: The landlords in Ireland had held huge tracts of the very best land, and the British Government were wise in buying up those estates and subdividing them for the tenants.

Mr. Heitmann: They would have been wiser if they had kept them in the first place.

Mr. S. STUBBS: Possibly that was so, because Ireland was a very small place in comparison to Western Australia. According to the reports only five or ten per cent. of the lands available for settlement in Western Australia had been alienated. The time was not ripe so far as the population of this State was concerned to adopt the principle of non-alienation.

The Minister for Mines: When the time is ripe, it will be too late.

Mr. S. STUBBS: That was not so. Supporters of the Government ought to hear the opinions of the magnificent settlers in Denmark regarding freehold.

Mr. Heitmann: I was never anywhere else but in Denmark before I came to Australia.

Mr. S. STUBBS: The hon. member might allow him to proceed without interruption. A visit to Denmark would convince any member that the system of small blocks of freehold worked magnificently. Not one of the people in Denmark or Ireland would go back to the leasehold principle. If any demand had been made by persons with a lifelong experience on the land that freehold was no good and that they should be granted leasehold, he could understand the Government's desire to pass the measure. His election had been fought on the aliena-

tion of Crown lands and if the member for Cue (Mr. Heitmann) had opposed him and supported the principle of non-alienation he would have found himself very much in the minority.

Mr. Heitmann: I am not too sure.

Mr. S. STUBBS: The hon. member had tried his best to bring about his defeat but he had been returned nevertheless.

Mr. Green: But you have a store, and they are married to you.

Mr. S. STUBBS: The electors would have nothing to do with a policy of non-alienation of Crown lands. If a vote was taken in the country districts to-morrow a huge majority would be against the Bill generally and especially against Clause 2. If Clause 2 was passed the system of leasehold would come into force, and under another clause a man who took up leasehold would be exempt from taxation up to a certain point. If a man took up virgin country he was a jolly old man before he got his farm into working order.

Mr. Heitmann: Nonsense.

Mr. S. STUBBS: The hon. member knew nothing about the subject or he would not interject in that way. Unless a man had a large amount of capital he was old before his farm was in good working order. The conditions in Western Australia were different from those in most of the Eastern States. Farms there had been worked for 40 or 50 years and it was well known that the older a farm and the more stock it carried the richer it became. In Western Australia practically every man was starting pioneering work. What would happen to the man who had taken up land under conditional purchase? Supporters of the Government had stated that the Liberal party stumped the country and said the land of the settlers would be confiscated if the Labour party got into power. He had stumped the country and had never heard one person use the word confiscation in that way. He had heard it said that if the leasehold system was brought into operation the men who had taken up land under conditional purchase would find their neighbours with leasehold exempt from taxation. The Government, whether Labour or Liberal, would be bound to raise certain revenue.

Hon. W. C. Angwin (Honorary Minister): Is not rent as good as taxes?

Mr. S. STUBBS: The rent proposed under the Bill would not realise much unless the Government valued the land very much higher than Governments in the past had valued land taken up under conditional purchase. The man who would be called upon to pay heavy taxes would be the one who held land under conditional purchase. Last year he had been told by Perth merchants to give 2s. 9d. a bushel for all the oats grown in the Wagin district and they would pay him commission for buying them. To-day the market price for oats in the Wagin district was 1s. 10½d. Could farming pay under those conditions? A man must have a big crop and a big heart if at the end of 12 months' hard toil the price of his crop of oats suffered that reduction.

Mr. Munsie: Would he get a better price for it off freehold?

Mr. S. STUBBS: A farmer with land under conditional purchase would be compelled to pay taxes where his neighbour having leasehold would not have anything like the same taxation to pay. Why should one farmer have to pay more than another simply because he held land under conditional purchase? That was a phase of the question which would weigh heavily with a vast majority of the people who were farming or who were about to go on the land.

Hon. W. C. Angwin (Honorary Minister): You think our leasehold conditions are too light?

Mr. S. STUBBS: Nothing of the kind. There was no occasion for introducing the system at present. If the Minister could show that all the available agricultural land except a very small piece had been alienated, and that in the best interests of future generations it would be wise for the country to stop further alienation and go in for freehold, he could understand it, but there was a huge tract of land available capable of settling millions of people.

Mr. Taylor: Will this prevent the settlement?

Mr. S. STUBBS: Yes.

Mr. Taylor: Then argue from that standpoint.

Mr. S. STUBBS: Not one man in a thousand would come from the old land to settle in Western Australia on leasehold when he could go to Canada or the Argentine and get as much freehold land as he wanted.

Mr. McDowall: Would he have the same security in the Argentine?

Mr. S. STUBBS: When this system had not been adopted in other parts of the Empire or in other countries except one or two small places, Western Australia should not adopt it.

Hon. W. C. Angwin (Honorary Minister): You favour leasehold to the farmer and freehold to the lord.

Mr. S. STUBBS: We had heard so much about the lord question that one got tired of it. Anyone on the Opposition side, according to the supporters of the Government, was a landlord.

Mr. Taylor: We were there a long time.

Mr. S. STUBBS: If the Bill became law it would not be long before the Labour party would find themselves again in Opposition. Clause 2 was the main portion of the Bill and he hoped members would vote against it. It was not wanted and there had never been any cry for it by those persons who knew something about agriculture. He remembered some of the gentlemen opposite coming down from the goldfields and stumping the Great Southern, and one or two on the public platform quoted New Zealand and said that the banks would lend as much money to a man with a lease as they would to one holding a piece of parchment. They actually tried to make sensible men believe that that was so.

Mr. Munsie: The trouble is that the banks have lent too much to the farmers.

Mr. S. STUBBS: Was there a man insane enough to believe there was such an institution in the world that would do that? The statement was absolute balderdash. The Government were wrong in endeavouring to pass this Bill into law, and so far as he was concerned he would vote against the clause.

Mr. GREEN: A powerful case had been made out by the Ministerial side of the Chamber in favour of the clause, and there had not been any attempt to gainsay or refute the arguments that had been put up. On the other hand there had been an appeal to the farmer and to class prejudice, and the total ignoring of the large number of facts which had been set up by the Minister.

Hon. Frank Wilson: The facts were wrong.

Mr. GREEN: The hon. member who had just resumed his seat, and who seemed to be keeping the votes of his electors in mind, said that a vast majority of the people in the State would reject this particular clause. The hon. member should be reminded that those who were on the Government side had fought a contest honestly upon the land proposition, and the result was that they were returned in the large number which was seen arrayed on the Ministerial side. The hon. member's illustration of Ireland was rather an unfortunate one. We knew well that the trouble in Ireland had been due to the existence of large estates, and it had been found necessary to call upon the whole of the finances of the United Kingdom—and it had to be remembered that Ireland had a comparatively small population and was comparatively poor—to destroy the system of landlordism which the hon. member and his colleagues were so much in love with. It was to prevent a system such as that which grew up in Ireland that the clause was introduced in this particular Bill. The hon. member also quoted Denmark, and he went on to point out that Denmark's was a laudable system of land tenure; but there were certain laws operating in Denmark which did not operate here, and when the other clauses of the Bill before the Committee were brought forward—the clauses which restricted the amount of land to any one leaseholder to 1,000 acres—there would be a regular chorus from the Opposition to increase that acreage, and the member for Wagin, it would be found, would forget his pronouncement in favour of small areas such as those which existed in Denmark. The hon. member also said that the members on his side did not use the word confiscation with

