THE PREMIER: There being apparently no opposition to the motion, he withdrew his call for a division.

Motion formally agreed to.

The House adjourned accordingly at 6·30 o'clock, until the next Wednesday.

Legislative Council,

Tuesday, 11th February, 1902.

Paper Presented—Auditor General's Report: Reasons for Delay—Question: Rabbit Fence, Tendering—Question: Railway Accounts, Audit—Paper (Plan): Kurrawang Company's Tramways, and Forest Reserves—Standing Orders, to Suspend (negatived)—Early Closing Bill, third reading—Workers' Compensation Bill, Recommittal, reported—Kalgoorlie Tramways Act Amendment Bill, third reading—Judges' Pension Bill, in Committee, reported—Industrial Conciliation and Arbitration Bill, Recommittal, reported—Dividend Duty Act Amendment Bill, second reading moved, negatived—Coolgardie Water Supply Loan Reallocation Bill, second reading—Perth Suburban Lots (Subiaco) Exchange Bill, second reading (adjourned)—Wines, Beer, and Spirit Sale Amendment Bill, second reading—Light and Air Bill, Assembly's Amendment — Public Health Act Amendment Bill, second reading (lapsed)—Brands Bill, second reading (moved)—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Report of trustees of the Karrakatta Cemetery, year ended June, 1901. He stated that the report was ready for audit on the 2nd July, the audit did not begin till the 20th September, and was not completed till the 6th November; so there had been a little delay due to the audit.

Ordered: To lie on the table.

AUDITOR GENERAL'S REPORT: REASONS FOR DELAY.

Letter from the Auditor General received and read, as follows:—

7th February, 1902.

To the Hon. the President of the Legislative Council.

SIR,—As I understand that Parliament is to be prorogued early next week, and in view of the fact that my statutory report for the year 1900-1901 is all but completed in the manuscript, as far as it is possible for me to do so, it has occurred to me to be a move in the right direction to address you on the subject, in order that no misapprehension may exist as to the delay in presenting it to Parliament; and in doing so I beg to quote *in extenso* the concluding paragraph thereof:—

"As I have strained every nerve and done all that is possible in my power to compile my statutory reports to Parliament year by year, and have so often dwelt upon the hindrances which I have had to face in this wearisome task, there is very little for me to add by way of explanation as to the delay which is unavoidable and inevitable as far as my responsibility in the matter is concerned. It must be well known that in these days everything is quite colossal, and, as far as my department is able, the work required to be performed under the provisions of the Audit Act is pushed forward with all speed. I cannot and dare not be a party to shirk the burden of responsibility which presses so heavily upon me, but on the contrary I have striven to the utmost of my ability, with the aid of a loyal and competent staff, to keep the work under, and to present a complete report to Parliament with all possible despatch; but, unhappily for me, my efforts have not been rewarded, or in other words I have not been able to present it at an earlier date; as the delay in passing the Appropriation Act and obtaining the required data in strict conformity with the Act, and satisfactory explanation on the numerous points raised on financial transactions of the Government, Parliament being in session just prior to the close of the financial year, and the prorogation as a rule taking place before sufficient time has been allowed to complete the audit in detail, checking the returns, compiling the reports and appendices, and finally publishing the bulky document, are some of the primary causes of the delay for which I cannot be held responsible; and no expert seized of the facts could or would attempt to controvert that fact. And finally, let me add that I have striven loyally and faithfully to maintain the supremacy of Parliament in all matters, and at the same time I can only hope that the Government of the day has no cause for complaint, as I have tried to be loyal and faithful to it too, in the due discharge of my very onerous, difficult, and delicate duties, which are becoming more critical and responsible day by day.—2. The mass of information required to be furnished under the Act has yet to be printed and the proofs verified."

I have the honour to be, sir,

Your most obedient servant,

FRED. SPENCER, Auditor General.

QUESTION — RABBIT FENCE, TENDERING.

HON. R. G. BURGES asked the Minister for Lands: When the Govern-

ment intend calling tenders for the erection of the balance of the rabbit-proof fence from the 25-mile section already tendered for to the South Coast.

THE MINISTER FOR LANDS (Hon. A. Jameson) replied: The necessary funds having now been voted, tenders will be called immediately for the material, and tenders for the erection of the fence will be called so soon as the material is available.

QUESTION—RAILWAY ACCOUNTS, AUDIT.

HON. B. C. O'BRIEN asked the Minister for Lands: 1, When did the Auditor General assume control of the whole of the railway accounts? 2, What increase of staff was required for the work? 3, What provision has been made on the Estimates for the extra expense incurred?

THE MINISTER FOR LANDS replied: 1, The Auditor General has not yet assumed control of the whole of the railway accounts. 2, This question is under consideration. 3, No provision has been made on the Estimates as far as the Auditor General's department is concerned.

PAPER (PLAN) — KURRAWANG COMPANY'S TRAMWAYS, AND FOREST RESERVES.

HON. G. BELLINGHAM (South) moved:

That a plan be laid on the table of the House, showing the Kurrawang wood lines and the forest reserves in the Coolgardie, North Coolgardie, East Coolgardie, and North-East Coolgardie goldfields.

A farther concession had, he understood, been granted the other day to allow the Kurrawang Company to take a line through one of the reserves; and in the Legislative Assembly there had been proposed an amendment to the Land Act providing for private tramlines on the goldfields. It would be well to have a plan showing where the reserves and timber belts were situate, and also the present Kurrawang tramline.

HON. J. T. GLOWREY (South) seconded the motion.

Question put and passed.

STANDING ORDERS, TO SUSPEND.

THE MINISTER FOR LANDS moved:

That in order to expedite business, the Standing Orders relating to the passing of public Bills and the consideration of Messages from the Legislative Assembly be suspended during the remainder of the session.

There did not appear to be an absolute majority present.

THE PRESIDENT: For this purpose an absolute majority was not required. The Standing Order bearing on the point read as follows:—

In cases of pressing necessity, any sessional or Standing Order may be suspended for the day's sitting; but no motion for that purpose shall be made without notice, except with the concurrence of an absolute majority of the whole Council.

