Legislative Council,

Wednesday, 20th December, 1905.

THE PRESIDENT took the Chair at 4·30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Katanning-Kojunup railway map, showing centre line with limits of deviation. 2, Goomalling-Dowerin railway map, showing centre line with limits of deviation. 3, Wagin-Dumbleyung railway map, showing centre line with limits of deviation.

QUESTION—TORBAY-DENMARK RAILWAY PURCHASE.

HON. C. A. PIESSE asked the Colonial Secretary: 1, Are the Torbay-Denmark Railway and lands under offer to the Government? 2, If so, what is the price asked for same by the vendors?

THE COLONIAL SECRETARY replied: 1, The owners have written asking the Government to have this estate inspected with a view to open negotiations for its purchase. 2, No price has yet been named.

ABORIGINES BILL.

ASSEMBLY'S AMENDMENTS.

Schedule of ten amendments made by the Legislative Assembly now considered in Committee.

No. 1—Clause 2, add to the definition of "half-caste" the words "but shall not apply to quadroons":

THE COLONIAL SECRETARY moved that the amendment exempting quadroons be agreed to. The definition must end somewhere.

HON. W. PATRICK: Would quadroons be exempted even if uncivilised?

THE COLONIAL SECRETARY: A half-caste who dissociated himself from the aborigines, and did not intermarry with them, was not a half-caste within the meaning of the definition.

Question passed, the amendment agreed to.

No. 2—agreed to.

No. 3—Clause 10, strike out the words "not exceeding in any one magisterial district an area of 2,000 acres":

THE COLONIAL SECRETARY moved—

That the Assembly's amendment be not agreed to.

The purpose of the Committee in limiting the area of reserves was to provide close to town lots camps wherein natives could reside, white persons trespassing therein being guilty of an offence under the Act. Camping grounds only were needed, as the right to hunt was never denied natives by lessees of pastoral lands. Even if natives were put on large reserves, there was no hope of keeping them there, and the notion must be abandoned by anyone who understood the circumstances. The report of a select committee of this House fully set out the reasons for limiting the area of the reserve within each district. The House had made that area divisible, so that in one district there might be five reserves of 400 acres each. The Assembly was evidently under some misconception.

HON. J. W. LANGSFORD supported the idea of reserving large areas for hunting purposes. This was advocated by the Chief Protector in his report for last year, to the effect that in the North were large unoccupied mountainous districts suitable for native hunting-grounds; that 2,000-acre reserves in such immense magisterial districts as those in the North would soon nullify the idea of reserves; and that large reserves were favoured by many officials and other persons. Dr. Roth was of the same opinion.

HON. R. F. SHOLL opposed the Assembly's amendment, for the reasons given by the Colonial Secretary. All experienced persons knew it would be impossible to keep natives on reserves; and if power were granted to declare large reserves, pastoralists would no longer have security of tenure. Camping grounds to which whites should not have access would meet the case. The Chief Protector, Mr. Prinsep, was an amiable and well-intentioned man, but it did not appear that he had ever been farther North than Geraldton.

HON. C. A. PIESSE: If it was the intention of the mover of this amendment to wipe out the natives, a better course could not have been adopted. Put the various tribes on large reserves, and in six months they would meet the fate of the Kilkenny cats.

HON. E. M. CLARKE opposed the amendment. If different tribes of natives were herded on one area, they would soon settle the native question. It was said that native game was disappearing. On the contrary, the Government were subsidising settlers in the North to destroy kangaroos; and even then these animals had increased five-hundredfold. To talk of destroying the natural food of the natives was nonsense. That food was increasing in quantity.

HON. C. E. DEMPSTER opposed the amendment. The natives had full liberty all over the country; hence hunting-ground reserves were needless.

HON. W. MALEY supported the clause as passed. It was idle to imagine that the reserves provided by the Bill would be happy hunting-grounds for the natives. The native would hunt where there was most freedom; not where there was least. When a lad in South Australia he had his attention drawn to a reserve exclusively for natives, within four miles of Adelaide. This had practically never been used by the natives; and on the attention of the authorities being drawn to the fact, the reserve was leased at a rental of £1 per acre. Clause 10 was an experiment; but we need not expect it to have the success anticipated by Dr. Roth and other sanguine gentlemen.

HON. V. HAMERSLEY: No great objection seemed to lie against the Assembly's amendment, which would empower the Government to reserve any Crown lands for aborigines. It was not to be expected that any Government would reserve too large an area. The amendment would permit of reserves being given a trial.

Question passed, the amendment not agreed to.

No. 4—agreed to.

No. 5—Clause 25, after the word "Act" in line 7, strike out the words "and shall be liable upon conviction to imprisonment for any term not exceeding three months, with or without hard labour:"

THE COLONIAL SECRETARY: The clause provided penalties for breaches of agreement by aborigines. The object of the amendment was not clear; but if it were intended to make the penalty lighter for the aboriginal, the amendment signally failed. However, as the terms of imprisonment provided in the clause and in the amendment were maximum terms, he moved that the amendment be agreed to.

Question passed, the amendment agreed to.

No. 6—Clause 26, agreed to.

No. 7—Clause 36, strike out the word "Chief," in the last line:

THE COLONIAL SECRETARY: The clause dealt with persons prohibited from frequenting natives' camps, and provided that no such persons should be prosecuted except by direction of the Chief Protector. The amendment would enable prosecutions by direction of any protector. He moved that the amendment be agreed to.

Question passed, the amendment agreed to.

Nos. 8, 9—agreed to.

No. 10—Add the following as Clause 5:—

The Colonial Treasurer shall, in every year, place at the disposal of the Department, out of the Consolidated Revenue Fund, a sum of ten thousand pounds, and such further moneys as may be provided by Parliament, to be applied to the purposes of the department. If in any year the whole of the said annual sum is not expended, the unexpended balance shall be retained by the Department and expended in the performance of the duties thereof in any subsequent year.

THE COLONIAL SECRETARY: This was a clause that had to be introduced in another place, being the money part of the Bill. He moved that the amendment be agreed to.

HON. R. F. SHOLL: The latter part of the clause might lead to extravagance. In addition to £10,000 any farther sum Parliament might vote could be applied to the purposes of the department. Unexpended balances might be retained by the department.

THE COLONIAL SECRETARY: It was doubtful whether we could alter the amendment constitutionally. During the last five years this department spent sums

ranging from £10,300 to £14,000 a year; so that £10,000 was under the average expended.

Question passed, the amendment agreed to.

Resolutions reported, and the report adopted.

A committee consisting of Mr. Drew, Mr. Sholl, and the Colonial Secretary drew up reasons for not agreeing to amendment No. 3.

Reasons adopted, and a message accordingly returned to the Assembly.

BILL—STATUTES COMPILATION.

ASSEMBLY'S AMENDMENT.

An amendment made by the Legislative Assembly now considered in Committee.

Add the following new clause:—"Notwithstanding anything contained in this Act, in the event of the rights of any parties arising under any Acts repealed hereunder being in question, the Court shall be entitled, notwithstanding the repeal of the said Acts, to refer to the same for the purpose of determining such rights."

HON. M. L. MOSS: If the amendment were agreed to, it would destroy the purpose we had in view in enacting the measure. The reasons alleged for tacking on the amendment were that the Attorney General, in altering the language of statutes in accordance with Clauses 2 and 3 of this Bill would be taking upon himself the responsibility of practically making a fresh law; but those members who gave expression to that opinion hardly gave sufficient consideration to Clause 4 of the Bill; because, after the old statutes had been compiled according to the method described in the Bill, Clause 4 provided that the compiled Bill was to be re-enacted by Parliament. The amendment would enable a court of law to look at the old statutes, with a view to ascertain what the Legislature had previously enacted. As stated on the second reading, the law of property was contained in 34 statutes covering 60 or 70 years, and the law of evidence in some 27 statutes, covering another long period. If the inferior courts especially were obliged for the purpose of interpreting a compiled statute to refer to the old law, the very object of the Bill would be defeated. He moved that the amendment be not agreed to.

Question passed, the amendment not agreed to.

Resolution reported, the report adopted, and a committee consisting of Dr. Hackett, Mr. Haynes, and Hon. M. L. Moss, drew up reasons for not agreeing to the amendment.

Reasons adopted, and a message accordingly returned to the Assembly.

BILL—PERMANENT RESERVES RE-DEDICATION (No. 2).

