

before he can hope to get one penny of return, and in order to justify the investment of that capital he must have some assets; and if he is limited in area, limited as to the price of the lime, and in the amount he must hand over to the Government before he makes any profit at all, the proposition then becomes a financial impossibility. Dealing with the monopoly aspect, there is no monopoly so far as lime is concerned. There is any quantity of lime at Lake Clifton.

Member: But they have the whole of it.

Mr. W. D. JOHNSON: They have not. The lime country stretches along the coast right up to Rockingham, and undoubtedly if this line were built it would be the means of opening up other lime deposits. Already a motion is before this Chamber to approve the granting of another concession for an exactly similar purpose, namely, to exploit the lime deposits at the Capel. It will thus be seen that no monopoly is created. The leader of the Country party has told us that the farmers have been crying out for lime for the last 30 years; and if the two concessions now proposed are granted the farmers will be in the happy position of having the choice of two propositions. In this agreement we have kept the price as low as possible. Before we started our negotiations the departmental officers said that if we could get this lime to Waroona at 10s. we would do a wonderful thing for the South-West. The price of 10s. was fixed by the departmental officers. I am not putting up a special plea on behalf of the agreement, but it is reasonable, and it protects the interests of the State. Also it is fair to the lessee, who should make a reasonable profit if he can manufacture cement. In regard to the lime, the agriculturists of the South-West have the big end of the stick, and the agreement is undoubtedly to the advantage of the State. If the amendment is carried I think there will be no development of Lake Clifton for some considerable time.

Mr. THOMAS: No members are desirous of voting against the Bill, but we wish to see the interests of the State properly safeguarded. In return for the benefit the State will undoubtedly receive from the enterprise, I am perfectly willing that the company should do well out of their opera-

tions, but I would like to see some limitation set to the extent to which they can exploit the country. On behalf of at least some of the people of the South-West, I desire to thank the Government for their prompt action in the matter.

Amendment put and negatived.

Clause put and passed.

Clauses 3 to 6—agreed to.

Schedules, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 10.49 p.m.

Legislative Council,

Tuesday, 31st October, 1916.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Bankruptcy Rules, 1892, amendments. 2, Fremantle Harbour Trust, amendment of regulations. 3, The Health Act, 1911-15, adoption of model by-laws (Kojonup Road Board). 4, The Health Act, 1911-15, By-laws Claremont Road Board. 5, The Health Act, 1911-15, adoption of model by-laws (Goomalling Local Board of Health). 6, The Health Act, 1911-15, adoption of model by-laws (Meckering Board of Health). 7, The Health

Act, 1911-15, by-laws Fremantle Municipal Council. 8, State Labour Bureau, Report for year ended 30th June, 1916. 9, State Steamship Service balance sheet and profit and loss account for the year ended 30th June, 1916. 10, Public Service Regulations, reprint embodying amendments up to 1st May, 1916. 11, Industrial Arbitration Act, 1912, return showing number of members in each industrial union registered on 31st December, 1915. 12, Legal Practitioners Act, 1893, Barristers' Board, amendment of rules. 13, Fourteenth annual report of the Department of Land Titles to 30th June, 1916. 14, Annual Report by Under Secretary for Lands for year ending 30th June, 1916. 15, Municipal Corporations Act, 1906, by-law No. 9, amendment adopted by the City of Perth. 16, The Roads Act, 1911, by-law No. 4 repealed and new by-law made in lieu thereof by the Kellerberrin Road Board. 17, Municipal Corporations Act, 1906, By-law No. 39 (Buildings) adopted by the City of Perth.

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General a communication forwarding the balance of his annual report for the year ending 30th June, 1915.

Paper laid on the Table.

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT: I have presented the Address of hon. members of this Chamber to His Excellency the Governor and he has been pleased to send the following reply:—

Mr. President and hon. members of the Legislative Council, in the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. (Sgd.) Harry Barron, Governor.

OBITUARY—HON. F. CONNOR, LETTER IN REPLY.

