

Mr. MANN: The object of the Bill is to bring the company's Act up to present day requirements. The Lunacy Act has been amended in such a way that the company is outside its scope. The Insolvency Act has been amended, thus necessitating amendments to the company's Act, so that the company can deal with insolvent estates and the appointment of liquidators. Most of the amendments are formal and have been found necessary to bring the legislation of this company into line with that of another company recently started. The Bill seeks to widen certain interpretations, while the interpretation of "committee" and of "trustee in bankruptcy" have been altered. Of the 16 clauses in the Bill, ten are formal. The company have had experience such as justifies them in asking for legislation to enable them to deal with certain cases when they occur again. The company, acting for an estate, and having loaned money to a client, may have been appointed trustee for the client's estate prior to his decease, and would then find themselves in the position of being both mortgagor and mortgagee. They desire to have legislation to enable them to deal with such a position as it arises.

Mr. Hughes: They should not undertake to act as trustees where they have a client.

Mr. MANN: The position as it occurred was one it was impossible to avoid.

Mr. Hughes: They need not act as trustees. They can get someone else to do that.

Mr. MANN: It is necessary they should do so. They desire to have power to appoint a liquidator to deal with estates that come into their hands, and to have power to appoint official trustees. The new company has that power. The trustee company has been operating since 1893 and is performing a necessary work.

Mr. Johnston: Give them all a fair deal.

Mr. Hughes: It makes very extortionate charges.

Mr. SPEAKER: Order!

Mr. MANN: The Bill gives the company power to deal with probate and transfers. The other clauses are all of a formal nature, and of the 16 contained in the Bill nine are similar to those passed last year for the benefit of the other company. I move—

That the Bill be now read a second time.

On motion by Mr. Hughes, debate adjourned.

House adjourned at 10.13 p.m.

Legislative Council.

Thursday, 29th November, 1923.

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

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Read a third time, and transmitted to the Assembly.

BILL—INSURANCE COMPANIES ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Extension of Act to certain brokers and agents:

Hon. J. J. HOLMES: Having looked into this clause, I think it is quite in order, and I regard the proposed amendment as very desirable.

Clause put and passed.

Title—agreed to.

Remaining Stages.

Bill reported without amendment, and the report adopted.

Read a third time, and passed.

BILL—ANZAC DAY.

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [4.39] in moving the second reading said: This Bill will appeal to every member. We regret, naturally, that the necessity for such a measure should arise; but we recognise how necessary it is to keep Anzac Day as a sacred day. During 1919 an Act was passed declaring Anzac Day a public holiday. That measure did not, however, declare how the holiday should be observed. All hon. members will agree that Anzac Day should be

regarded as a sacred day, commemorating the glorious deeds of the Australian and New Zealand troops. The present Bill is on the lines of the Queensland Act, and in fact almost word for word a copy of it. In another place an attempt was made to declare Anzac Day a Sunday, with the full observance of a Sunday. However, it was found that an old English law, coming down from the time of Charles II., renders it extremely difficult to observe a Sunday, inasmuch as that ancient Act enables people to lay informations against other people for non-observance. Accordingly this Bill makes Anzac Day a day on which certain things shall not be done. The Government have no desire to obtain the passing of legislation which will make it difficult to keep the day as it should be kept, a sacred day in memory of our young men who fought on the 25th April, 1915. The Bill provides for amendment of the laws relating to racing restriction and to licensing. We do not wish to see frivolity on Anzac Day, which is a day of sadness and sorrow, as well as of glory, and brings to our memories things which, in some respects, we would far rather had never happened. Undoubtedly it is a glory to Australia and Britain that such troops as the Anzacs did exist. It has been said, and as I think truly, that the Anzacs were among the greatest troops that ever lived. Those who know of the wonderful landing effected on that fateful day will bear testimony to the heroic courage of the troops who took part in it.

Hon. A. Lovekin: Why should Anzac Day be a day of sorrow?

The MINISTER FOR EDUCATION: It should not be a day of rejoicing.

Hon. A. J. H. Saw: Are Waterloo Day and Trafalgar Day days of sorrow?

The MINISTER FOR EDUCATION: The sorrow I have in mind is the sorrow of those who lost friends on that day. It is a day of sacredness mingled with sorrow. We suffer for those who suffered the loss of friends on that day. Therefore it is desirable that horse racing and other sports of the kind should not be indulged in on Anzac Day, and that hotels should not be opened on that day. I regard the Bill as a very wise one. It will bring home to the people, if they require it—I do not think many of them do—the solemnity of Anzac Day. I believe the Bill will receive the unanimous support of the House. Those of our members who took part in the great war will be able to speak much more effectively regarding this Bill than I am able to do. I move—

That the Bill be now read a second time.

Hon. J. CORNELL (South) [4.44]: I trust that the hon. member who has the New Zealand legislation dealing with this subject, and the Act of Charles II. referred to by the Minister for Education, will kindly make them available to me.

Hon. A. Lovekin: Here is the Act of Charles II.

Hon. J. CORNELL: This is a Bill that we can discuss calmly and dispassionately. There is no need to refer to the part played by those whom the day is intended to commemorate; it is well known and will stand in history. The question is how best to observe the day. I am sorry the Minister did not deal more fully with the Bill, and the Act that the Bill proposes to amend. Also he might have told us something of similar legislation in other States and countries. The Statute No. 17 of 1919 makes Anzac Day a public holiday comparable with King's Birthday, Proclamation Day, and others; that is to say, no great disability is placed on the community, nor is it difficult to determine how the day shall be observed. After four years of operation that Act does not meet with the general approbation of the people of Western Australia. One of the entities responsible for representations to the Government to bring about an alteration is the Returned Soldiers' League. It should be distinctly understood that the Returned Soldiers' League does not claim to speak for all discharged soldiers—as a matter of fact there are more soldiers and sailors outside the league than there are within it—but the league does claim that if anybody is entitled to offer an opinion on behalf of the discharged soldiers, it is the Returned Soldiers' League which, in this State, has an organisation extending from Albany to Marble Bar. I understand the Bill was asked for, though not in its present shape, by the Returned Soldiers' League. The Minister has said the Bill is identical with the Queensland Act. That is so. But he omitted to inform the House that New Zealand did not always observe Anzac Day as it is there observed at present. First the New Zealand Parliament passed an Act on all-fours with the Bill now before us. That is how New Zealand began. After giving the Act a trial, the New Zealand Parliament repealed it, and Anzac Day in New Zealand is now observed as a Sunday. Members would find it difficult to discover any valid reason why we in Western Australia should not follow suit. For the life of me I cannot see why an integral part of those responsible for the inaugurating of Anzac Day—the glory of which is shared by New Zealand equally with Australia—should legislate in a certain direction, while we should refrain from so legislating. New Zealand started off by making of Anzac Day a day on which no spirituous liquors should be sold, and no race meeting held. To-day in New Zealand Anzac Day is observed as a Sunday. We started off by making of Anzac Day a public holiday, and we now propose to make of it a day upon which anything may be done other than the selling of spirituous liquors and the holding of horse races. If the House be not prepared to give Anzac Day the status of a Sunday, personally I do not want the Bill now under consideration. Almost ever since the Armistice, controversy has raged amongst

those responsible for the inaugurating of Anzac Day as to how the day should be observed. Quite recently at a returned soldiers' conference held in Perth, after a long and heated discussion it was resolved that the day should rank as a Sunday. It was recognised that if Anzac Day ranked as a Sunday, many people would forfeit a day's pay. Is that a hardship? For the last four years on the approach of Anzac Day there has been a heated controversy on the question of its being a paid holiday. The net result has been that returned soldier Government workers, having been able to say to the Government, "We should be paid for Anzac Day," have in most cases been so paid. This involved the payment of other employees working alongside those who were returned soldiers. Throughout the length and breadth of the State where Anzac Day is observed as a holiday, there is a great proportion, not only of discharged soldiers, but those who are not discharged soldiers and who are working with them, who have had to observe Anzac Day and have received no payment. No honest man could stand for such a state of affairs. Can one body of men, because they hold a certain position, demand to be paid, and another body of men be unable to do so? This phase was discussed at the Returned Soldiers' Conference, and it was unanimously agreed that Anzac Day should have the status of a Sunday. If this is done by Act of Parliament, all awards in existence making penalty rates for Sunday work would be applicable to work on Anzac Day. Probably all industrial agreements would be applied in the same way. Those who have to work on Anzac Day would receive penalty rates, but those who did not would receive no pay.

Hon. E. H. Harris: They would lose a day's work.