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): This Bill deals with two reserves, one almost adjoining the premises in which we are considering the Bill, and the other a reserve at North Fremantle. The Bill is introduced for the purpose of complying with the Parks and Reserves Act, which provides that before the purpose or the boundaries of a permanent "A" reserve can be changed, legislative authority must be obtained. To deal first with Permanent Reserve A 3421, which was set aside for the purposes of the Perth High School, and is situated opposite this building, I would point out that last session part of Ord Street was closed at its eastern end, that closure being effected on the understanding that a way would be given to the people living in Havelock Street to reach Harvest Terrace *via* what is known as Wilson Street, and that Wilson Street should be widened till it attained a width of 150 links. To widen Wilson Street to this extent it is necessary to take from the reserve in question 75 links, to be added to the present width of Wilson Street, 75 links; and to compensate for that the Government propose to throw into this reserve dedicated to the high school the 100 links saved by the closing of Ord Street. I am sure it will be somewhat of a solatium to the Hon. Dr. Hackett, who so zealously protects the reserves of the people, that the interests of the Perth High School are so amply protected, and indeed advanced, by the measure before the House. With regard to the other small reserve, No. A 7403, situated at North Fremantle, close to the shores of the Swan River, or to that portion of it known as Prawn Bay, it has long been the wish of the North

Fremantle Municipality to obtain some piece of ground in that vicinity, for the purpose of municipal yards and stables. There was no other piece of ground suitable save this; and the Government have therefore thought it advisable to change the purpose of this permanent reserve originally set apart for recreation. There is already an extremely fine recreation ground at no considerable distance from Reserve No. 7403; and the Bill proposes to change a portion of the latter reserve for the municipal purposes which I have just mentioned. I do not think any farther explanation necessary. I have much pleasure in moving the second reading.

HON. W. MALEY (South-East): I do not propose to oppose the Bill; but seeing some reference in it to the Perth High School and to the fact that for a certain purpose the Bill is intended to abstract some portion of the high school reserve, I should like to say it is in my opinion a disgrace to Western Australia that the high school should occupy its present insignificant position, on a sand-patch. If the school be transferred to Albany, I shall be pleased to grass, at my own expense, 10 acres of the sand-patch in that town, and to make the ground a far more eligible site for a school than is that on which the high school now stands. This morning I was up at about 6 o'clock to see the train off to the Great Southern district. One half of the pupils returning from school were from the Eastern States, and the other half, so far as I could see, were from the high school. We are sending our scholars to the Eastern States to be educated, though we have already arranged for the groundwork of a local university; and it is rather sad that we have no school to which we can point with any pride, and which will in any way compare with the schools of the Eastern States. The Minister has not stated what is to be done with the high school. Surely it is time something was done for higher education, so as to provide a school with the necessary appointments and comforts which an institution so designated should possess.

HON. J. W. WRIGHT: What has this to do with the reserves?

HON. W. MALEY: A great deal. If we take away a certain portion of the high school reserve and devote it to some other purpose, the question arises whether sufficient is left for the original purpose. I have practically at my finger-ends the history of Western Australia for the past quarter of a century; and I remember more than one allotment of land branded "High School reserve." It appears to me that the high school reserve has been shunted about from one place to another, from pillar to post; and I wish to know whether there is enough land left to be built upon, and if so, whether it is the intention of this Government, which is educational to a degree and alive to the necessity for higher education, to build upon that land an institution with all the appointments necessary to a decent college. I hope that in taking away part of the reserve the Government will leave sufficient for the purpose to which the reserve was first dedicated and that the reserve will, at the earliest possible moment, be applied to the use for which it was intended. If not, there is always the alternative scheme which I proposed—to build a high school near Albany, in a salubrious climate; and I will undertake to grass part of the sand-patch at Albany, now supposed to be an eye-sore. I will grass 10 acres of it, if the Government will erect a high school there in the interests of Western Australia.

HON. J. W. HACKETT (South-West): I beg leave to support the Bill, especially the earlier portion of it. On behalf of the governors of the high school, I have to mention that they concur in the dedication of a portion of their reserve to the widening of Wilson Street, believing that this will in many ways be for the benefit of the remaining portion of the reserve.

THE COLONIAL SECRETARY: They concur, too, in the addition of 25 links to their reserve.

HON. J. W. HACKETT: We have not yet received that land, but I hope our anticipations will be realised. I was not in the House when Mr. Maley spoke; but I presume that he referred to the appearence of the present site of the high school, and to the building. [HON. W. MALEY: To the discomforts.] As to the school itself, I think it right, in view of the office I hold as chairman of governors, to point out that as far as instruction goes, the high school is now

leading the way in the junior and senior examinations of the University of Adelaide.

HON. W. MALEY: In spite of disadvantages.

HON. J. W. HACKETT: In spite of all disadvantages. It is remarkable what Perth schools have done in those examinations. It will be seen from the very last list published, that out of about a dozen names with which the list begins, all but one—that of a South Australian boy—came from Perth. That is, I suppose, one of the most creditable records which any body of schools could put forward, a record of the honours secured by the secondary schools of Western Australia, in competition with the entire body of youth, male and female, of South Australia. Regarding the high school buildings, I fear that I must altogether agree with Mr. Maley that they are a disgrace to the school, to the State, and to the Government.

HON. J. W. WRIGHT: The late Government?

HON. J. W. HACKETT: To all Governments.

THE COLONIAL SECRETARY: It is not a Government school.

HON. J. W. HACKETT: There is no doubt that it is under State control.

THE COLONIAL SECRETARY: The State has no control over it.

HON. J. W. HACKETT: Undoubtedly it has. The State appoints the governors, grants the subsidies, and can if it please, abolish the school to-morrow. It cannot abolish a private school. After many promises, all of them deferred in their fulfilment, the governors are becoming very tired indeed, and, I take it, feel that something must be done in a short time if the school is to be continued. The buildings are almost ruinous; they are in a condition of dilapidation that is a disgrace to everybody concerned. The difficulty is the lack of funds. We have no money to raise new buildings; and without new buildings we feel that the school cannot do justice to its pupils. We hope that within the next few months the Government will see their way to consent either to the mortgage or the sale of the lands, so that we may obtain sufficient funds from that source, as a Parliamentary grant seems too indefinite and too distant to hope for. We wish to be able to use any funds we can raise on the security of the land itself, for the purpose of constructing a school which will be up to date and worthy of Western Australia. The site which has been dedicated to the high school, next to the Observatory site, is a noble one; but it is not sufficient to provide playgrounds. However, speaking of the Bill, the subtraction of the small area mentioned, considering the circumstances will, I believe, improve rather than injure the value of the remainder.

IN COMMITTEE, ETC.

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

Bill read a third time, and *passed*.

BILL—STAMP ACT AMENDMENT.

SECOND READING.

Resumed from the previous day.

HON. G. RANDELL (Metropolitan): My object in moving the adjournment of the debate was to give members an opportunity of making themselves acquainted with the provisions of the Bill. I have gone through the Bill as well as I could in the limited time at my disposal; and so far as I can see, the Bill proposes to impose taxation by a means which must ultimately be adopted in this State; therefore I do not intend to offer any objection. After a cursory examination of the various stamp duties proposed, I think that they are reasonable, and indicative of a means by which the Government will probably have to raise a large revenue in the future.

HON. C. A. PIESSE (South-East): I would ask Mr. Moss whether ample provision will be made for supplying country towns with the various stamp forms which the Bill renders obligatory? Unless this is done, it will be most difficult to conduct business in country places; for merchants will have to lay in large stocks of stamped documents. I trust that the needs of such centres will not be overlooked.

HON. S. J. HAYNES (South-East): I have only been able to glance through the Bill, which seems necessary for revenue purposes; nor do the charges appear unreasonable. I should like to draw attention to the fact that the Bill will come into operation on the 1st

January next. I think the interval is too short for a Bill of this kind.

HON. M. L. MOSS: The Government want a half-year's revenue.

HON. S. J. HAYNES: This is not like a Tariff Bill, in respect of which the revenue can be collected as soon as Parliament proposes to raise it. This is the 20th December, and it is proposed that the Bill shall become law on the 1st January. I hope that copies of the Act will be available in good time. [HON. M. L. MOSS: Yes.] In the past I have been unable, within three months after the prorogation of Parliament, to obtain copies of Acts passed during the session. In Committee, I shall propose that the commencement of the Act be postponed for a reasonable period, thus giving the general public and the mercantile community an opportunity of ascertaining its provisions, and of knowing what duties they have to pay, so that they may respect the law. Having regard to the period of the year at which we have arrived, and the time needed to circulate copies of the Act, the date of commencement should be postponed, so that the public may not be embarrassed. If the Bill is extended for a month or so, the revenue will not suffer materially.