THE MINISTER FOR LANDS: The object of this motion was not in any way to prevent discussion, but merely to expedite business. A number of Bills to be submitted to the House might be described as purely formal, and if the second and third readings of these measures were allowed to run the ordinary course they might be prevented from passing. If in connection with any measure three or four members should express a desire for delay, no objection would be raised on the part of the Government to staying the progress of such Bills. Indeed, no advantage whatever would be taken of the motion if passed.

HON. E. M. CLARKE seconded the motion.

HON. F. T. CROWDER (East): Though on most occasions when the hon. member representing the Government moved for the suspension of the Standing Orders he would be found supporting the motion, yet on this occasion he felt it his duty to vote against it. Year after year a similar motion had been proposed and carried, with the result that members had passed into law dozens of measures which they had not had time to read, let alone consider. Possibly the Ministry intended this motion as a compliment to the members of the Legislative Council, the inference being that hon. members of this Chamber were possessed of more common sense and greater brain-power than members in another place, and therefore able to grasp the measures brought down more quickly. It was

going too far, however, to expect this House to pass into law practically without consideration the 22 Bills on the Notice Paper in another place.

THE MINISTER FOR LANDS: Twenty-five Bills.

HON. F. T. CROWDER: It was well known the Government intended to prorogue at the earliest possible moment. Although prepared to accept the assurance of the Minister for Lands that matters would not be unduly pushed to a close, he could not forget the argument recently used by the hon. gentleman that he was only one of a Ministry, and that were a majority of the Ministry against him he must give way. The hon. gentleman's assurance was, therefore, discounted by the fact that four Ministers in another place were determined to prorogue as early as possible. If hon. members adopted the motion and passed into law the numerous Bills to be submitted without due consideration, they would be affording very strong arguments for abolishing the Legislative Council altogether. He was prepared to assist the Minister for Lands by agreeing to a suspension of the Standing Orders relative to any particular Bill in connection with which such suspension might be necessary or advisable; but if this motion were adopted he would leave his seat, because he would not be a party to placing on the statute book Bills which had not been considered and possibly not even read.

HON. J. T. GLOWREY (South): It was a matter of regret to him to be compelled to oppose the motion. The Minister for Lands had such an exceedingly nice way with him that one felt embarrassed in offering opposition to his proposals. There was not, however, the slightest justification for a suspension of the Standing Orders at the present time. The Bills now on the Notice Paper would probably be cleared off during to-day and to-morrow. The Notice Paper of another place showed twenty-five Bills at the second reading or Committee stage. Were these Bills to be struck off the Notice Paper? In view of the fact that this House had rushed through a Bill of about 700 clauses in less than an hour last week, it seemed quite unnecessary to ask that the Standing Orders be suspended for the purpose of expediting business. As a result of the haste with which certain Bills had been dealt with last week, they would have to be recommitted. Without wishing to prolong the session, and with every desire to assist the Minister, he felt bound, nevertheless, to oppose the motion.

Question put and negatived.

EARLY CLOSING BILL.

Read a third time, on motion by the MINISTER FOR LANDS, and transmitted to the Legislative Assembly.

WORKERS' COMPENSATION BILL.

RECOMMITTAL.

On motion by Hon. J. M. SPEED, Bill recommitted for amendment.

HON. J. M. SPEED: On the motion of Mr. Crowder, the definition of "employer" had been restricted by words providing that it should not include persons employing less than five workers. This amendment was undesirable. Clause 21 of the Bill repealed Sections 20 and 27 of the Mines Regulation Act, 1895, and Sections 13 and 14 of the Mines Regulation Act, 1899. Those Acts applied to all persons employed on mines; but under Clause 2, as amended, miners working on small properties would be left without remedy in case of accident. This being a Government measure, he hoped for the assistance of the Government in his endeavour to have the amendment rescinded. If the Bill were passed with the definition of "employer" as amended, the position of men working on small mines would be worse than at present. In the smaller mines there was not so much attention paid to the safety of the men as in the larger mines, where inspection was more frequent. He moved that in the definition of "employer" the words "but shall not include persons employing less than five persons" be struck out.

HON. F. T. CROWDER: It was his desire that the Bill should go through, and as it seemed likely that this clause, if carried, would jeopardise the measure, he had no intention of opposing the amendment moved by the hon. member.

Amendment put and passed, and the clause as amended agreed to.

Clause 5—Cases in which employer not liable:

HON. J. T. GLOWREY moved that a new paragraph be added, to stand as (*c*):

Or in the event of an accident being the result of the non-observance by a worker of any rule of his employment approved of by the Minister for Mines and prominently displayed in the immediate vicinity of the scene of the work.

The object was to afford some little protection to the employer, where a workman wilfully disregarded the instructions of his employer and the Mines Department. As an example, according to the Mining Regulations miners were forbidden to use steel tamping rods, and they had to use wooden ones. On one of our mines there was an accident, resulting in a law case. Notice had been placed in a conspicuous part of the mine that miners were not to use steel tamping rods, wooden rods being placed at a short distance; but notwithstanding that, the man used steel stamping rods lying close by, the result being an accident. This new paragraph would, to a certain extent, protect the employers, and also make the men more careful. No injustice would be done.

HON. F. T. CROWDER: Did not paragraph (*b*) govern the point referred to? It read: "Is directly attributable to the gross neglect or wilful misconduct of the worker." Surely if an employee were too lazy to use a wooden tamping rod, and he used steel, that would be gross negligence.

HON. A. G. JENKINS: An amendment very similar to that now proposed was, he was informed on good authority, submitted in another place. But it was stated there was no necessity for such amendment, because paragraph (*b*) covered the ground. It seemed to him to cover the whole of the ground.

HON. F. M. STONE: There was no necessity for the additional paragraph. If a person used a steel tamping rod instead of a wooden one, that was wilful misconduct, because it was breaking a rule.

HON. G. RANDELL: No doubt this Bill was a measure for compulsory insurance, although it did not figure under that name, and the amendment of the hon. member would, to some extent, be injurious in that matter. If the word "gross," in paragraph (*b*), had been struck out, it would absolutely have met what the hon. member wanted. But now we were precluded from striking out the word. It was difficult to prove gross neglect, especially where juries were called upon to decide. The word so exaggerated the meaning that he thought it would be very doubtful, in nine cases out of ten, whether gross neglect could be proved against the worker. The use of a steel tamping bar instead of a wooden one would be considered negligence, although he had some remembrance of an accident of the sort having occurred, and of the jury giving damages.