regard to the land of the farmer, but he might be reminded that no longer ago than a couple of evenings the leader of the Opposition said that we wanted to steal the farmers' homes. Not satisfied with making an exclamation like that throughout the country, the leader of the Opposition used it in the House. It might go down with the farmers of Wagin and the landholders in the tortuous constituency which the leader of the Opposition represented, but not with members in the House. Members wondered at the brazen effrontery with which the hon. member used language of that kind in this Chamber in describing the Bill. The Bill was supported by the one great principle of equity. It had been related that when the early English setttlers went to New Zealand and made a trading arrangement with the Maoris in order to secure land from the natives, the Maoris under a certain amount of pressure—they were offered certain fees, and blankets and all the adjuncts of English civilisation—agreed to part with their land, but the English settlers in New Zealand reckoned without their hosts. They found that when it came to the death of the Maoris who had parted with the land, as the English settlers thought for ever, they had then to contend with the children of those Maoris. It had frequently been mentioned that when it came to parting with the lands, they said that they had parted with them for their lifetime, but what about the children? The Bill before the Committee did not stand for ourselves alone, and did not stand for the farmers of today, but it stood for the children of Western Australia yet unborn. With regard to the question of equality, he might be permitted to quote from a respectable journal called the *North American Review*, an article on the socialism of the American farmer, by Charles Johnson, and written with the view of disproving what they considered the socialistic tendencies that were at present so much in evidence in the United States, as indeed they were in evidence in all parts of the civilised world. There was a paragraph in this which carried a tremendous amount of weight, and which went to show that in the United States, as in Australia, there was enormous wealth growing up that was not being created by the landowning class, but that it was being created by the whole of the population of the United States because of their presence in the country. He referred to the unearned increment. The article read—

> It will be remembered that in 1900 the capital value of American farms amounted to twenty billion dollars. In 1910, this capital value amounted to forty-one billion dollars; had in fact more than doubled. To this enormous increase the farmers' industry and thrift contributed little. What he contributed may fairly be measured by the increased area of improved land, some three acres per farm. All the rest, twenty billion dollars, let us say, or, on the average, three thousand dollars per farm, is unearned increment. Twenty billion dollars of unearned increment in ten years or two billion dollars a year.

That was the right to the increase of the unearned increment in the United States and of which a share was created by every immigrant. We were claiming that the unearned increment, the money that had been collectively produced by the presence of the whole of the people should be returned to the coffers of the State to which it legitimately belonged. We found it frequently quoted that in no British country was the leasehold system applied to any extent, but the fact remained that in all British countries in the world the leasehold question was becoming a burning question, and that once it was solved we should have solved largely the social problem.

Hon. Frank Wilson: It has been burned out of New Zealand.

Mr. GREEN: Nothing of the kind.

Hon. Frank Wilson: It has been repealed there.

Mr. GREEN: What he took the hon. member to indicate was that a royal commission had been constituted in New Zealand and because a majority of those farmers of New Zealand had said that they would rather have freehold than leasehold, the system was a failure. Nothing of the kind. The leasehold system

was in New Zealand to stay. The reason for the existence of this measure was that no class of the community should rob the whole of the people. This was an excerpt printed in *Public Opinion* and taken from the *Rhodesia Journal*. He was not aware whether that was a Labour journal, but at any rate it recognised that the land question in Rhodesia was one of considerable moment. *Public Opinion* said—

> Here is a notable article from *The Rhodesia Journal*, published at Bulawayo, which shows how the land problem is not confined to England, but is at the heart of industrial problems all the world over. The article also shows how soon the old problems repeat themselves in new lands—"Shall we belong to the party of reaction and perpetuate the old fettering laws, or shall we have a vision of a new and model State where the land belongs to the people, where unearned increment shall benefit not drones, not absentee landlords, but the people of the country, who by hard work alone make that land valuable?" asks *The Rhodesia Journal* . . . . . "Rhodesia is the youngest of all the British colonies. Has it to grow up and work out its salvation cursed by the shackles that fetter its forbears and some of its elder brothers? We educate our own children, hoping, even at some sacrifice, that they will escape our own disabilities, and start life where we left off. Is Rhodesia likely to benefit by all the past experience or is she in the future to groan under crippling land laws, which our children and children's children will curse when they come to maturity and find all the land locked up? We would that we could see a vision before the people of this country, an ideal to strive for, something that would stamp Rhodesia with an individuality and make it in very truth the Promised Land, the Canaan of the British race in the next generation.

Then they go on to quote a country where landlordism is a curse—

> "Let us look at the case of Australia. There (even as in England) the ever increasing pressure of population forces the Government to expropriate large estates, at high prices, and cut them up for the benefit of the people who, of course, have to pay these high prices. From our close study of the problem we incline to the opinion that as the years roll on this expropriation must inevitably increase and to such an extent that private ownership of land for all time will become a thing of the past.

It was absurd to say that this was a Labour party idea, and that as a matter of fact it had been hatched in Queensland, adopted in New South Wales, and incorporated in the platform of the party in this State.

Mr. S. Stubbs: Yes, at Bunbury.

Mr. GREEN: John Stuart Mill, one of the orthodox political economists, stood for the leasehold of land, and Henry George, who was an individualist of an extreme type, also believed in the nationalisation of land. Herbert Spencer was essentially an individualist. He fought the socialists tooth and nail. He did not believe in socialism, but he was sound upon the land question. Let hon. members listen to the words of this anti-socialist, the greatest philosopher of this or any other age, in his *Social Statics* on the question as to the right to the use of the earth—

> Given a race of beings having like claims to pursue the objects of their desires—given a world adapted to the gratification of those desires—a world into which such beings are similarly born, and it unavoidably follows that they have equal rights to the use of this world.

There was no necessity to call the police in making a declaration of that kind. Let these words soak in—

> For if each of them "has freedom to do all that he wills provided he infringes not the equal freedom of any other," then each of them is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty.

The position of this clause was in effect making a declaration that all others had not the same liberty to this land which would remain under freehold for ever

if the Opposition had their way. Herbert Spencer continued—

> And conversely, it is manifest that no one, or part of them, may use the earth in such a way as to prevent the rest from similarly using it; seeing that to do this is to assume greater freedom than the rest, and consequently to break the law. Equity, therefore, does not permit property in land. For if one portion of the earth's surface may justly become the possession of an individual, and may be held by him for his sole use and benefit, as a thing to which he has an exclusive right, then other portions of the earth's surface may be so held; and eventually the whole of the earth's surface may be so held; and our planet may thus lapse altogether into private hands. Observe now the dilemma to which this leads. Supposing the entire habitable globe to be so enclosed, it follows that if the land-owners have a valid right to its surface, all who are not land-owners have no right at all to its surface. Hence, such can exist on the earth by sufferance only. They are all trespassers. Save by the permission of the lords of the soil, they can have no room for the soles of their feet. Nay, should the others think fit to deny them a resting place, these landless men might equitably be expelled from the earth altogether.

One could take scores of socialistic writers on this subject, but he was pleased to find himself in honourable agreement with Herbert Spencer, an anti-socialist, on this question.

Hon. Frank Wilson: When you come down to earth, will you explain how I could have the right to use your lease in perpetuity?

Mr. GREEN: If the hon. member had the lease in perpetuity, a thing he shrank from, his lease under this Bill would be reappraised every 20 years and for the additional value the lease was to the community he would pay rent, and so long as he paid what the land really owed to the community no one in the community had any complaint. This question of [illegible] might be brought nearer home: there was no necessity to go to foreign countries. It could be shown that in Western Australia, the place where the energy of men was shown to a greater extent than in any other part of the State was the goldfields, where nothing but leasehold had been known. It was absurd to bring forward the argument that under leasehold all effort would cease. The member for Kimberley (Mr. Male) had said that given a leasehold a man would allow a fertile piece of soil to become a wilderness, but given a freehold he would make a rock to blossom as a rose. We found, however, that this energy had manifested itself under leasehold, such as had never been shown in any other part of the State before, and that very energetic race of people who went into the interior of the desert in search of gold and took their lives in their hands did not worry about the fact of not having a freehold. The rush to the goldfields was such that Western Australia had produced £104,000,000 worth of gold in 17 years under this paralysing leasehold system, under which all effort ceased, under which we would all be socialists, and under which we were going to rob the farmers.