HON. W. MALEY (South-East): I agree with the remarks of my colleague, and say that to my knowledge certain business men in the city of Perth have endeavoured to procure impressed stamps on certain documents and have been refused by the department. They have certain printed forms, and these forms if they are not accepted will put them to trouble and disadvantage. One knows the value of printing now-a-days, and if men cannot take their forms and have them impressed it places firms at a considerable disadvantage. It would not be too soon if the department, armed with proper authority, was prepared to impress stamps on documents presented to them. I understand they are not prepared to do so but have refused to impress stamps. That will act as a restriction of trade and business, and it was never intended that this Bill should restrict trade. I know hardship has already been experienced by people in Perth.

HON. J. M. DREW (Central): I wish to draw attention to Clause 6. I think if this clause is carried out, in country districts it will act very seriously; it is all very well in places like Perth and Fremantle and Geraldton and large towns where embossed promissory notes can be procurred, but what about localities 20 or 30 miles from large centres. Transactions take place—a man sells a horse to another on terms and he takes a three months' bill. If this measure comes into force, instead of taking a promissory note verbal arrangements will be made and the revenue will consequently suffer. Provision is made to prescribe parts of Western Australia in which it will not be necessary to use these impressed stamps. I would like Mr. Moss to explain how it is proposed to arrange these districts, whether they will be municipalities or magisterial districts. Even then it may be found necessary for the maker of a promissory note to state the latitude and longitude at which it was drawn to prevent legal trouble in the future. I sympathise with the object of the Bill to increase the revenue; but I should not like to see the people in the country districts, remote from settlement, suffer inconvenience.

HON. M. L. MOSS (in reply): Every opportunity will be given for purchasing the impressed stamps on bills printed by the Government at all the magistrates' offices and savings banks and in all centres where Government offices are to be found. As to the point raised by Mr. Haynes with regard to every document liable to duty under the Stamp Act of 1882 or this Bill, Mr. Haynes will agree with me that if the documents are stamped with the duty prescribed by the Act of 1882 in ignorance of the passage of this measure, and the documents are stamped with the additional duty, the fine will be remitted if the case occurs within three or four months of the passing of the measure and if the Government are satisfied that the document was insufficiently stamped owing to ignorance, and that there was no attempt to evade the duty. At every Cabinet meeting numbers of applications for remissions of fines are received, and if legitimate reasons are given the fines are remitted. Mr. Haynes has raised the point with regard to bills and promissory notes. I admit with regard to these notes they cannot be stamped as other

documents can. If members will turn to Clause 12 they will find that a person who receives a bill not properly stamped or not stamped at all he may take that bill to one of the officers appointed under the Stamp Amendment Act of 1892 and have it properly stamped. The maker of the note is subject to a penalty for having given that note unstamped. The Government may be credited with this amount of common sense, that if they are satisfied a bill has been made in the back country where it is impossible to procure the stamp or a bill with an embossed stamp on it, the fine will be remitted. I assure the House the dies for impressing the stamps on the bills are ready, and a large number of the bills have been already impressed, and there need be no fear at all that an attempt will be made to bring the Bill into operation before we are well prepared. I would like members to look at Clause 6 of the Bill with regard to the use of impressed stamps on bills of exchange and promissory notes. Members will see at once from Clause 6 that although the measure comes into force on the 1st January, adhesive stamps may be continued to be used until the issue of a proclamation intimating that it is intended to use impresed stamps in lieu of adhesive stamps in future. Advertisements have been inserted in the various newspapers by the Treasury informing the public that on the 1st January it is intended to make this change; but it is impracticable to effect the change by the 1st January. The public will have to pay the increased duty from the 1st January, but the use of impressed stamps will not be enforced until the public have had sufficient time to know that the alteration is made.

HON. E. M. CLARKE: What will became of the stamps in circulation?

HON. M. L. MOSS: All stamps in circulation will be utilised in other ways. What we intend to do is to bring the impressed stamps in regard to promissory notes and bills of exchange into force as soon as the measure is circulated throughout the State and is well known. If for the purpose of protecting the revenue and endeavouring to see that the State gets all that Parliament authorised it to collect, the little inconvenience the public may be subjected to so that the revenue will be collected, is not much. With regard to the point raised by Mr. Drew, Cabinet has not considered in what districts the impressed stamps shall be used, but reasonable means will be adopted in dealing with that question. There will have to be a proclamation that the stamps are to be used north of a certain parallel of latitude and east of a certain meridian of longitude. The Government will administer this Bill in a reasonable way and not to the inconvenience of people conducting business. Take a promissory note given on the sale of sheep and cattle, it is not possible to get a promissory note in the locality with an impressed stamp upon it: such bills are generally drawn up on notepaper or on a piece of newspaper, anything that is handy at the time, and it is stamped afterwards. Members must give the administrators of the Act credit for a certain amount of common sense.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 8—agreed to.

Clause 9—Duty on foreign bills of exchange, etc.:

HON. M. L. MOSS moved an amendment—

That in line 16 the word "promissory" be struck out.

Amendment passed, and the clauses as amended agreed to.

Clauses 10 to 18—agreed to.

Clause 19—Repeal:

HON. M. L. MOSS moved an amendment—

That after "Act" in the last line the words "and Section 186 of the Transfer of Land Act of 1893" be inserted.

Under that section it was competent for the Registrar of Titles to cancel certain stamps, but inasmuch as in 1902 a definite number of officers were appointed for this duty we should then have repealed Section 186. The Parliamentary Draftsman thought that all officers for the cancellation of stamps should be included in one measure.

Amendment passed, and the clause as amended agreed to.

Schedule:

HON. W. MALEY: Any person using an embossed stamp after March next in

a remote part of the State, say Wyndham or Eucla, would evidently be liable to a penalty under the Bill. An exemption should be provided. Was he to understand that until a proclamation was issued the whole of the State was exempted?

HON. M. L. MOSS: The use of adhesive stamps would be lawful until the proclamation was made. He moved an amendment—

That under the heading "Partnership exemptions," after "industrial," the words "and reform" be inserted.

Amendment passed; and the schedule as amended agreed to.

New Clause—Stamps on Savings Bank cheques:

HON. M. L. MOSS moved that the following be added as a clause:—

The duty of one penny upon cheques or orders payable on demand, drawn upon the Post Office Savings Bank, shall form part of the revenue of the said bank, and such duty may be collected in money by any officer of the bank by whom the cheque or order is cashed.

There were accounts kept by the Savings Bank of Friendly Societies and other institutions, and the Savings Bank authorities thought that the duty of one penny on cheques payable on demand should go to the bank. The Government had no objection to this being done if members agreed to it.

Question passed, the clause added.

New Clause:

HON. M. L. Moss moved that the following be added as a clause:—

The Governor may make regulations under this Act prescribing the form and size of paper to be used for bills of exchange and promissory notes, and the position in which the stamp denoting the duty thereon is to be impressed.

The associated banks were quite in accord with the proposal. He had received from the Treasury the form of the bill, which hon. members could see. The object was to prevent the stamp obliterating the writing on the face of the bill.

HON. S. J. HAYNES: Business people should be allowed to have forms of their own, and get them stamped at the office.

HON. W. MALEY: It was a hardship that certain forms should be prescribed; certain institutions had their own forms, and they should be allowed to use them. In some parts of the State it would not be possible to get documents of the prescribed size.

HON. S. J. HAYNES: If the banks wanted uniform forms and the system at present in vogue did not work well some uniformity might be adopted subsequently. A large number of firms had their special forms and they varied in size. These firms would be allowed to use them.

HON. C. SOMMERS: The Bill provided that these forms should not be greater or smaller than a certain size. Private firms would know that they could not make their bills too large.

HON. M. L. MOSS: Under the provision the Governor prescribed that a bill should not be longer than a certain measurement. All bills were not to be of a uniform size. The Government were specially anxious that the stamps which were coloured and put on the left-hand corner of the bill should not obliterate the writing on the bill. To prevent that, a space had to be left on the bill.

HON. W. T. LOTON: In practical working the nearer business people could get to uniformity the better, and it was desirable to affix the stamp on one part of the bill.

