

Mr. FOLEY (Leonora) [11.20]: In supporting the second reading I wish to express the hope that the Premier will not take notice of the remarks of the member for Northam (Hon. J. Mitchell) that he should provide power to grant other licenses without obtaining the permission of the House. If the Premier took this step the hon. member would be the first to criticise it. If any rights are to be given over this or any other plant in Western Australia, it is the duty of Parliament, representing the people, to say whether leases shall be granted and under what conditions they shall be granted. The people who intend to operate on the blackboy and zamia are prepared to put a lot of money into the venture, and the Premier is to be congratulated upon having given them this opportunity. It provides additional evidence that when private enterprise seriously attempt anything, the present Government are willing to stand behind them.

Mr. WILLMOTT (Nelson) [11.21]: I have pleasure in supporting the Bill. Those hon. members who have visited Mr. Rowley's laboratory and seen his work in this connection will have been delighted that such a pest as the zamia palm is at last to be turned to good account. Every sort of product imaginable from the whisky, in which the member for Subiaco takes such an interest to cattle feed can be obtained from these plants. Considering the great variety of products which it has been discovered can be manufactured from the palm and the blackboy, it is remarkable that these plants have for so many years been regarded as merely useless excrescences to be chopped down and burnt. In view of Mr. Rowley's experiments, I have every reason to believe that these plants will prove to be a great source of wealth to the State.

Mr. B. J. STUBBS (Subiaco) [11.22]: I desire briefly to support the second reading. I have had the pleasure of visiting Mr. Rowley's laboratory and have viewed with very great interest more than the whisky which he can produce from the zamia palm. The product which I think will be of the greatest benefit

by far to the State is the tar. Mr. Rowley claims that he will be able to produce tar from this plant far more cheaply than it can be procured to-day. This is an important matter for those who take an interest in local governing affairs, because the requirements of tar impose a big drain on the finances of local authorities. If it is possible to supply this commodity at a reduced price, an enormous benefit will be conferred upon the State.

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 11.25 p.m.

Legislative Council,

Tuesday, 2nd February, 1915.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Workers' Homes Board, report for the year ended 30th June, 1914. 2, Inspector

General of the Insane, report for the year ended 31st December, 1913.

QUESTION—LOAN FLOTATION, NEW SOUTH WALES.

Hon. A. SANDERSON (without notice) asked: Has the Colonial Secretary seen the cable message in this evening's newspaper stating that the Government of New South Wales are issuing a 4½ per cent. loan of two millions at £99 10s.? Can he inform the House whether this action on the part of New South Wales is not a breach of the agreement which it was understood had been entered into by the various States that they should not go on the market for money?

The COLONIAL SECRETARY replied: I have no information in regard to the matter the hon. member has referred to. This is the first I have heard about it. I am not in a position to state whether the action in New South Wales is or is not a breach of the agreement entered into at the Premier's Conference. It seems to me, however, that it is not in harmony with the principles which were enunciated at that conference.

JOINT SELECT COMMITTEE, MONEY BILLS PROCEDURE.

Extension of Time.

On motion by Hon. W. KINGSMILL the time for bringing up the report of this Committee was extended until the 9th February.

QUESTION—RAILWAY CONSTRUCTION, WONGAN HILLS-MULLEWA.

Hon. W. PATRICK asked the Colonial Secretary: 1. Can the Minister state definitely the date the Wongan-Hills-Mullewa railway will be handed over to the Working Railways. 2, If unable to fix an early date, will the Government authorise the Railway Department to immediately commence carry-

ing goods at ordinary rates, and thus give settlers a chance of obtaining supplies at reasonable cost?

The COLONIAL SECRETARY replied: 1. Owing to additional work required by the Working Railways it is impossible to say the exact date, but it will probably be the end of this month.

LEAVE OF ABSENCE.

On motion by Hon. J. CORNELL leave of absence for six consecutive sittings granted to the Hon. R. G. Ardagh on the ground of ill-health.

BILL—NAVAL AND MILITARY ABSENTEES' RELIEF.

Read a third time and passed.

BILL—PUBLIC SERVANTS.

Third Reading.

Debate resumed from the 28th January.

Hon. J. E. DODD (Honorary Minister—South) [4.39]: When this Bill was before the House last, the question was raised as to whether or not the measure was constitutional. Since then I have consulted the Solicitor General and he informs me that he can find nothing whatever in the Bill that is of an unconstitutional nature.

Question put and passed.

Bill read a third time and *passed*.

BILL—YILLIMINING-KONDININ RAILWAY EXTENSION.

Second Reading.

Debate resumed from the 28th January.

Hon. H. P. COLEBATCH (East) [4.40]: I do not intend to offer any opposition to the passing of this Bill, but I cannot let it go through without drawing attention to one matter. It seems to me that the breach of faith which was committed towards a very large number of settlers a few years

ago is to be perpetuated by the present proposal of the Government. It will be within the recollection of members that in 1912 a select committee sat to inquire into the question of the deviation of the Wickepin-Merredin railway line. The deviation of that line resulted in a large number of settlers on the eastern side of Lake Kurrenkutten being deprived of railway communication which had been definitely promised them. Whilst that committee was sitting evidence was taken from members of the advisory board, amongst others, and I cannot find that one single member of that board advocated the course of action the Government are now proposing to adopt. In fact, most of them spoke strongly against it. The Surveyor General, Mr. Harry Johnston, while supporting the action of the Government in deviating the then proposed Wickepin-Merredin line, referred to the proposed extension of the Yillimining-Kondinin line and he said that from a settlement point of view he would not favour the proposed deviation of the Wickepin-Merredin line unless a further line were put in from Nunajin to Kondinin. Nunajin is now known as Bruce Rock. That is the opinion of the Surveyor General: that he would not favour the deviation unless the line were taken from Bruce Rock to Kondinin. Questioned further in regard to the proposal of the Government extending the Yillimining-Kondinin line from Corrigin to Arrowsmith,—he said—

In my opinion the best way to open up the Mount Arrowsmith country would be to go from Nunajin to Kondinin. I do not like going too far east.

Witness after witness expressed the opinion, that it was not safe to carry the railway so far east and that it would be better to give an improved service within a proved rainfall area, especially as a number of people had settled there on the definite promise of railway communication. Another member of the advisory board, Mr. John Muir, condemned the proposal of the Government to take this Yillimining-Kondinin line to junction at a point a little further east along the

goldfields line than Merredin. That gentleman stated—

I have included the four principal ports of the State, namely, Geraldton, Fremantle, Bunbury, and Albany, and I think it must be accepted that as our export trade develops, so must these ports be utilised for the best advantage of the State. Take the Mount Arrowsmith district as an example, and going on the supposition that the Yillimining-Kondinin railway will be extended to Carrabin, the settlers located in the vicinity will be placed in this position as regards the transport of produce from Arrowsmith to the seaboard; the distance from Arrowsmith to Fremantle, via Narrogin, is 289 miles, the distance from Mount Arrowsmith to Fremantle, via Carrabin, will be 262 miles, and the distance from Mount Arrowsmith to Fremantle, via Nunajin and Quairading will be 212 miles. My proposal, then, is this—(a) construct the direct line from Wickepin; (b) extend the Yillimining-Kondinin line to Arrowsmith, and go thence to Nunajin, instead of connecting with the goldfields line at or near Carrabin. The connection between Arrowsmith and Nunajin is about 28 miles, costing say, £50,000, but this connection would mean a saving in railage to the settlers of Mount Arrowsmith and Emu Hill of about 50 miles for all time, which would represent a saving of 2s. 9d. per ton, or, say, 1d. per bushel on wheat. The country north of Mount Arrowsmith has a doubtful rainfall.

It is into this country that the Government propose to extend this railway.

Should it be deemed expedient, however, to extend the Yillimining-Kondinin line to the goldfields line at some future date, the suggested connection between Mount Arrowsmith and Nunajin will serve its purpose.

My argument is not that the proposal to construct the present line is wrong, but that it is being given the wrong order of precedence. Experience may show that the line from Arrowsmith to junction with the goldfields line is necessary but it should not take precedence over

the line to Bruce Rock, or Nunajin, as it was then called. In conclusion Mr. Muir said—

I consider the direct line should be constructed and a loop line be put in joining Mount Arrowsmith with Nunajin.

If hon. members read the report they will find that practically every one of the witnesses who appeared before the select committee and who favoured the proposed deviation of the Wickepin-Merredin line, did so on the understanding that that proposal would be supplemented with a railway junctioning at Bruce Rock to serve the Arrowsmith and Emu Hill settlers. The select committee appointed by this House submitted a report and one member dissented from the finding of the other members. That member was Mr. Ardagh, who in his report said—

If the construction of the line from Wickepin to Merredin, via Nunajin, as at present intended, is carried into effect, and the suggestion of two members of the Advisory Board (the Surveyor General and the Inspector of Engineering Surveys) as set out in Clause 10 of the Committee's Report, to extend the Yillimining line from Kondinin to traverse the district of Mt. Arrowsmith and Wadderin, and then branch round to the west and link up at Nunajin, is carried out this will, in my opinion, be the best means of serving the whole of the settlers, all of whom have been promised railway communication.