Hon. J. CORNELL: A large percentage of employees lose that already. Is it not honest and fair to say that if any man is called upon to work on Anzac Day he should get penalty rates? Many discharged soldiers have to work on Anzac Day, but would prefer not to do so, though the exigencies of their service demand it. I suppose I shall have to answer the charge of doing something that will confer a hardship upon some sections of the community, inasmuch as those people would not work and would not be paid on Anzac Day. Do members think that Anzac Day should be one on which only the minimum amount of work should be done? If they think that they will agree with me. If they think otherwise, they will not want Anzac Day observed in the spirit in which I should like to see it observed. There are two days in our calendar that are on the same footing as Sunday, namely, Christmas Day and Good Friday. These days commemorate the Birth and the Resurrection, and form the fundamental part of the Christian belief. They are not observed as a Sunday because the present generation passed a statute to that effect, but because generations of ages ago and custom made them so. I am not asking too much in requesting that Anzac Day should

be treated as a Sunday. At the worst it cannot inflict upon employers more than a monetary hardship. It will inflict a greater monetary hardship on employees than on employers. If there is one section of the community that owes a debt to returned soldiers, it is the employing section. What holiday outside Christmas Day and Good Friday appears in our calendar that has more Australian significance than Anzac Day? Many discharged soldiers and others view Anzac Day from various angles. There is, however, only one angle from which it can be viewed. Since the foundation of Australia, blood has never been shed within the continent, and a shot has never been fired in anger. The war was none of our seeking, but on the day that has since become known as Anzac Day there united together the Australian and New Zealand army corps to play their part in the war. From that day dates the birth of Australia as a nation. I have read much history, and have always been anti-war, but I have not yet found a page of history that contains the genesis or end of a great country that has not been associated with war. On Anzac Day Australia and New Zealand became a nation. So far as returned soldiers are concerned, and the average digger outside the League, they have turned the whole outfit over to the civilian population. They take no hand and wish to take none to indicate how Anzac Day should be kept up. The civilian population has in turn practically turned over to the clergy of different denominations the commemorative side of Anzac Day, and it is the clergy who practically bear the brunt of the work of seeing how the day shall be commemorated. Is it, therefore, too much to ask that this day shall be given the status of a Sunday? The Bill sets out that no hotel shall open on Anzac Day, nor shall there be any race meetings or betting. I think Mr. Moore will bear me out when I say that, generally speaking, one of the strongest characteristics which went a long way towards maintaining the cheery optimism and fine fighting qualities that distinguished the Australian and New Zealand troops, was their capacity to take a beer and a chance at two-up. The sporting instinct kept their spirits up and the gambling spirit helped to make them the fighters they were. The Bill, however, cuts that out. In actual practice, what will happen on Anzac Day if the Bill becomes law? At the present time various sports of all kinds are indulged in on Sunday and in those sports the element of gambling appears. If Anzac Day is given the same status as Sunday, all these things which happen on Sunday will continue.

The Minister for Education: Then you would have to enforce the Act of Charles II.

Hon. J. CORNELL: Sport can take place on Sundays now with the consent of the Colonial Secretary, who sets out the necessary conditions. One of those conditions is that there shall be no gambling. It does not necessarily follow, if later on I ask members

to give Anzac Day the same status as Sunday, that nothing but religious worship will take place. It is only in this way, however, that Anzac Day can be commemorated in the way it should be. I believe Anzac Day in 1918 was a greater day than April 25, 1915. It was in 1918 on that day that the battle of Villers-Bretonneux was fought, in which the 13th and 15th Brigades shifted the enemy permanently from that centre which was the apex of the German charge early in 1918. There are other significant features which I could quote in connection with the date of Anzac Day. No hon. member, nor anyone outside the precincts of the House, would ever accuse me of being a wowsler or of regularly attending a church. I am neither a wowsler nor do I regularly attend church, but I have every respect for the wowsler and for the man who regularly worships, irrespective of the denomination to which he belongs. We can all join hands on this matter and endeavour to decide how best we can give Anzac Day the status it deserves. The Minister has said that one of the objections raised in another place was in connection with the Act of Charles II. Has the Minister read that Act?

The Minister for Education: I have.

Hon. J. CORNELL: Without wearying the House by quoting it, I ask the Minister if that Act does not apply to Sundays now just as much as it would apply to Anzac Day if we gave it the status of the sabbath day?

The Minister for Education: Yes.

Hon. J. CORNELL: Then why the specious argument that the Act of Charles II. might be used if Anzac Day is given the status of a Sunday? It is a ridiculous piece of reasoning and I have too much admiration for the Leader of the House to think he was serious when he raised it. If it was put up to him in that light, all I can say, to use a vulgarity, is that he was sold a pup.

The Minister for Education: I said that argument was used in another place.

Hon. J. CORNELL: I am firmly of the opinion that, were the Leader of the House sitting where he formerly sat prior to assuming Ministerial office, he would be with me on this question. I recognise he is in charge of the Bill and, therefore, has to put personal considerations aside. After passing the second reading of the Bill, I will ask members, in Committee, to support an amendment I shall submit to give Anzac Day the same status as Sunday, giving us in the year 53 Sundays instead of 52.

Hon. G. POTTER (West) [5.25]: I followed very closely the remarks of the Leader of the House and of Mr. Cornell. There were illuminating passages in both speeches. As to the source of the movement to declare a holiday on Anzac Day, such as proposed in the Bill, I will go beyond Mr. Cornell and say that not altogether has the desire its source in the Returned Soldiers' League, but it can be traced to a heartfelt wish on the part of the great bulk of the people to

express in some way a considerable degree of thankfulness for emerging from a great conflict with all rights and liberties preserved. By the very nature of the Bill, and from the tenor of speeches delivered, it is apparent that the people of Western Australia do not desire to avail themselves of the day in order to exult for gaining a great victory, but rather, in some solemn, serious way, to offer up their thanks to our Maker, and to those who died on foreign shores that their fellow countrymen might live under the conditions we are now enjoying. From that process of reasoning, when Mr. Cornell moves his amendment in Committee, I shall feel bound to support him. Another matter Mr. Cornell mentioned was the word "Anzac." For a long time the public were unaware that it was a coined word embodying the first letters in the words Australian and New Zealand Army Corps. I agree that the observance of Anzac Day on the 25th April does not necessarily mean the 25th April, 1915. As one who landed on the shores of Gallipoli Peninsula in the still watches of the night, I am sometimes given to thinking that the attention paid to what is referred to as the "feat of arms" on that memorable morning, is somewhat overdone. We had that fine covering force, the Navy, whose men took us from the decks and placed us on the shores. We had the benefit of the cover of darkness. The men who participated in the operations, whom I pitied more than anyone else, were those who landed in daylight on the second and third days. By then the hornets' nest had been stirred up. The enemy, knowing that the troops already landed under cover of darkness need only be held in check, sent a withering fire from high positions on to the men coming ashore in boats which had but little protection for them. These men were really the heroes of Anzac. Then again, this sacred celebration is one which does not only signify one particular day but relates to the whole history of the A.I.F. while abroad. There are some who lost their breadwinners and their loved ones for the Empire. There is something of sweetness in their sorrow and after this lapse of time they can mourn in a sweetly, sacred manner. Their mourning is not without hope. Anzac Day will be a day of pride for Australia in the recollection of her having attained such a footing in the world's history, and the people, though stung by the mourning for their loved ones, will be grateful that their kith and kin served them so well. It is a very small thing to ask that the 25th April be solemnised as a Sunday. This was the first I had heard about a musty institution. To-day there is little disability if one does not wish to observe Sunday as it was originally intended to be observed, and no additional disability would be imposed upon the people if we added one more Sunday to the year. I believe it is a desire emanating from the hearts of the people that something should be done in memory of those who died that we might live. Turning to the industrial

side, it will inflict some disability if the amendment indicated by Mr. Cornell be adopted, but what is that in comparison with what is being preserved to us? Had not the whole of the Empire's cubs gone to the rescue, where would we have been to-day? What Sundays would we have had? What industrial conditions would have prevailed? It is not a selfish matter—employees as well as employers will suffer. If the Bill as printed be enacted it will merely mean that the hotels and racecourses will be out of play on Anzac Day. Maybe there are some girls and boys, women and men, that will take more notice of Anzac Day than would a returned soldier, because the soldiers possibly have been hardened. Apart from what I or Mr. Cornell, who in a moment of aberration strolls to religious worship, might think, would it not be hard for employees, unable to afford to lose a day's pay, to remain at business, possibly carrying out their duties in an absented-minded way? There must be many employees that would wish to make a shrine of some soldier's monument around which a religious service was taking place. By force of circumstances employers could be unable to do as they desired. Further speech on the subject might be regarded as a reflection upon my estimation of members' intelligence. The spirit of the Bill as it comes to us I heartily endorse. If Mr. Cornell's amendment be moved, I shall be in duty bound to support it.

Hon. A. J. H. SAW (Metropolitan-Suburban) [5.35]: I am pleased to support the Bill, because it will make for the seemly and decorous observance of Anzac Day, which I regard as a day to be spent in a rational way untinted by any riotous excess. I join issue somewhat with the Leader of the House when he says Anzac Day is a day of sadness and of mourning.

The Minister for Education: I said a day of sorrow.