HON. W. PATRICK: The amendment was unnecessary; the size of the bill should be left to the drawer. In every part of the world bills were drawn on different kinds of paper, and there was no necessity for the impressed stamps to be coloured. In England a person could draw a bill on ordinary paper and go to the Treasury and have it stamped.

HON. T. F. O. BRIMAGE: In office furniture there were pigeon-holes for certain sizes of documents; if a uniform size was adopted for bills and cheques it would be desirable.

HON. W. MALEY: The primary method of preparing a bill of exchange was by writing, and people should be allowed to make their bills as they choose so long as they contributed the duty. We should preserve the rights of the individual to prepare his own bill of exchange and promissory note. It was not in the interests of the public that a bill should be of a prescribed size.

HON. M. L. MOSS: There was no penalty for failing to comply with the

provision; the object was to get people to conform with the provision.

HON. S. J. HAYNES: If there was no penalty what was the use of the clause?

New clause put and negatived.

Preamble, Title—agreed to.

Bill reported with amendments.

Resolved: That the Bill be returned to the Assembly, with a Message requesting that the amendments suggested by the Council be made in the Bill; the Committee to have leave to sit again on receipt of the Bill from the Assembly.

At 6·40, the PRESIDENT left the Chair.
At 7·45, Chair resumed.

LAND ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill) in moving the second reading said: This small Bill is introduced in advance of an amending consolidating measure, which may find a place in our scheme of legislation next session, to remedy some of the more striking defects and some which need immediate remedy in our Land Act. I do not intend to hold forth generally, at this juncture, on the land legislation of the State; and will proceed at once to deal clause by clause with the Bill, explaining to members the general objects of the measure and what each clause signifies. The first clause after the short title is Clause 2, whereby Section 12 of the principal Act is amended by striking out the words "and leases for the term of 30 years." It has been found in the working of the Lands Department that a great deal of unnecessary and what may almost be described as mechanical detail work falls upon the Minister for Lands, to a greater extent, I think, than work falls upon any other Minister, and to such an extent as to render the office of Minister for Lands laborious, because his signature is required simply as a signature, and does not involve any primary thought on the part of the Minister, or indeed any consideration whatever. He is there practically to sign his name; and I think Mr. Drew will agree with me that the Minister signs his name in many instances almost automatically. This is not as it should be; so Clauses 2 and 3 are inserted in the Bill to enable the Governor to appoint an officer, of course, a trustworthy officer, to sign leases, licenses, and other instruments for the Minister, where the leases are of upward of 30 years' duration. This is forbidden by the parent Act, the Land Act of 1898. Clause 4 amends Section 88 of the principal Act; and while the principle of Clause 4 is to be kept intact, still, the Government are inclined to think that by giving the selector the privilege which would be conferred by the clause as drafted—the benefit of the whole value of his house to count as an improvement, that being withheld in the parent Act—we should be acting somewhat too liberally; and I am asked by the Lands Department to so amend Clause 4, when in Committee, as to make it possible for half the value of the house to be counted as part of those conditions of improvement under which the land is held. Even this, I think, is a fairly liberal allowance, and possibly as much as ought to be granted. Clause 5 deals with the amendment of Section 143, and empowers the Governor to authorise another officer besides the Minister to approve of transfers; and this is done to expedite business in various parts of the State. I think it is a reasonable provision, with which no fault can be found. Of the effect of Clause 6 I think members can have no doubt. This clause is intended to obviate the appearance in future roads and streets closure Bills of a great many parts of the schedule which I think have no business there. I remember in the Roads and Streets Closure Bill just dealt with by this House certain roads and streets closed in the town of Yarri and the townsite of Popanyinning. Had this Bill been in operation, there would have been no need for the appearance of these two townsites within that schedule. The closures could have been dealt with under this clause. It has been a rule that a road or street which is once shown on a plan published by the Lands Department becomes dedicated to the public, and cannot be closed except by Act of Parliament. That, of course, is somewhat absurd; because members know that in townsites which do not go ahead —and unfortunately, it is not every townsite that does—there must be any number of roads and streets which the public

gradually lose sight of because they are never used, and that might as well, to all intents and purposes, be closed; and it seems to me cumbersome and ridiculous that an Act of Parliament should have to be resorted to for the closing of them. It is therefore thought better, by Clause 6, to give power of closing such roads or streets by proclamation, instead of by Act of Parliament.

HON. R. F. SHOLL: Does that apply to all roads?

THE COLONIAL SECRETARY: No. The original section uses the words, "municipality or townsite"; but provides that the Governor may by proclamation in the *Gazette*, after the opinion of the roads board has been requested—the consent of the local authority is asked—close any road or reservation for a road which may be surveyed or shown as a road on any plan published by the Department of Lands and Surveys, provided that such road is not within the limits of a municipality or townsite. We are striking out the words "or townsite"; so that if a road is within a municipality we still need an Act of Parliament to close that road; but if it is outside a municipality and within a townsite—and members know that very often a townsite is laid out a mile square, and the municipality therein may contain only 80 acres—if it is within a townsite and not within a municipality, the road or street can be closed under this clause by proclamation, without an Act of Parliament. Clause 7 takes a step which I think is in the right direction. I fancy that to a great extent the days when it was necessary to render attractive the lands of the State have passed. Nowadays good wine needs no bush; population is being attracted; population which comes here helps to attract other population; there is now no difficulty in selling our lands; and I may say even less difficulty in doing that which we have done in the past—giving them away. It was the habit in the past, not only to give away land, but actually to survey it for those by whom it was taken. Mr. Piesse asks me to what length am I willing to go. The length to which I am willing to go is shown by the printed matter in this Bill. It is proposed by the Bill that every lessee or selector under Parts V., VI., VII., or VIII. of the principal Act—and I purpose to strike out Part VIII., because that is already provided for—shall pay one-half of the prescribed cost of survey in two instalments, the first of which instalments is to be paid with the application, or within 30 days after notice being given by the Minister of the amount required, and the second instalment within 12 months of the date when the first instalment was payable. I think this is a very fair proposition; that the selector shall pay one-half of the survey. It is one that no future selectors will be justified in grumbling at. They may perhaps envy the good fortune of those earlier selectors who have not had to pay survey fees; and they must remember that, after all, those people who first came here were more in the nature of pioneers than were their successors; that the pioneers ran what may be termed a greater risk; that those who come after are availing themselves of the experience of those who went before; that surely those people who come after—the land and climate being proved for them—should labour under some little disadvantage as compared with the pioneers; and this is laid down in the clause.

HON. G. RANDELL: Is it understood that the Government survey the land?

THE COLONIAL SECRETARY: To the same extent as that is provided for in the parent Act.

HON. V. HAMERSLEY: I think that the early pioneers paid for their surveys.

THE COLONIAL SECRETARY: Now the hon. member is talking of pre-Adamite selectors, in the days before land legislation was seriously thought of in Western Australia, before Western Australia went ahead from a Lands point of view. I am dealing only with what may be termed modern times, and with the liberal concessions made by the land policy of Western Australia, concessions which now appear to have been almost too liberal, in the light of subsequent events. It may be interesting if members will study for a moment the meaning of this survey question to the Government, and how the Lands and Surveys branch will be affected by this provision. In addition to considering this, I will take the liberty of quoting from a report of the Lands and Surveys branch, dated

19th June, 1905, part of which report reads as follows:—

> Take a specific instance of the cost in actual cash to the department, apart from office salaries, of a new selector, say in the Beverley district, who selects a homestead farm upon which he pays £1, a grazing lease of 1,000 acres at 6s. 3d. an acre, the first year's rent and instalment of survey fee is £12 7s. 4d., and five 100-acre blocks on which the rent is £12 10s. That gives a gross receipt of £25 17s. 4d.

Now look at the outlay; and in this estimate every possible item of outlay is inserted. This is the maximum:—

> The department gives him a free pass, return, to Beverley, £1; supplies a land guide and cost of same, £3; the inspection of grazing lease costs £1 10s.; the survey of the whole costs £40. Then he may have a free order for furniture and effects, which may run into £12. Thus we have, against a credit of £25 17s. 4d., a debit of £57 10s.

HON. W. MALEY: That is an extreme case.

THE COLONIAL SECRETARY: I admit it is; but let me point out that even if we take the minimum, by striking out the free order, we cannot strike anything off the survey fees, which in themselves amount to £40. That is the cost of survey; and they more than balance the £25 17s. 4d. received in the first instance for that land. The hon. member will see that, after all, what is said about the settlement of the land bringing to the State more of an indirect than a direct profit, has something, at all events, to back it up. I have already warned members that this is an extreme case. I said that the outlay was a maximum outlay; but some of the figures are not alterable—£40 for the survey, and the £1 10s. cost of inspection of the grazing lease.