Hon. Frank Wilson: What did you do with your residential leaseholds? You converted them into freeholds.

Mr. GREEN: The hon. member felt that it would have been wiser if he had anticipated some of these hard facts, and attempted to crack them in his previous speech, but the hon. member realised those facts could not be controverted, and he smarted under the disposal of his puerile objections in the earlier portion of the debate. Recently he had been in Java where he had obtained first-hand knowledge of the land system in vogue there. Java had an area equal to a one-hundred-and-eightieth of the area of Western Australia, yet under the leasehold system of tenure which the Dutch were fortunate in securing to the natives, the population of Java had increased from 4,000,000 in 1811 to over 33,000,000 in 1911, an increase of 800 per cent. in 100 years. In no other country in the world had the population increased so rapidly. There was a very small area of Java known as "particular land." During the British

occupation, Sir Stamford Raffles, to keep up the glorious traditions of England, had parted with a small area of the land, but fortunately for Java, to-day the country was under Dutch rule, and the Dutch had made the leasehold tenure the absolute rule, except in this very small portion. During one's travels through Java, there was not a beggar to be seen, except people crippled or diseased. All the natives had work to do, because the land was held to them by the Dutch Government, and all the natives were well fed, each working on his particular part of the soil. So we had in Java, three days' sail from Derby, a living example of what could be done under leasehold. As Alfred Russell Wallace had said, it was the most populous and the most prosperous tropical country in the world. So much for the arguments and the black pictures foreshadowed as to the abyss into which this country would fall under the leasehold system. Forty per centum of the land in Java was under cultivation, notwithstanding that the southern part of the island was largely swamp. Victoria, which had never been dominated by the Labour party, had lost more by emigration than any other State of the Commonwealth, though the State was more prodigally gifted than any other State of the Commonwealth. The population of the county of Bourke, in which Melbourne was situated, was 523,000 in 1901 and 623,000 in 1911, an increase of 100,000 in the ten years. From these figures, it would look as if Victoria was fairly prosperous, but there was another side to the picture. In 1901, the population of the other counties was 676,000, and in 1911 it was 688,000, an increase of only 12,000, but the natural increase in these counties was 88,000, so that the actual loss was 76,000. Of this 76,000 there were 44,000 who went to the other States, and 32,000 went to Melbourne. Half the population of Victoria under the freehold system resided in the county of Bourke. In the Wimmera district, the granary of Victoria, including Lowan, Borung, and Kara Kara, in 1891 the population was 63,000, and in 1901 it was 61,000, showing an apparent loss of 2,000, but the natural increase was 23,000, therefore the population to-day should be 86,000, instead of what it really was, 59,000. Gladstone, his birth-place, which should have 29,000 now, had only a population of 18,000. So the freehold system at least needed a change so far as Victoria was concerned. He was proud to be associated with a party standing for a policy that meant better things, and who would see that his children were not forced out of Western Australia as he was forced out of Victoria. He was determined to see, so far as he was concerned, that something was done to help the future people of Western Australia. We were not immediately concerned in making large fortunes for people with money they had not earned. Mr. Wade of New South Wales said, referring to the Conversion Act—

> Leaseholders rushed to convert, and at great inconvenience raising the necessary money that would have been better spent in improvements. Those who have now converted are compelled to pay annually three times the amount they are liable for as lessees. Their crops will not pay a cent. more, and the only thing they have achieved is the power to mortgage to the moneylender.

From the evidence called from these anti-socialist writers and from such an eminent authority as Mr. Wade, there was sufficient proof it was time Western Australia was given a chance to apply the leasehold system of land tenure.

Mr. McDOWALL: One would imagine that, if we adopted leasehold tenure, we would bring about ruin to the State. It was amusing to hear the member for Wagin (Mr. S. Stubbs) waxing eloquent upon the old country and upon the system in vogue in Ireland, and the other evening the member for Moore (Hon. H. B. Lefroy) almost made one cry with the sentimental picture he painted of persons not desiring to part with their freehold for any sum. But the illustrations those members drew were from Great Britain, and one would imagine that Great Britain was the home of the freehold for the majority of the people. Of course this was simply an

absurdity. Mr. R. H. Rew, in his report to the Board of Agriculture, reported in the *Daily Mail Year Book* for 1910, made this statement—

> According to the latest measurement of the ordnance survey the total area of land in Great Britain is 56,199,980 acres. Of this, 26 per cent. is returned as actually under arable cultivation and 54 per cent. is grass land returned either as permanent pasture or as rough grazings, while about 5 per cent. is woodland. Thus about 85 per cent. of the total surface of the country is accounted for in these returns, the remainder, amounting to rather more than 8,000,000 acres, comprising all the wide tracts occupied in urban districts for residential and industrial purposes, the land appropriated by roads, railways, mines, quarries, etc., as well as those areas which are unsuited for any agricultural or pastoral purposes.

Then let us see how many of these people own the freehold of their property. The full number of persons in Great Britain who were lessees to their superior land lords was practically 87 per cent. of the total holdings. Mr. Rew went on to say—

The following table sets out the facts in detail for Great Britain :—

Size of Holdings in Acres.	No. owned or mainly owned.	Per cent. owned.	Rented or mainly rented.
1-5 ...	15,432	14·28	92,662
5-50 ...	28,473	12·28	203,346
50-300 ...	14,591	9·66	136,411
Over 300	2,792	15·76	14,922
	61,288	12·05	447,341

The total holdings in Great Britain owned by the people, people who must have a freehold according to members opposite, was 61,288, and the number of persons holding leases from the owners of the land was 447,341. Practically 87 per cent. in Great Britain was held under the leasehold system, and surely no one would say that Great Britain was a retrograde country.

Hon. J. Mitchell : Do you approve of the leasehold system of England ?

Mr. McDOWALL : Most certainly he did not approve of the leasehold system of England. He was simply illustrating by way of showing that the people would improve their property under leasehold. He approved of the leasehold system embodied in Clause 2, namely a leasehold system issued by the Crown. In Great Britain the land had been disposed of to superior landlords who rack-rented the lessees. It was nonsense to say that people would not take up leasehold property and improve it. It was instructive to learn from the report of the small-holdings commissioners of Great Britain, Messrs. E. D. Cheney and M. T. Baines, that the striking feature of the applications made under the Act had been the small extent to which the applicants desired to purchase their holdings. Thus, out of 23,295 applications received during one year, only 629, or 2.7 per cent. had expressed a desire to purchase, and of those, 281 had come from Wales. In England the percentage of applicants desirous of purchasing was only 1.6 per cent. This was not any matter of opinion, these were facts from England.

Hon. J. Mitchell : What were the conditions of sales there ?

Mr. McDOWALL : It was obvious that the conditions must be remarkably easy. Under the circumstances why should we fail in Australia where the Crown would be the superior landlord and be able to deal generously with its tenants ? And the next report of the small-holdings commissioners of Great Britain, a report issued in 1912, showed that the same condition continued to prevail. The number of applicants desirous of purchasing in 1910 was only 74 out of 403. Since the Act had come into operation, if unclassified applications were ignored, the percentage of applicants for freehold was only 2.24 of the whole, the actual numbers being 593 out of 26,488. Surely these reports proved conclusively that we had nothing to fear in connection with the leasehold system. The terms of our leases were undoubtedly liberal, and the money which

otherwise would be paid in the acquiring of the freehold could be used to much greater effect in improving the blocks and making them productive.