Hon. A. J. H. SAW: What is it we wish to commemorate on Anzac Day? Firstly it is not merely intended to commemorate the landing and the heroic deeds on Gallipoli, but it is symbolic of the whole of the heroic efforts of the Australian soldiers during the war. We are glad on that day to testify to our respect and veneration for the memory of the fallen. But there is a good deal more. We have to bear in mind that that day undoubtedly saw the birth of a nation. On that day Australia proved herself a fit daughter of the Empire and raised herself in line with the most heroic deeds of the Old Country. On that day sorrow does come in, because we desire to honour the memory of the fallen and show our sympathy with those left behind. In the early years following the war no doubt sorrow was the predominant note, but as time goes on that note will give way to a feeling of joy and pride at the actions of the whole of the soldiers of the I.A.F. I may compare the sorrow that we feel for the fallen with the scar that many a returned

soldier bears upon his body. A scar at first is vivid red, rather raised, but as time goes changes of colour take place; it becomes less noticeable and contracts, although it never disappears. That I take it is what is happening regarding the sorrow we felt and still feel for the fallen. Fortunately, it is a natural law in human nature that the most intense grief and sorrow become less poignant as time goes on and it is well it should be so, because otherwise life for many of us would be unendurable. That, I fancy, is what will happen to our feelings towards Anzac Day. The element of sorrow will become less and less and the element of pride and joy will become greater and greater. If those sentiments do not prevail in the community it is impossible to force them, but I believe a great majority of the people do wish this day to be observed in a seemly fashion. As time goes on I think there will be a combination on that day. The earlier part will be devoted to memorial services in the various centres, where addresses will be given and succeeding generations will be informed of the great deeds the Australian soldier did, of the great results the war achieved for them and the importance of every citizen taking his proper share in the defence of his country. The rest of the day, I think, will be spent in whatever manner seems fit to the individual. I hope for all time Anzac Day will be observed as a day to be honoured and that no excess or extravagance will be permitted to mar its fit observance.

Hon. A. LOVEKIN (Metropolitan) [5.41]: I support the second reading of the Bill, but I shall not be able to lend any support to the amendment Mr. Cornell has indicated. This is a practical age. There is already too much misery, sorrow and suffering in the world, and if we can do anything to rid ourselves of it and bring about greater happiness, the better it will be for us.

Hon. J. Cornell: Why any holiday at all?

Hon. A. LOVEKIN: Many of the gallant men that landed on the Peninsula are gone, but if they could rise up to-day, they would be no parties to amending the Bill in the manner Mr. Cornell desires, because by so doing suffering will be caused to other people. It has been said the day should be observed as a Sunday. What does Sunday mean? The Lord's Day Observance Acts are still in force. There are the Acts of Charles II. and of George III. dealing with the Lord's Day observance, and those Acts make Sunday, from a modern point of view, a most miserable day, a day that to my mind it is undesirable to retain. Fortunately we have progressed and the Acts to which I refer are practically dead letters. In the statute of Charles II., passed in 1677, provision is made in these words—

All and every person and persons whatsoever shall on every Lord's Day apply themselves to the observance of the same by exercising themselves thereon in the

duties of piety and true religion publicly and privately and that no tradesman, artificer, workman, labourer or other person whatsoever shall do or exercise any worldly labour, business or work of their ordinary callings upon the Lord's Day or any part thereof—

under the penalty of a fine. It goes further and says that any persons engaged in driving horse teams or wagons upon this day cannot even put up at an hotel, but must stay where they are, if Sunday overtakes them. That law is applicable to-day, and if we are going to put this statute into force, and the Act of George III. as well, it will be possible for any person to inform against another, who will be liable to a penalty of £200, of which amount the informer will receive half.

Hon. J. W. Hickey: That is all right.

Hon. A. LOVEKIN: Nobody may travel on a boat or ferry under that old statute.

Hon. J. Nicholson: They did not have motor cars in those days.

Hon. A. LOVEKIN: Any person offering goods for sale, oranges or any kind of fruit, will be liable to a penalty, and if the penalty is not paid the offender will be put in the stocks for two hours. That is the law that exists to-day. Even if a person who is travelling be robbed on the Sabbath, the thief is not answerable, because he has committed the theft upon a person illegally travelling on the Lord's Day. What a good opportunity for a burglar to plead the Act of Charles II. Why steal on week days when you can do so on Sunday with impunity? A Sunday newspaper may not even publish an advertisement on the Sabbath without rendering itself liable to a penalty of £50 if the law of Charles II. is enforced. Not one of those who sacrificed their lives at the Peninsula would desire that the people of to-day should be subject to such old laws, nor would they desire that the workers of the community and their wives and families should be penalised in any way on that day. We cannot forget that the workers in most cases do not receive pay for holidays, and the consequence would be that in one week there would be two Sundays and the workers would lose two days' pay. This would affect the wives and families, and I am sure the gallant men who have gone would never have desired that. Under our arbitration awards any person who works on Sunday must receive from one and a half to treble rates of pay. If we declare Anzac Day to be observed as a Sunday, those who come under the awards must receive the extra pay. Then we shall find that fares will be raised to meet the charges. In King's Park children walk down the avenues on Anzac Day and place their little wreaths and flowers at the foot of the trees planted in memory of the brave men who lost their lives at Gallipoli. Those children, or many of them, have to travel to the Park by means of trains or trams, and we shall be penalising

them by compelling them to pay higher fares.

Hon. J. M. Macfarlane: The tramway surcharge has been abolished.

Hon. A. LOVEKIN: I was not aware that that was so, but if Anzac Day is to be observed as a Sunday we shall find that fares will be increased. Take public conveniences, such as a newspaper. There would be no business for it on Anzac Day. The proprietors, however, take the good with the bad and would publish on that day whether the publication be profitable or otherwise. Shall we do any good either to those who died for us, or to anyone else by inconveniencing the public as it is proposed to do under the Bill? The true way to honour the memory of the Anzacs is to adopt the suggestion made by Dr. Saw. I do not often agree with the hon. member, but I do on this occasion because he suggested that the morning should be devoted to the needs of the soul and the afternoon to the needs of the body. If the men who have gone could rise up they would endorse that proposal. Sunday, after all, is the day of rest; in other words a holiday, or holy day. It will be just as good for the Anzacs to call it a holiday as to call it a Sunday.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—"Anzac Day" inserted in certain sections of the Licensing Act:

Hon. J. CORNELL: If the Committee is in favour of Anzac Day being given the same status as Sunday we can get over the difficulty by voting against this and the succeeding clauses. That would leave the short title and it would be possible for me to move the insertion of two new clauses on the lines of those in force in the New Zealand Act. The principal one of these would read—

In commemoration of the part taken by the Western Australian troops in the Great War and in memory of those who gave their lives to the Empire, the 25th April in each year, being the anniversary of the first landing of the English, Australian, and New Zealand troops at Gallipoli, shall be known as "Anzac Day," and shall be observed throughout Western Australia in all respects as if such a day were Sunday.

If the House will pass that clause Anzac Day legislation will be precisely the same as that in force in New Zealand excepting that "Western Australia" will be substituted for "New Zealand." The suggested new clause I have just quoted was submitted as an amendment to the Legislative Assembly by Mr. Latham, but was not accepted. It will be necessary, however, to strike out clauses

2, 3, and 4 before we can insert the proposed new clause.

THE MINISTER FOR EDUCATION: The procedure suggested by the hon. member is wise, but I think we might take the decision of the Committee on Clause 2. It is with the greatest diffidence I oppose the hon. member and others who have spoken so eloquently to-day on a question which is so near to the hearts of all our people. Dr. Saw's argument was that a religious service would be held in the morning, and that the rest of the day would be left free. Mr. Lovekin's argument is that which moved the Premier not to agree to what Mr. Cornell now suggests in this Chamber. The ancient statutes quoted by Mr. Lovekin are drastic and serious—if put into operation. They are part of the law of the land to-day, though no one is now interfered with regarding Sunday observance. I do not know that anything serious would happen if the amendment suggested by Mr. Cornell were carried. However, the danger is there. There is much force in Mr. Lovekin's argument as to the disabilities which would result to certain people in particular, and to the public in general. We might give the Bill in its present form a year's trial, and see how the people like it. With every deference to the Returned Soldiers' Association, whose wishes one naturally desires to meet, I as Leader of the House must support Government measures. Still, I appreciate the attitude of hon. members who oppose the Bill in its present form. If, at the end of 12 months it should be found that the measure is not effective—as perhaps was the case in New Zealand—the Government, if then in power, would be prepared to introduce an amending Bill.

Hon. J. E. DODD: I am in a difficulty to know how to vote. Equally good arguments have been put up in favour of the Bill as printed and in favour of the amendments suggested. However, I shall support the amendment, which represents the wishes of those who took the greatest part in the war. I do not think there is anything in Sir James Mitchell's argument as to ancient Acts. These laws are never put in operation. On the goldfields we have sports on Sunday, and here we find people going to the beach on Sunday. If Anzac Day were constituted a Sunday, those ancient Acts would not be put into force any more than they are now. I have no doubt every member of this House could put up a fairly good speech on Anzac Day and its significance; but I feel bound to ask, what about the position of the wages man with two Sundays in a week? That circumstance seems to be a strong argument against Mr. Cornell's amendment. On the other hand, there are many men whose wages would go on just the same whether Anzac Day was made a Sunday or not. Finally, the Returned Soldiers' Association support Mr. Cornell, and I desire to support them.

Hon. A. LOVEKIN: The point as to wages appeals strongly to me, because by passing the amendment we shall penalise one

section only of the community, a section which in my opinion can least afford to bear the loss. Civil servants and men employed in offices will receive their pay as usual if the amendment is carried, but the result to most of the workers will be the deprivation of one day's pay, and that will reflect to the disadvantage of their wives and families.