The only member from this Chamber who differed from the report of the balance of the committee advised that the Government should do exactly what the Surveyor General and the Chief Inspector of Engineering Surveys recommended. It appears that the Government have neglected the advice of all those experts, for they are taking the railway into this dry country, and certainly the experience since 1912 can hardly have improved the estimate of the country. The Government are ignoring the claims of settlers who have been far longer on their land

and are certainly entitled to consideration.

The Colonial Secretary: Is that an argument in favour of Parliamentary select committees?

Hon. H. P. COLEBATCH: I could not catch the Minister's interjection. I do not intend to move any amendment, but I emphasise that I think these settlers are being treated very unjustly. Many of them will be practically as badly off as if they had no railway communication at all, for they will have to cart their wheat to the proposed line and their distance from the port will be 50 miles greater than it should be. I am sorry the Government have not given this matter consideration, because it looks as if those settlers are being deliberately ill-treated.

Hon. Sir E. H. WITTENOOM (North) [4.47]: I rise not to oppose the construction of the railway, but because I would like to know whence the money is coming with which to build this and other projected railways. We find ourselves confronted with a very large deficit, indeed I am proud to think that we have achieved almost a distinction in this direction because at last we have surmounted the round million. In the circumstances, and in view of the immense amount of money which will be required to provide seed, foodstuffs, manures, and assistance to the farming and to other industries, it is a matter of interest to me to learn where the money is to come from. In addition to the four railway Bills on the Notice Paper, the Esperance Northwards Railway Bill was recently passed, and that measure was said to be of such importance that I am certain the Government will lose no time in constructing that line. I hope the Government will exercise the greatest prudence and care in the expenditure of their money. There are many very pressing needs which will require to be satisfied before these railways are constructed and which I am certain will not escape the attention of

the Government, and I have risen merely to sound a note of warning before too much money is expended on railway construction perhaps to the neglect of other important matters.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.49]: I support the remarks of Sir Edward Wittenoom, and perhaps will go further. I do not pretend to be intimately acquainted with the districts which this line will serve, but in fairness to the settlers who are there, it would be very much better if the Government withdrew the railway Bills which appear on the Notice Paper. To pass them will be to merely raise false hopes which cannot possibly be realised. There are four Bills before us to authorise the construction of railways. I do not know what the cost of them will be, but the aggregate amount will be considerable, as we have already passed one measure for a railway which will cost £120,000 or more. The unfortunate settlers in these districts will learn that Parliament has authorised the construction of these railways, and they will naturally expect the railways to be built. If the Government tell us they intend to proceed with the construction of these lines, I shall be very interested to know the approximate date when a start will be made. I don't wish to tie the Government down to a week or a month, but we should be informed whether the Government intend to carry out the construction of the lines authorised by these Bills. In fairness to the settlers and to the public, the Government should withdraw these Bills. It is monstrous to pass such legislation in view of the existing financial conditions, and it is strange that there are still some people in this country who have confidence in the power of Parliament to find the cash. Most people have abandoned that idea, but there are many settlers who, when they see that this Bill has been passed, will expect the Government to proceed with the construction of the line. We cannot get rid of our responsibility in this matter if we pass these Bills, and I repeat that in fairness to the settlers, it would be very wise if the Government withdrew the Bills.

The COLONIAL SECRETARY : (Hon. J. M. Drew—Central—in reply) [4.52]: I am not in a position to deal with the objection raised by Mr. Colebatch, because I did not expect that it would be raised. In regard to the financial arrangements of the Government, every member in this House should be thoroughly acquainted with them. Ample provision is made to carry on public works until next October, and it is the intention of the Government, while judiciously expending loan money to carry on at the same time the construction of railways.

Hon. A. Sanderson: Of all these railways?

The COLONIAL SECRETARY: As I have several times pointed out, I introduced a Bill a month ago and secured the suspension of the Standing Orders with the object of getting it passed in one sitting, to provide work for men engaged on railway construction, who would otherwise have been thrown out of employment. It is not the intention of the Government to commence the construction of the whole of these lines straight away, but the construction, we hope, will go on.

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—PINJARRA-DWARDA RAILWAY EXTENSION.

Second Reading.

Debate resumed from the 28th January.

Hon. E. McLARTY (South-West) [4.56]: I have much pleasure in supporting the Bill. This measure covers the fourth or fifth section of the railway way to connect the South-Western line with the Great Southern line. The connecting railway is now within 36 miles

of Narrogin, and there is a good deal of interest in this particular proposal. When the Bill authorising the construction of the first section was introduced, some members will no doubt remember that it met with a good deal of opposition, and I claim that I fought a pretty hard battle in the House and out of it to get that measure passed. As I expected at the time, that particular railway has proved a great success. I do not know that there is any other branch railway in the State which has given the same returns as that one, and as each section has been finished it has added considerably to the traffic and the earnings of the line. I believe that at present there are nearly 3,000 people along that railway line, whereas before its construction I suppose there were not 20. An enormous amount of timber is being carried down every day and shipped from Bunbury, and sent to other parts of the State. Some members who opposed the construction of the first section prophesied that the railway would prove a failure, and that nothing but timber would be carried over it. This, I am pleased to say, has not proved to be the case. Timber represents the principal traffic, but there is a good deal of other traffic as well. Only three or four days ago I happened to be at Pinjarra, and I counted nine trucks of chaff and a truck of wheat, which had come over this line. In addition a good deal of live stock is brought down. In this respect the railway is proving a great convenience to people on the Hotham and out towards Wandering, for when they have a truck of fat sheep it is possible without travelling them any great distance, to put them on the railway and get them to the market by the following morning. That is a great consideration for those people. The land has been taken up in that direction, and the passing of the Bill will, I am certain, lead to a great deal of settlement which without the railway is impossible. When the construction now proposed has been completed, it will be of immense advantage to the people along the Great Southern Railway, inasmuch as

it will bring them within a few miles of the timber mills; whereas at present jarrah, which is rather scarce along the Great Southern Railway, has to be railed a considerable distance. The completion of the section proposed by the Bill will bring these settlers within a few miles of the timber mills in the Marrinup district, and thus prove of great advantage by appreciably lessening the cost of timber. Further, the completion of this section reduces the distance from Narrogin to Perth; and the people living west of Narrogin will derive even much greater benefit than will those settled along the Great Southern Railway. Everyone, I think, who has watched the progress of the existing section must acknowledge that such progress has exceeded all expectations. For my part, I am confident that the completion of the line will prove a highly payable proposition. There is really no need to labour the question; I am perfectly satisfied that the line is one which will have to be built, and a line of which the construction is thoroughly justified at the present time. The financial question, naturally, always crops up; but, if we are going to stop all expenditure on public works, if no such work whatever is going to be done, what is to become of the State and of the people? We have at the present time numbers of men walking about the streets and roads out of employment; and, if railway construction is to cease entirely, I wonder what will become of them. In my opinion, it will be a very bad sign and a very bad omen for the State if the construction of railways is to be cut off entirely. The proposed section will complete a line of which, as I have mentioned, already four or five sections have been built. I hope that the Government will be able to undertake this short piece of railway at an early date, and that the work will be carried through and connection established with the Great Southern Railway. I have much pleasure in supporting the second reading of the Bill.

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—KATANNING-NYABING
RAILWAY EXTENSION.**

Second Reading.

Debate resumed from the 28th January.

Hon. J. F. CULLEN (South-East) [5.4]: I know well the country which this railway is to traverse, and I can confidently recommend the work to the House. A few days ago I motored through the district served by the first part of the line, and I say that if hon. members had seen the development there they would have been delighted. No palatial houses have been erected, but the areas are being cleared and brought in to cultivation by a splendid type of settler. There is every probability of the proposed extension proving equally successful in opening up the lands of the State. I have great pleasure in supporting the second reading.

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—BOYANUP-BUSSELTON
RAILWAY EXTENSION.**

Second Reading.

Debate resumed from the 28th January.