The PRESIDENT: I have received a reply from Mrs. Connor acknowledging my letter of condolence. It is as follows:—

Kindly convey to the members of the Legislative Council the thanks of myself

and family. Their kindly words of appreciation have helped us a little. Also for your personal sympathy many thanks. You also have lost a friend in him, and I know you will remember him kindly. Yours very sincerely, Alice Connor.

QUESTION—STATE FERRIES.

Hon. R. G. ARDAGH asked the Colonial Secretary: 1, Is it a fact that the financial returns published by the Treasury last July in connection with the Ferries showed receipts £5,590, and expenditure £4,490? 2, If so, what is the reason for the disparity between the expenditure therein shown and the expenditure given as £5,962 in the Colonial Secretary's replies to my questions on Tuesday 3, If the disparity of £1,472 is due to the debiting of interest, depreciation, or to accounts outstanding when the Treasury books were closed last July, will the Colonial Secretary, in replying, briefly give under these heads the different totals which make up this sum of £1,472?

The COLONIAL SECRETARY replied: 1, The financial returns published by the Treasury last July showed receipts £5,590, and the expenditure at £4,476 2 and 3, The disparity between the expenditure given as £5,952 and £4,476 (£1,476) is due to the following amounts not being included in the Treasury cash payments at that date, viz. :—

	£
Interest on Capital	583
Depreciation	625
Departmental Services	205
Goodwill written off	237
	<hr/>
	£1,650

and also to the usual accounting adjustments of sundry debtors, stores, unexpired insurances, etc.

MOTION—SALE OF LIQUOR REGULATION ACT, TO CONTINUE.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.35]: I move—

That the Sale of Liquor Regulation Act, 1915, shall continue in operation for the

further period of twelve calendar months from the 31st day of December, 1916, that is to say, until the 31st day of December, 1917.

Hon. members will understand that this Act is the one popularly known as the 9 to 9 Act, which, unless renewed by resolution of this Parliament, ceases to operate at the end of December this year. There is no immediate hurry for carrying the resolution, and at the present time legislation is under consideration in another place, the carrying of which through both Houses of Parliament would probably make this motion unnecessary. That being the case, I propose to move formally the adoption of the motion and after it is seconded, if some hon. member will be good enough to move the adjournment of the debate, it can take its place amongst the Orders of the day, until we see what becomes of the other contemplated legislation and then, if necessary, the motion can be carried before the 9 to 9 Act expires on the 31st December of this year. I beg to move the motion standing in my name.

On motion by Hon. J. Duffell debate adjourned.

BILL.—ADOPTION OF CHILDREN ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL.—POSTPONEMENT OF DEBTS ACT AMENDMENT.

All Stages.

Received from the Legislative Assembly and read a first time.

Standing Orders Suspension.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.41]: I move—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through all its stages at this sitting.

The necessity for this arises from the fact that the Bill would otherwise lapse to-day,

the period of its operation ending on the 31st October, 1916.

Question passed.

The PRESIDENT: I declare that this motion has been passed by an absolute majority of the House.

Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.43] in moving the second reading said: The Postponement of Debts Act was originally passed on the 22nd December, 1914. Its operation was renewed in September, 1915, and it would expire to-day unless this Bill was passed. The Act authorised the Governor, on the advice of the Royal Commissioner, to postpone "the payment of all debts then due, or accruing within the period mentioned in such proclamation." It also gave power to postpone the payment of debts of the classes specified in the proclamation. In cases of hardship the creditors had the right to appeal to a judge, or in the case of the amount involved not exceeding the jurisdiction of the Local Court, namely, £100, to appeal to a local magistrate. Up to the present this Act has been in operation only for the purpose of postponing the debts of farmers who are in receipt of assistance under the Industries Assistance Act, whereby a scheme is provided for distributing their surplus assets amongst their creditors. It is considered that the putting into effect of the Act in this case has been beneficial. The present Bill, as a renewal of the Act, was drafted by the previous Government, and, I understand, would have been introduced and passed by them had they remained in power. Its object is to extend the terms of the Act until 31st December, 1917, with power to the Governor by proclamation in the meantime to put an end to it. The opportunity is being taken to make a slight amendment in Clause 2 for the purpose of removing an ambiguity arising out of the expression "debts of the classes specified in the proclamation." This is being done by the insertion after the words "of the classes specified" of the following: "or of persons of the classes specified." The necessity for this has arisen in consequence of certain litigation