Hon. J. CORNELL: Penalty rates for those who did work on Anzac Day would affect the employer. As regards the two Sundays in one week, I admit that certain workers would lose one day's pay. But was there ever anything reasonable asked for that did not press hardly upon some section of the community? This amendment will affect only one section, the day wages men.

Hon. T. Moore: And how many miners?

Hon. J. CORNELL: Men on weekly engagements will not be affected. As regards the Kalgoorlie miner, not much matters to him after the recent award.

Hon. T. Moore: The award will make him give up mining.

Hon. J. CORNELL: Yes. I worked for years as a daily worker in the mining industry, and I lost work through sickness and got no compensation.

Hon. A. Lovekin: You could have insured against that.

Hon. J. CORNELL: Only as regards getting a pound a week from a friendly society. Practically every wages man now loses a day or two every year through sickness. I can understand Mr. Dodd being solicitous in this matter, but Mr. Lovekin's solicitude I do not understand. The consensus of opinion among soldiers is that the Bill in its present form will not bring about observance, and that the only course is to make Anzac Day a Sunday. A large section of the civilian population want Anzac Day made a Sunday. The Returned Soldiers' Association ask for that, not from their own standpoint, but solely from the standpoint of the community.

Hon. J. J. HOLMES: I feel inclined to support Mr. Cornell's amendment. A point which appeals to me was that raised by Capt. Potter, as to near relatives of fallen soldiers being compelled to work on Anzac Day. Dr. Saw, no doubt, is right in saying that the scar will disappear; but I do not think it will in the case of the mothers and fathers, the brothers and sisters, of the present generation. We should consider them, and make Anzac Day a day on which, if they so desire, they may mourn and not work. Cannot we get over the difficulty with regard to pay? It is not fair that the employer should be compelled to pay double rates on Anzac Day if it is made a Sunday.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: I agree with Dr. Saw that in the course of time these scars will disappear, although perhaps, not in this generation. The point made by Mr. Potter appealed to me, namely that the relatives of those who did not return should not be asked to work on Anzac Day.

Hon. A. Lovekin: Should they be deprived of their pay?

Hon. J. J. HOLMES: No, certainly not; that is the point. On the other hand, all those who are compelled to work on that day should be satisfied with single pay, not double pay. The trouble is that the daily wage-earners, who can least afford it, may be compelled to take a holiday on Anzac Day. If so, they should be paid for the day.

Hon. A. LOVEKIN: I am in accord with Mr. Holmes's views. If we do not call Anzac Day Sunday, then those who have to work on that day will receive only the ordinary rates of pay. Certainly those who are not compelled to work should have a paid holiday.

Hon. J. NICHOLSON: It is the wish of all members that Anzac Day should be observed as a sacred day; but if we adopt Mr. Cornell's suggestion, shall we not bring hardship on certain sections of the community? Even if we make Anzac Day a Sunday, we all know that Sunday is not observed with the strictness that prevailed in former years. One way out of the difficulty would be to widen the provisions of Clause 4 so as to preclude the holding on Anzac Day, not only of race meetings, but of many other forms of sport that might tend to lessen the sacred character of the day. I do not know whether it would be satisfactory to have the day observed on the nearest Sunday.

Hon. A. Lovekin: They all strongly object to that.

The Minister for Education: It must be observed on the 25th April.

Hon. J. NICHOLSON: I agree that there is good reason why it should be. Were it not for the hardship that would be imposed on others I should be prepared to have the day observed as a Sunday; but that would not ensure its being made a sacred day.

Hon. J. Cornell: Well, how much further can we go?

Hon. J. NICHOLSON: We might tighten up the exemptions, and so make of it a sacred day.

Hon. J. Cornell: A sort of Presbyterian Sunday?

Hon. J. NICHOLSON: I do not see that we shall make it a sacred day by providing that it be observed as a Sunday. I agree that no section of the community ought to be penalised for the sake of others; every man should receive his wages for Anzac Day.

Hon. F. E. S. WILLMOTT: The proposed amendment will defeat the object with which it is to be moved. As it is, the Bill proposes to close hotels and prohibit horse racing on Anzac Day. In my electorate last Anzac Day an agricultural show was held. That, I think, entirely wrong. But where are we to draw the line? The proposal to compile a list of the things one should not do on Anzac Day is hopeless.

Hon. J. Nicholson: Certainly very difficult.

Hon. F. E. S. WILLMOTT: I know of no more impressive sight than to stand at the foot of the Nelson monument in London on Trafalgar Day and see the thousands of wreaths deposited in memory of Trafalgar. That day is kept evergreen in the minds of all, especially those whose ancestors took part in the memorable action. There has been no need to make of Trafalgar Day a Sunday. How is Anzac Day observed at present? Children meet in the morning, and the story of the landing is told. In the afternoon children's sports are held; and as it has been said that the battles of England were won on the playing grounds of Eton, who knows but that the battles of Australia's future may be won by the children taking part in sport on Anzac Day? We do not want to tie them down as I was tied down when a boy. I hated Sunday because I was marched off to church about seven times each Sabbath.

Hon. T. Moore: That would do you no harm.

Hon. F. E. S. WILLMOTT: At all events, I very seldom go to church now, because it was overdone in my youth. We do not want children to regard Anzac Day as a day of mourning. We want the children to remember this as a day of great deeds. If there is one day in the year of which every man in Australia must be proud, it is Anzac Day. We want the children to be proud of it, and should leave it to the good sense of the people to see that anything carried out on that day is conducted in a fitting manner. People cannot be made good by Act of Parliament.

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

Ayes	..	..	..	..	14
Noes	..	..	..	..	8
Majority for ..					6

AYES.

Hon. J. Duffell	Hon. J. M. Macfarlane
Hon. J. Ewing	Hon. G. W. Miles
Hon. E. H. Gray	Hon. J. Nicholson
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. W. Hickey	Hon. F. E. S. Willmott
Hon. R. J. Lynn	Hon. E. Rose

(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. T. Moore
Hon. W. Carroll	Hon. G. Potter
Hon. J. Cornell	Hon. A. Burvill

(Teller.)

Clause thus passed.

Clause 3—Race meetings on Anzac Day prohibited:

Hon. J. CORNELL: I oppose the clause. The Returned Soldiers' League does not want to be a party to a disability being

placed upon anyone, but if we pass this clause we shall be placing a disability upon the liquor trade. When the hotels were opened on Anzac Day the average digger conducted himself as well as the average civilian. In fact, the conduct of those connected with the liquor trade, and with the racing and trotting clubs, has been so good as not to warrant this imposition upon them. They have honourably observed the traditions of Anzac Day. I strongly object to discriminative legislation of this nature.

The MINISTER FOR EDUCATION: No reflection is cast upon racing clubs or hotel keepers. It is, however, the opinion of the Government that the sale of liquor on Anzac Day should be prohibited. The racing clubs have been extraordinarily good in helping charities and assisting returned soldiers, but in the opinion of the Government it is better to conduct racing on other days than this one. There is frequently a good deal of excitement at race meetings, and it is desired that Anzac Day should be observed in as orderly a manner as possible.

Hon. A. LOVEKIN: I would draw attention to the fact that this clause seems hardly to come within the scope of the title of the Bill, for it seeks to repeal a section of the Licensing Act and of the Racing Restriction Act. The title, however, can be amended at a later stage.

Hon. G. POTTER: There should be some solemnity attached to the observance of Anzac Day. I could not willingly do anything to detract from any sanctity that should surround this day if the Bill become law.

Hon. A. J. H. SAW: I support the clause. There are quite enough racing dates already provided for the people, but there are only 52 days in the year for the observance of Sunday. If we allowed racing on Anzac Day it would interfere with the proper observance of that day.

Hon. J. CORNELL: The pith of the argument advanced is that Anzac Day should be observed as a Sunday. Mr. Willmott, however, said that agricultural shows had been conducted on Anzac Day.

Hon. G. Potter: But he did not approve of it.

Hon. J. CORNELL: He has done nothing to prevent it.

Hon. F. E. S. Willmott: Don't you worry about that; he has.

Hon. J. CORNELL: Apparently it is not proposed to take any drastic steps to prevent people running sports on that day, such as, for instance, whippet racing at which bookmakers are in attendance. I do not know that the racing clubs have done anything to warrant the inclusion of the clause, and as to the liquor trade, whenever the Returned Soldiers' League has approached publicans with a request that their hotels should be closed down on the morning of Anzac Day, the publicans have agreed to do so. I say that to their credit.

Clause put and passed.

Clause 4—agreed to.

Title:

Hon. A. LOVEKIN: It is clear that Clauses 3 and 4 do not come within the scope of the Title. This is more than a mere technical objection. Clause 3 amends the Licensing Act, and people desiring to know the provisions regarding the control of licensed houses would not dream of consulting a Bill relating to the observance of Anzac Day. The same thing applies to racing. I move an amendment—

That the words "relating to" be struck out and "to amend the Licensing Act, 1911, and the Racing Restriction Act, 1917, in order to provide for the proper" be inserted in lieu.