Hon. E. M. CLARKE (South-West) [5.7]: In supporting the second reading of this Bill I wish to say that what is proposed is merely an extension of the Boyanup-Busselton line in a southerly direction to join a railway recently purchased by the Government. That purchased railway is a line constructed by the M.C. Davies Karri and Jarrah Company Limited, and runs further south,

striking on the one hand Hamelin Harbour and on the other Flinders Bay. From those two ports the Davies Company for many years shipped huge quantities of timber. They are the oldest ports in that part of the State, and the timber shipments from them were very large indeed. I admit that from Busselton onwards in a southerly direction the land to be served by the railway now proposed is really not too good in quality; but, at the same time, it contains quite a number of patches on which there has been settlement for many years, and which grow some of the best products I know of in this State. Having been a judge at various shows in the South-West for many years past, I can speak with authority on that point. One need only visit the Busselton show and see the products of the poor end of the country, to be assured that good quality stuff can be produced even there. For potatoes, and for root crops generally, the district cannot be beaten. The portion of the South-West I speak of is one of the oldest settled districts in Western Australia. If my memory serves me rightly, among the people there now are descendants of the late Mr. G. R. Turner, the pioneer of that district. Apart from that gentleman, a number of people settled many years ago in that part of the country, which however has remained to a great extent undeveloped, for two reasons. The first reason is want of railway communication, and the second the cost of clearing, which I acknowledge is very heavy indeed. A considerable proportion of the country between Busselton and Flinders Bay is timber land carrying both karri and jarrah, but in a number of spots the land is of very fine quality. Speaking as something of an expert, I say that the land when cleared will carry cattle, sheep, goats and pigs. It will not, however, be brought to its full productiveness until such time as it has been properly cleared and the proper steps are taken to improve it for grazing purposes as well as for the growing of root crops. The land will grow potatoes, mangolds, maize, and lucerne, as well as vegetables

of all kinds, and all of the best quality. Moreover, once the land is cleared, it will grow these products at a minimum of cost. As I have said, one need only visit Busseton show to be assured of this. My own view of the country is that no man can tackle any large area of it. The clearing is such that, if I had to do it, I would simply give away the land in small areas subject to a stipulation that the receivers clear and cultivate. Whoever has visited that country will have gained an idea of the difficulties with which the settlers have had to contend. At the same time, it cannot be gainsaid that the district will eventually carry a large population on the spots which I have mentioned. With regard to the construction of the railway, I wish to point out that so far as the northern strip is concerned sleepers can be cut always along the line, and good grades can be got. Unfortunately, perhaps, from some aspects, any amount of ballast is available. These are factors which should lessen the cost of construction. I am certain that in the near future this part of the State must absolutely become the garden of the South-West. When we consider that Western Australia—I know this has been repeated over and over again, but it is true—is sending away something like £1,000 per diem for dairy produce, and that, as I have said, and as I know, the South-West is the place which will supply that produce, we must acknowledge that the proposed railway is justified. I point to the fact that butter-making is one of the things that are behind-hand in Western Australia. There is a large local demand for butter, cheese, and similar products: and all of them can be produced in that portion of the South-West, which will grow not only the ordinary feed, namely, lucerne and hay, but also every kind of root crop, of the finest quality, and this at a minimum cost.

Hon. C. F. Baxter: Why has not a little progress been made with the production of those things?

Hon. E. M. CLARKE: Because this part of the country has been neglected; because the people can go into the wheat

belt and obtain immediate returns there—returns in the first year. That is the reason, as must be obvious to everybody.

Hon. J. F. Cullen: It is quite right that people should do it.

Hon. E. M. CLARKE: I have no objection to their doing it; but I say that, while not neglecting the wheat belt, we must promote other industries here. It is well to look after the wheat districts, and, certainly, by no means to neglect them; but, still, that is no reason why the development of the South-West should be neglected; why that portion of the State should be left, so to speak, to languish, whilst the open market exists for the produce of that district right at its very door. Therefore, the dairying industry should have a look in as well as wheat-growing. I will mention just in passing a somewhat novel occurrence which came to my notice the other day. I had not been aware of the fact myself. Last season's wool from that portion of the South-West did not come to Fremantle. At one time, the wool I refer to was shipped entirely from Fremantle; but it seems to me now—and I hope it will prove so—that the South-West is coming into its right. I am proud to say that this season no less than 3,350 bales of wool were shipped from the port of Bunbury. A great portion of that wool came from the districts about the Blackwood, which fact proves that large areas are not needed in that district, and that with a small area carrying suitable artificial grasses there is hardly a limit to the stock which that country will carry. I admit that it requires a man with money and a lion's heart to clear there. In the wheat belt, and I do not say this in any sneering manner, one has only to tickle the soil to have a good crop of wheat. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (2)—FIRST READING.

1, Blackboy and Zamia Palm License.

2, Supply (No. 2), £488,270.

Received from the Assembly.

BILL—LUNACY ACT AMENDMENT.

Assembly's Amendments.

Schedule of six amendments made by the Assembly now considered.

In Committee.

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

No. 1—Clause 4—Strike out this clause:

The COLONIAL SECRETARY: I move—

That the amendment be not agreed to.

If this clause is struck out it will cause very great inconvenience. For years past the custom has been to admit patients into the Hospital for the Insane on the certificate of two medical men, but owing to a recent rule it will be necessary, unless there is an amendment of the Act, in every case for two doctors to attend the court and give evidence. The Council made a very reasonable amendment to the Bill as introduced making provision that in any case where the patient demanded the attendance of doctors they should attend, and where any person on behalf of a patient asked for the attendance of the doctors they should attend and be subjected to cross-examination. The Assembly have gone further, and decided that in every case the doctor shall attend in Court. It is far more desirable that there should be two independent examinations by medical men, apart from each other, and that their certificates should be in writing, than that the medical men necessarily should attend for examination before the justice. One medical man cannot be swayed by the opinion of the other when no opportunity is afforded of consultation. The certificate should be accepted as *prima facie* evidence. There is always available the check provided by the experts of the Hospital for the

Insane and the official visitors, one of whom is a medical man who has made a special study of lunacy matters. If a certificate is wilfully false, the medical practitioner commits a misdemeanour just as though he had given false testimony; and if a certificate is given without careful examination of the patient, the medical practitioner is subject to penalties. If the amendment is a good one, why not apply it to past cases. The amendment was moved in the Assembly by a former Colonial Secretary and it will cause no end of inconvenience. The amendment made in the Lunacy Act is in accordance with the Imperial Lunacy Act of 1890. So as to obtain an independent judgment, it is far more desirable that there should be examinations by medical men apart from each other, supported by certificates in writing than that the medical men should necessarily attend the court. The clause is in accordance with Section 16 of the Imperial Lunacy Act of 1890. In the notes to that section in Wood Renton's Work on Lunacy it is stated—

It is not necessary that the medical man should be actually present when the justices see and personally examine the alleged lunatic.

And quoting Lord Justice Lindlay, the note proceeds—

The language of the section does not point to anything like the investigation as takes place in a *writ de lunatico inquirendo*. The object is to enable justices to adjudicate a person to be *non compos mentis* and to enable them to place under proper care and control persons who they are satisfied are lunatics and require to be so placed. They have to act in circumstances of emergency and of great danger as well as in other cases. Their measures are precautionary measures only; if they make a mistake they can soon be rectified. The statute has given justices and medical men larger powers, but the statute is based on the theory that they can be trusted.

Hon. D. G. GAWLER: The evil effect of the clause is to my mind taken out of it, because power is given to friends

of a patient to give evidence on his behalf. All the grounds set out in Sections 5 and 6 of Section 107 of the Act are put there to enable the judicial authorities to have more jurisdiction. If members turn to the principal Act they will see that there are ample safeguards given to a person who has been incarcerated in a hospital for insane under an order of the court. Under Section 107, if a judge receives information upon oath that any person of sound mind is confined in a hospital he may order the superintendent of such hospital to bring the confined person before him for examination and if the person is found to be of sound mind he can order him to be discharged. Section 146 provides that the court may direct the master to personally examine any insane patient and take evidence as to the sanity of such patient, and then by Section 166 the court may by general rule or special order direct any fit person to visit any insane person to make a report in writing to the court. Then we have several other sections providing that the inspector general shall visit and report on those places other than the Hospital for the Insane, and in addition we have the man's right to a *habeas corpus*. It is hardly necessary to suggest that a reputable medical practitioner is not going to make a false report in order to get a man into an institution of this sort.

Hon. W. Patrick: Perhaps not intentionally.

Hon. D. G. GAWLER: I cannot see how a medical practitioner could do it at all. It could not be done without collusion between two medical practitioners, who would certainly be jeopardising their reputations. Section 14 of the Act provides a heavy penalty for carelessness in granting a certificate. It may not be generally known that under the present Act it is possible for a justice to commit on the certificate of only one medical practitioner. To-day we are asking that the certificates of two shall be required. With all the remedies the accused person has at his disposal, it is hardly to be

suggested that any miscarriage of justice can take place.

Hon. A. SANDERSON: The leader of the House bases his objection on the ground of expense.

The Colonial Secretary: I said nothing at all about expense, although expense could be added.

Hon. A. SANDERSON: If it is a matter of finance and the lower House insists, it must be remembered that they have to find the money.

Question put and passed; the Assembly's amendment not agreed to.

On motion by the COLONIAL SECRETARY, amendment No. 2 (Clause 5—Strike out "shall" in line 9 and insert "may") agreed to.