which will be within the recollection of members of this House. This was the case of Stoneham *versus* Linahan. Mr. Justice Burnside in Chambers held that the proclamation was valid. The case was carried to appeal, and although the Chief Justice agreed with Mr. Justice Burnside and held that the proclamation was valid, the other judges, Mr. Justice Rooth and Mr. Justice Northmore, dissented, and the Chief Justice was overruled. The position, therefore, arose that an outside creditor could hold aloof, and force the Government to pay him in full in preference to the other creditors by selling the equity of redemption, and thus forcing the farmer off his holding. The object of the Government, as was the case with the previous Government, is to keep the farmer on his holding and enable him to carry on his operations. It is, of course, quite possible that under regulations issued by the Commonwealth Government under the authority of the War Precautions Act the necessity for this Bill may disappear altogether. However, we are not perfectly sure of that, and, in the meantime, the Government consider it necessary to follow the course adopted by their predecessors and to re-enact the existing measure. I move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East) [446]: In seconding the motion of the Colonial Secretary, I think it is highly gratifying to find that so little occasion has arisen for exercising the powers under the Act. Undoubtedly, the existence of the measure on the statute-book, and the knowledge that the Government had the powers contained in the Act, have had a most wholesome influence. People naturally like to get their money, and wide-awake creditors have the idea that if they do not get in first they may have the worst of the deal. That is always a temptation to a strong creditor to rush in, and by doing so prejudice all other creditors. Therefore it is highly gratifying to find that so few occasions have arisen for even a reference to the latent powers under the Act. In my opinion, however, it is absolutely essential that the State Government should have these powers, no

matter what action may be taken by the Commonwealth. At the present time action is in process by the Commonwealth to cover all the ground that is covered by our Act; but, nevertheless, it is entirely desirable that in this smaller area of territory, especially with regard to particular cases, the people should look to the State authority, and not to the Commonwealth authority. In this connection the Commonwealth authority is not intended to override the State authority at all. The Commonwealth authority will be a comprehensive one, but it will not intervene where the State authority is doing all that is needed. I am sure that the continuance of the State Government's powers for another 12 months will have a wholesome effect on all the business relations of Western Australia.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and *passed*.

ASSENT TO SUPPLY BILL.

Message from the Governor received and read notifying assent to Supply Bill (No. 2), £648,000.

BILLS (3)—FIRST READING.

- 1, Special Lease (Lake Clifton).
- 2, Western Australian Day Funds (No. 2).
- 3, Roman Catholic Church Property Acts Amendment.

Received from the Assembly.

BILL—EXECUTION OF INSTRUMENTS.

Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [458] in moving the second reading said: This is a very small and simple measure, which was prepared by our predecessors in office, and was introduced on the first day of the session

and passed to its present stage by Mr. Drew. The object of the Bill is, as expressed in the Title, to facilitate the execution of instruments and powers of attorney during the present war. Clause 2 provides that—

Notwithstanding anything in the Transfer of Land Act, 1893, instruments and powers of attorney under the Transfer of Land Act, 1893, signed by any person during any period for which the said person is engaged on war service within the meaning of this Act and a further period of three months thereafter, upon verification to the satisfaction of the Registrar of Titles of the signatures thereto, shall, although not attested, be held to be duly executed.

It is recognised that many soldiers on active service might experience great difficulty in obtaining the witnesses required under the Transfer of Land Act, and it is thought that this Bill will simplify the procedure without creating any danger. Subclause 2 of Clause 2 gives a comprehensive definition of war service. The term applies not only to those engaged in actual war service, but also to those engaged in Red Cross work and a number of other duties. Subclause 3 of Clause 2 provides that—

A statutory declaration by any person who, in the opinion of the Registrar of Titles, is qualified to declare as to the fact that any party to any instrument submitted to the Registrar of Titles for registration under the Transfer of Land Act, 1893, is engaged on war service, or was so engaged within the preceding three months, shall be accepted by the Registrar of Titles as sufficient evidence of the fact.