HON. F. M. STONE: No; the company succeeded.

HON. J. T. GLOWREY: No harm would be done by having paragraph (*c*) inserted. It would perhaps make paragraph (*b*) clearer.

HON. F. T. CROWDER: Why should the provision apply to mines only? The Bill did not affect mines only: we were dealing with all cases. The proposed paragraph would be rather dangerous. We were dealing with places wherever machinery was used.

HON. J. M. SPEED: There was no necessity for the amendment. Paragraph (*b*) would be sufficient.

Amendment put and negatived.

Bill reported with a farther amendment.

RECOMMITTAL.

On motion by HON. G. RANDELL, Bill farther recommitted.

Clause 5:

HON. G. RANDELL moved that the word "gross" in line 2 of paragraph (*b*) be struck out.

Put and passed.

Bill reported with a farther amendment, and the report adopted.

KALGOORLIE TRAMWAYS ACT AMENDMENT BILL.

Read a third time, on motion by the MINISTER FOR LANDS, and *passed*.

JUDGES' PENSION ACT AMENDMENT BILL.

IN COMMITTEE.

Clause 1—Amendment of 60 Vict., No. 24, Sec. 2:

HON. J. M. SPEED moved that after "office," the words "or to any Judge who shall be incapable, from any cause

whatsoever, of performing the duties of his office" be inserted. The matter had already been brought before the Chamber, and it was considered desirable the Minister should seek the advice of the Crown Law Officers as to whether the Bill was constitutional.

THE MINISTER FOR LANDS: The Bill was quite constitutional, and it was competent for any member to move an amendment.

HON. J. M. SPEED: That was not the point. Could a Bill of this kind be brought forward, as it was an amendment of the Constitution?

THE MINISTER FOR LANDS: This Bill was an amendment of the existing Pensions Act, and it was perfectly competent for any member to amend it. This was not an amendment of the Constitution Act.

HON. J. M. SPEED: The point raised was whether the Bill in itself was constitutional, as the salaries of the Judges were fixed by the Constitution. Under the Bill it was impossible to prevent a Judge getting a pension if he remained on the Bench for five years. It was a most absurd measure.

HON. G. RANDELL: Accidents happened to Judges as to other persons. It would be unjust to prevent a Judge getting a pension if in the execution of his duty a Judge offended someone, and a pistol was fired at a Judge and he was shot. If a Judge had not been on the Bench for five years he could not get a pension. The amendment mentioned by Mr. Crowder would meet the case.

HON. A. B. KIDSON: No tribunal was provided to say whether a Judge was incapacitated or not. The Hon. J. M. Speed had described the Bill as absurd, but the amendment was worse.

HON. C. E. DEMPSTER supported the amendment. It was the duty of members to look after the interests of the country. It was not right that a Judge should become entitled to a pension after he had been on the Bench for so short a period of time.

THE MINISTER FOR LANDS: The amendment did not provide for anyone to decide whether a Judge was incapable of performing his duties, which was a serious point. There was also the point that had been raised that a Judge might receive injury in the performance of his duties.

HON. F. T. CROWDER: If in order, he would move the amendment which he had previously suggested.

THE CHAIRMAN: The hon. member could not move the amendment now.

HON. T. F. O. BRIMAGE: An amendment should be made to the clause so as to compel the Government to appoint a Judge who was physically capable of discharging his duties. The name of one gentleman had been mentioned as likely to receive the appointment; that gentleman would be capable of discharging his duties as a Judge, but the appointment should be given to a person who would be physically capable of going on circuit.

HON. J. M. SPEED: If an accident happened to a Judge in the performance of his duties, Parliament could be trusted to consider the case.

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

Ayes	...	...	4
Noes	...	...	13
Majority against		...	9

AYES.	NOES.
Hon. G. Bellingham	Hon. R. G. Burges
Hon. T. F. O. Brimage	Hon. E. M. Clarke
Hon. J. M. Speed	Hon. J. D. Connolly
Hon. C. E. Dempster (*Teller*).	Hon. F. T. Crowder
	Hon. A. Jameson
	Hon. A. B. Kidson
	Hon. R. Laurie
	Hon. B. C. O'Brien
	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. Sir George Shenton
	Hon. F. M. Stone
	Hon. J. T. Glowrey (*Teller*).

Amendment thus negatived.

HON. F. T. CROWDER moved that the clause be struck out, and the following inserted in lieu:—

Any Judge of the Supreme Court who shall resign his office within five years from the date of his appointment as such Judge, shall be entitled, on its being made to appear to the Governor that he is incapable of performing the duties of his office, to demand a pension by way of annuity, to be continued during his life, to the amount of one-third of the yearly salary received by him at the time of his demanding it. This Act is not to apply to any of the three Judges now appointed.

HON. J. M. SPEED: The previous amendment had been denounced as somewhat absurd; but this was even more absurd than Mr. Crowder's amendments usually were. It gave a Judge who was

now entitled to a pension representing half his salary power to resign and take a pension of one-third.

HON. F. T. CROWDER: It did not apply to existing Judges.

HON. J. M. SPEED: But it did to future Judges; and it was as absurd under the Fourth Judge Bill as under the existing law.

THE MINISTER FOR LANDS: It was difficult to gather the full significance of an amendment not on the Notice Paper. Instead of the concluding words, "this Act is not to apply to any of the three Judges now appointed," better insert "this Act does not affect the Judges' Pension Act 1896."

HON. F. T. CROWDER: But it was not certain whether the fourth Judge had yet been appointed.

HON. G. RANDELL: Say "now holding office."

HON. F. T. CROWDER agreed to strike out the concluding words, "now appointed."

HON. G. BELLINGHAM supported the clause as it stood. Later he would move to strike out the words "resigning his office." Evidently the feeling of hon. members was that no Judge should be appointed who was likely to resign within five years after appointment. If the words he suggested were struck out, a Judge must hold office for five years before becoming entitled to a pension.

HON. J. D. CONNOLLY: Mr. Crowder's amendment was not clear, and the clause as it stood was satisfactory. If a Judge resigned in the course of two months, why should he get a pension?