HON. W. MALEY: But you do not have grazing leases.

HON. V. HAMERSLEY: What percentage of selectors gives up the areas within 12 months?

THE COLONIAL SECRETARY: That strengthens my argument. And in this connection let me say that if men have to pay the survey fees, they will think more seriously about giving up their areas than they think at present. I am certain that having to pay half the survey fees will have a very highly deterrent effect upon those people who to-day, I believe, wander about this country, in many instances taking up land for speculative purposes, simply because they can get it cheap and hold it cheap. They are an undesirable class, and one which the Government would do well to deter by any possible means. In Clause 8 we find something to the advantage of the selector. Hitherto it has been absolutely necessary—one of the conditions precedent to his obtaining the title—that he should fence the outside of his property. It may happen, say in very thickly timbered country, that a man can put the money to a much better use than by using it for outside fencing. He may wish to fence in a small part of the land and put it under intense culture, rather than fence in the whole and let it go to waste. Clause 8 provides that the Minister may, in his discretion, permit any lessee to substitute in lieu of fencing any other prescribed improvement of equal value. Clause 9 gives power to the Governor to lease reserves. This, I think, is a sensible and business-like proposition. A reserve is often set aside in various parts of the State for a purpose for which it may not be immediately required, but for which it is expected to be used in years to come. If those years are many in the coming, before the land is put to the purpose for which it was set aside, surely it is reasonable that the land should not be expected to lie idle, that the State should be allowed to reap from that land what revenue it can produce in the meantime.

HON. R. F. SHOLL: Only from year to year.

THE COLONIAL SECRETARY: Yes; an annual lease. The next clause deals with the acceptance of rent not to be deemed a waiver or breach of covenant; and in this connection the department state that:—

> The necessity for this clause has of late years become very apparent. We from time to time forfeit conditional purchases for non-fulfilment of conditions; but in doing so have been running the risk of having waived the breach of covenant under which the land is forfeited, by having accepted or demanded the rent; and the question has lately come up again prominently in the matter of timber leases.

This is more or less a legal point; but I am sure members will perceive that the Government should not run a risk of practically losing the strength of their

position by accepting rent. Clause 11 treats of the power to cancel abandoned applications for homestead farms. Section 76 of the principal Act provides that the selector of a homestead farm shall within six months from the date of his application take possession of the land and begin to carry out the *bona fide* improvements which are laid down as part of the conditions precedent to his obtaining the title. Section 28 provides that if the land is not surveyed at this time, the conditions shall date from the date of survey. It is evident, therefore, that the conditions with regard to homestead farms cannot begin to run until six months after the land has been surveyed; and if unsurveyed land is selected, as is generally the case, there is no power to forfeit the holding for non-fulfilment of the conditions until after a survey has been made, though there may be every reason for believing that the applicant has abandoned the land and does not intend to proceed. Mr. Piesse made some very strong remarks about the habit of taking up homestead leases and abandoning them, or, at all events, of not going on with the improvements, thereby blocking from use lands that might be very well availed of by genuine settlers. This clause is inserted to render that difficult, and if possible to obviate a recurrence of such conditions. It is expected that the operation of the clause will be very beneficial, as it is a regrettable experience of the Lands Department that a great number of homestead leases is abandoned before any work is done on them. It seems unreasonable that the department should be put to the expense of surveying these holdings when there is good reason for believing that the selector does not intend to proceed with them; and it frequently happens, as I said before, that when a new selector comes along in search of land—possibly a more genuine man than the original selector—the new man finds that the land is apparently locked up, whereas if this clause were in operation the land would be open for selection. The last clause provides for a continuance of No. 58 of 1904—a small Act passed last year, the tenure of which was for only one year, its life being limited because Parliament expected that during last session a Lands Consolidation Bill would have been passed, to put the subject matter of Act No. 58 on a proper footing. The consolidating measure, however, could not be introduced; hence the wish to continue the Act of last year. The clause at the end of that Act, which provides that it shall be in force for one year only, is therefore to be struck out, and the Act will retain its place on the statute-book. It is necessary that this should be done quickly: because the one year's operation of the Act terminates on the 31st instant. These are the provisions of the Bill. I may, I hope, venture to express the opinion that hon. members should amend the measure as little as possible; firstly because it is imperative that a Lands Amending and Consolidating Bill shall come before the House at an early date; and, secondly, because of the delay which such amendments must inevitably occasion. If members wish to make amendments—unless they are of extreme importance—may I ask them to wait for the few months that must elapse before the consolidating Bill comes in, in order that this measure, which contains nothing but good provisions, may be placed on the statute-book, and that its passage through Parliament may not be imperilled as a delay of a few hours may imperil it at this stage of the session. I commend the Bill to the House, and have much pleasure in moving the second reading.

HON. C. A. PIESSE (South-East): I rise to support the Bill, and think there is good reason for its introduction. I regret that it does not go a little farther, and abrogate one or two objectionable provisions in the principal Act. One at least could easily have gone overboard—that dealing with poison lands. Part VII. of the Act should certainly be deleted from our statute book. It is practically a dead letter to-day, for the simple reason that no officer of the Lands Department can recommend that such lands should be given away under the easy conditions proposed under Part VII. I should have liked to see a provision for striking out Part VII. in Committee; and when the Bill to consolidate and amend the Land Acts is before the House, I hope my remarks will not be forgotten. Another much more important portion of the Act

that I should have liked to see struck out is Part VIII., dealing with homestead farms. Perhaps some members will be surprised to learn that during the year 1903 the State gave away 233,070 acres of land, which, under first-class conditions, would be valued at £116,535. In 1904 the State gave away 235,550 acres of first-class land as homestead farms, valued at £117,775. For the 10 months of the present year 178,567 acres of first-class land as homestead farms had been selected, valued at £89,283, and the total in two years and 10 months was £323,593 worth of land. In addition to this the cost of survey to the State of 4,045 applications amounted to £24,475 of which not a shilling is returned to the State. During the two years and 10 months, it has cost the State for homestead farms £347,863. The time has arrived when members should consider this matter thoroughly. Having in view the need that exists throughout this State for constructing railway lines, and knowing as I do that the cost of construction in every instance can be borne by the lands, if we give away acres, we are removing that which can bear the cost in every instance. Take the proposed Albany and Bridgetown line, that practically passes through land which to-day is wild country. You can select from one end of the proposed line to the other, taking a few miles off at the Bridgetown end and at the Albany end. There is virgin country to select from, and when a Bill is brought into Parliament some day to construct that line, what will happen under the provisions of the Land Act? The biggest portion of that country will be selected as homestead farms—land that might go to pay the cost of that line. The figures I have given as to homestead farms do not include the departmental cost which must be something enormous in dealing with such a large area. An enormous sum must be added to the figures for departmental expenses. We know that the applicants for homestead farms pay £1 with their application but that only gives £4,045, which will nothing like cover the departmental expenses. The area taken up reaches 647,200 acres, a principality in itself, and it means an immense amount of work for the Lands Department. It is for members to say if this matter shall be dealt with in the amending Bill or whether we shall wait six months for a consolidating measure. I would like to move that Sections 673 and 686 of the Land Act of 1898 and all amendments of such sections should be repealed as from after the 1st July, 1906. That means that it would not come into operation for six months from now. We are inducing people to come from England, and no matter when we amend the Act we shall have to give these people notice. If people are induced to break up their homes in England and in the Eastern States, they must be given some reasonable time to take advantage of the Land Act. To wait until next year and then come down with a proposal would be a sort of thunder-clap and would not be fair. I think it my duty to draw hon. members' attention to this matter. Take for instance one of the small spur lines now before Parliament. We shall find the homestead farm holder will take at least from 800 to 1,000 acres of the land along each line. The State will give that land away as a free gift. It is always first class land that is selected, and 10s. an acre would go a long way towards paying for the railway. I think the time has gone by when we should give away these lands, and I trust members will agree with me in that respect. Speaking in regard to surveys, it is a pity that long ago we did not introduce the clause provided in this Bill. At the present time nearly six million acres of land are held under conditional purchase, very little of which has been paid for in the way of survey. It would be a great relief to the State if the holders had been called upon long ago to pay half the cost of the survey. In the future no doubt this will be the case and they will have to pay. So far as homestead farms are concerned, it will stop almost all speculation. I do not know there is need to labour this question. There is one existing factor as showing how eagerly people are in securing land under conditional purchase. During October, 1904, there were taken up 53,370 acres under first class conditions, and during October, 1905, two months ago, 83,296 acres were taken up, showing that the system of taking up land under conditional pur-