Mr. A. N. PIESSE: Like other members he would oppose the clause, because he was convinced that it was not in the best interests of the State that it should become law. In bringing down the Bill the Government had apparently been animated with the hope of deriving a regular income from the land. If this was the main object it could be achieved by taxation. Hon. members had but a very poor conception of the difficulties connected with farming operations generally when they argued that there would be as much land taken up under the leasehold as under the present system. Anyone who had a knowledge of the difficulties in connection with carving out a home on the land would admit that the freehold was a very strong incentive. Java had been pointed to as an example of the success of the leasehold system; but it was to be remembered that the people in Java were very different from the people in Australia. They had not the ambitions of Europeans, and were content to live under most extraordinary conditions. Reference had also been made to the leaseholds of the goldfields, but there was no comparison between a mining lease and an agricultural lease. In agriculture the improvements stood for all time, whereas mining was but of short life and, consequently, there was no necessity for the land to be held under freehold. Very few members on the Ministerial side clearly understood the conditions under which a man took up land for farming purposes.

[*Mr. McDowall took the Chair.*]

Mr. Heitmann: You may think so.

Mr. A. N. PIESSE: The member for Cue might grunt or snort, but it did not increase the hon. member's knowledge, which was extremely limited in respect to farming propositions. If that hon. member would take a trip to the remote agricultural districts and see the conditions under which the people were endeavouring to carve out homes for themselves he would realise that these people would quickly abandon their holdings if they were to be put under the lease system. A leaseholder was ever faced with the probability that there would be a reappraisement of his land values, and with the further reflection that it was possible that one's health might give way during the term of the lease, resulting in the abandonment of the holding. There would be no hope of the leaseholder obtaining assistance in a financial way unless the Government came down with a very liberal measure.

Mr. Heitmann: Is that the experience of the squatter in the North?

Hon. J. Mitchell: That is a totally different proposition.

Mr. Heitmann: He has leasehold all the same.

Mr. A. N. PIESSE: There was no hope of raising funds on a lease. If any supporter of the Government was in a position to advance money, he would wisely refrain from assisting any person who held land on a perpetual lease. There was no need to labour the subject to any great extent because he felt sure the main object, whatever party was in power, was to get the people on the land and encourage as rapidly as possible the development of the great agricultural resources of the State. Reference had been made to England and Ireland, where land was held under leasehold from landlords. In both of those countries and even in Denmark the land was of a very different class from that existing in Western Australia. It was vastly more productive, for five acres of land in Ireland devoted to dairying would enable a man to make a fair living. It would be difficult to find five acres in Western Australia capable of supporting a man and his family. The land in the old country was highly developed and no doubt paid to lease it even at £2 per acre per annum, which amount would not be payable in Western Australia.

Mr. Heitmann: They are paying more than that in Victoria.

Mr. A. N. PIESSE: Probably they were for dairying and gardening purposes. There was no such prospect in Western Australia at present, and if the

offer was made to people to convert their holdings to leasehold not one would avail himself of the opportunity. There might be a few ne'er-do-wells who would grasp at straws, but the introduction of this system was merely to keep faith with the platform of the Labour Congress held at Bunbury. Too much of this great country required development. The land instead of being perpetually leased had better be given away.

Hon. W. C. Angwin (Honorary Minister): Given to a few monopolists.

Mr. A. N. PIESSE: It would be of greater advantage to give 100,000 acres away to 100 farmers than to have land rented even at the prices at which it was rented to-day.

Mr. Heitmann: You gave it away in the early days.

Mr. A. N. PIESSE: And he would continue to give it away. It was the energy and thrift of the people which made the country prosperous. The clause would have his opposition.

Hon. J. MITCHELL: The speeches of members on the Government side had been amusing. The member for Kalgoorlie (Mr. Green) had painted a black picture by referring to the people in Java, where he said there was no freehold. The land in Java, he believed, was held by the chiefs and allotted to the people. The member for Pilbara (Mr. Underwood) who lived near to Java, knew that that was a country of irrigation where small areas were sufficient. Conditions here were totally different and the hon. member knew it well. The member for Kalgoorlie also went to Victoria and said the freehold system had reduced the number of people in various districts. Why not look at what had been done in this State under the freehold system in the last few years? In 1906 the cropping area was 364,000 acres against 1,072,000 acres last year.

The Minister for Lands: The hon. member forgets that that was while they were carrying out the restrictive conditions under conditional purchase.

Hon. J. MITCHELL: No; the increase in area under crop from one and a third acres per head of population in 1906 to 3½ acres in 1911 was a magnificent record to put up. It meant that the work of development had gone on apace.

The Minister for Lands: During these years they have had to observe all the conditions prescribed in the Land Act.

Hon. J. MITCHELL: Why should not we be content with this result? If we had done well, why not continue to do well? The Minister knew he was dealing with Western Australia and not with Java or Victoria. We wanted Western Australia developed.

Mr. B. J. Stubbs: What is the percentage of land not alienated under crop.

Hon. J. MITCHELL: It was very satisfactory.

Mr. B. J. Stubbs: No, it was very unsatisfactory.

Hon. J. MITCHELL: It was very satisfactory to have 1,072,000 acres under crop out of a total of 20,000,000 acres alienated or in the process of alienation, when it was remembered that the development had been of such recent date. There must be something like 6,000,000 acres being prepared for the plough, land partially improved which would some time be under crop. The hon. member knew that all the land which had been sold had not been of first quality; some had been grazing land, but it was impossible to get away from the figures he had quoted. Six years ago Western Australia imported breadstuffs, whereas to-day we were exporting a considerable quantity of wheat. Now we were asked to change this system. There could be no reason for the introduction of the Bill except to give effect to the visionary platform theories of supporters of the Government. Before the elections they declared that there should be no further alienation of land and that there should be nationalisation of land. This was the first step towards giving effect to their promise to the electors and no matter what harm might come to the State, they were determined to persevere with this proposal. The Minister should be well advised and should agree to amend the clause and make it optional for the selector to take up land under leasehold or under freehold conditions. This experiment had been tried in other parts of Australasia,

in New Zealand, New South Wales, and South Australia.

Mr. Underwood: When was it tried in South Australia?

Hon. J. MITCHELL: It was tried in South Australia.

Mr. Underwood: It was never tried in New South Wales or South Australia.

Hon. J. MITCHELL: The system of leasehold was tried in the countries he had mentioned. In New Zealand it was recently given up.

The Minister for Lands: No, it was not.

Hon. J. MITCHELL: It was given up.

The Minister for Lands: No, you are wrong.

Hon. J. MITCHELL: It had been given up. The Minister knew that Mr. Massey, the Premier of New Zealand, introduced what he called the first instalment of a measure which was to give the right to convert leasehold into freehold.

The Minister for Lands: Not all of it.

Hon. J. MITCHELL: Yes, all of it.

The Minister for Lands: No; you are wrong in this respect that 9,000,000 acres of land in New Zealand to-day is set apart as an endowment for education and the Act provides that the fee simple cannot be parted with, so that there is 9,000,000 acres of which 7,000,000 has been leased.

Hon. J. MITCHELL: We were dealing with Crown lands.

The Minister for Lands: These are Crown lands.

Hon. J. MITCHELL: As far as the Crown controlled land, leaseholders were to be permitted to convert into freehold. There were university endowment lands in Western Australia which the Government desired to take for workers' homes; these lands would not be sold. With regard to the public estate of New Zealand, however, leases might be converted under the Bill which Mr. Massey had introduced.

The Minister for Lands: Not in respect of repurchased estates or land for closer settlement.

Hon. J. MITCHELL: In New Zealand the system had proved a failure. It was optional until recently and in 1911 5,000 acres was held under leasehold as against 140,000 acres under freehold.