Amendment (that the clause be struck out) put, and a division taken with the following result:—

Ayes	8
Noes	8
A tie	0

AYES.	NOES.
Hon. E. M. Clarke	Hon. G. Bellingham
Hon. F. T. Crowder	Hon. T. F. O. Brimage
Hon. A. Jameson	Hon. R. G. Burges
Hon. A. B. Kidson	Hon. J. D. Connolly
Hon. G. Randell	Hon. C. E. Dempster
Hon. J. E. Richardson	Hon. B. C. O'Brien
Hon. F. M. Stone	Hon. J. M. Speed
Hon. R. Laurie (*Teller*).	Hon. J. T. Glowrey (*Teller*).

THE CHAIRMAN gave his casting vote for striking out the clause.

Clause thus struck out.

HON. G. BELLINGHAM moved, as an amendment on the amendment, that the words proposed to be inserted should read thus:

Notwithstanding anything contained in the Judges' Pension Act 1896 to the contrary, no pension shall be granted to any Judge within five years of his appointment.

THE CHAIRMAN: The Committee had just decided against that.

HON. G. BELLINGHAM: That was hardly so; because the amendment moved by him omitted the words "resigning his office," which words were contained in the clause struck out.

HON. G. RANDELL: The Committee had already decided on the substance of Mr. Bellingham's amendment, which therefore could not be put.

HON. G. BELLINGHAM: Unquestionably all the arguments so far had been directed to the case of a Judge resigning his office. In the amendment he desired to move, the words "resigning his office" were omitted.

THE CHAIRMAN: The amendment was to all intents and purposes identical with the clause already struck out. It was not competent, therefore, to move the amendment.

HON. J. M. SPEED: The omission of the words "resigning his office" made a most material alteration in the clause.

THE CHAIRMAN: Hon. members must bear in mind that Clause 1 was now non-existent. The matter before the Committee was the new clause moved by Mr. Crowder.

HON. T. F. O. BRIMAGE moved that progress be reported.

Put and negatived.

Amendment (that the clause proposed to be inserted be inserted) put, and a division taken with the following result:—

Ayes	13
Noes	5
Majority for	8

AYES.	NOES.
Hon. G. Bellingham	Hon. T. F. O. Brimage
Hon. R. G. Burges	Hon. J. D. Connolly
Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. F. T. Crowder	Hon. J. M. Speed
Hon. C. E. Dempster	Hon. J. T. Glowrey (*Teller*).
Hon. J. W. Hackett	
Hon. A. Jameson	
Hon. A. B. Kidson	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. Sir George Shenton	
Hon. F. M. Stone	
Hon. R. Laurie (*Teller*).	

Amendment thus passed, and the new clause inserted.

Preamble, title—agreed to.

Bill reported with amendments, and the report adopted.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

RECOMMITTAL.

On motion by HON. G. BELLINGHAM, Bill recommitted for amendments.

Clause 2—Interpretation:

HON. G. BELLINGHAM moved that the words, "person or persons or" in paragraph (*c*) be struck out. As the clause now stood, the employment or dismissal of any one person out of four or five hundred employed could cause an arbitration case. It was granting too much liberty altogether to give one man the power of capsizing the whole working of the community. He did not wish to strike out "class of persons." He moved the amendment so as to prevent any one person from being able to cause an arbitration dispute.

HON. J. M. SPEED: If the amendment were passed here, probably it would be rejected in another place, and if the Council were going to take upon themselves the responsibility of rejecting the measure, as they usually did, they would be sorry they had done so. The words Mr. Bellingham proposed to strike out had reference to employers as well as employees, or sub-contractors, or there might be a dozen different classes in relation to which they might be used. In a measure of this sort we wanted to have the interpretations and all the provisions as wide as possible, in order that technicalities could not arise which would cause the court to say they could not deal with this question or the other because it was not provided for in the Act. In this Chamber the tendency had been to narrow down the scope of the Bill as far as possible.

HON. J. T. GLOWREY: It was to be hoped the House would carry the amendment. It seemed a monstrous thing to give one man the power to put the whole machinery of the measure in motion, when there might be 499 against it. If the amendment were carried, it would not inflict injustice on anybody.

HON. F. T. CROWDER: It would be very dangerous to leave the interpretation as it stood, and the amendment would have his support. He took exception to the remarks of Mr. Speed that we should not touch or alter this Bill because it had been considered by the Legislative Assembly. The measure was experimental, and it was one of those Bills which the Legislative Council were especially appointed to go carefully through and check.

HON. J. M. SPEED: The paragraph was not mandatory, and whether we struck out any particular paragraph of paragraphs (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) or not, ample power was given in the paragraph commencing "industrial matters" in the first part of the clause to deal with all these questions. The paragraph "industrial matters" was a definition in the first instance giving general powers, and without limiting the general definition, it included matters relating to wages, etc.

THE MINISTER FOR LANDS: The paragraph commencing "industrial matters" already covered the whole ground. It contained the words "'Industrial matters' means all matters affecting or relating to work done or to be done by workers." When we included "workers" in this sense, it might mean one or any number. A class of persons might be a very small number of persons.

HON. G. BELLINGHAM: Better strike out from the latter part of the paragraph the words "particular person or persons or."

THE MINISTER FOR LANDS: That would not cover the ground.

HON. G. BELLINGHAM: This amendment related to the employment or dismissal of one single person. He did not wish to narrow the matter too finely, but it was not advisable to give one person power to do all this. The words "or class of persons" meant a community, even if a small community; it might be half-a-dozen, 15, or 20; but we should not allow one man to come in and, against the wishes of his fellow-workers, put the measure in motion.

THE MINISTER FOR LANDS: If the amendment proposed were carried, the paragraph would still contain the reference to children or young persons.

HON. G. BELLINGHAM said he was going to strike out the singular.

HON. J. M. SPEED: Mr. Bellingham was mistaken with regard to the inter-

pretation of this provision, because the provision did not give a person power to appeal to the court or board. There were special provisions dealing with that matter. This provision only meant that the court would have jurisdiction when the matter was brought before them. One person could not make use of the Bill under this clause.