chase is satisfactory. Referring to the question of homestead farms again, during October, 1904, 23,860 acres were given away, and during October, 1905, 21,080 acres, showing that a considerable area is still being taken up under these conditions. I am of opinion that a man who wants land is quite prepared to pay 5 per cent. as he does at present, and he is quite satisfied that he can get a good return. Let me instance one of the evils of the homestead farm system. Any man who has £1 to spare can fill up a form and take up 160 acres. He spends a pound and never goes near the land again for years. The system of survey in the past has allowed this man to escape his responsibility in the matter, because the department has been unable to keep up the surveys. This will be overcome now; still the fact remains that any one who has £1 to spare to-day can take up 160 acres of land anywhere he likes in the State. I trust members have followed what I have said, and that I have made clear to them what I desired to say to show that to-day we are giving away an enormous area of country. In fact it pans out that each month of the year over £10,000 worth of land is given away. One month we gave away £12,000 worth, and in addition to that we have been paying the cost of survey. Half the cost has to be paid by the applicant in the future. Even where people are given land as free homestead farms they should be called upon to pay all the survey fees. There is nothing else I wish to touch on in this Bill. I would like the Lands Department to adopt a system by which they could show what is due to the State on conditional purchase lands. I estimate there is something like two million pounds due by the owners of conditional purchase land. Parliament should be informed each session of the amount owing by these people, and it should be counted an asset. It has never been shown yet. Although this is not quite in keeping with the Bill, I bring the matter up because I think there must be two million pounds owing by these people who are on the land, and we are told they are successful. I am in every way in favour of the amendment now before the House.

HON. J. M. DREW (Central): I have carefully studied the Bill, and from my experience of the Lands Department and the duties which devolved on me during the occupancy of that office, I have come to the conclusion that nearly every amendment in the measure is necessary for the proper administration of the department. I am very much surprised at Clause 7 which indicates a totally new departure and a radical alteration of existing principles. And I am all the more surprised at it coming from the present Government, who during the recent elections made a strong attack on their predecessors on the ground that while Parliament had voted a sum of £20,000 for the development of agriculture the Government only spent £13,000. Yet we see the present Government introducing legislation which materially alters existing principles, and destroys the right of free survey of conditional purchase lands. At present selectors have to pay half the cost of survey of grazing leases and the whole cost of survey of poison leases, but they are only required to pay it in 10 half-yearly instalments. Under the measure they must pay one quarter of the amount of the survey fees straight away, and the balance within 12 months. This is practically spot cash. There is no opportunity for the people to make anything out of the land in that time, but they have to pay the survey fees before they are able to remunerate themselves in connection with their occupancy of the land. I think the new system will to a certain extent be a hardship on the poor selector. Recently the Minister for Lands stated that people picked the eyes out of the country—instead of selecting a 1,000-acre block people selected 10 blocks of 100 acres each. Nothing of that kind has occurred to my knowledge. I have known men start in a small way with 200 acres, and after they have improved it they have taken up more. Such men should be encouraged by the country. I think the country should show every discouragement to persons who wish to take up blocks of 1,000 acres at one time. We want the land closely settled if we are to have a prosperous State. There is another point in this connection: a man is not likely to take 10 blocks of 100 each when he is

required to fence each block, and the cost of fencing is a serious matter. Every man would prefer, if he has the means, to select a block of 1,000 acres in one lot, even if it included a fair proportion of second and third class land. I see nothing in the Bill put forward to justify the imposition of survey fees on selectors. The introduction of the free survey principle is due to Sir John Forrest, who took a warm and enthusiastic interest in land settlement, and who was responsible for our present Land Act. That Act has not been altered materially in any of its principles since it was first introduced. I do not say it is unwise to impose the fees proposed, but I think a great deal of consideration should be given to the matter, and so far no consideration has been given to the subject. It has been sprung on the people. We have not seen it discussed in the Press or referred to on the public platform. Before the Government take any action in this direction they should have allowed the matter to be freely ventilated. In the consolidated Land Bill to be introduced next session they can make the new departure. I do not propose to offer any serious objection unless there is a strong objection in the House that more consideration should be given to the matter. The Lands Department have been often criticised for its heavy expenditure; but the public must remember that the Lands Department does almost everything for its customers free of cost. It has an army of surveyors who survey free of cost, with the exception of grazing and poison leases. There is an army of correspondence clerks, draftsmen, and computers all labouring free for the selectors, therefore there are some grounds for the steps taken to charge survey fees; but I contend there should have been a little hesitation, and the matter should have been properly considered and ventilated. Moreover, if there is a departure in this direction I think the first 500 acres taken up by a man should be surveyed free of charge; afterwards I should say, if necessary in the interests of the revenue, anyone holding more than that area should be charged the full survey fee, but he should be given a fair length of time to contribute the amount. According to Clause 8, the Minister can permit any lessee to substitute other improvements in lieu of fencing. I think this a very necessary provision in my opinion. As far as I recollect, it was suggested by the Royal Commission on Immigration, who examined a great many witnesses, and as a result of that examination they made the suggestion to the Lands Department. It often happens that it is not absolutely necessary to have a fence to resist great and small stock. There are localities in which it is not essential. Is it not better that a man should devote his time to grubbing, clearing, and cultivating the land than go to the expense of erecting a fence, for the cost of wire is very material; and is it not better to take the earliest opportunity to get on the land and give some return? The amendment proposed by the Government furnished him that opportunity. There are different opinions as to fencing and many people think that two wires are sufficient to resist great stock and I have seen one wire sufficient to keep back horses. Clause 10 with reference to the acceptance of rent is very necessary. Certain cases arose in which it was found necessary to consult the Crown Law Department, we only then discovered at that time that it was impossible to cancel a lease if the rent had previously been accepted in the Lands Department. All rents are taken six months in advance so that there have been a great many illegal cancellations of leases and selections during the last few years. The only defect in the clause is that it should be restrictive. As soon as the clause is seen by the public no doubt some actions will be taken to recover damages for illegal cancellations in the past. With regard to homestead farms, I agree with what Mr. Piesse has said. I do not think the homestead farm system has done very much for the advancement of agriculture in the State. Homestead leases have given the Lands Department no end of trouble When a man secures a homestead farm, the next move is to get permission from the Minister to transfer to someone else. They cost the State no end of money. At one time there was a free pass system in vogue. A man on making a declaration that he was an intending selector could get a free pass to any part of the State but he could not get a return ticket unless he selected, and the way he selected was

to take up a free homestead farm and then he got a return ticket. The land taken up was never visited again. Scores of blocks have been taken up in that way and surveyed by the department at a cost of £7 10s. Nothing has been done on the land and the people who have selected have never visited it. Thousands of pounds have been lost to the department in this way. The land had to be surveyed, otherwise the homestead farm could not be cancelled, for a man could turn round and say the Government had not surveyed the land. The absence of some provision such as this has caused a great deal of trouble to the Lands Department, and I am glad to see some remedy is now furnished. I agree with Mr. Piesse that the sooner the homestead farm provision is abolished the better. The time has gone by when we can afford to give land away in Western Australia. The first step I took on assuming the control of the Lands Department was to alter the heading of the advertisement in some of the newspapers that land was given away free in Western Australia. There was nothing that did so much to deter people from coming to West Australia than to see that land was given away. People naturally came to the conclusion that if the land was given away it was not much good. It is better to say that the land is good here and can be obtained on reasonable terms and that there is a good market. I shall not detain the House longer. I have an amendment to move at a later stage.

HON. W. MALEY (South-East): After the able speech delivered by Mr. Drew, I do not propose to detain the House at any length. I recognise it is necessary for the Bill to be passed to achieve certain objects as to the working of the Lands Department. I must say I do not accept with pleasure the alteration which is proposed by Clause 7, and less do I welcome it when I hear the figures put forward by the Colonial Secretary. I take it that while in the past every inducement has been offered for encouragement by previous Governments for people to settle in this country, we have now a Government who presents us with a very great difficulty in the survey of the lands of the State. It is proposed in every instance without exception that the cost of survey shall be borne by the purchaser, at least half of it. If I may use the figures quoted by the Colonial Secretary, I think I am correct in saying that according to the example put before the House, the total cost to the settler is £25 17s. 4d. In addition to that he is now required to pay £40 in survey fees.