The Minister for Lands: No; 142,000 acres under freehold, and 1,756,000 acres under leasehold.

Hon. J. MITCHELL: It was nothing of the sort.

The Minister for Lands: If the hon. member wishes to convince himself I will pass him the *Year Book* containing the figures.

Hon. J. MITCHELL: The Minister could read that presently.

The Minister for Lands: What is the use of misleading the Committee?

Hon. J. MITCHELL: The Committee were not being misled by him. The land could be leased for pastoral purposes. In the district of Pilbara farming was not possible and leasehold suited the conditions very well. It was one thing to lease for pastoral purposes and quite another to lease for agricultural purposes.

Mr. Heitmann: Why?

Hon. J. MITCHELL: Because in the one case it was leased at a very low price, about 10s. per thousand acres and very little per acre was spent in improvements.

Mr. E. B. Johnston: Sometimes thousands of pounds is spent on one artesian bore.

The Minister for Lands: And then there are buildings and fences.

Hon. J. MITCHELL: Very little per acre was spent on buildings and fences on a property consisting of 200,000 acres. The principal expenditure was on stock which could be removed.

Mr. Heitmann: Which is the easier to lose on, the stock of the squatter or the improvements of the farmer?

Hon. J. MITCHELL: When a man took up land with the idea of converting it into a farm, he had to spend a considerable amount of money. Probably not less than £3 per acre would have to be spent on a 1,000-acre block before he completed his improvements.

Mr. Underwood: You are reasonably near the mark.

Hon. J. MITCHELL: In addition he had to spend £3 or £4 per acre on plant, seed, fertilisers and work before he could take his crop to market. It was one thing

to apply leasehold to a man who spent very little per acre and whose principal investment was in stock, which was movable, and quite another to apply the same system to a man who took up agricultural land. Would hon. members say that a man who planted an orchard was in the same position as a man who ran sheep? Would the Minister like to plant an orchard on a lease running for 20 years?

The Minister for Lands: Certainly; it is a lease in perpetuity.

Hon. J. MITCHELL: It was subject to re-valuation every 20 years.

The Minister for Lands: Is that not better than a revaluation every year for land tax purposes?

Hon. J. MITCHELL: Did the Minister expect that the apple business we were embarked on was likely to develop under the leasehold system? Was it at all possible that men would spend a lot of money in planting apple trees with the certain knowledge that at the end of 20 years the land would be revalued and their rent increased?

The Minister for Lands: They would be in a better position than if they had to pay £20 an acre for the land as in Tasmania.

Hon. J. MITCHELL: Under the existing law a man could get an absolutely free farm.

The Minister for Lands: How long will that condition of affairs last?

Hon. J. MITCHELL: For many years. By this Bill we were asking the people of the State to give up their right to free farms in order that they might take up land under the leasehold system. It was important that we should give the best title possible to the people who selected land. It was important that men should have the right to borrow. If the Minister intended to make the Agricultural Bank sufficiently elastic to cover all the needs of the farmer, of course the difficulty would be got over to some extent; but unless he intended to do this, it would be practically impossible for men with limited means to take up land and make homes for themselves. The development of land in Western Australia in the future would be by men with limited means, and by selling land under the conditional purchase system we gave the selectors something they could pledge to the extent of the work they did on the land. Under the leasehold system it would be difficult to get people who would lend something. Certainly the form of tenure would not be so convenient. The system to adopt was that which would most speedily bring about development. It was not a question of waiting a hundred years, it was a question of now or never; and unless we filled up the vacant spaces very quickly, we should run the risk from the coloured races that the member for Kalgoorlie(Mr. Green) had mentioned. Our duty to posterity was to settle the country as quickly as we could, and the Minister should not retard the satisfactory progress of the last six years. The Minister should keep in mind what happened in the past and adopt the suggestion of the leader of the Opposition to make it optional whether the land be taken up under leasehold or freehold conditions. That would be sufficiently far for us to go in connection with this experimental legislation.

[*Mr. Holman resumed the Chair.*]

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

Ayes	..	..	24
Noes	..	..	10
Majority for		..	14

AYES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. O'Loghlen
Mr. Dwyer	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Green	Mr. Turvey
Mr. Hudson	Mr. Underwood
Mr. Johnson	Mr. Walker
Mr. Johnston	Mr. A. A. Wilson
Mr. McDonald	Mr. Heitmann (*Teller*).

NOES.

Mr. Allen	Mr. A. E. Piesse
Mr. Broun	Mr. A. N. Piesse
Mr. Lefroy	Mr. S. Stubbs
Mr. Mitchell	Mr. F. Wilson
Mr. Monger	Mr. Layman (*Teller*).

Clause thus passed.

Clause 3—Leases of town and suburban lands:

Hon. J. MITCHELL: What success had attended leasing of town lands today?

The MINISTER FOR LANDS: Considerable success had been met with in connection with the leasing of town and suburban lands particularly in subdivisions made available in centres such as Moora, Kukerin, and other new centres in agricultural districts. It was the opinion of the member for Kimberley (Mr. Male) that the rush for these leases was due to the fact that people were waiting for the time when a Government would bribe themselves into power by granting the freehold of these blocks; but it was really due to the fact that the terms were of such a liberal character as to enable people to obtain blocks on fair conditions and at reasonable rentals, and because in the next place the allocation was such that there was no question of one individual securing a large number of blocks to the exclusion of others who might wish to establish themselves in business or for residential purposes in a town. Thus, instead of one or a few men scooping the pool by purchasing these blocks and then later on leasing them to others, instead of building up a position such as that in Sydney where so many men were on insecure tenure and on onerous terms of building leases, we would have the people as tenants of the Crown on liberal conditions and on security of tenure, who would be able to obtain blocks for themselves and would not be dependent on others.

Hon. J. MITCHELL: It was doubtful whether the system was satisfactory to the revenue of the country. At Nungarin, for instance, some leasehold land was sold and the very best blocks brought a premium of a few shillings only, though it was land which would probably have returned to the Treasurer £100 to £150 at open auction of the freehold. Alongside the townsite a person had recently cut up some freehold and the blocks when sold had found a very ready sale at a high price. It was doubtful whether the buildings in Perth returned more than five per cent. The people owning the freehold were not making a magnificent thing out of it, and the conveniences supplied would not be better under a leasehold system.

Hon. W. C. Angwin (Honorary Minister): The State would be better off.

Hon. J. MITCHELL: No. Under the present system the State had the use of a great deal of money, but it would take a very long period before the State would obtain £150 for a block leased at Nungarin. Again, under the present conditions the State gained the interest for the next 20 years on the price secured for the freehold. Further the Crown would not have the right to take the leasehold. The freeholder did not get his land for nothing considering all things. He would have liked to have had some detailed information with regard to the sale of these town lots.

The Minister for Lands: We got £208 in Greenhills for the leasehold premiums for eleven blocks.

[*Mr. McDowall took the Chair.*]

Hon. Frank Wilson: What is the value of those blocks?

The Minister for Lands: I cannot give you the assessed value but that is the premium that was paid.

Hon. J. MITCHELL: They probably were moderate priced blocks. It was a pity the Committee could not be given the information, but perhaps before the Bill finally passed the Minister would be able to say what would happen regarding those leased blocks.

Clause put and passed.

Clause 4—Rural land may be declared open for selection:

Hon. J. MITCHELL: Did this mean that no land that was not gazetted as open would be leased and that there would be no free selection?

The MINISTER FOR LANDS: The idea was as far as possible to avoid free selection, that was without classification and survey, but even if blocks were applied for they could be brought

under this clause by classification first, and doing as we were doing now. Where the blocks were applied for they would be thrown open and made available on a certain day and applications would be called.

Hon. J. MITCHELL: Was it the intention of the Minister to stop free selection entirely and insist upon all lands being thrown open under this clause?