The MINISTER FOR EDUCATION: If such a course is to be pursued in connection with this Bill, similar action should have been taken regarding a large number of other Bills that have passed through both Houses. The Bill originated in the Legislative Assembly, and members there had to be satisfied that the clauses conformed to the title of the measure before it was passed and transmitted to this Chamber for our concurrence. Members will argue that we have a perfect right to amend the title. I admit that. The same question will arise in connection with another Bill we will deal with very soon, and it will be much easier for me to establish my case then. In 1919 a Bill was passed to provide for the observance of Anzac Day as a public holiday. That Act amended the Bank Holidays Act, 1884, and the Public Service Act, 1904. This House, therefore, has already agreed in that instance that "an Act to provide for the observance of Anzac Day as a public holiday" was the proper title for such a Bill, although it contained amendments to other Acts. Thus we have established a precedent. There are many other such cases, but this shows that the Bill before us is in exactly the same position as was that of 1919. The Bill, as it stands, is in conformity with the title, and I think members would be wrong if they agreed to alter it. Standing Orders 169, 170 and 215 have been complied with, and that should be sufficient. This practice has held good for 17 years, and hon. members would be doing wrong if they agreed to the amendment.

Hon. A. LOVEKIN: One mistake does not warrant us committing others.

The Minister for Education: There has been no mistake.

Hon. A. LOVEKIN: If we can, we must endeavour to maintain some order in connection with the legislation we pass. If we do not do so, we will get into a maze of difficulties. The Minister has quoted some Standing Orders, but I would ask him to read Standing Order 172, which contemplates that the clauses of a Bill shall have some relation to the title. We should not pass hotch-potch legislation. One amendment, if this were permitted, might cover any num-

ber of amendments to other Acts, and no one would be able to follow the legislation. It has been held by "May" that the clauses must be within the scope of the title, so that people, who have to obey the laws, will know where to look for them. Standing Order No. 172 provides that such matters as have no proper relation to each other shall not be included in one and the same Bill. Can anyone say that an amendment of the Licensing Act and an amendment of the Racing Restriction Act have any relation, or that either has any relation to Clause 2 of this Bill? (Clauses 2, 3 and 4 have no relation. One deals with racing, another with liquor and another with the keeping of Anzac Day. Standing Order No. 173 shows what was intended—"The title of the Bill shall coincide with the order of leave—")

The Minister for Education: So it does.

Hon. A. LOVEKIN: And it goes on to say "And no clause shall be inserted in any such Bill foreign to the title."

Hon. J. Nicholson: That is, after the order of leave.

Hon. A. LOVEKIN: When leave is given to introduce a Bill, no one knows what the Bill contains. All we knew of this Bill was that it related to the observance of Anzac Day. Now we discover that some clauses of the Bill have no relation to the title.

Hon. H. Stewart: They have a relation to the title.

Hon. A. LOVEKIN: I cannot see any relation. A clause to amend the Licensing Act and a clause to amend the Racing Restriction Act have no relation to a Bill for the observance of Anzac Day. The title should include references to the Licensing Act and the Racing Restriction Act, and the title I have submitted meets that requirement.

Hon. A. J. H. SAW: I cannot agree with Mr. Lovekin. There is no reason why the title should be altered. We had to see that nothing foreign to the title was inserted in the Bill. I maintain there is nothing in the Bill foreign to the title. While the measure alters the law relating to the Racing Act and to the Licensing Act, it alters the law only with regard to the conduct of those things on Anzac Day. If there had been inserted anything dealing with licensing or racing on other days, Mr. Lovekin's contention would be sound.

Hon. A. Lovekin: Is it not an amendment of the liquor Act?

Hon. A. J. H. SAW: It may be, but it is in accord with the title of the Bill and that is all we are concerned about.

Hon. J. CORNELL: I was of opinion that our Standing Orders were designed to guide us, but the varied interpretations placed upon them have had the opposite effect. Would the people interested contest the validity of the Bill under its present title? No.

Hon. A. Lovekin: That is not the point.

Hon. J. CORNELL: It is the common sense point.

Hon. H. STEWART: Mr. Lovekin is right in contending that the Bill alters the Licensing Act and the Racing Act, and that it is only fair the people concerned shall know the conditions applying on Anzac Day, but when he contends that the Bill contains something foreign to the title, he is quite wrong. The Bill does not suggest anything that is not in accordance with the observance of Anzac Day. If the title were altered to give the licensed and racing people a knowledge of the position, it would be necessary to recommit the Bill and add a new clause providing that future reprints of the two Acts should incorporate those amendments.

Hon. A. Lovekin: That is provided for by the Bill passed this session.

Hon. H. STEWART: The contention of the Minister was almost ludicrous.

The Minister for Education: What do you mean?

Hon. H. STEWART: He said it might be wrong but it had often been done before, and there was no argument for altering the title.

The Minister for Education: You should quote the whole of my argument.

Hon. H. STEWART: Neither my memory nor the acuteness of my hearing was sufficient to enable me to absorb and repeat the whole of the Minister's arguments.

The Minister for Education: I agree you are not capable.

Hon. A. LOVEKIN: The Bill is an amendment of the Licensing Act and of the Racing Act for a specific purpose, and that being so, let us state it in the title. If we do not state it, we shall cause trouble when people desire to ascertain the law. They could not be expected to look for such amendments in an Anzac Day Act. Is it not reasonable to give them a cue to the amendments by including a reference in the title? The Minister referred to a railway Bill including land resumption clauses quite foreign to the title.

Hon. H. Stewart: Are not you capable of absorbing all the Minister's arguments.

Hon. A. LOVEKIN: I am not. This question will crop up when the other Bill comes before us and we may as well decide the principle now.

Hon. F. E. S. WILLMOTT: If we are wrong, we are sinning in good company. The Queensland Act does not drag into the title the Licensing Act and the Racing Act. It is impossible to put everything into the title.

Hon. J. J. Holmes: Do you want us to adopt Queensland legislation here?

Hon. F. E. S. WILLMOTT: No, but I agree with the Minister that the title is sufficient for the subject-matter of the Bill. The Queensland Act deals with the Holiday Act, the Licensing Act, and the Racing Act, but no reference is made in the title.

Hon. A. Lovekin: Why should it not be mentioned?

Hon. F. E. S. WILLMOTT: Because it is impossible to mention everything. What is the rest of the Bill for?

Hon. A. Lovekin: Is it impossible to put in the title I have proposed?

Hon. F. E. S. WILLMOTT: It is quite unnecessary. Are we to believe that licensed and racing people know so little that they would overlook Anzac Day Act?

Hon. A. Lovekin: Let us lay it down and make sure.

Hon. H. Stewart: Could you understand the Minister's argument?

Hon. F. E. S. WILLMOTT: Yes; Mr. Stewart must be somewhat dense if he cannot. The title covers the whole Bill, because it says "observance of Anzac Day" and shows how it is to be observed.

Hon. H. STEWART: If the title is to be altered, the alteration should be because there is a need for it. I ask Mr. Lovekin to inform me whether there is anything in the Bill that is foreign to the title.

Hon. A. LOVEKIN: Clauses 3 and 4 are not within the scope of the title. They deal with different subjects and therefore are not relevant to the others. The Primary object of the Bill is the observance of Anzac Day, but it also provides for an amendment to the Licensing Act and the Racing Restriction Act. The principal object of the Bill is the amendment of those two Acts, and therefore those Acts should take prior place to the observance of Anzac Day.

Hon. H. STEWART: I leave the Committee to judge whether Mr. Lovekin is correct in his statement. In my opinion there is nothing in the subject-matter of the Bill that is foreign to the title.

Amendment put and negatived.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and passed.

BILL—BUSSELTON-MARGARET RIVER RAILWAY DEVIATION (No. 2).

Point of Order.

Hon. J. J. Holmes: Last night I raised a point of order in connection with this Bill and the Deputy President asked that it might be allowed to stand over until the next sitting of the House when you, Sir, would be here. I do not offer any objection to the Bill except to contend that the contents are not in conformity with the title. The title is "A Bill for an Act to authorise the Deviation (No. 2) of the Busselton-Margaret River Railway." Clause 4 provides for the compulsory purchase of land, not for the construction of the railway, but for the purpose of encouraging cultivation and settlement. I do not intend to quote from the Standing Orders or from "May," but I do say that in my opinion the clause is foreign to the title. If the Minister will agree to amend the title, I shall not offer any further opposition to

the Bill. I know we shall be told that this has been done before. That, however, does not affect the issue. If we made mistakes like this in the past, we should not perpetuate them. Only to-day I had occasion to go to a solicitor's office on the question of insurance and he looked up the insurance Acts. If he had found that some came under other titles, he would not have been able to give me the advice I wanted. I have always claimed that the Government have the right to acquire land that is not being used, provided, of course, that they pay for it, but to include closer settlement provisions in a Bill for the construction of a railway is, in my opinion, contrary to the principal object of the Bill. I therefore ask your ruling.

The President: While perhaps the title of the Bill might make the position clearer than it is in respect of that portion of it referred to by Mr. Holmes, I do not think the clause in question is sufficiently foreign to the title to justify me in declaring the Bill to be out of order. I therefore rule that the Bill is in order, but it would be wise, perhaps, to amend the title. That is a matter the House can decide.