No. 2a—Strike out proposed new Section 16B:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Still it is an extraordinary amendment. Whenever a document was lost it has been permissible to give secondary evidence before a court of justice. If the proposed new clause is struck out we will have that power still, but the object of inserting the proposed new clause was the protection of those concerned. It restricts the ordinary powers given under the rules of secondary evidence. Under the proposed new clause the judge is given the discretion of rejecting the documents, whereas under the ordinary rules of evidence he has no such discretion. The Assembly have refused to accept the provision, probably thinking we were extending the powers.

Hon. D. G. GAWLER: The Colonial Secretary is right in suggesting that we should give way on this. Under Section 36 of the Act it is provided that on the admission of an insane person, notice of such admission shall be transmitted to the Minister, together with copies of certificates on which such patient has been received. Therefore if these documents are lost, there are duplicate copies with the Minister to be availed of.

Question put and passed; the Assembly's amendment agreed to.

No. 3.—Clause 6: Strike out the words "or could not have been mentioned therein," in line 7 of the clause; the words "other" and "whatsoever" in lines 7 and 9; insert after the word "treatment," in line 8, the words "other than the insanity of such person"; and insert the word "formal" before "error" in line 9:

The CHAIRMAN: These should form separate amendments, but in the circumstances we have to consider them as we find them. I will, however, put the amendments separately.

No. 3a—Strike out the words "or could not have been mentioned therein" in line 7 of the clause:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Hon. D. G. GAWLER: We shall be giving away to a large extent if we agree to this amendment. I believe there are many cases in which, by reason of the fact that the strict form of the order has not been complied with, orders have been made that are out of order and which could be attacked, as in the case of Item. It is to remedy a defective order that the words were put in. If the words are left out it may be that some order will be invalid, and could be upset merely because of this want of formality. I do not understand the reason for striking out the word "other" and putting in "other than the insanity of such person." That is merely repeating what is stated above. If the Colonial Secretary advises the House to accept the amendment, I will not take upon myself to advise otherwise. The clause should be of great use for preventing actions which might be brought against the Government hereafter under such circumstances. It does not matter about the other grounds, so long as a man is insane.

The COLONIAL SECRETARY: These amendments were drafted by the Solicitor General. The whole clause is merely for the purpose of validating formal errors, formal defects, and formal omissions. It is not supposed to go further than that. In the opinion of Mr. Sayer it gives all the powers that are

considered necessary, and does not touch the question of insanity, but only that of validating defective orders.

Question put and passed: the Assembly's amendment agreed to.

No. 3b—Strike out the words "other" and "whatsoever" in lines 7 and 9:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Question passed: the Assembly's amendment agreed to.

No. 3c—Insert after the word "treatment" in line 8 the words "other than the insanity of such person":

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Question passed: the Assembly's amendment agreed to.

No. 3d—Insert the word "formal" before "error" in line 9:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Question passed: the Assembly's amendment agreed to.

No. 4—Strike out Clauses 7, 8, and 10:

The CHAIRMAN: This message is not properly prepared. It is impossible to put the three sections of it as one amendment, and I will deal with them as with the other amendment.

No. 4a—Strike out Clause 7:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Question passed; the Assembly's amendment agreed to.

No. 4b—Strike out Clause 8:

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Hon. D. G. GAWLER: I ask the Colonial Secretary to allow this to remain. This is an Act of great complexity, and its object is liable to be defeated for want of form. This very section is designed to prevent such a thing happening. It is one of the main principles of the Bill. There must be some safeguard against errors of form. There is very great danger to the public from men being at large who are *non compos mentis*, and it is not

advisable because of some error of form, that these persons should go amongst the public.

Hon. J. F. CULLEN: This is really the most important clause of the Bill, the object of which is to prevent the multiplication in a wholesale manner of such applications as that of Hein. I understood there were numbers of cases in the asylum in connection with which a similar procedure could be taken to that taken by Hein and that this Bill was mainly intended to prevent such a thing. This is the clause under which the bulk of such applications could proceed, and if the Colonial Secretary gives way is it worth while proceeding with the Bill?

The COLONIAL SECRETARY: I am in rather a peculiar position. I understand this amendment was moved by one of my colleagues in another place. Personally I should prefer to see the clause remain.

Question put and negatived; the Assembly's amendment not agreed to.

No. 4c—Strike out Clause 10:

The CHAIRMAN: The amendment is retrospective.

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

Hon. D. G. GAWLER: This is really incorporating the Bill into the present Act as from its commencement. It is essential, therefore, that things shall not be invalidated because of a matter of form, and that orders shall not be quashed because of form.

Hon. A. SANDERSON: I would suggest to the Leader of the House that he tell us what would be the effect of deleting the clause; what is the opinion of the Crown Law Department?

The COLONIAL SECRETARY: All I can say is that the amendment was moved by my colleague the Attorney General in the Legislative Assembly.

Question put and negatived; the Assembly's amendment not agreed to.

No. 5—Insert a new clause, to stand as Clause 6:—"Section 54 of the principal Act is hereby amended by the substitution of the word 'nine' for the word 'ten' wherever the word occurs therein";

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

It is simply a clerical error which occurred when the Bill was being drafted.

Question put and passed; the Assembly's amendment agreed to.

Amendment No. 6—Insert a new clause, to stand as Clause 7: "Section 94 of the principal Act is hereby amended by the substitution of the word 'three' for the word 'two' in the third line, and by inserting after the word 'visitors' the words 'one of whom shall be a female'":

The COLONIAL SECRETARY: I move—

That the amendment be agreed to.

The object of the amendment is to make provision that one of the official visitors shall be a woman.

Hon. A. G. JENKINS: I move an amendment on the Assembly's amendment—

That the following words be added:

—"who must be a duly qualified medical practitioner."

Of the two official visitors at present one is a medical practitioner.

Hon. J. F. Cullen: Not necessarily.

Hon. A. G. JENKINS: Well one of them is Dr. Birmingham. I do not think, however, we should allow any female who has no special knowledge in respect of insanity and hospital work to go into the asylum and perhaps cause inconvenience and annoyance to those in charge. If it is desired that a woman visitor shall be appointed, in order to see that women and children in the asylum are properly cared for and attended to, we should see that the person appointed is properly qualified. All appointments in connection with hospitals for the insane should be restricted to qualified persons.

Hon. C. SOMMERS: There are something like 300 women and children in the asylum, and there is a danger that some busybody may be appointed as a visitor. The National Council of Women recently waited upon the Colonial Secretary in connection with this matter, and I understand that Dr. Montgom-

ery himself is agreeable to the proposal that a woman visitor be appointed.

The COLONIAL SECRETARY: I oppose the amendment moved by Mr. Jenkins for the reason that the area of selection under the amendment is too small. There are at present only two ladies practising in this State. If neither of these would accept the appointment as visitor, the position would then be that we could not administer the Act without further amending it. There is at present nothing to prevent the Government, under the Assembly's amendment, appointing a lady medical practitioner as an official visitor.

Hon. R. J. LYNN. What is the remuneration?

The COLONIAL SECRETARY: About £50 a year.

Hon. A. SANDERSON: Even medical men will admit that they would make no claim to being a specialist on insanity. Under Mr. Jenkins's amendment it might be that a medical practitioner could be appointed to the board who had not the special knowledge of the subject which Mr. Jenkins desires. Great care should be exercised in making these official appointments which should, to a very large extent, be left in the hands of the Government. In other words, the Government should have a free hand.

Sitting suspended from 6.11 to 7.30 p.m.

Hon. J. E. DODD (Honorary Minister): I intend to oppose the modification moved by Mr. Jenkins because it restricts the choice to one or two persons. There are only two or three in the State who from a professional point of view could fill the position, and in addition those persons might not be so well qualified to deal in a general way with the questions of insanity as perhaps some commonsense individual. To-day almost all practitioners are specialists, and there are very few in the State who may be qualified authorities on insanity. The idea is that a commonsense and practical person shall be appointed to the position.

Hon. J. CORNELL: I am not in favour of either the proposed new clause of Mr. Jenkins's modification. I am an advocate of women having conferred on them equal rights to those conferred on men, but I oppose the modification because it narrows the selection to two or three people, and I object to the new clause on the ground of its inconsistency. The other place did not give sufficient consideration to the matter, or they would have seen the inconsistency of the proposal. Section 94 of the principal Act provides for two official visitors, one of whom shall be a medical practitioner and the other a resident or police magistrate or legal practitioner. According to the proposal of the other House the third shall be a man without any qualification. I am of opinion that the Board should be constituted by the appointment of a medical practitioner and a man and woman without any qualification, and at a later stage, if Mr. Jenkins's proposal is defeated, I will move in that direction.