The MINISTER FOR LANDS: There would be no obstacle placed in the way of applications for areas of land, but before the applicant could secure that land we would do as we had done in the majority of instances now, that was to gazette it as open on a certain day and that would be necessary, particularly in regard to the proposal for grazing runs, because a report would have to be obtained on the land in order to ensure that it was not land suitable for close settlement.

Hon. J. MITCHELL: Of course a report would have to be obtained, but reports were obtained in connection with every block before valuing it and before approving of its sale.

The Minister for Lands: That will still be continued. It is not free selection inasmuch as it is subject to the control of the department.

Clause put and passed.

Clause 5—Classification of rural land:

Hon. J. MITCHELL: Would the Minister explain what was meant by the words "Provided that land classified as grazing land must be in the opinion of the Minister unsuitable for cultivation." Did the Minister mean that this was land outside the rainfall area, or land which for various other reasons was considered unsuitable?

The MINISTER FOR LANDS: One or two instances might be given. In the first place it would include areas of stony land unsuitable for cultivation by the plough. Then it would include areas which were regarded as being outside the zone of a certain rainfall sufficient for carrying on agricultural pursuits, as we understood them to-day. There was no desire to have people going out there running risks of failure. At the same time it appeared to him that there was the opportunity of providing for the development of those areas and making provision for grazing leases of areas considerably smaller than those which ruled in the past for pastoral leases. These grazing leases would be on a somewhat smaller principle, on the basis of what was known as small grazing runs in Victoria, which in many of their conditions were paralleled with what we called grazing leases, but which were really grazing conditional purchase. The proposal was to make them available for grazing purposes, on the terms of tenure which were provided in later clauses, because he believed we could bring about the class of men who would be called small graziers and who ought to be encouraged by making the terms as liberal as it was proposed in the measure.

Hon. J. MITCHELL: The Minister proposed to have grazing farms. The land that was thought to be useless was daily proving to be of value; crops for instance were growing on sand plain and paid remarkably well. The Minister would need to be careful in leasing land under twenty-one years' terms, land that might be used by agriculturists. He entirely approved of the grazing farm outside the rainfall area, as long as the Minister provided for compensation for improvements effected. The only redeeming feature of the Bill was that it provided for these grazing farms to be established. The Minister however should have given more information as to his intention in regard to the classification of the land. We should hesitate to tie up land for twenty-one years for pastoral purposes, because it might possibly be used for agricultural purposes in the near future, and the Minister would do well to look closely into the question before attempting to put the proposal into operation, should the Bill become law.

The MINISTER FOR LANDS: The matter had received his very careful thought, and so far back as 1902 when he was first returned as a member of the House, he advocated that the country through which it was supposed to run, where the rabbit-proof fence was, that

was the Burracoppin fence, that a system should be instituted in the shape of this class of grazing lease, and he then maintained that it would be better to try and build up a settlement along that area east of what was considered the safe rainfall belt, and then to assist those people liberally with loans for the purpose of putting up their own rabbit-proof fences. This would have obviated the high cost of maintaining and protecting the fence we now had.

Mr. A. E. Piesse: Would residence be compulsory in these districts?

The MINISTER FOR LANDS: The proposal was that it should be either personal or by deputy. Since 1902 he had been confirmed in the opinion he then held that that would have been a more effective means of dealing with the rabbit-pest than the erection of the fence and subsequently a second fence which had proved a very costly undertaking.

Clause put and passed.

Clause 6—Lease in perpetuity of rural lands:

Hon. J. MITCHELL: According to the clause the land would have to be declared open for selection before it could be leased. The Minister had said this would not be necessary.

Mr. A. E. PIESSE: In consequence of the last division we had substituted a system of leasehold for freehold, and under the clause provision was made for leases in perpetuity. He would like some fuller information from the Minister as to the conditions of lease, and how it was proposed to deal with the tenant if, at the expiration of the 20 years' term, the tenant wished to discontinue the lease. Was it proposed to provide by regulation that the lessee should have a certain time in which to quit his holding? It would be rather an awkward position for the lessee if, after living for 20 years on the land, he found it impossible to remain, because of a higher assessment placed upon his land. What course would be taken should the tenant wish to discontinue occupying that holding? Would he be given a reasonable time in which to quit?

The MINISTER FOR LANDS: The hon. member contemplated something which had never been found necessary to provide for in the perpetual leases in operation in New South Wales, South Australia, and New Zealand. Instances of tenants leaving their holdings because they regarded the reappraisement as being too high did not come under notice. If such occasion should arise, obviously a Government responsible to the people of the State were not going to treat Crown tenants in the cavalier fashion practised by private landlords. Even if such an occasion should arise ample provision would be made for reasonable time being given for the outgoing of the tenant and for the valuation of his improvements, and the payment of compensation for those improvements, either by the Crown or by the incoming tenant. The power to make regulations would be brought into use, and regulations would be made to provide for such a contingency.

Mr. A. E. PIESSE: Of course no Government would be foolish enough to deal harshly with any tenant, but a leaseholder might, during his 20 years of occupancy, put very extensive improvements on the land. Surely such a leaseholder should have reasonable time to get out of his holding when he desired to do so. In a time of financial stress it would probably be difficult for the leaseholder to get anything approaching the value of his improvements, and he might therefore have to go on for a certain time paying any excessive sum his land might be assessed at. Provision should be made to give such a man twelve months' notice in the event of the Crown wishing to repossess the land and dispose of it to somebody else.

Hon. J. MITCHELL: The clause made it imperative that the land should be declared open before it was selected.

The Minister for Lands: Even if an application is made on an unsurveyed area it is an easy matter to formally declare that block open.

Hon. J. MITCHELL: But it was a method unnecessary and expensive. He did not agree with the Minister. The man who went to the extent of searching for

a block should be allowed to select. While the past Government had discouraged further selection yet they had always allowed it outside of land served by a railway. The Minister should allow the system of free selection to continue. Surely the Minister would agree to amend the clause in the direction of making it possible for a selector to get a block without having to wait until the block had been declared open and gazetted accordingly.

Mr. E. B. JOHNSTON: The clause would not have the effect suggested by the member for Northam. When the Crown had large areas fit for subdivision those lands would be surveyed and thrown open. In other districts the present system would continue. It was a matter of common, everyday occurrence. In this week's *Government Gazette* large areas of land were thrown open to selection, subject to classification. That system would continue under the clause, the only difference being that the men who applied would get a perpetual lease instead of a conditional purchase holding.

Clause put and passed.

Clause 7—Rent:

Hon. J. MITCHELL: The rent was fixed at two per cent. On the second reading he had pointed out that five per cent. was paid on repurchased estates, four per cent. on town lots, and three per cent. under the Workers' Homes Act, and now two per cent. was to be charged under this Bill. How did the Minister propose to fix his values? The Minister had given the Committee to understand that he would get as much revenue under the two per cent. as he now obtained from the five per cent. to-day.

The Minister for Lands: I did not say that.

Hon. J. MITCHELL: The two per cent. charge would just cover the working expenses of the department, and in fixing the rate so low the Minister was making fairly heavy inroads upon the land revenue. Even if the land was to be leased it should be leased at a rental that was nearer a fair thing. It was unfair of the Minister to say that in one case the rate should be five per cent., in another four per cent., in yet another three per cent., and now two per cent. The clause provided that the improvements effected might be paid for by the Crown and charged up against the tenant, and the payment for those improvements might be extended over a number of years. But there was no provision for interest on the improvements.

The Minister for Lands: That proviso gives power to provide for interest.

Hon. J. MITCHELL: It was provided that two per cent. was to be charged under this clause.

The Minister for Lands: That does not cover the interest on improvements.