THE COLONIAL SECRETARY: Twenty pounds.

HON. W. MALEY: The whole cost will be £40. A selector before he makes a very moderate selection of only 160 acres, homestead farm, which costs £1, before he can enter on his selection has to pay just double what he had to pay hitherto. We have a difficulty to face. Here is the difficulty, the hampering of settlement on the land, and I have consulted a large number of people in my province, and the conclusion they have come to is that nothing should be done at present to hamper settlement, seeing that the best of the land near the railways has been selected, and seeing there is less inducement to select second class lands which are now disposed of as first class lands than there ever was before in the history of the State. Then there is the rival in the Midland Railway Company. This company is making a great effort to settle people on their lands. We have a public company in competition with the Government, and while not afraid of that I think nothing should be done at this juncture to hamper the settlement of the lands. Then the instance quoted by the Colonial Secretary might have stood 100 years ago, but to-day no grazing leases are granted in the State. By a *Gazette* notice grazing leases are precluded, therefore the case put by the Minister is an absolutely impossible one. We have no dealings at present in grazing leases nor have we the assurance of the Government that grazing leases will again be granted. I have dealt with a case which is impossible. I still accept the Colonial Secretary's figures, and I have shown that it will cost a settler just under double what it has done hitherto, to go upon the land. The settler we get in Western Australia requires every pound he has to enable him to make a start, and when we recognise the fact that so far as our railway freights are concerned—which have recently been raised—that 25 per cent. of the produce has to be devoted to paying

the railage to market, I say that every pound that in the future is imposed on any settler in taking up land is a handicap to settlement. Therefore before entering on this scheme we should consider whether it is not desirable to make surveys in every instance before selection. If surveys are made before selection the settler will know what he has to face. He will know what the cost of his land is to be; but at present if a settler goes into the Lands Office to select a block of land he does not know what he is committed to until he gets his account from the surveyor. I hope the Minister will put a brighter case before the House, and if he can make it clear to me that no impediments will be placed in the way of settlement, I shall be happy to accept anything that will conduce to economy on the part of the Government so long as it contributes satisfactorily to settlement. With regard to Clause 8, I think it is desirable that fencing should not be compulsory on the part of the settler till he has his land practically cleared. For his own protection a settler encloses his holding with a boundary fence at the first opportunity; but anyone acquainted with the conditions of land settlement knows full well that a ring fence is not always requisite or desirable from the settler's point of view. Though it is rather late in the day, I accept the clause, and welcome this addition to the land regulations. I trust that no hasty step will be taken regarding the survey fees, and that if any step is taken, sufficient notice will be given, so that no wrong may be done to people coming from abroad. I understand that many tons of advertisements, pamphlets, etc., have been distributed broadcast, inviting settlers to this State, and that a clause such as this has never been mentioned in those advertisements. The public are led to believe that when they come here they will receive a free grant of land surveyed by the Government. At the proper moment in Committee I will move an amendment to this clause, if it is likely to be passed, fixing a future date for the operation of the clause to begin. We should do our best to guard against perpetrating any wrong on people invited by advertisement to come to this State.

HON. E. McLARTY (South-West): I have only a word or two to say regarding this Bill. I know of numerous occasions on which land has been applied for; and the Lands Department has been put to the cost of survey, and the applicants have never gone near the land. I have known of hundreds of such cases.

MEMBER: The inspector is at fault.

HON. E. McLARTY: No. A man applies for the land; the department in good faith surveys it; but the applicant never afterwards appears. I think it quite time that the Government did something to save this unnecessary outlay; and the clause is not unreasonable, as the applicant is asked to pay only half the cost of survey. The case mentioned of a settler who applied for 1,600 acres is a very extreme case, for one such case we shall find twenty in which the application is for from 100 to 500 acres; therefore the cost of survey will not be so great as some may imagine. I am not in accord with Clause 8, giving the Minister discretion as to the fencing of boundaries. In my opinion, the first thing a man should do who takes up a selection is to put a substantial fence around it. I understand that the clause is simply permissive; and it may be that only in special cases will permission be given to neglect fencing. Abandonment of the compulsory fencing provision will lead to many complications, and to considerable trouble amongst the settlers, especially on small locations. If the clause is passed, it should not apply to small holders, certainly not to any holding under 200 acres. A man with 100 acres of land need not pay so much for a ring fence; and in his own interest, and in the interest of his adjoining neighbours, fencing is the first condition which he should be called upon to fulfil. Wire can now be obtained at no unreasonable price; and if a man wishes to cultivate his land, he cannot cultivate it without fencing.

MEMBER: Suppose he has not the money to fence?

HON. E. McLARTY: If a man wishes to cultivate, and has not the money for fencing, he had better not cultivate at all; because his neighbours' cows and fowls will eat his crop. I hope that in the amending Bill of next year we shall find a provision for inspection, and a liberal allowance to those selectors who eradicate the zamia palm in their holdings, especi-

ally in the South-West, where this plant is the curse of the country, and where, if unchecked, it will ultimately kill all the cattle. During the last three months I suppose I have lost £150 worth of stock, and my neighbours are suffering to the same extent. With regard to this scourge, I think the Government should do something. There is no need to go to unnecessary expense in sending scientific men to ascertain the cause of the disease. We know that from experience. We have proof of it every day. We know that there is only one remedy, though it is pretty costly—to eradicate the palm. Wherever there is palm in the country there will be rickets; and those rickets will prevent any profit to the selector. I have much pleasure in supporting the Bill.

HON. C. E. DEMPSTER (East): I have not anything to say in opposition to the Bill, which I have no doubt has been carefully considered. I think that most of the amendments are desirable, and do not interfere with the ownership of land. I always feel that this House should be chary about interfering with land already taken up, inasmuch as under the land regulations certain rights are created with which most of the amendments of the Land Act materially interfere. However, I think that the amendments in this Bill will be most advantageous to settlers. The Government are quite right in charging the selector with half the cost of survey; because the time has now arrived when it is desirable in the interests of the country to treat our lands as a valuable asset; that is, all land which may be considered fit for cultivation, and which has the advantage of a good rainfall. I think it desirable altogether to abolish the provision for homestead farms. It is quite evident that many objectionable practices have grown up in connection with them. I refer to men who take up homestead farms in remote parts of the country, simply to get free passes to the district, without the slightest idea of settling there. The homestead farm system has not contributed as was expected to the revenue. In that respect I quite agree with Mr. Piesse. As to fencing, I do not look upon the amendment as very material, inasmuch as the Minister will have an option as to whether he will or will not insist on fencing; and it may be desirable that some settlers should clear the land before fencing, particularly if it be land from which a return is not obtainable until it has for some time been ringbarked.

HON. V. HAMERSLEY: At the risk of tiring the patience of members, I should like to say one or two words. I welcome this Bill; for I have long felt that our Lands Department has become a large spending department, and has not been of late the revenue-producing department which it was some years ago. For this, the cost of surveys is in a great measure responsible. It seems unreasonable that we should be expected to pay officers to go from one end of the country to the other, at the beck and call of selectors who get not only land but surveys for nothing. I think it only right that the cost of survey, instead of being returned to the Government by instalments extending over a long period, should be paid promptly. If payments have to be made within six or 12 months, any selector taking up land will soon show his *bona fides*, and his intention to remain there. The department have been put to great expense in surveying homestead blocks. In one instance, a few months ago, such a block was obtained, and the pretended selector never proceeded with his work. Many of the surveys have cost the Government from £20 to £40 each, where there has been no return whatever. Mr. Randell raised an important point when he suggested that the selector, when paying in advance for a survey, shall have a guarantee that the survey will be promptly made.

THE COLONIAL SECRETARY: He has now.

HON. V. HAMERSLEY: Can the selector make a claim against the Government if the survey is not effected?

THE COLONIAL SECRETARY: The surveys are now up to date, for the first time for years.