Hon. A. G. JENKINS: If we provide for a qualification for a male visitor why should we not also decide that the female visitor should also have some qualification? There are many cases in the asylum of men who are mentally affected on one point, and who otherwise are perfectly sane. Any member who has visited that institution will know that there are dozens of people walking about there seemingly quite sane but on one particular matter they may be as mad as batters. The superintendent does not object to a lady who is a medical practitioner filling this position, and in such a case we should pay every attention to his wishes. Hon. members can well understand that if we appoint to this position a lady without any qualification, that lady may cause a great deal of annoyance and bother by becoming over anxious to do what may appear to her to be the right thing, and which may be quite the wrong thing. It may be said why not appoint a certificated nurse, but I would draw attention to the fact that there is no definition of a nurse. A certificated nurse may mean a midwife.

The COLONIAL SECRETARY: My objection to the modification is that it gives the Government no freedom to choose. There are only three ladies who are medical practitioners in this State, namely, Dr. Jull, wife of the Public Service Commissioner, who would not be likely to accept a duty of this character, Dr. Mead and Dr. Montgomery. The last-named is a connection of the Inspector General of the Insane and we could not possibly offer the position to her.

Hon. C. SOMMERS: Has the leader of the House any authority for stating that Dr. Jull would not accept this appointment if it were offered to her? Even assuming we have only two ladies to whom to offer the position we have a University, and it will not be long before we have many qualified lady practitioners. There are already some 300 women and children in the asylum, and we know how women without medical experience could be misled by patients in their sane moments. For that reason I would urge the leader of the House to allow the modification to go through.

Hon. Sir E. H. WITTENOOM: While I am in accord with the theory of Mr. Jenkins's proposal, I sympathise with the position of the Colonial Secretary. The choice is limited, and if it is desirable to have a woman amongst the visitors as I believe it is, it is very hard to be narrowed down to a selection from three. It would be dangerous to appoint an inexperienced, energetic, and perhaps mischievous woman, and it would be more difficult to get rid of such a one than a medical practitioner. If medical men have no experience of lunacy, what is the use of requiring two certificates before a person can be committed to an asylum?

Hon. D. G. GAWLER: I, too, sympathise with the amendment, but the arguments of the Colonial Secretary have reduced the position to an absurdity. If the choice is restricted to three and one of them can be eliminated, the position, if the remaining two refuse, would be that no one could be appointed. If either of the ladies had officially attended any patient, she would be unable to act as a visitor. The choice of male medical prac-

titioners is far wider. If the choice among females were wider, I would support the amendment. There should be a woman visitor to the asylum. Official visitors have wider duties than inquiring into the sanity of patients; they have to inspect the buildings, grounds, and general appointments and study the comfort of the patients.

Hon. J. E. DODD (Honorary Minister): That is a reason why we should have someone with a wide outlook.

Hon. D. G. GAWLER: I support the amendment made by another place.

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

Ayes	..	..	..	11
Noes	..	..	..	9

Majority for 2

AYES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. Sommers
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. A. G. Jenkins
Hon. R. D. McKenzie	(Teller).

NOES.

Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. H. Carson
Hon. D. G. Gawler	(Teller).

Question thus passed; the Assembly's amendment as amended agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Hons. J. M. Drew, D. G. Gawler, and A. G. Jenkins drew up reasons for disagreeing to two of the Assembly's amendments and for agreeing to one with an amendment.

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

BILL—GOVERNMENT ELECTRIC WORKS.

Second Reading.

Debate resumed from the 27th January.

Hon. W. KINGSMILL (Metropolitan) [8.28]: I secured the adjournment of the debate in order to find out from the

local authorities whether the Bill was in any way distasteful to them or likely to inflict injury. As it appears that the Bill is altogether subject to the provisions of the electric light agreement between the Government and the Perth City Council, it can have no other evil effect than the agreement will have, nor any further good effect. I do not know how the places outside the five-mile radius are to be affected, but that is for those representing those districts to consider. I have no reasons for objecting to the Bill, and as I understand it is necessary under the agreement I have pleasure in supporting the second reading.

Hon. R. J. LYNN (West) [8.30]: The Bill has far-reaching effects respecting any municipality outside the five-mile limit. It provides that the Commissioner may—

Establish by purchase or otherwise, and generate electricity, and sell or supply electricity and electric meters, fittings, or other apparatus for any lawful purpose to any person or local authority, or to any Government department or agency (State or Commonwealth).

It also provides that "for the purposes of this Act" the Commissioner may "enter upon any land, street, or place." Clause 13 gives the Commissioner authority to make by-laws regulating the sale of electricity. From the standpoint of the West province this is a very serious proposal indeed. In Fremantle we have expended a sum of £150,000 in connection with our works. We initiated a system there some years ago, and some of our largest clients, and the best clients, are the Government works. The scheme adopted by Fremantle was of such a nature as to include the supply of electricity and power to the Fremantle Harbour Trust for the lighting of the river, for the installation of wheat elevators, and everything in connection with the working of the port of Fremantle. In view of that I hardly think it is fair that power should be given to the Government to come into Fremantle and enter into competition with our municipal concerns.

Hon. D. G. Gawler: They have power without the Act, have they not?

Hon. R. J. LYNN: I do not think so. If so, I should be very sorry. The Bill also goes to this extent. We have in Fremantle the Fremantle Gas Co. If my reading of the Bill is correct, it would mean that the Government would have power to come into Fremantle and sell to the Fremantle Gas Co., and enter into competition with our own municipal undertakings. I consider it would be a very dangerous precedent to create. I do not know that they could do so. I think if they desire to come into any local authority and enter into competition with their undertakings, it should be with the consent of that local authority. I think hon. members will fully realise what competition of that sort would mean to the municipality of Fremantle. They have spent £150,000 on their plant, as I have already said, and we have now ordered more machinery in connection with our installations. If, after all that expenditure, we have competition from Government concerns, it would seriously interfere with the municipality as a whole. That being the largest undertaking of the municipality, if any competition were to come in from the Government in connection with it, it would mean that a very considerable depreciation would be brought about. I hope the Minister in charge of the Bill will look into this aspect of it and before it reaches Committee stage agree to an amendment that it could only be taken into the municipality of Fremantle with the consent of the local authority. I propose when the Bill reaches Committee to move an amendment in this direction.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.35]: I would like to ask the Honorary Minister if he proposes to go into Committee on the Bill straight away.

Hon. J. E. Dodd (Honorary Minister): In view of the statement of the hon. Mr. Lynn, I am prepared to leave the Committee stage over until to-morrow, and in the meantime to go into the matter raised by him.

Hon. A. SANDERSON: Then I have nothing to say because certain criticisms I have to bring forward can be dealt with in Committee.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIES ASSISTANCE.

In Committee.

Resumed from the 28th January; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Postponed Clause 15—Advances to be first charge on land, crops, etc., of settler. [Hon. D. G. Gawler had moved that the following words be added to Sub-clause 1—"Provided that when the holding of an applicant is already mortgaged by a registered instrument or instruments, or is subject to the knowledge of the Colonial Treasurer to a vendor's lien for unpaid purchase money, notice in the prescribed form of the proposed advances shall be given to the mortgagee or mortgagees or vendor, and if within fourteen days after such notice the mortgagee or mortgagees or one of them or the vendor by notice in writing served on the Colonial Treasurer shall only be entitled to make the advances, either subject to such mortgage or mortgagees or vendors' lien or on the security of a bill of sale over the crop of the next ensuing harvest sown or grown on or upon the lands of the applicant, and also over each of the two succeeding crops to be sown on or grown upon such lands: Provided further that the advances under the security of such bill of sale over crops shall be and until fully paid shall remain a first charge in priority to all other encumbrances over such crops."}]

Hon. C. F. BAXTER: To the proviso moved by Mr. Gawler I move an amendment—

That the words "crop of the next ensuing harvest sown or grown on or upon the lands of the applicant, and also over each of the two succeeding," be struck out.

It is my intention in moving this amendment to assist the Government. Clause 15 in its entirety would be disastrous to them in the long run. In putting forward the proposal for a lien over the crops I think it would be the best way of suiting all parties. It would give the Government ample security and would mean, instead of the Government being in the position to force the mortgagor to meet demands, the advances could be extended. For the returns of advances we must look to the crops or the stock. In 95 per cent. of the cases that will receive assistance they will be dependant on the crops entirely. When we look at the other States we find that any advances made have been repaid. In Victoria a sum of £100,000 was advanced to the farmers on practically no security and the amount remaining unpaid is now only £750. If we are going to make it so that we shall have to advance only over two or three years, it will be harassing all parties in my opinion.

Hon. H. P. COLEBATCH: I hope the House will not agree to Mr. Baxter's proposal. I cannot see that there is the least difference between this proposal and the clause as it stands. If we are going to take exception to the Government pushing out the first mortgagee, well let us do so. Let us not try to do something to gloss the position over. There can be no difference between pushing the first mortgagee out altogether and saying that the crops of the land shall be subject to his going on indefinitely until the advance is paid off.

Hon. J. F. Cullen: There is a big principle involved.

Hon. H. P. COLEBATCH: I do not see any principle whatever. If the clause be passed, as suggested by Mr. Baxter, it means that the Government, if they at any time make advances to the farmers, shall have a prior claim on the crops for the succeeding year.