Hon. J. MITCHELL: The Minister should make it clear under this clause that he could charge interest for the improvements. What rate of interest was the Minister going to fix for the improvements? If he fixed two per cent. under this clause why should he ask for more than two per cent. on the improvements?

The Minister for Lands: The values are entirely different.

Hon. J. MITCHELL: The values were always the same; the two per cent. was ridiculous.

Mr. Underwood: We will alter it after 20 years.

Hon. J. MITCHELL: That was where the objection to this system came in, because after 20 years the selector would have to pay a higher rate.

The MINISTER FOR LANDS: There was good and sufficient reason for making a differentiation between the rental charged on town lands and the rental charged on rural lands. The use of areas for business in towns was a secondary industry in which much greater advantage was reaped, particularly at the outset, than in the case of a man who was embarking on a rural industry. It was for that reason that a difference was made in the rental charged in the case of town blocks and that in the case of rural lands. As to the statement that two per cent. on rural lands was a low rental, he wished with all his heart that the people of Western Australia were able to secure two per cent. on the alienated estate which the Crown had parted with in Western Australia since

the State was established. If we had two per cent. on the unimproved value without taking into account the improvements, Treasurers now, and in past years would have had considerably less worry in financing.

Mr. Broun: You would not have anything like the revenue.

The MINISTER FOR LANDS: We would have had a higher revenue than we had to-day even with the sale of land, under which system the payments ceased after 20 years.

Mr. Broun: What about the taxation?

The MINISTER FOR LANDS: That was a different proposition. Two per cent. on the land alienated at the present time would mean that we would have a considerable revenue utilised for the communal benefit instead of being diverted into the pockets of a few—the result of the energy and the enterprise of the many secured by the few to the detriment of the many. In this case the distinction had to be borne in mind that there was a vital difference between charging an annual payment representing five per cent., which ceased after 20 years, and a payment of two per cent., which was continuous during the term of the lease. And while he recognised that if we looked at it from the immediate point of view, this year or next year the revenue might not be so great, and not so great in the case of town lands also, which were leased instead of sold; yet if we took the proposition at the period when the larger portion of the available agricultural lands was alienated, and the payments were ceasing, then this leasehold system would represent an infinitely better proposition to the State than the system pursued in the past. In those circumstances it would be wrong for us to charge five per cent. for leases, which was paid at the present time for conditional purchases, representing a payment of 20 years. The two per cent. charge represented a happy medium between fairness to the community and consideration to the settler—consideration in that the Government desired to give him every opportunity to successfully carry out the productive occupation of his land.

Hon. J. MITCHELL: The Minister had said that the people improved the value of the farm. It was entirely due to the enterprise of the persons who went on the land that the land became valuable. If there were no other people in the State the wheat would be just as valuable to the farmer because he only got what it would bring in the open market. The Minister said that the land could not speedily be brought into use. It was important that the revenue should be protected, and protected here and now. The Treasurer could never be in greater trouble than he was at present, and yet, right in the midst of his greatest trouble a proposition was made which would deplete the revenue.

Mr. E. B. Johnston: Would you increase the two per cent.?

Hon. J. MITCHELL: It was provided that land might be converted, and if it was brought under this measure the Treasurer would lose his revenue altogether, because it was provided that the amounts already paid might be written up against the payments in the future. If the measure was sufficiently alluring to people who had no land, it might be sufficient to tempt some people who held land to convert into leasehold. It was ridiculous to lease land at two per cent. when money was worth several times two per cent.

Mr. Underwood: How many times two per cent.?

Mr. Green: It is going down on record that you want to tax the farmer.

Hon. J. MITCHELL: The Committee should protect the revenue of the country. It could go down on record that the Minister intended there should be no further alienation of land and that he had fixed the two per cent. to unduly burden the people who had land, because on them would fall the burden for the present mismanagement.

Mr. Green: Who will it fall upon when all the lands are sold?

Hon. J. MITCHELL: It would fall on all the land by the land tax spread over the whole country equally.

The Minister for Lands: But this is the tax.

Hon. J. MITCHELL: Then it was not rent at all. The Minister would need the two per cent. to cover the working expenses of his office.

The Minister for Lands: No.

Hon. J. MITCHELL: Yes, there was the record of years sufficient to convince anyone. The cost of the office to-day, including surveys, was over two per cent.

Mr. Underwood: Two per cent. on what?

Hon. J. MITCHELL: On the value of the land sold. Two per cent. would be altogether too low and we were not providing that the land already sold or held under conditional purchase was to bear the additional burden which land must bear in the future.

The Minister for Lands: This will bear its share.

Hon. J. MITCHELL: The difference between the two per cent. the Minister proposed and the five per cent charged would have to be made up by some means or other, and it could only be made up by additional land tax against present holders. It was ridiculous to say that the two per cent. represented the tax. Would the Minister say what the difference was between five per cent. for 20 years and two per cent. for all time?

The Minister for Lands: The five per cent. for 20 years represents the payment for the purchase of the land.

Hon. J. MITCHELL: For how many years was it equal to two per cent.? Of course the Minister did not know. If the Minister had the money for the land he could invest it and earn this two per cent. He protested against the two per cent. because the additional cost would be thrown on the people who had land and it was a ridiculous rate.

Mr. E. B. JOHNSTON: The Minister was to be congratulated on his statesmanlike proposal. It showed that we had a Minister who realised something of the hardships that settlers had to undergo during the early years of settlement. The late Government had done a lot to unduly increase the burden of the new settler. The present Minister would lighten this burden and remove it by letting the settlers have land entirely rent free for three years, so that they could devote the whole of their capital and energy to make their farms reproductive. The Minister had risen to the occasion in fixing this low rental. It was terrible for a man with his wife and family to go on country entirely unimproved and often waterless, and have to pay heavy rent for the right to build a home. The Government proposals would ensure perpetual revenue and would assist the man with limited means to go on the land and get it under cultivation. The member for Northam (Hon. J. Mitchell) was afraid this would throw an undue burden on existing landholders. Nothing of the kind would happen. If we leased the 600,000,000 acres of land that the Crown owned, we would be in a position to relieve, if anything, the burdens of existing landholders, and that was an object which the hon. member would support. He favoured the two per cent. and resented the action of the Opposition in trying to put heavier rentals on those who were just going on the land. The Opposition had shown a wish to do this as they argued that two per cent. was not sufficient rent.

Hon. J. MITCHELL: How did the Minister propose to arrive at the value? Subclause 3 stated—

> The capital value shall be the price at which the land in fee simple, unencumbered by any mortgage or charge, might be expected to sell at the time when valued.

Hon. W. C. Angwin (Honorary Minister): How do you get the value now?

Hon. J. MITCHELL: The question was addressed to the Minister for Lands.

The MINISTER FOR LANDS: Up to the present time no difficulty was found in absolutely new subdivisions and new townsites in fixing the value both for selection and leaseholds, and it was proposed to pursue exactly the same policy in the future.

Hon. J. Mitchell: But you auction town blocks.

The MINISTER FOR LANDS: In every instance the blocks were not sold by auction. The unimproved value of blocks for the purpose of basing the rental had also been fixed, and in the case of some new townsites where areas had been

made available for suburban lots for cultivation they had not been put up to auction but the unimproved value had been fixed and the rental based upon it. It was proposed to do the same under this Bill.

Hon. J. MITCHELL: The values placed on lands so far had been exceedingly low and not the values the blocks would realise if submitted to auction.

The Minister for Lands: We do not intend to act as Shylock.