HON. V. HAMERSLEY: Mr. Randell says that the selector may pay his fees and may not get the survey. This has happened on the goldfields particularly, where the surveys were sometimes for three or four years in arrear; and there is a fear that this may happen with regard to surveys of agricultural land. However, a more reasonable attitude is being adopted by the Government in their

endeavour to settle people on the soil. Most of the speakers this evening seem to think that Clause 8 is of no great importance; but I think it highly important, because it does not always happen that a man selects other areas under the one lease referred to in Clause 8. I know of an instance where a lessee has been making payments to the department for 14 or 15 years, yet, owing to the ridiculous waste of money involved in fencing boundaries inside other boundaries, the lessee is unable to get his ownership defined. I may mention one homestead lease containing a building, a fence, a well, and many other improvements. But after the lease was selected, two roads were declared through it. It was impossible for the leaseholder to fence the outside boundaries, and yet without Clause 8 it will be impossible for that man to carry out his improvements. The giving away of large areas has been mentioned. I should have welcomed such a suggestion. Outside the rabbit-proof fence we have a vast area of country which the Government might endeavour to settle. Large concessions of that land, now practically abandoned to rabbits, could be given. If people could be induced to take up the land without expense to the Government for survey, the holders paying for their own surveys, such settlers would deserve every consideration.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of 62 Vict., No. 37, s. 88 (5):

THE COLONIAL SECRETARY moved an amendment:

That all the words after "amended," in line 2 be struck out, and the following inserted in lieu: "by striking out all the words after the word 'improvements,' and inserting in place thereof 'in addition to the external fencing an amount equal to double the full purchase money: Provided that not more than one-half of the cost of any house erected thereon by the lessee may be included in the prescribed improvements.'"

Amendment passed, and the clause as amended agreed to.

Clauses 5, 6—agreed to.

Clause 7—Lessees to pay half cost of survey:

HON. W. MALEY moved an amendment—

That the words "on and after the first day of July, 1906," be inserted before "every" in line 1.

If we by advertisement invited settlers to this State, informing them that they could have free surveys, such settlers should have a chance to select land under existing conditions. The amendment would allow the Government to keep their compact with such immigrants as might arrive in response to current advertisements.

THE COLONIAL SECRETARY opposed the amendment. The length of notice was ridiculously excessive. A month's notice, if any, should suffice. A cable to the Agent General as soon as the Bill passed would obviate the difficulty. Current advertisements could be displaced by other advertisements. The Government did not intend to break faith with settlers. When a trader started business he often had "catch lines," until he established himself. After working up a good connection, he reverted to normal prices. We had attracted the attention of the public throughout the world to our land, and we no longer needed the devices of the past. Of this, the clause was the first evidence.

HON. J. M. DREW: Some notice should be given of this decided change, otherwise future immigrants would be much disappointed. Last year the Daglish Government decided to withdraw grazing leases from selection, wired to that effect to the Eastern States, and cabled to London with a view to spread the information; but the withdrawal was sudden, and many men came from the East who had been reading the Lands Department literature and the advertisements published from time to time. Finding on their arrival that grazing leases had been withdrawn, these men almost laid seige to the department. They put forward a very good case that the Government felt obliged to throw open for one day grazing leases, and he came to the conclusion that in any alteration in future that due notice should be given. He moved an amendment—

That the words "first day of March, 1906," be inserted in lieu of "first July, 1906."

MR. MALEY withdrew his amendment in favour of that by Mr. Drew.

Amendment (Mr. Drew's) put and passed.

THE COLONIAL SECRETARY moved that the figures "VII." in line 1 be struck out. Part VII. of the Act referred to poison leases, and at present poison leases paid the whole of the survey fee. It was not proposed to give those holding poison leases the benefit of the clause and allow them to pay less.

Amendment passed, and the clause as amended agreed to.

Clauses 8 to 12—agreed to.

New Clause:

HON. J. M. DREW moved that the following be added as a clause:

Section 68 of the principal Act is hereby amended by inserting after the word "division," in line three, the following words: "not being lands within a pastoral lease held under the Land Regulations of 1887."

He was astonished that the necessity had arisen for the introduction of the amendment. The Lands Department should have had ample experience of the urgent necessity for it. Some time last year grazing leases were withdrawn in consequence of a decision given in the case of the late Sir James Lee Steere *versus* the Government. A man selected a grazing lease on the late Sir James's pastoral lease, which had been taken up under the 1887 regulations. Sir James took action against the Government and pleaded the Constitution Act, which says:—

Nothing in this Act shall affect any contract or prevent the fulfilment of any promise or engagement made before the time at which this Act takes effect in the colony of Western Australia on behalf of Her Majesty with respect to any lands situate in that colony, nor shall disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belong to licensed occupants or lessees of any Crown lands within that colony

This selector did prejudice the late Sir James Lee Steere's rights under the land regulations in force when he secured his pastoral lease. There was no provision for the selection of second and third class lands; and there was no provision for the sale of land at less than 10s. per acre when the Government sold land on that pastoral lease at less than 10s. per acre. After the decision had been given it was found that in a great many cases the Government had done this. There were 3½ million acres of land held as grazing leases under the 1887 regulations by 271 persons in the South-Western division of the State, and in the Central Province 192,000 acres were held under the same regulations, practically locked up under the grazing lease system against everyone except the pastoral lessees. In numerous cases the pastoral lessees applied for grazing leases: other persons applied for grazing leases on the pastoral lease, and the Government referred to the lessees, and in every case except one or two the pastoral lessees refused to consent to the selections. The Government had still continued the withdrawal of the grazing leases and the Government might at any time throw them open. If they did that there would be at once 3½ million acres which could be converted into grazing leases or dummied by 261 persons. In 1902 the Government abolished the prior right as to grazing leases. At that time the squatter had the first opportunity of selecting grazing leases on pastoral leases but could only select two grazing leases. The Legislature of the State decided to abolish the prior right; but according to the state of the law if grazing leases were thrown open to-morrow the pastoral lessees under these regulations had the sole monopoly and could convert the land into fee simple and no one would have the right to select land on them. He was glad the Minister for Lands had not thrown open the grazing leases and there was no necessity to persevere to throw them open. These leases expired on the 30th December, 1907. If a pastoral lessee wanted a grazing lease on his pastoral lease, he could surrender and come in under the 1890 Act, so that these pastoral lessees suffered in no way. He wanted to place the pastoral lessee in the same position as the rest of the community. He would like to see the maximum reduced by one-half, but that matter could be considered when the consolidated Land Bill came forward. If the amendment were carried there would be no objection to the throwing open of the grazing leases on the 31st December.

HON. C. A. PIESSE: Did this include the Esperance country?

HON. J. M. DREW: The South-Western Division did not include Esperance.

THE COLONIAL SECRETARY: It was not intended to oppose the amendment. He was impressed with the interest which the hon. member took in the land administration of the State.

Question passed, the clause added.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

ADJOURNMENT.

The House adjourned at half-past nine o'clock, until the next day.

Legislative Assembly,

Wednesday, 20th December, 1905.

THE SPEAKER took the Chair at 2·30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: Plans showing the routes of proposed railways from Wagin to Dumbleyung, from Katanning to Kojonup, and from Goomalling to Dowerin.

By the TREASURER: Statements under Section 60 of "The Life Assurance Companies Act, 1889."

QUESTION—SPONGES AND OYSTER BEDS.

MR. WALKER asked the Premier: 1, Has the Government been approached by private individuals for assistance, pecuniary or otherwise, in establishing an industry for placing sponges on the market, or otherwise to turn our marine treasures or productions to profitable account? If so, with what result? 2, What benefit has yet accrued from expenses already incurred in trawling? 3, Have payable sponges or oyster beds been located, and if so, where? 4, Is the Government aware that hundreds of thousands of pounds' worth of sponges are sent yearly from the Mediterranean and other parts of the world to London?

THE PREMIER replied: 1, Yes; several applications have been received for the exclusive right to gather and collect sponges over areas of our coastal water, varying in distance from one thousand five hundred miles of coast downwards. Monetary assistance from £300 downwards was also required in conjunction with these applications. The Government having no power to grant exclusive rights over any product of the sea other than pearlshell, all applications were refused. 2, General knowledge obtained of the ocean floor in the vicinity of our coast, and the discovery of a large area of good trawling ground in the vicinity of Bernier Island. 3, Commercial sponges have been discovered in our coastal waters from Esperance Bay in the South to Turtle Island in the North. Whether they exist in payable quantities has yet to be determined. Payable oyster beds are known to exist from Sharks Bay northwards. 4, Yes.

QUESTION—GOVERNOR'S OFFICE, AS TO ABOLISHING.

MR. HORAN asked the Premier: 1, Is he aware that the Premier of South Australia has stated that, at the conclusion of the term of the present Governor of that State, a suggestion will be made that a successor should not be appointed? 2, In view of the fact that a resolution was carried in the Legislative Assembly