Second Reading.

Hon. J. NICHOLSON (Metropolitan) [8.43]: You, Mr. President, have given your ruling with regard to the title, but I think there is another view still to be advanced in connection with the subject-matter of the Bill before us, and it is that the Government are seeking power, by means of a Bill in which they ask for authority to deviate a certain railway line, to practically effect closer settlement.

The PRESIDENT: Are you moving to disagree with my ruling?

Hon. J. NICHOLSON: I have accepted your ruling. I am now speaking on the second reading. What I advocate is that the House in its wisdom rejected a Closer Settlement Bill last year. We had a full discussion with regard to the question of closer settlement, and now the Government bring in a Bill in which they seek power to deviate a railway—to which no one offers objection—and they incorporate in that same Bill power to compulsorily resume land for certain purposes. We should consider seriously whether we should give them that power. The view I advance is that the Government already have, under the Agricultural Lands Purchase Act, full power to do what in this Bill they seek power to do. That Act created a fund of £400,000, and that fund increased considerably from the year 1909, when the Act was passed, until last year, when there was a further considerable increase. Unfortunately I have not the Act at hand, but the amount now available for purchase of lands under it is very large. Full power is given by the Act to the Government to deal with land, after it has been inspected by the land board, and to arrange for its acquisition. That is quite sufficient without any further power being asked for in such a measure as

this. Combined with the Public Works Act, the Agricultural Lands Purchase Act gives the Government quite sufficient power for all purposes of land acquisition. I hope, therefore, hon. members will look through this Bill carefully and reject from it those clauses which the Government seek to incorporate, but which largely appeared in the Closer Settlement Bill rejected by this House last session.

Hon. F. E. S. WILLMOTT (South-West) [8.48]: I am rather at a loss to know why the compulsory clauses are in this Bill, and not in the Pinjarra-Dwarda Railway Extension Act Amendment Bill. That Bill gave the right to alter the route of the line, exactly the same request as is made in the present measure. But in that other Bill there was not a word as to compulsory acquirement of land. The Minister, when replying, might state the reason for the difference. I have yet to learn that within 15 miles of the deviation here proposed there exist any large estates. A Bill which will shortly be before the House deals with the southern portion of the line. No doubt at the mouth of the Blackwood River there do exist large estates held by Millars' Company; but my knowledge of the country does not tell me of any large estates between Busselton and the Margaret River. As far as I know, the land is held in quit small parcels; and my knowledge of the country in question is intimate.

Hon. T. Moore: What do you consider a small parcel in that district?

Hon. F. E. S. WILLMOTT: From 100 acres up to 1,000 acres, but not more. After leaving Busselton, the railway runs adjacent to the coast until it gets to Newtown, and then it heads for the Margaret River and runs through a block of land owned by Sir James Mitchell. That block of land some time ago was to be acquired for soldier settlement purposes. Sir James Mitchell was not then in the Ministry. I, as Honorary Minister for Lands, was taking the necessary steps to acquire the block. As soon as Sir James Mitchell became a member of the Ministry it was, of course, quite impossible to take the land for soldier settlement, as had been the idea.

Member: Why?

Hon. F. E. S. WILLMOTT: Because the law does not permit of a Minister of the Crown or a member of Parliament selling land to the Government. From that point onward the line passes through a good deal of jarrah country, including the old Yelverton concession, and strikes the Karridale road at some considerable distance lower down, where there is now a group settlement. After leaving Sir James Mitchell's block one does not strike a private holding until one reaches a small area on a brook, which area is held by a gentleman who formerly advised the Government with regard to tropical agriculture.

Hon. J. Nicholson: Mr. Despeissis?

Hon. F. E. S. WILLMOTT: Yes. From that point to the Margaret River, so far as I know, there is no land held by anyone.

Hon. T. Moore: Have Millars' Company no rights there?

Hon. F. E. S. WILLMOTT: No.

Hon. T. Moore: That is their country.

Hon. F. E. S. WILLMOTT: They simply had leases. The property which they took over from the late Mr. M. C. Davies does not extend so far. The only land held is on the coast, land held by such old settlers as the Bussells. Accordingly I can see no necessity whatever for the insertion of the compulsory clauses. I am entirely in favour of the Bill, because considerations of grade render it essential that the proposed deviation should be made. The route for linking up with the existing line, a timber line from Flinders Bay to Margaret River, junctions on rather rough engineering country. The proposed deviation will enable the engineers to avoid some hilly country. No member will object to that. I am pleased to see that on this line the ruling grade is to be one in 60 instead of one in 40.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West—in reply) [8.55]: I wish to put it to the last speaker that we are not so much concerned as to what areas of privately owned land exist in the particular locality referred to in this Bill, simply because the compulsory clauses have been in all railway Bills introduced since 1906. It is and has been the policy of Governments ever since 1906 to place in every railway Bill clauses of this character. It is true that the Pinjarra-Dwarda Railway Extension Act Amendment Bill, which has just been approved by the House, does not contain the same conditions as to compulsory purchase; and that seems to conflict with my statement that every railway Bill since 1906 has contained the compulsory purchase clauses. But the Bill in question was not an amendment of a railway Act in the same way as the Busselton-Margaret River Deviation (No. 2) Bill. The original Pinjarra-Dwarda Railway Bill contained all the conditions laid down in this Bill. I do not know what the hon. member is looking up. Perhaps it is a point of order. If the hon. member is unable to grasp my meaning—

Hon. J. J. Holmes: I am like Mr. Stewart in that respect.

The MINISTER FOR EDUCATION: I do not think the hon. member has the brains to understand me. I do not wish to be ridiculed by either the hon. member or Mr. Stewart in this House. The hon. member need not rise to a point of order, because he knows his limitations in that respect.

Hon. H. Stewart: I think I am justified in asking the Minister to withdraw that remark.

The MINISTER FOR EDUCATION: I will do so because I do not wish to argue the point. If Mr. Holmes does not understand what I am now explaining, he must be

very dense. Mr. Willmott's statement was made under a misapprehension. However, I am glad to raise the point, because I have been enabled to clear up a doubt.

Hon. J. Nicholson: What about the original Busselton-Margaret River Railway Bill?

Hon. H. Stewart: We are hunting for the original measure of which the present Bill is an amendment.

The MINISTER FOR EDUCATION: The hon. member can find it amongst the records. The compulsory clauses are inserted in railway Bills whether big estates do exist or do not exist in the districts concerned. That has been the established rule and practice of every Government in power since 1906. The reason is that without such compulsory provisions the price of land which the Government desire to acquire might rise too high owing to the increase in value caused by the construction of the railway. I understand that you, Sir, ruled that the title might be amended.

The PRESIDENT: I ruled that the Bill is in order, that any irregularity in the title is not sufficient to make the Bill out of order; but that if necessary the title will be amended in Committee. There are two ways of dealing with it: the House can throw out the objectionable clause, or else amend the title.

The MINISTER FOR EDUCATION: The question whether the title be not in order is debatable.

Hon. A. Lovekin: It is exactly the same wording as that of the Bill of last year.

The MINISTER FOR EDUCATION: Well, what is wrong with that?

Hon. J. J. Holmes: Can you tell us whether the Government have carried out the promise given last year to call tenders for all these railways?

The MINISTER FOR EDUCATION: I believe that promise has been carried out.

Hon. A. Lovekin: Then there was the promise that the waterworks should be carried out by contract.

The MINISTER FOR EDUCATION: The policy of the Minister for Works is to call for tenders for all works of any magnitude.

Hon. J. J. Holmes: I want to make it clear that I am not objecting to the compulsory clauses, but merely desire that the subject-matter of the Bill shall conform with the title.

The MINISTER FOR EDUCATION: For the last 17 years the titles of railway Bills have been practically the same, and the compulsory clauses have been included in the Bill. Although the proposed railway is a deviation, yet really it is a miniature railway on its own. That is why the compulsory clauses are in this Bill in addition to being in the original Act. I say the clauses are strictly in keeping with the Title. The building of the line will give the group settlements better means of communication with the port, and will in all respects facilitate the opening up of the South-West.

Hon. A. Lovekin: Have you not been a long time thinking about the urgency for this line?

The MINISTER FOR EDUCATION: The hon. member knows the reason why this railway was not built a long time ago, and why other works of magnitude have been delayed, namely the high cost of material.

Hon. H. Stewart: And the effects of the war.

The MINISTER FOR EDUCATION: That is so. It has been impossible to carry out these important works earlier.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair: the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Authority to construct:

Hon. V. HAMERSLEY: We authorised a deviation last session. This is another deviation. I understand the first one has been constructed.

The Minister for Education: No. This is a second deviation from the original survey, the earlier one having proved insufficient.

Hon. A. Lovekin: It means that this is the second mistake they have made.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Power to Governor to compulsorily purchase land within 15 miles of the railway:

Hon. J. NICHOLSON: This and the following provisions are in the original Act, and so they are unnecessary here. All that is wanted is power to deviate the line. There is no need for these other clauses. It will save discussion if the Minister agrees to eliminate them.

The MINISTER FOR EDUCATION: It would be dangerous, because although the Bill is for a deviation of the line, nevertheless it is actually for a new line, and so the provisions are required.