HON. J. W. HACKETT: The object was to prevent strikes, and he should vote for retaining the words as they stood. If the employment of a particular person was objectionable to the trade or the employees of the employer who employed that objectionable person, and if they required his removal and they did not get it, they would strike.

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

Ayes	...	...	10
Noes	...	...	7
Majority for	...	...	3

AYES.	NOES.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. T. F. O. Brimage	Hon J. W. Hackett
Hon. F. T. Crowder	Hon. A. Jameson
Hon. C. E. Dempster	Hon. R. Laurie
Hon. J. T. Glowrey	Hon. M. C. O'Brien
Hon. A. B. Kidson	Hon. J. M. Speed
Hon. G. Randell	Hon. J. D. Connolly
Hon. J. E. Richardson	(*Teller.*)
Hon. F. M. Stone	
Hon. R. G. Burges	
(*Teller.*)	

Amendment thus passed.

HON. G. BELLINGHAM moved that in Sub-clause (*c*), line 4, the words "particular person or persons or" be struck out.

Amendment put and passed, and the clause as amended agreed to.

Clause 3—What societies may be registered:

THE MINISTER FOR LANDS: A promise was given to recommit this clause, as some members thought it was not clear. There was no doubt whatever about the meaning of the clause, which was taken from the New South Wales Act.

HON. J. W. HACKETT: The question upon which some members wished information was as to whether one employer could register as a society under the Bill.

THE MINISTER FOR LANDS: Any society might register, and a company comprising two or more persons could register.

HON. J. W. HACKETT: The term "two or more persons" should be qualified, so that a society could consist of one person. He moved that in line 1 the word "two" be struck out, and "one" inserted in lieu.

HON. F. M. STONE: There was no necessity to make this amendment. Any employer, company, or corporation employing two or more persons could register.

HON. A. B. KIDSON: The amendment moved by Mr. Hackett would not improve the clause, as one person could not in any case constitute a company.

HON. J. W. HACKETT: The subclause of the present Act was as follows:—

A society consisting of any number of persons, not being less than five, residing within the colony, lawfully associated for the purpose of protecting or furthering the interests of employers, or in connection with any industry in the colony, and whether formed before or after the passing of this Act, may be registered as an industrial union under this Act.

Why was not this inserted in the Bill, or the provision from the New South Wales Act?

HON. J. M. SPEED: Under the Interpretation Act of 1898 it was clear that the expression "person" would include anybody, corporate or incorporate.

HON. J. W. HACKETT'S amendment by leave withdrawn.

HON. A. B. KIDSON: To strike out "two" and insert "one" would not meet the case.

HON. J. W. HACKETT moved that Sub-clause (*a*) be struck out, and the following inserted in lieu:—

(*a*) Any person or association of persons or any incorporated company or any association of incorporated companies, or of incorporated companies and persons who or which has in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less that fifty employees.

At 6·30, the CHAIRMAN left the Chair.

At 7·35, Chair resumed.

Amendment by leave withdrawn.

HON. G. RANDELL moved that subclause (*a*) be struck out, and the following inserted in lieu:—

Where the Registrar, or in case of appeal the court, is satisfied that the provisions of this Act have been complied with, the Registrar shall, in the prescribed manner and form, register as an industrial union:—(*a*) Any

person or association of persons, or any incorporated company, or any association of incorporated companies, or of incorporated companies and persons who or which has in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than fifty employees; (*b*) Any trade union or association of trade unions.

Amendment put and passed, and the clause as amended agreed to.

Bill reported with farther amendments, and the report adopted.

DIVIDEND DUTY ACT AMENDMENT BILL.

SECOND READING—AMENDMENT (SIX MONTHS).

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving that the Bill be now read a second time, said: The object of this measure is very simple. Under the existing Act, mining companies have paid income tax, practically, on their gross profits. It is proposed now that they should pay on the amount of their dividends. Hon. members are aware that there may be a great difference between dividends and profits. [HON. F. T. O. BRIMAGE: Hear, hear.] A great deal of the actual profit on mining may be put back into the mine in the shape of machinery, plant, and so forth; and the dividends may, in consequence, be comparatively small. In Queensland, I understand, the mining companies pay only on the dividends they declare; that is to say, they pay only on the actual income received by the shareholders. If mining companies put a proportion of their profits back into their mines in the shape of machinery and plant, so much the better for the State. The companies will have proportionately better plants, and therefore be able to do more efficient work; and the greater the efficiency of operations, the larger will dividends ultimately become. Therefore, it is a right and good provision that the companies should pay duty only on the actual dividends they declare. The existing Act requires alteration merely in respect of a few words. Clause 2 of the Bill proposes that the existing Act be amended by striking out in Section 4, line 3, the words "a mining company or." Hon. members on referring to the existing Act will see that it reads:—

> When and so often as any dividend is declared payable to any shareholders in a company carrying on business in Western Australia, and not elsewhere, and not being a mining company, or a company which carries on insurance business only . . . . . .

By this amendment, therefore, mining companies will pay duty on their dividends instead of on their profits. Clause 3 of this Bill proposes to amend the principal Act by striking out the words "every mining company and" at the beginning of Section 5, and also by striking out the whole of the third paragraph, beginning "Provided that mining companies," and ending "amount overpaid." Clause 4 proposes to repeal Section 25 of the principal Act. The section in question limits the operations of the Act to the end of December, 1902; and it is simply with the view of making the Act perpetual—to be carried out *in perpetuo*—that it is proposed to strike out the section. The principle involved in the amendments is really very simple—that mining companies should pay on their dividends instead of on their profits. It is entirely with the House to discuss the matter. I believe the principle to be a good one, and I hope hon. members will see their way to support the second reading.

HON. E. M. CLARKE: I second the motion.

HON. F. T. CROWDER (East): I move as an amendment:

> That the word "now" be struck out, and "this day six months" inserted in lieu.