Clause 3 of the Bill extends the operation of the measure to persons abroad who are not actually engaged in war service but who are absent from Western Australia for any reason connected with the war. Clause 4 proposes that the measure shall be retrospective in its effect as from the day of the outbreak of war, the 4th August, 1914. I move—

That the Bill be now read a second time.

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—ZOOLOGICAL GARDENS ACT AMENDMENT.

Second reading.

The COLONIAL SECRETARY (Hon. F. P. Colebatch—East) [5.2] in moving the second reading said: This is another Bill which was prepared by our predecessors in office. Its object is as set forth in Clause 2, to increase the legal borrowing power of the Committee of the Zoological Gardens from £5,000 to £6,000. For many years past the gardens have been subject to two mortgages, one of £3,000 to the State Savings Bank and another, ostensibly of £2,000 but often running to £2,700 or £2,800, to a private banking institution. This private banking institution was secured under a second mortgage, the Savings Bank holding a first mortgage in respect of the amount advanced by it. The banking institution referred to, not from any distrust in the security but from a natural desire to have things in order, asked that a Bill be introduced to legalise the additional liability incurred by the trustees of the gardens. Under the present Act they are only authorised to borrow up to £5,000, and as the indebtedness has increased as I have said up to £5,000 they have no legal authority for any amount over £5,000. At the beginning of the financial year an adjustment of the finances of the gardens was made, and the whole indebtedness was taken over by the Commonwealth Bank, the previously existing mortgages being discharged and a fresh mortgage given to the Commonwealth Bank. This adjustment has resulted in a considerable saving of interest. One of the conditions made by the Commonwealth Bank was, that a Bill similar to the one now under consideration should be introduced and passed through Parliament as quickly as possible so as to legalise the action of the trustees in exceeding the amount specified in the principal Act. The honorary director saw the then Premier (Mr. Scaddan), who consented to the intro-

duction of the Bill and it was deemed advisable to show a draft of this measure-- which had been prepared under the supervision of the director of the gardens by the Parliamentary draftsman—to the then leader of the Opposition, the present Premier (Hon. Frank Wilson). He concurred. It is not proposed to borrow any additional money under this Bill when it becomes law; at the present time the overdraft is lower than it has been for many years, due partly to the fact of the decreased interest, and partly to the fact also that the director of the gardens, Major Le Soenf, is absent on active service and is not drawing his salary; his work is being done by our friend Hon. Mr. Kingsmill, who is not being paid for that work. The Bill is required simply to put in order the financial affairs of the committee and to fulfil the promise made to the Commonwealth Bank when the adjustment referred to was made. Clauses 3, 4, and 5 provide the machinery for carrying out the provisions of the Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.8 p.m.

Legislative Assembly,

Tuesday, 31st October, 1916.

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

PAPERS PRESENTED.

By the Minister for Lands: Report of the Under Secretary for Lands for the year ended 30th June, 1916.

By the Hon. J. D. Connolly (Honorary Minister): State Steamship Service, Balance Sheet and Profit and Loss Account for the year ended 30th June, 1916.

By the Attorney General: Amendment of the Bankruptcy Rules.

By the Minister for Works: Amendment of Perth City Council by-laws 9 and 39; Kellerberrin Road Board, new by-law; Uniform by-laws for regulating motor traffic adopted by Corrigin, Dalwallinu, East Avon, Melbourne, and Westonia Road Boards.

ELECTION RETURN—BROWNHILL-IVANHOE.

The SPEAKER announced the return to a writ issued for the election of a member for Brownhill-Ivanhoe, showing that Mr. John Scaddan had been duly elected.

Mr. Scaddan took and subscribed the oath and signed the roll.

ASSENT TO SUPPLY BILL

Message from the Governor received and read notifying assent to Supply Bill (No. 2) £648,000.