The COLONIAL SECRETARY: If it were so, Mr. Baxter's amendment would be satisfactory indeed to the Government, but if hon. members will give the question some consideration it will

be seen that Mr. Baxter's amendment does not give the Government a permanent lien. The Government's right would remain until the mortgagee stepped in and sold the property. If the land were sold, by the mortgagee or by somebody else, the Government's security would no longer be available. The amendment would not give the Government permanent security over the crop, but security only while the crop remained the property of the applicant for assistance.

Amendment (Mr. Baxter's) on amendment put and negatived.

Amendment (Mr. Gawler's, that the proviso be added to the clause) put and a division taken with the following result:—

Ayes	..	..	15
Noes	..	..	5
			—
Majority for	..	..	10
			—

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. E. McLarty
Hon. D. G. Gawler	Hon. W. Patrick
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. C. F. Baxter
Hon. R. J. Lynn	(Teller.)

NOES.

Hon. H. Carson	Hon. J. M. Drew
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	(Teller.)

Amendment thus passed; the clause as amended agreed to.

Postponed Clause 22—Register to be kept for inspection:

The COLONIAL SECRETARY: I promised the House that I would make inquiries respecting the keeping of the register and the reasons why it is proposed that it be kept at the Agricultural Department instead of at the Supreme Court. There are two reasons for the course. One is that there is a provision in the Bills of Sale Act making it mandatory that a fee shall be charged for registration. Of course that could be overcome by an amendment under this Bill. Another reason is that if the register were kept at the Supreme Court

the staff of the registrar of bills of sale would have to be increased. There is no necessity for this as the Agricultural Department can do the work. Every one would know that the register was kept at the Agricultural Department, and instead of persons requiring to go to the Supreme Court and interview the registrar of bills of sale it could be done at the Agricultural Department. It would be a convenience to everyone concerned for the register to be kept at the Agricultural Department.

Hon. A. SANDERSON: The clause appears to be designed for the protection of the farmer who is perfectly capable of looking after himself. Why should not the fruit grower be protected in the same way? Supposing a grower had made a contract to supply 1,000 cases of fruit, why should not he be able to apply to a resident magistrate for relief in like manner. Does the clause apply equally to the sheep farmer as the wheat grower, or to the bee keeper or pastoralist? Apparently the barley grower is not to be given protection under this clause.

Hon. J. F. CULLEN: I oppose the clause on two grounds. The first is that it is dangerous as a matter of principle to legislate for the cancelling of contracts, and the second is that the clause is unnecessary in the interests of the farmers. There is implied in the contract the product of the farm, and there never has been a case in any of the States where a failure in the harvest has led to an action for damages against a farmer. I hold if there were a case no Court would order a farmer to deliver what nature had not produced. Therefore, this clause is not necessary in the interests of the farmer, and it is a dangerous principle for any legislature to adopt.

Hon. C. SOMMERS: The clause strikes at the cancellation of contracts. I am afraid that if we interfere we may bring about such a confusion that outside purchasers, those people who bought outside the State, may be in even a worse position than the others. I would

gladly give relief to the farmers, and I would suggest that we might legislate in some way to postpone the carrying out of the contracts from this year to next year. To cancel them altogether, and without discussing the matter fully, would be a mistake. Personally, I think we should strike out the clause altogether.

Hon. C. F. BAXTER: The only way out of the difficulty is to support the clause. At the commencement of the war agents went out to make contracts, and they took care to protect themselves, while, at the same time, a lot of the farmers were not aware that war had been declared. In none of the contracts was provision made for an act of God such as the drought. I congratulate the Government on bringing forward the measure. They are doing their best to meet the situation. No one will suffer by the passing of the clause; in fact, the whole State will benefit.

Hon. H. P. COLEBATCH: I have strong objection to legislation which has for its object the cancellation of contracts, but one phase of this question should be borne in mind, and it is the position of the farmer who has sold his wheat and has not got it to deliver. We must consider the position he is placed in through the long delay in adjusting this matter. This legislation has been before the country for some time. The miller who had arranged to buy wheat from the farmer at 3s. 9d. was able, largely through the efforts of the commission, to buy that wheat elsewhere when he found that the farmer could not supply it, at from 4s. 6d. to 5s. The farmer who sold and knew he could not supply was deterred from buying at 4s. 6d. and 5s. in order to fulfil his contract because of this legislation not going through. Now the Government come along and buy wheat at 7s. 4d. Therefore the position of the farmer who sold at 3s. 9d. is that he will owe 3s. 7d. for every bushel he cannot deliver.

The COLONIAL SECRETARY: The position as explained by Mr. Cullen is quite unsound. When the question first arose the matter was submitted to the Crown Law Department and their advice

was that the farmers were liable. We know that just after the outbreak of war the produce merchants sent agents all over the country to enter into contracts. There was no exemption in these contracts in regard to drought or deficiency of supply. Owing to the drought it was impossible for the farmers to keep their engagements, and the plea that it was implied in the contracts that it was to be the proceeds of the crop will not stand investigation. The farmer can be compelled to make up the deficiency, and if he did not have wheat to supply this year, he could be compelled to supply next year, and that would remain a permanent obligation on his shoulders until perhaps the statute of limitations applied. If a farmer agreed to supply 500 bags of wheat, and was only able to supply 200 bags, he would be partially fulfilling his contract, and then he would be obliged to complete it this year or next year.

Hon. J. F. Cullen: On what ground does the Minister release him?

The COLONIAL SECRETARY: On the ground that it would be utterly impossible for him to fulfil the contract.

Hon. J. F. Cullen: The ground that the Court would take?

The COLONIAL SECRETARY: It is generally recognised that something should be done.

Hon. D. G. Gawler: Have the Crown Law authorities advised whether it would be possible to resist any claims by purchasers on contracts in the other States?

The COLONIAL SECRETARY: No; the Bill is limited to this State. Ample protection is given to sub-purchasers.

Hon. D. G. Gawler: I do not think that would bind people in the other States.

The COLONIAL SECRETARY: The scope of the measure applies only to this State.

Hon. A. SANDERSON: With regard to the Government's proposal so enthusiastically supported by the spokesman of the Country party, the wheat grower who makes a contract to sell a certain quantity of wheat is a speculator of the first water and should not be encouraged or protected by legislation. For the wheat

grower to be so protected and to have the support of Mr. Colebatch is astonishing. That hon. member twitted me with wishing to make the Bill as bad as I could. It will be made worse by the passing of this clause. By what species of argument can we protect the wheat grower and not the fruit grower or barley grower? The clause is unsound and I am convinced the Country party will bitterly regret that they ever supported it. They are playing into the hands of the Labour party whose policy is to fix prices, cancel contracts, do anything they like and be guided by no principle of any kind. If the Country party were supporting the mining industry—

Hon. C. F. Baxter: We are.

Hon. A. SANDERSON: They would be showing some disinterestedness, but for their own narrow, selfish, pocket ends and nothing else, they are seeking to foist this kind of legislation on the country. I could not wish to make the Bill any worse than it is. When we find members, sent here to look after the interests of the country as a whole, taking the vilest, narrowest grounds of appeal to the pocket—

The CHAIRMAN: The hon. member must not impute motives.

Hon. A. SANDERSON: I am not; I am saying what is obvious. I am not suggesting that members here do it. We learn from the public prints the opinion of the farmers. This is one of the most dangerous proposals ever put before Parliament and it will enable the Labour party to sweep the country because people who otherwise would oppose them will ask what there is to choose between the outrageous proposals of the Country and Labour parties. The Labour party are sufficiently honest to say they will seek to break any contract if it suits their purpose on principles of State to do so.

Hon. V. HAMERSLEY: I am pleased Mr. Sanderson realises that farmers are speculators. Anyone who has had anything to do with farming knows it is one of the most speculative industries on which anyone can embark. I deplore the necessity for such legislation, but sup-

port the clause. There are dangers attached to it and I would object to it under ordinary conditions, but everyone must recognise that the conditions now prevailing are abnormal. Many farmers who have contracted to supply wheat are bankrupt and it would not be worth while a merchant further harassing them by suing them. On the other hand, many merchants would probably be subjected to litigation to compel them to complete their contracts if the clause were not passed to release them. I would like to know if the Government have considered any specific date as to when contracts shall be affected. The Government entered into many contracts with farmers in November and December for the delivery of wheat at 5s., 5s. 6d. and 6s. a bushel, and undoubtedly this clause will cancel such contracts.

The Colonial Secretary: The Government bought only visible wheat.

Hon. V. HAMERSLEY: Some farmers have found that they over-estimated their yields and they would be able to claim that their crops had not realised all they contemplated and thus would be entitled to apply for relief.