My reason for moving is that as the country is paying £16,000 per month in the shape of interest on money borrowed for the Coolgardie Water Scheme, and is likely to continue to pay that amount for years to come, the object of this House should be to increase legitimate taxation, and not to reduce it. The existing Act was thoroughly threshed out in both Houses of Parliament; and when the measure was passed it was distinctly understood that its operation applied not to dividends but to profits. The reason given why certain incorporated companies carrying on business both within and without Western Australia should pay taxes on their profits, was that whereas shareholders of incorporated companies

carrying on business in Western Australia alone are, as a rule, resident in Western Australia and so contribute largely to the income of this State, shareholders in companies carrying on business without as well as within Western Australia are to the extent of some 90 per cent. not residents of this State and therefore contribute nothing to its revenue. This fact was dwelt on most emphatically by almost every member who spoke. It cannot therefore be contended that the existing Act was passed with the idea of limiting its operations to taxation of dividends. Our existing Act is almost an exact copy of the Queensland Act, which has been in force for some 12 years. It is a remarkable fact that the latter Act should have been in operation for such a length of time without objection being raised to it. I say without hesitation that the Act under which we are now working has given satisfaction to those concerned, with but few exceptions. Of course, there is a certain amount of dissatisfaction, and there must always be dissatisfaction with measures which are in the nature of what is termed class legislation. Seeing, therefore, that the present measure was enacted for the purpose of imposing taxation, that this taxation was legitimate, and that the operation of the measure has been satisfactory, I think it should not be interfered with. In introducing the Queensland Act, Sir Thomas McIlwraith, the then Premier, made certain observations which apply in Western Australia at the present day. Sir Thomas McIlwraith said:—

> I do not think anything in this world can better stand taxation than profits, and I do not think there is anything that can better stand taxation than the profits of limited liability companies, or these big financial companies trading with capital in the colony. The fact that they have an immense advantage from the operation of the limited liability principle is seen by looking at the position of banking now as compared with its position before the Act embodying that principle came into operation. Why, sir, individual efforts in banking are wiped out, private banking is obliterated, and the merits of the principle are seen in the advance and progress of banking institutions. Looking at the career of most of the banking companies, the land companies, and other companies employing large capital in the colony, mostly coming from England, and looking at the large profits that have accrued to them, I do not think it is an unfair thing to come down, at a time like this when we want money so badly in the Treasury, and ask them to contribute. I do not think there is a fairer tax in this world than a tax upon banks, and when we see the progress banks have made in this colony, and their constantly increasing profits, it is a fair thing to say they should contribute a little more than they have done hitherto to the coffers of the State. At all events it is quite clear that the proposal cannot be objected to as being very hard upon this community, because three-fourths of the tax will be upon people who do not live in the colony at all. That is a merit in the tax. I do not think we can put ourselves in an obnoxious position by taxing people upon the profits they make in this colony. In England it is done, and they tax persons there on the profits they make here.

These remarks of Sir Thomas McIlwraith were practically endorsed by the Right Hon. Sir John Forrest when introducing the existing Dividend Duty Act. When the present Bill was before another place, it was suggested that not only mining companies should be taxed on their profits, but banks as well. It does not necessarily follow, I have to point out, that a banking company doing a large business here has a large capital here. The Western Australian Bank, being incorporated in the State, pays a dividend tax; and justly, too. The other banks doing business here, however, are to all intents and purposes foreign institutions. I use the term "foreign institutions" as meaning banks carrying on business here and elsewhere. Most of the capital of these banks is subscribed from abroad. Let us suppose the case of a bank making in this State a profit of £60,000 in a financial year. Under the law as it stands, such a bank would pay a tax of one shilling in the pound on that profit of £60,000. But if we tax a bank on its dividends, the position might be very different. A bank making £60,000 profit here in one year might make a corresponding loss on a branch operating in one of the sister States. Then the profit made here, being balanced by a loss made elsewhere, this State would be unable to tax the profit made locally. That position I consider unjust. So far as this amending Bill affects mining companies, I have to point out that under it a serious state of things may result. Let us suppose, for argument's sake, that a company is formed abroad with a capital of £50,000 payable as to 1s. on application and as to 1s. on allotment.

The shares would thus be paid up to the extent of only 2s. Then the company, instead of legitimately carrying on mining by making calls to develop its property, might rest content with calling up 2s. per share and use the gold taken out of the mine to meet the cost of development and equipment. This might go on to such an extent that a million of money would be spent in this fashion and that the shares paid up to only 2s. would possibly have a value of £10 on the London market. Through profits taken from the mines, the shares might be inflated from two shillings up to ten pounds.

MEMBER: Nonsense!

HON. F. T. CROWDER: It is not nonsense. The Government have as much right to tax them on the unearned £9 18s. added to the share value as they have upon the profits. It is the duty of the Government at the present time, when they have at least the financial difficulty of the Coolgardie Water Scheme staring them in the face, when they have, as I pointed out, £16,000 a month to pay, to increase, and not to diminish legitimate taxation; and a tax on mining profits is legitimate. The difference between a mining company and an incorporated company carrying on business in this country is absolutely this, that incorporated companies carrying on their business within the four corners of Western Australia have as a rule about 90 per cent. of their shareholders resident in this State. The shareholders are living in this country, and are taxed to the tune of £20 per head, whereas 90 per cent. of the shareholders belonging to mining companies live abroad. They take their dividends and contribute not a single farthing to the income of Western Australia. Therefore, as we are looking for absolutely legitimate income, it is legitimate to place a tax upon them. Profits are not dividends. If members allow the Bill to be carried in its present form we shall lose something like £20,000 or £30,000 a year. My reason for moving that the Bill be read this day six months, and for asking for the support of members, is that the only clause I am in favour of at all is Clause 4, which repeals the section in the old Act reading "This Act shall remain in force until December 31st, 1902." That is the only part of the Bill I can support. There is no doubt that in the next session of Parliament a new Bill will have to be brought in so as to repeal that, and doubtless when the Bill is introduced for such repeal the Government will see fit to increase this taxation, and not to diminish it. The great fault of the Bill as it stands to-day is that it is class legislation; that it touches incorporated companies and not private bodies. That to my mind is a trouble which can be easily surmounted by including a clause in the new Bill which doubtless the Government will introduce, to the effect that it shall touch both incorporated companies and private individuals doing business to the extent of over £5,000 a year.

HON. A. B. KIDSON: Why £5,000?