Hon. J. MITCHELL: But Subclause 3 provided, "The capital value shall be the price at which the land in fee simple unencumbered by any mortgage or charge might be expected to sell when valued." The Minister had no freedom, and must fix the value in accordance with this subclause. Under the present system the price fixed was a matter of policy. The price was fixed to tempt people to settle on the land. It was the price fixed as that to be paid for the land for 20 years without interest. A block selling to-day at £1 per acre would really be equal to 10s. on a cash basis. The Minister must also remember that we gave 160 acres free.

The MINISTER FOR LANDS: There were some unfortunates who could not manage on the values fixed on their land because it was a long way higher than the sale price.

Mr. Broun: They pleased themselves.

Hon. J. MITCHELL: There was no sale price. The price was the price spread over 20 years. The cash price would be just one-half the amount now charged. Of course mistakes may have been made and the price fixed too high, but the Minister followed exactly the same method as the previous administration; in fact the prices had been increased on some blocks thrown open during the present Minister's term of control.

The Minister for Lands: I have had to reduce prices on reclassification.

Hon. J. MITCHELL: That often happened.

The Minister for Lands: In whole subdivisions.

Hon. J. MITCHELL: That could happen. Probably the Minister acted on the advice of the same officer who had advised when the prices were originally fixed.

Hon. W. C. Angwin (Honorary Minister): Advice is not always followed.

Hon. J. MITCHELL: It was in this case, though sometimes the price was increased and sometimes it was decreased. The Minister should say what he intended to do under Subclause 3 which left him no option. What would he do in the case of good land, say in the Bridgetown district, suitable for apples? The land was sometimes worth £4 or £5 an acre. When the Minister asked us to allow him to make this Bill law he should tell us what he would do. If the price was to be two per cent. or three times the value now charged, naturally the department would get as much revenue as under the five per cent. system.

The MINISTER FOR LANDS: The hon. member asked the question and was answered, but still persisted in repeating the question. It was absurd to continue that policy.

Hon. J. Mitchell: You are absurd, you do not answer the question.

The MINISTER FOR LANDS: The hon. member was like a parrot.

Mr. Monger: Well, answer the question.

The MINISTER FOR LANDS: When the member for York opened his mouth he put his foot in it. The hon. member was well conducted only when he was keeping absolute silence. We could appreciate the good manners of the hon. member when his mouth was closed. The values fixed in the past did not exceed in any instance the values fixed by the member for Northam, and in a great many instances they were less. The values fixed for the purpose of throwing open land for selection under existing conditions would be the values that would be fixed under the leasing system.

Hon. J. Mitchell: How do you know?

The MINISTER FOR LANDS: Because he was telling the hon. member, but if the hon. member required to be told half a dozen times he (the Minister) was not prepared to do it.

Hon. Frank Wilson: The Bill will not allow you to do that.

Hon. J. MITCHELL: The Minister know nothing about his Bill, and did not supply the information asked, evidently because he did not know; and probably the information would have to be got from some other Minister in another place. There was no power given to charge interest on improvements. Improvements were paid for, but they were not to be included in the capital value. The clause showed that if the land was improved the Minister could, in his discretion, direct that the value of the improvements should not be included in the capital value on which the annual rent was based but should be paid by the lessee by instalments or otherwise, as the Minister might determine, and in such case the Minister could, if he thought fit, pay the value of such improvements when received, or any part thereof, to any person by whom such improvement might have been effected. That was the point that the member for Katanning (Mr. A. E. Piesse) raised. That hon. member was anxious to know if the previous lessee would be protected. Could the Minister under this clause charge interest on improvements made by the previous tenant, could he charge interest on improvements made by the Crown, and could he collect such interest from the tenant?

The MINISTER FOR LANDS: Under the proviso to Subclause 3 the Minister could make provision for the payment of interest on the value of improvements, because the proviso gave the Minister power to stipulate that the value of the improvements should be paid by the lessee "by instalments or otherwise," as the Minister might determine, and that included power for providing for interest on the deferred payments for the improvements that might have been effected.

Hon. J. Mitchell: Certainly not.

The Minister for Lands: It did.

Mr. E. B. Johnston: Under the original Act the Minister has power in this respect also.

Hon. J. Mitchell: The Minister should make it clear that he has power to collect.

The CHAIRMAN: The Minister had already answered the question that he had the power. Why have all this tedious repetition?

Hon. J. MITCHELL: The Minister should answer the question and he (Mr. Mitchell) insisted on his right to have the information.

The CHAIRMAN: The hon. member had had every latitude and had asked the same questions over and over again.

Hon. J. MITCHELL: What he wanted was the Minister to make provision which would guarantee a man who effected improvements a fair rate of interest on his money. The power was not in the Bill and the Minister should make that provision.

The CHAIRMAN: The Minister for Lands had stated that in his opinion it was so, and the hon. member would have to accept that answer.

Hon. J. MITCHELL: The information that was desired about these clauses should be given. The Committee were getting no reply and no information.

Hon. W. C. ANGWIN (Honorary Minister): It was not surprising to find that the hon. member for Northam was anxious to have additional burdens placed on those who were on the land. He knew of many such instances.

Hon. J. Mitchell: Give us one.

Hon. W. C. ANGWIN (Honorary Minister): The case of Dr. Hope.

Hon. J. Mitchell: Who advised in that case?

Hon. W. C. ANGWIN (Honorary Minister): The Surveyor General and the men who classified the land. More instances could be given if the hon. member wanted them. It was not surprising that the hon. member was anxious that unfair burdens should be put on those who took up land in the future, and he was trying to get the Minister for Lands to agree to actions similar to those which he did himself.

Mr. MONGER: It was not his intention to allow this clause to go any further after the insulting remarks made by the Minister. The Minister had never lost an opportunity since he had held that Ministerial position——

Hon. W. C. Angwin (Honorary Minister): What clause are the Committee dealing with?

The CHAIRMAN: The question was being put, and while he was actually about to declare that the "ayes" had it, the member for York rose to speak.

Mr. MONGER: What he wanted to know was why the Minister for Lands on every possible occasion, because he held a Ministerial position, attempted to be rude and vulgar to him. This evening he made a most insulting remark across the floor of the House and it was not his intention to allow it to pass unnoticed.

The CHAIRMAN: That had nothing to do with the clause.

Mr. MONGER: While he would keep to the clause, he insisted on knowing why the Minister should be allowed those privileges which were not given to other members.

The CHAIRMAN: The hon. member would have to withdraw that remark which was a reflection on the Chair. The Minister for Lands had not been given any more latitude than other hon. members, in fact, not nearly so much as members on the Opposition side.

Mr. MONGER: The remark would be withdrawn, but he would promise that if the Minister desired an expression of opinion from the Opposition side of the House, he (Mr. Monger) would never lose the opportunity of giving it to him, and he would use every privilege that the House would allow him to adopt.

The CHAIRMAN: The hon. member was not dealing with Clause 7.

Mr. MONGER: He would deal with it to this effect, that one hon. member opposite made some strong references to the overloading of the banks, and the same hon. member referred to electioneering addresses.

The CHAIRMAN: That had nothing to do with the clause. If the hon. member desired to discuss the clause he could have that opportunity, otherwise, he would have to resume his seat.

Mr. E. B. JOHNSTON: The question was asked several times about charging interest under this clause, and he would point out that the Minister still had power to charge interest under Sections 146 and 147 of the existing Act.

Clause put and passed.

Progress reported.

House adjourned at 11·20 p.m.

Legislative Council,

Thursday, 14th November, 1912.

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

PAPERS PRESENTED

By the Colonial Secretary: 1, Harbour and Light Department—Chief Harbour Master's annual report, 1911-12. 2, Roads Act, 1902—By-laws of the Upper Gascoyne roads board.

LEAVE OF ABSENCE.

On motion by Hon. H. P. COLEBATCH (for Sir E. H. Wittenoom), leave of absence for the remainder of the session granted to Hon. R. W. Pennefather on the ground of ill-health.