Hon. J. J. HOLMES: I desire that these clauses for the compulsory purchase of land should be retained, although if I were to press the point I am sure it would be found that they have no right in the Bill. However, I am anxious that the Bill should pass. All I am concerned about is that the subject-matter of the Bill shall conform with the Title. Standing Order 173 provides that the Title of a Bill should coincide with the Order of Leave, and that no clause should be inserted in any such Bill which is foreign to its Title. The Order of Leave was to introduce a Bill to authorise a deviation from the Busselton-Margaret River railway; so these clauses for the compulsory purchase of land are foreign to the Title. However, I do not want to press the point just now.

The Minister for Education: Leave it until we come to the Title.

Hon. J. J. HOLMES: Yes, I propose to do so; and even then my only object will be to amend the Title by the addition of the words "and to provide for the compulsory purchase of land adjoining the railway."

Hon. H. STEWART: I do not propose to do anything to embarrass the Minister, but we want the Government to introduce their Bills in the proper way. At present they are following a precedent that, according to the Standing Orders, is not a good one. During the present session the Government's actions in respect of various railways have not been consistent. The Bill for the deviation of the Pinjarra-Dwarka line was brought in as an amendment to the original Act. There was no harm in the compulsory resumption clause not appearing in the Pinjarra-Dwarka Railway Amending Bill, because the Bill which was dealt with this session was one to amend the Pinjarra-Dwarka Railway Extension Act of 1914, which contained the compulsory resumption clause. Last year we provided for the deviation of the Busselton-Margaret River railway by an entirely new Act, and this provision for the acquisition of land was put into it to be consistent with the Busselton-Margaret River Railway Act, 1915. We have authorised one deviation, and we are now being asked to authorise another, and we are also to be asked to authorise a further deviation of the same railway. We shall therefore have four Acts on the statute-book dealing with the one railway, every one of which will contain this particular provision. I base my objection to the inclusion of this clause in the Bill on Standing Orders 173 and 176. The former reads:—

The title of a Bill shall coincide with the order of leave, and no clause shall be inserted in any such Bill foreign to its title.

The latter Standing Order I may read as follows:—

Every Bill not prepared according to the Standing Orders of the Council shall be withdrawn, and if withdrawn a new Bill may forthwith be presented in lieu thereof under the same order of leave.

It may be possible to prove that Clause 4 is foreign to the title of the Bill.

The CHAIRMAN: Order! That question was decided by the President's ruling. If the hon. member objected to that ruling, he should have taken action at the time. I must ask him to discuss the clause without reference to the question as to whether or not it is in order.

Hon. H. STEWART: I thought I might be allowed a certain amount of latitude, in view of the uncertainty of the position, to show that it would be better to have another Act covering all such matters as the acquisition of land in connection with all new railways.

Hon. F. E. S. WILLMOTT: In 1900 the Government had the right to resume one chain on each side of a railway. In 1904, when the line from Collie to Narrogin was authorised, this compulsory clause came into operation, and power was given to the Governor to resume land within 12 miles of the railway. This power has gradually been extended to cover a distance of 15 miles from a railway. This particular railway has been rendered quite safe because the compulsory clause was inserted in the first Bill, again in 1915, and it has again been inserted. We have, therefore, a precedent for passing a Bill such as this.

Hon. J. J. HOLMES: I ask for your ruling, Mr. Chairman, as to whether the clause can

be included in the Bill and conform to the title, in view of Standing Order 173 which reads:—

The title of a Bill shall coincide with the order of leave, and no clause shall be inserted in any such Bill foreign to its title.

The CHAIRMAN: I rule that the clause is in order.

Hon. V. HAMERSLEY: The clause has crept into Bills relating to the construction of railways with a view to the Government acquiring properties for closer settlement. In the area traversed by this line there is a large timber concession. Seeing that the Government are in the timber trade and competing with private enterprise, could this clause be utilised by the Government to resume the land comprised within a timber concession? Some people run away with the idea that because a railway runs through an area, such properties are enhanced in value. It all depends upon what use the land can be put to.

The Minister for Education: Does it make the land less valuable?

Hon. V. HAMERSLEY: I do not know that it does. I know some people who would be very pleased if a railway had never been built through their property because they get burnt out each year. Railways have been deviated because people did not want them to pass through their properties.

Hon. G. W. Miles: They did not mind the deviation so long as they were within striking distance of the railway.

Hon. V. HAMERSLEY: While the clause is inserted to enable the Government to resume property for closer settlement purposes, there is just a danger that it may be abused. The Government already have similar power in other railway Acts and the reason why no objection has been raised in the past is that it was held over the heads of members in their respective districts that if they dared to oppose such clauses, they would lose the railway. I have been in that position myself and rather than lose the railway, I did not oppose the clause. I am satisfied that there is property in the district affected that has been offered to the Government at an upset price, and the valuations are those in the possession of the Taxation Department for land tax purposes.

The Minister for Education: In this particular area?

Hon. V. HAMERSLEY: Yes, along the route of this particular line.

Hon. T. Moore: No, the land is further on.

Hon. V. HAMERSLEY: I have that assurance and I can only say what I have been told by people interested. If the land has been offered voluntarily to the Crown, why is it necessary to insert such a clause? I do not know that the Government have made any great use of similar clauses in other railway Bills. I know that many properties have been offered to the Government along agricultural lines at a much lower price than the people could have obtained by selling to private individuals, and the Government have not made use of their opportunities to acquire those properties. The clause interferes with rights and contracts and constitutes repudiation that extends far beyond the boundaries of this State. It is no use the Agent General

saying, as he has done in London, that Western Australia can offer clear titles that are sacrosanct. They are not.

Hon. E. ROSE: Mr. Hamersley has overlooked the fact that this clause already appears in the Act authorising the construction of the railway. Thus, the Government will have the necessary power to purchase the land even if the clause be struck out. I see no reason why that course should be pursued, although I do not know that the inclusion of the clause assists the Government very much.

Hon. F. E. S. WILLMOTT: When Mr. Hamersley was speaking he referred to land that had been offered to the Government. That land is not adjacent to the railway under discussion, but is adjacent to the Flinders Bay-Margaret River railway deviation which we will discuss later on. It may be vain repetition to have this clause inserted three times, first in 1914, then in 1915, and again to-day. Perhaps it makes assurance trebly sure.

The MINISTER FOR EDUCATION: The inclusion of the clause is essential because the Bill may be deemed to provide for a new railway. The inclusion of the clause is, therefore, a safeguard.

Hon. T. Moore: Further than that, the Bill provides a deviation from the original route.

The MINISTER FOR EDUCATION: Mr. Hamersley did not mean for a single moment what he said regarding resumption and repudiation. Without the clause, an owner might seek to secure such an enhanced price for his property that the Government would be confronted with difficulties in taking over land should it become necessary.

Hon. R. J. Lynn: If we want the land we could burn it out and get it cheap!

Hon. F. E. S. Willmott: What, with Collie coal?

Hon. J. J. HOLMES: I admit the Government should have power to purchase land—this is not an amending Bill but, in effect, a new one altogether—and this is the proper place, according to the Chairman's ruling, for such a clause. If a prospective purchaser of land in this locality wished to know what his title would be, he would consult a solicitor who would naturally look up the Land Act. If he purchased the property, he might then find that under a Bill authorising the deviation of a railway, this provision, which affected his title, had been inserted. Therefore it is necessary to amend the title.

Hon. H. STEWART: Mr. Lovekin said the fact of so many deviations being required indicated bad work on the part of the departmental officers. In the preliminary survey several routes are generally chosen, but it is always open to find better grades and routes that give more economical construction. Consequently there is justification for a deviation at any time before actual construction. If Mr. Holmes had been successful in his contention that Clause 4 was foreign to the Bill, and if the title had been altered, the power would still have existed in the principal Act.

Clause put and passed.

Clauses 5 to 8, Schedule—agreed to.

Title:

Hon. J. J. HOLMES: I move—

That the following words be added, "and to provide for the compulsory purchase of land adjoining the railway."

The amendment aims at bringing the title into conformity with the Bill.

The MINISTER FOR EDUCATION: I cannot accept the amendment. This Bill originated in another place. Leave was given for its introduction and the Bill was accepted there as being in conformity with the order of leave. Then it was sent to us for confirmation.

Hon. G. W. Miles: Another place is not infallible.

The MINISTER FOR EDUCATION: If the title be altered, complications may arise. Since 1904 every railway Bill has contained compulsory clauses and the titles have been similar to the title of this Bill. Members decided not to alter the title of the Anzac Day Bill, but an alteration to the title of that Bill could have been urged much more strongly than to this Bill.

Hon. J. J. HOLMES: If that is all the Minister has to say in opposition to the amendment, I must insist. Time after time Bills come here from another place and are ruled to be not in order. Does the Minister wish us to accept every Bill from another place as being in order, merely because it has been introduced there? If we have been doing this for 16 years we have been doing wrong, but it is never too late to mend.

The MINISTER FOR EDUCATION: As the hon. member insists upon his amendment, I must advance other argument.

Hon. J. J. Holmes: Do not take any notice of me because you have told me to-night I have no brains.

The MINISTER FOR EDUCATION: No; the hon. member said that of me.