HON. F. T. CROWDER: Under that amount the cost of collection would be too much. I consider that this Act will have to be altered, and more especially in regard to shipping companies. I think I may go so far as to say the majority of the shipping companies carrying on business in this country, who are under the present Act compelled every year to send in a statement showing their profits, every year commit wilful perjury; for they send in a statement showing that they make no profit at all in Western Australia. And the way they get over that is this: Their headquarters being either in Melbourne or Sydney, they credit their headquarters with all the freight paid for bringing goods to Western Australia. A clause will have to be inserted, if there is any trouble, if the Government cannot make them pay under the present Act, that on goods coming from the other States to this State, the freight shall be credited to Western Australia. We shall then be able to get at what their profits are. I do not think that they, at the present day, with one exception, have paid on any profits at all, whereas we well know that these shipping companies are declaring dividends the other side.

HON. G. BELLINGHAM: Where is the capital?

HON. F. T. CROWDER: That does not matter. We are dealing with profits made in Western Australia, and not with capital. When this Bill was introduced it was shown that there were

several mining companies in Western Australia who had expended a sum of something like £30,000 in this country, and had up to that time paid profits of half a million. I admit this Act was introduced purely and simply because of the requirements of Western Australia for more revenue. And if in those days, when everybody, even the Government themselves, thought that the Coolgardie Water Scheme would be running water to the goldfields in another 12 months, and everything would be first-class and everybody satisfied, it was necessary to bring in that measure to get increased taxation, surely to-day, with the tremendous slap in the face we have confronting us with regard to the scheme, and when we have £16,000 per month to pay, and after all are not certain that the thing will not be a failure, it is more necessary that we should stick to the revenue that Act gave us, and if possible get more.

Interjection, inaudible.

HON. T. F. O. BRIMAGE: He will hang himself directly.

HON. F. T. CROWDER: I would sooner hang you.

HON. T. F. O. BRIMAGE: There is no doubt about that: give him rope enough.

HON. F. T. CROWDER: In my opinion this Act will create no harm at all. It deals with all mining companies alike. I may also point out that in the Imperial Parliament the tax is not upon dividends but upon profits; and as I pointed out in the McIlwraith speech, Queensland has been satisfied with her Act. Queensland to-day is taxing mining companies on their profits, and if Queensland after 12 years' experience is satisfied, the mining companies here have nothing to find fault with.

HON. T. F. O. BRIMAGE: Queensland does not tax mining companies on profits.

HON. F. T. CROWDER: The position is this, and I think many hon. members will agree with me, that an amendment to the original Act will have to be introduced next session. I am positively certain of that, and is it not better, with the trouble we have staring us in the face, to wait till next session to know where we are? And if we are then in a splendid position, and can afford to do with less taxation, I for one shall be prepared to tax on dividends. But to alter the Act at the present moment, and to tax simply on the dividends of mining companies, would mean a most serious loss to Western Australia at an hour when she possibly cannot stand it, and therefore I ask members to support me in my amendment that the Bill be read this day six months.

HON. J. T. GLOWREY (South): I hope that hon. members ——

THE PRESIDENT: Are you supporting the amendment?

HON. J. T. GLOWREY: No. I am going to oppose it strongly.

HON. C. E. DEMPSTER (East): I will support this amendment. There is not the slightest doubt, as Mr. Crowder has said, that in consequence of the enormous outlay now taking place, the present is the wrong time to deal with this Bill, every way we look at it. I shall certainly support Mr. Crowder's amendment.

HON. J. T. GLOWREY (South): I hope members will not take the amendment proposed by Mr. Crowder too seriously. I have taken the trouble to look up the debate which took place in this House when the Bill was introduced in the first place, some two years ago, and I find that in no instance whatever was there any reference made to a duty on profits; but duty on dividends was referred to. The Colonial Secretary on that occasion remarked:—

> That is the amount which has been paid in dividends in this colony, and from which we derive no other benefit than the expenditure on account of wages and the introduction of capital, and which was introduced when the leases were first taken up, but which bears no comparison to the value of the mines.

In every case this tax no doubt was intended to refer to the duty on dividends from gold mines. No one objects to pay duty on dividends; but what we do object to is to pay a tax on profits. I find that later on, in moving the second reading, the Colonial Secretary said:—

> In the case of companies carrying on business here, who have their head offices here, the tax will take effect on the dividend itself. The Colonial Treasurer, or other officer of the Government appointed to superintend the operations of the measure, shall raise, levy, collect, receive, and account for such duties.

Still later on the Colonial Secretary said:

> It is expected from mining companies that the largest proportion of the revenue will be

derived. When and so often as any dividend is declared payable to any shareholders in a company carrying on business in Western Australia and not elsewhere, and not being a mining company or a company which carries on insurance business only, such company shall forward to the Colonial Treasurer a return of the dividend declared, and on that dividend a duty of 1s. in every 20s. has to be paid.

Farther on he said:—

The Bill also provides that mining companies, which may declare a dividend at different periods of the year must, before paying that dividend, pay the tax upon it to the Colonial Treasurer.

It is quite clear that when this Bill was introduced here—and I find that when it was discussed in another place the same idea prevailed there—the measure was intended for the purpose of imposing a tax on dividends only, and not on profits. I maintain that the amendment we desire to make to-day in this Act is a most important one. It is one long sought for by all mining companies, by the smaller companies, I may say, carrying on on the goldfields. When their capital is exhausted, when their calling power is exhausted, they have no other remedy very often perhaps than that of applying to their bankers for an advance, and having gained that advance, perhaps £2,000, £3,000, or £4,000, they work on as best they can for some time, and perhaps eventually reduce that amount by a thousand or two. They are then called upon to pay a tax on that thousand or two.

HON. F. T. CROWDER: Why do they not make calls?

HON. J. T. GLOWREY: If the hon. member had had to do with mining companies, he would know that it is a matter of impossibility. I hope we shall have an opportunity of finding out who are the friends of the goldmining industry, and who are not. We know that when the calling power is exhausted there are no other means perhaps of keeping the mines going than that of obtaining advances, and it is a most unjust thing to ask a company to pay a duty on profits whilst it still has to pay large liabilities. If the liabilities were discharged, and they were in a position to pay dividends, no one would object to the Government enforcing the Act. Mr. Crowder made some reference to the Queensland Act. In Queensland the Act is very much more liberal than even this amendment will make the law here. The companies there are allowed in the first place to recoup the cost of machinery and the first cost of the mine, and after that only to charge duty on the dividends declared by a mine. Now mines are actually taxed on their profits. It is well known that if this system prevails it will be the means of introducing, I will not say a fraudulent system of book-keeping, but the mining companies will have to depart from the usual rule, because at present the amount of money put into development work in a mine is generally shown as a profit. If this system continues, and the Government go on issuing writs against mining companies who are in a struggling position, the mining companies will have to adopt some new system of book-keeping.