Hon. W. PATRICK: I support the clause because it will give effect to what occurs in a normal season. If a farmer sells wheat, it is understood that he will not deliver if he does not produce the necessary quantity although there is no doubt that under the contract he would be legally liable to supply the full quantity. This is an abnormal season and the matter is one of necessity. The passing of the clause will not interfere with ordinary contracts. Subclauses 5 and 6 protect every one concerned, and not merely the farmer. Mr. Sanderson's remarks, therefore, are hardly fair. I support the clause.

Hon. Sir E. H. WITTENOOM: In spite of Mr. Sanderson's remarks, I must support this clause. Although no one respects the sacredness of contracts more than I do, yet I feel that at a juncture such as this contracts must be reconsidered. The time is absolutely abnormal, and one rendering relief to sufferers absolutely necessary. All forward

contracts made prior to the 4th August, the date of the declaration of war, should be cancelled, especially having in view the effects of the drought. The only difficulty in my mind arises from consideration of the third and fourth party. The mischief arises out of these later transactions.

Hon. D. G. GAWLER: A heavy responsibility is placed on members of the Committee, because most of us recognise that great danger springs from interfering with the principle of the sacredness of contracts. Why should not this provision apply to every class of the community, as well as to farmers? The law as it stands relieves a man of his contract where performance is impossible. In the absence of Subclause 1 there is no impossibility, because legally the farmer can obtain wheat elsewhere if his own crop has failed. I do not see how a purchaser outside the State is going to be prevented from enforcing his contract, seeing that he is not subject to our jurisdiction. It is a matter for the Colonial Secretary's grave consideration whether we can prevent a purchaser outside the State from insisting on the performance of his contract. Are contracts for the sale of wheat outside the State going to be cancelled? If not, someone is going to suffer in spite of this measure.

The Colonial Secretary: The Government have heard of no such contracts.

Hon. D. G. GAWLER: That seems to me a flaw in the measure. If all reports are true, crops are failing and farmers are consequently in great distress. If the effect is a national one, as it appears to be, then Parliament should come to the assistance of the farming class. Loth as I am to allow of any interference with contracts, I must admit that I am inclined, though with great reluctance, to vote for this clause. I would point out that the clause makes no reference to the war, but mentions only the failure of crops, which may be described as a visitation, or an act of God, that the farmer could not foresee.

The COLONIAL SECRETARY: The Government have made full inquiry into the question of whether there are persons

outside the State who have contracted for the supply of wheat with farmers or others within the State, and the Government have not been able to discover any such contracts.

Member: Does this clause refer to flour also?

The COLONIAL SECRETARY: No; to wheat. The intentions of the Government are thoroughly well known, having been published throughout the Press; and no protests have been received, except from farmers who ask that they should be entirely relieved of their obligations as regards the supply of wheat. That is the only complaint we have received—a complaint that we are not going far enough.

Hon. J. F. CULLEN: I wish to clear away a misapprehension. I have seen a little of the business world, and I defy any member of this Committee to quote me a case where a court has ordered the fulfilment of a contract when natural conditions have made fulfilment impossible.

Hon. D. G. Gawler: Such a case has never come before the courts.

Hon. J. F. CULLEN: Say, impracticable, then. There is no wheat for sale in this State, the Government having bought all the wheat here. I start from the same ground with the Government, as to the universal practice being that the farmer sells a certain number of bags of wheat; and for that reason I consider the clause unnecessary. No merchant or agent would dare, under existing conditions, to bring an action for damages for the non-fulfilment of his contract with a farmer whose crop has failed. Such a thing has never been done up till now, and no merchant or agent would dare do it, for he would damn himself by doing so.

Hon. C. Sommers: I will give you a case.

Hon. J. F. CULLEN: The effect of the clause will be to put the farmers to enormous expense. The Minister says to the farmer who has made a contract which he cannot fulfil, "Go to the court." Any bluffing merchant, there-

fore, might drive any farmer into the court.

The Colonial Secretary: The farmer need not go before the court unless it is necessary.

Hon. J. F. CULLEN: I pity the magistrates who have to administer this measure. Every case must go before the court.

The Colonial Secretary: The farmer is, in any case, relieved after the 31st March.

Hon. J. F. CULLEN: If the Bill is passed, every farmer who requires covering under it will have to go to court and incur considerable expense.

Hon. C. SOMMERS: Mr. Cullen has gone to some pains to prove to the Committee that no court would make a man complete an impossible contract. In a case probably well known to hon. members a certain gentleman who had not very much experience bought a large station carrying a lot of stock. He readily sold a considerable portion of the stock to another squatter and undertook to deliver them on a certain date. The buyer knew that it was impossible to deliver them on that date, owing to the season, yet he insisted on the delivery. Finding from his manager the condition of affairs, the vendor tried to get out of the contract. The case came before Mr. Justice McMillan, who gave a thumping verdict for damages against the vendor. That is a case on all fours with the wheat contract.

Hon. J. F. Cullen: Not at all.

Hon. C. SOMMERS: He could not perform the contract, and he had to pay damages.

Hon. E. McLARTY: I feel very reluctant to do anything that will interfere with contracts, yet I have to consider which will be the greater injustice, to release the farmer from a contract which it is impossible to carry out, or to deprive the merchant of the wheat he has purchased. The present conditions are absolutely ruinous to the farmer who may have sold 500 bags in good faith, expecting to get 1,000 or 1,500 bags from his crop, but who, through no

fault of his own, is unable to fulfil his contract. If he is compelled to supply 500 bags when he has only produced, say, 200, where is the money to come from to furnish the balance? After consideration, I have come to the conclusion that to refrain from affording relief would be doing a greater injustice to the man on the land who cannot fulfil his contract than the granting of that relief to the farmer would inflict on the disappointed produce merchant. I support the clause, for I think the provision that a man shall be compelled to supply as far as he is able is essentially just and fair.

Hon. E. M. CLARKE: Whatever the legal aspect of the question, I am confident that as between the buyer and the seller it is implied that the wheat sold by the farmer is wheat that he will have grown for himself. Nineteen out of 20 farmers never think of buying wheat to sell to a merchant. I like to see contracts respected, but when a calamity has fallen on the State, rendering it impossible for the farmers to carry out their contracts, I feel that relief should be given to those farmers. I repeat that the wheat sold is sold in good faith by the farmer as the product of his own fields. Greater harm will be done by not affording the farmers relief than can ever be done under the Bill. Without the Bill the farming community will be crippled for years to come.

Hon. J. E. DODD (Honorary Minister): I cannot understand Mr. Sommers quoting the instance he did and yet supporting the abolition of the clause. His attitude is entirely paradoxical.

Hon. C. Sommers: I was only putting Mr. Cullen right.

Hon. J. E. DODD (Honorary Minister): The hon. member has given us the best possible reason why the clause should remain. In reply to Mr. Sanderson I say that if any person other than a farmer can put up as good a case for the abolition of his contract as the farmer can to-day, the Government would be perfectly justified in helping him. I do not believe there is one wheat buyer in Western Australia who thinks the farmer is going to fulfil his contract, or

that the Government are going to compel him to do so. I have as good knowledge of wheat buyers as anyone in the House and I do not believe any one of them thinks the farmer can fulfil his contract under existing conditions. In South Australia the contracts were always made for so many bags, more or less. In that State all contracts were made in that form. Having a particular knowledge of the principal of a firm, who recently died leaving £1,600,000 which he had made out of the farmer, I am sure that that firm, like all other firms of the class, knows that no farmer is going to fulfil his contracts under existing conditions.

Clause put and passed.

First and Second Schedules—agreed to. Third Schedule:

Hon. C. SOMMERS: This appears to be hardly fair. The Government seem to have priority to the detriment of the mortgagee, notwithstanding that the mortgagee is a preferential creditor. According to the schedule if there is a surplus over the amount due to the Government the unsecured creditors are to participate in the distribution thereof. The mortgagee may have been very lenient, and there may be two years' interest owing to him, yet, according to the schedule, all that he will be entitled to is one year's interest. The Government are to take their advances on the crop and the machinery, and all the rent due to them, and distribute the balance partly to the farmer and partly to unsecured creditors. If there is any balance, surely it is the first mortgagee who should be considered. All the Government are entitled to is the repayment of the amounts they have advanced to enable the farmer to put in his crop. I move—

That paragraph 6 be struck out.

The COLONIAL SECRETARY: I oppose the amendment. This schedule simply deals with the surplus after the Government have secured moneys in respect to the first charge, and after they have been paid for seed wheat and fertiliser and supplying the farmer with necessities of life. Then comes the distribution of the surplus under Clause 21. This schedule was arranged under the old

system with the approval, and indeed at the suggestion of the Chamber of Commerce. I can see no sound arguments in the opposition of the hon. member. Why should not the farmer be obliged to pay his rent, and why should not provision be made in the schedule so that the Government can come in as other creditors do in the distribution of the surplus arising out of the assigned crop?