Hon. J. J. Holmes: I did not.

The MINISTER FOR EDUCATION: If I said it of the hon. member, I withdraw and express my regret.

Hon. J. J. Holmes: It is time you did.

The MINISTER FOR EDUCATION: The power to compulsorily purchase land is part and parcel of the deviation. The fact that we are going to construct the line makes it necessary to give power for compulsory purchase.

Hon. J. NICHOLSON: If this Bill authorised the construction of the line it would imply power to resume certain land, but this is really an amending Bill. Its object is to amend the route originally authorised and, as the power is embodied in the original Act, it is not necessary here.

Hon. H. Stewart: This is not an amending Bill.

Hon. J. NICHOLSON: In effect it is. Either eliminate those clauses altogether dealing with the power to compulsorily resume or add the words suggested by Mr. Holmes.

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

Ayes	...	...	...	9
Noes	...	...	...	9
<hr/>				
A tie	...	...	...	0

AYRS.

Hon. A. Burvill	Hon. J. M. Macfarlane
Hon. J. W. Hickey	Hon. G. W. Miles
Hon. J. J. Holmes	Hon. J. Nicholson
Hon. A. Lovekin	Hon. V. Hamersley
Hon. R. J. Lynn	(Teller.)

NOES.

Hon. W. Carroll	Hon. E. Rose
Hon. J. Cornell	Hon. H. Stewart
Hon. J. Ewing	Hon. F. E. S. Willmott
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. G. Potter	(Teller.)

The CHAIRMAN: I give my casting vote with the noes.

Amendment thus negatived.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and passed.

BILL—FLINDERS BAY-MARGARET RIVER RAILWAY DEVIATION (No. 1).

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [10.7] in moving the second reading said: It is not necessary for me to say very much on this Bill. This is a timber line which originally belonged to Millars and was purchased years ago by the Government. It is found that a deviation is necessary.

Hon. H. Stewart: Has it steel rails?

The MINISTER FOR EDUCATION: Yes, I believe it is proposed to substitute 60-lb. rails. The line has not been used for many years and is now in a bad state of repair. When the timber company owned the line they did not give much consideration to the question of grades and curves; they were more intent on getting the timber from the bush to the mill. The Government engineers found it would be possible to materially improve the line for a distance of about three and a-half miles by altering the grades from 1 in 40 and 1 in 45 to 1 in 60 as well as improving the curves. It has been found necessary to introduce this Bill in order to sanction the deviation and to improve the grades. The radius of the worst curve is ten chains. The Bill is not exactly similar to the one that has just been disposed of, but it has the same end in view, the improvement of the line. The cost will be in the region of £8,000. I move—

That the Bill be now read a second time.

Hon. F. E. S. WILLMOTT (South-West) [10.10]: The proposed deviation is in the neighbourhood of the Jarradene Mill built by M. C. Davies in days gone by. At that time it did not matter whether the grade was steep or not, because the logs came down the grade to the mill. The line was purchased by the Government and it is recognised that a decent grade is required both ways. It has been found advisable to make a deviation in the vicinity of the old Jarradene mill, and the length will be three and a-half miles.

Hon. V. Hamersley: You did not tell us that when you put up the proposition for the purchase of the line.

Hon. F. E. S. WILLMOTT: I forgot to mention it. The line will enable everything to be taken to the groups up to the Margaret River. All the goods are landed at Flinders Bay and conveyed by motor on rails to the various groups. The Bill also provides for the resumption of land. The only large estate I know of there is owned by Millars and was purchased from the M. C. Davies Co. The land is on the east side of the Blackwood River and was owned by a Mr. Turton. M. C. Davies then became possessed of it, and in due course Millars acquired it. There are large blocks of land extending from almost the mouth of the Blackwood River right up to where it branches with Chapman Creek five miles north of the Alexandra Bridge. I understand from the Minister that it has been the custom since 1903 to include in Bills such as this compulsory purchase clauses. I have reason to believe that all the land in this area has not been selfishly held and nothing done with it. It has already been offered to the Government. The terms of the offer appear to me very satisfactory. The country itself is very interesting. The late Mr. M. C. Davies, when opening up his original mill, also opened the two ports of Flinders Bay and Hamelin. Anyone in want of a pleasant holiday amid lovely surroundings cannot do better than go there this Christmas and see what has been done in the way of group settlements, at the same time taking advantage of the opportunity to view the beautiful scenery at the mouth of the Blackwood river and at Hamelin. It may interest hon. members to know that Flinders Bay is one of the best ports on the south coast, with deep water, and sheltered from all winter gales. The only wind which can affect vessels in Flinders Bay is from the South-East; and, as we know, our prevailing wind in winter time is from the North-West. Protected by high hills, Flinders Bay is a very safe harbour indeed. I happened to come across some most interesting letters regarding Flinders Bay, describing how in the very early days many boats anchored there. Reference is made to a vessel of huge tonnage coming in; and when I tell hon. members that that huge vessel, which managed to navigate into Flinders Bay, was of 90 tons register, they will infer the size of the other craft which made the long voyage from America to Australia. The description I refer to is contained in private correspondence held by the Molloy's and the Bussell's. It was copied by my brother for the Davies family.

Hon. J. W. Kirwan: Has it been published?

Hon. F. E. S. WILLMOTT: No; but I presume it is still in the possession of the Davies family. I suggest to the Leader of the House that a very interesting history could be compiled if the Government obtained the original letters, or copies of them—a history well worthy of publication. I have also seen a letter from the late Colonel Molloy asking the Government of the day to provide him with a horse, as he considered it derogatory to his dignity to walk from Flinders Bay to Busselton. I can sympathise with the colonel, because it is a long distance; and I can imagine the indignation of any resident

magistrate of these days who was asked to walk from Northam to Pinjarra for the purpose of making his reports. I commend these observations to the Minister. I think he will find that the publication of these letters, if it is possible to obtain them from the Davies family, will be appreciated by everyone. I support the second reading of the Bill.

Hon. E. ROSE (South-West) [10-20]: In supporting the second reading of the Bill, I wish to point out the absolute necessity for the proposed deviation. Mr. Willmott mentioned that the existing line was laid down for a timber tramway, and it is well known that timber lines in this State are laid for slow traffic. We hope that in time the line from Busselton to Flinders Bay will be used as a railway for the conveyance of passengers. Before many years Flinders Bay will be a health resort and a place for tourists, and not hundreds, but thousands, of people will be journeying to and fro. We also look forward to a great deal of closer settlement in that part of the country. Group settlements already exist there in considerable numbers. The traffic will eventually warrant the deviation for which this Bill asks authority. As regards the area of holdings in that part of the country, I may say there are several large blocks, some of which are very good land and will be required by the Government for closer settlement. Therefore it is necessary that the Government should have power to resume as proposed by the Bill. The line will serve the land right across to Nanup, and also down as far as the Vasse. From my own experience I know that the curves and grades of the line should be altered.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time, and passed.

BILL—STAMP ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [10-25] in moving the second reading said: This is a very short Bill. I understood from Mr. Nicholson last night that he would have some amendments to move to it. I do not suppose his amendments will delay the House at any length. This is really a continuation Bill for one year. It seeks to amend the Second Schedule of the Stamp Act, 1921, by substituting "1925" for "1924," and by adding a paragraph in regard to the transfer of shares of co-operative and provident societies. Prior to the 1st January, 1917, the stamp duty on conveyances and transfers on sales was 10s. per cent. That duty was increased temporarily to 5s. for £25, which is £1 per cent., until the 30th June, 1924. It is now proposed to continue this arrangement until 1925. The other amendment in the Bill is to enable the duty on transfers of shares in co-operative and provident societies to be stamped at the rate of 6d. per £5 instead of

2s. 6d. per £25. A person may hold one or two shares in a society of this description, and under the existing law he cannot transfer those shares except subject to a payment of 2s. 6d. for every £25. That is the minimum payment. The present proposal is to make the minimum payment 6d. The Bill proposes also to continue this latter provision until June, 1925. I am sure the measure will commend itself to the House. I move—

That the Bill be now read a second time.

On motion by Hon. H. Stewart debate adjourned.

BILL — PUBLIC INSTITUTIONS AND FRIENDLY SOCIETIES LANDS IMPROVEMENT ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [10-28] in moving the second reading said: The principal Act was passed in 1892, and under it certain public bodies have the right to mortgage their holdings for the purpose of improving their properties. The Bill proposes that this power should be extended to other organisations, additional to those mentioned in the principal Act. Trades halls are not included in the parent Act, and the Bill proposes to rectify that omission. It is doubtful whether in 1892 there were any trades halls in Western Australia. Labour organisations holding grants of land may desire to mortgage them in order to raise money for improvements. It will be agreed that it is only reasonable to grant them that right in common with other bodies. The Bill would enable Labour organisations to give the necessary securities in connection with mortgages. I move—

That the Bill be now read a second time.

On motion by Hon. H. Stewart debate adjourned.

BILLS (3) FIRST READING.

- 1, Loan, £3,763,000.
 - 2, Land Tax and Income Tax.
 - 3, Permanent Reserves.
- Received from the Assembly.

House adjourned at 10-30 p.m.