Hon. C. SOMMERS: Why should not a man who has lent his actual gold to develop a farm and make it fit to live upon have his arrears of rent paid? It would be a great injustice that this should not be done. The whole schedule needs recasting. I know of cases where two or three years of interest are owing, and where by next year there will be a fourth year's interest owing. The mortgagee has perhaps been lenient and the mortgagor admits it, and yet the mortgagee can only claim one year's interest while unsecured creditors are allowed to come in and share in the surplus.

The COLONIAL SECRETARY: The Government are supplying seed wheat and fertiliser to enable the farmer to put in the crop. The mortgagee is very fortunate indeed to get a year's interest. He could not reasonably demand three years' interest. Why does he not advance money himself to enable the farmer to put in his crop?

Hon. C. SOMMERS: I have no objection to the Government paying themselves for every penny of interest on the moneys advanced to the farmer to put in his crop. But the mortgagee should be considered. I do not ask that the principal should be paid but merely that the arrears of interest should be paid. It does not follow that a mortgagee will take all the interest that is due. There may be widows and children who are dependent upon the payment of the interest.

The Colonial Secretary: He would get nothing were it not for the Government.

Hon. C. SOMMERS: The Government are assuming that every mortgaged property is unsaleable. I know of many cases in which, if the mortgagee pressed, he could sell and get every shilling of his mortgage. I do not suppose there is one case

in a dozen in which the mortgagee has taken advantage of this position to force a sale. If there is a surplus after the Government are paid the mortgagee has a right to be consulted as to whether he should take all the interest due to him, and should not be told that one year's interest is all that he is to get.

Hon. D. G. GAWLER: Will the hon. member withdraw his amendment in order that I may make an amendment to an earlier paragraph in the schedule?

Hon. C. Sommers: I desire to withdraw my amendment temporarily.

Amendment by leave withdrawn.

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

That at the end of paragraph 3 the following words be added:—"Or to the whole of the vendors' lien."

Vendors' liens are recognised by the amendment as an incumbrance. The vendor has a lien over his unpaid purchase money. The amendment on this point was made largely in order to put the Midland Railway Co. into the position of mortgagees and to entitle them to get their interest, which I take it it was intended they should get.

Amendment put and passed.

Hon. H. P. COLEBATCH: I think that paragraph 7 of the schedule is a little ungenerous, particularly from the point of view of the country storekeeper. The Government are going to get their rent before the country storekeeper, who finances the farmer, gets a look in. I do not propose to press it, however.

Hon. C. SOMMERS: I desire to withdraw my amendment.

Amendment by leave withdrawn.

Hon. H. P. COLEBATCH: I move an amendment—

In paragraph 8 to strike out all the words "or moneys due for advances made to enable an applicant to pay arrears of rent, etc."

This is an amendment consequential upon the amendment which was made to Clause 9 of Subclause (c).

The COLONIAL SECRETARY: This is hardly a consequential amendment. How will the Government receive payment in connection with rent due?

Amendment put and passed.

Hon. E. M. CLARKE: I desire to call attention to the figures appearing in paragraph 7 of the third schedule. It appears to me that the figures 1913-14 ought to read 1914-15.

Schedule as amended put and passed.

Bill reported with amendments.

Recommittal.

Hon. H. P. COLEBATCH: I move—

That the Bill be recommitted for the purpose of considering Clauses 9, 15, and 24.

Question passed; Bill recommitted.

Hon. H. P. COLEBATCH: When the Bill was being considered in this House on Thursday an amendment was rejected in a thin House as follows:—

Provided that no commodity shall be supplied or money advanced under this Act after the 31st day of December, 1915.

I can hardly understand hon. members opposing such an amendment. The effect of not passing the amendment was that the proposals in this Bill become permanent whereas if the amendment be passed we would be limiting the operation of the legislation authorised under the Bill. I am sure it is not the intention of this House that legislation of this class should be permanent in character. I move an amendment—that the proviso be added.

Hon. J. CORNELL: Mr. Colebatch claimed that this amendment was negatived by a thin House. The number of members who took part in that division was 19. The amendment was defeated on a fair vote and it is not the first time—

The Chairman: The hon. member must discuss the amendment.

Hon. J. CORNELL: This is not the first occasion on which similar methods have been adopted in this House. I have protested before and I wish again to enter my protest against a less number of members of this House undoing something which has been done by a greater number of members.

Hon. J. F. CULLEN: It is my intention to support Mr. Colebatch. The

division was taken in a thin House. Several members, including myself, were absent.

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

Ayes	11
Noes	5

Majority for	..	6
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AYES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. D. G. Gawler
Hon. R. D. McKenzie	(Teller)

NOES.

Hon. C. F. Baxter	Hon. H. Millington
Hon. J. Cornell	Hon. H. Carson
Hon. J. M. Drew	(Teller).

Amendment thus passed.

Clause 15—Advances to be first charge on land, crops, etc.:

Hon. D. G. GAWLER: When the Bill was previously before the House I moved an amendment which was adopted on which it might be said that the mortgagee's rights over the crop take priority over the mortgagee's rights over the land. I want to make the position clear, and therefore move an amendment—

That after the words "first charge" in the last line but one of the proviso to Subclause 1 the following words be added:—"notwithstanding the right of any mortgagee or encumbrances in possession under any mortgage or encumbrance over the lands whereon such crops may be growing."

Amendment put and passed.

Hon. D. G. GAWLER: I move a further amendment—

That the word "or" in the last line but one of the proviso be struck out and the word "in" inserted in lieu.

Amendment passed, the clause as amended agreed to.

Clause 24—Power to make or guarantee advances to persons engaged in mining or other industries:

Hon. H. P. COLEBATCH: Under the Mining Development Act the Govern-

ment have power, without this Bill, to make advances that they may deem fit so far as the goldmining industry is concerned. I presume therefore that this clause will only apply to mining of other description. An hon. member who was not able to remain to this hour asked me to move an amendment to the clause and I fancy that his idea was to make it clear that the clause was intended to apply to mining "other than gold mining." I move an amendment—

That in line 3, after "mining" the words "other than gold mining" be inserted.

The COLONIAL SECRETARY: Provision is made in the Mining Development Act for rendering assistance in the direction of deep sinking and also for erecting machinery. What we now require is legislative authority to enable us to make advances to those engaged in tin, copper, and lead mining. In fact we are making these advances to-day.

Hon. H. P. COLEBATCH: Is it intended to apply to gold mining?

The COLONIAL SECRETARY: Under the Mining Development Act there is provision for assisting those engaged in gold mining but there is no legislative provision for making advances on tin, copper, or lead, or even on pearlshell.

Hon. A. SANDERSON: We might easily let the clause go as it is. If we accept the amendment we shall especially exclude gold mining, and surely there is no desire to do that.

Hon. Sir E. H. WITTENOOM: It would be wise to allow the clause to stand without alteration, otherwise we shall have it thrown at us that we are doing everything for the farmer and nothing for the gold miner. It would be very unwise to exclude the gold mining industry.

Hon. H. P. COLEBATCH: I simply moved the amendment for an hon. member who is not here now and I did so on the assurance he gave me that the Mining Development Act gave the Government all the powers they wanted as

far as gold mining was concerned. If the Colonial Secretary says it is not so I have no wish to press the amendment. I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. CORNELL: I move an amendment—

That in Subclause 2, line 4, the word "six" be struck out and "five" inserted in lieu.

If the farming industry can only bear five per cent. interest, it is not right that the mining industry should be asked to pay six per cent.

Amendment passed; the clause as amended agreed to.

Bill reported, and returned to the Legislative Assembly with a request that the suggested amendments be made; leave being given to sit again on receipt of a message from the Assembly.

BILL—POLICE ACT AMENDMENT.

Returned from the Assembly without amendment.

House adjourned at 10.40 p.m.

Legislative Assembly,

Tuesday, 2nd February, 1915.

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

QUESTION—FRUIT FLY.

Mr. E. B. JOHNSTON asked the Minister for Agriculture:—1, What horticultural districts of W.A. were affected with fruit fly ten years ago? 2, What horticultural districts of W.A. are not affected with fruit fly this year? 3, What amount of money has been spent by the Agricultural Department during the past ten years in endeavouring to rid the State of the fruit fly? 4, What has been the result? 5, Did Mr. Compere introduce a fruit fly parasite into this State? 6, If so, is it doing effective work? 7, What was the cost to this State of Mr. Compere's searches for parasites? 8, Does the Agricultural Department permit of fly-infected fruit containing the maggots of the fruit fly being sold to a jam factory?

The MINISTER FOR AGRICULTURE replied:—1, Metropolitan and surrounding districts; also Pinjarra. 2, The areas South of a line running from Katanning to Kirup, with the exception of Albany. During the past few years outbreaks have occurred within this area, but have always been stamped out. 3, It is not possible to give these figures with any degree of exactitude. A very large proportion of the time of the administering officers, and the field, port, market, and metropolitan inspectors has been taken up in efforts to cope with the fruit fly. 4, The fruit fly has so far been pre-