HON. J. M. SPEED: To avoid going to law, or for what purpose?

HON. J. T. GLOWREY: I do not know for what purpose: I will leave the hon. member to say. With regard to banks——

THE PRESIDENT: The hon. member cannot refer to banks.

HON. J. T. GLOWREY: I hope the House will pass the second reading, for this Bill has long been desired by the mining companies on the goldfields.

HON. A. B. KIDSON (West): I feel in this matter somewhat in a dilemma, because I am anxious to do what is right, and at the same time I feel some difficulty in arriving at a decision. I take it for granted this measure is a Government Bill. I believe it was introduced by a private member in another place, but since then the baby has been adopted by the Government. Therefore we can take it for granted that now it has become a Government measure. If there has been a Government in this country that could not be charged with inconsistency, it is the present Government. Yet we find the Government, in bringing forward this measure, draws a distinction between mining companies and other companies, and before I can make up my mind which way I shall vote, I should like to have an explanation from the Minister for Lands why a distinction is drawn between mining companies and other companies. I am talking now of Section 5 of the Act. The words "mining company" is struck out, and

"every company" left in. That, I understand, to be the amendment. Surely mining companies as well as other companies do business inside as well as outside Western Australia. Therefore, why this distinction? I have heard all the demerits of the Bill so far as regards mining companies, and it struck me when the Minister for Mines was speaking every word which he stated applied equally to other companies doing business in Western Australia and outside as to mining companies. I had that idea in my mind, so I looked up Section 5 of the Act, and I find that I am correct. It does seem to me that all companies should be placed on the same footing, and that no distinction should be made. In regard to the amendment moved by Mr. Crowder, I may say that I can hardly vote for it, because I do not see why there should be a distinction between companies doing business inside and outside of Western Australia and companies only doing business in Western Australia. I can quite see why a distinction should not exist, because taxing profits may be taxing what in ordinary circumstances would be employed in developing properties, and that is where my dilemma comes in. Until development has taken place by the employment of capital so as to create the profit, I do not think the profit should be taxed until it is turned into dividends. Because, I take it, no respectable company would pay dividends until they were in a position to do so, and when they are in a position to do so, I take it they would pay dividends, and then it is fair to tax them. I feel in a very difficult position in this matter. At present I am inclined, unless the Minister for Lands can give a satisfactory reason why other companies are not included in the measure, to vote for Mr. Crowder's amendment.

HON. T. F. O. BRIMAGE (South): I may congratulate the Government on bringing in this valuable measure for the mining industry. No doubt the tax on profits has been a very serious blow to the development of mines, and I am very much obliged to Mr. Kidson for having stated exactly what the mining industry, the mine-owner, and the mining shareholder feel in regard to the profits that accrue from the mine generally. In mining it is all right to put down a shaft on a piece of ground that is called a lease; it is another thing to take out sufficient ore to pay for the sinking of that shaft; it is another thing, too, to provide machinery for digging the ore out of the levels. All this, in a tax on profits, has to be paid for out of whatever is got out of the shaft. I want to make myself particularly clear on this matter, and I want to convince Mr. Crowder, who, I think, takes a very sensible view of most matters that come before the House. On looking at the mines on the Eastern goldfields to-day, it will be seen that there are various leases under various names, and their development of those leases, the cost of machinery, and the working has been very considerable. In one case, to my own knowledge, before a dividend was declared a sum of £100,000 was expended. The capital of a company sometimes is put down at £100,000, with £20,000 reserved for a working capital. That £20,000 is employed in the development of the property, and perhaps in the erection of a winding plant. After that there has to be erected machines to treat the ore that is obtained from the mine. What the people on the goldfields ask for, and the concession they seek from country members, and what is provided by the Bill, is that up to the time a mine produces profits, that is, up to the stage when a mine has sunk a shaft and machinery has been erected for treating the ore on the mine and is obtaining profits from the working, no duty should be paid. The mining companies ask that profits of a mine be not taxed until the companies are in a position to pay dividends.

HON. F. T. CROWDER: You should make calls.

HON. T. F. O. BRIMAGE: There have been too many calls in this country. If there are shareholders in a mine, it is the old story over again, you cannot get blood out of a stone.

HON. F. T. CROWDER: Get fresh ones.

HON. T. F. O. BRIMAGE: The mining companies ask that the mines shall not be taxed on the profits for the reason that they want to pay for the back expenses. Several men may put up £100 each; they sink a shaft and find payable gold. Perhaps the cost of the shaft has been £400, that is for sinking the shaft

and the development of the mine. They then require either to get the ore to a machine, or get a machine at the mine to treat the ore. That may cost another £400. I am only speaking of a small mine.

HON. F. T. CROWDER: They do not pay duty.

HON. T. F. O. BRIMAGE: Don't they pay duty?

HON. J. M. SPEED: Not on that.

HON. T. F. O. BRIMAGE: It costs a miner on the goldfields from four shillings to five shillings a ton to get tucker from Fremantle: is that not a duty? The miner has to pay 8s. a hundred gallons for water: is that not a duty? The miner has to make bread and butter for the community: is that not a duty?

HON. J. M. SPEED: I should think so.

HON. T. F. O. BRIMAGE: After the prospector has spent £400 in the development of a mine, he requires a machine to treat the ore. That may take another £400. What the miners are asking and what the Bill provides is that until the miner has taken the ore out of the mine, paid for the cost of the plant, paid for his machine, he should not be taxed, but after that he is willing to pay the tax. Take the case of a private company, which this Bill excludes. A private company may put £50,000 into a concern, or say £5,000, to keep on a small basis. This company goes to work. It may be a company for the purchase and sale of machinery. Such a company always has its capital in either machinery or goods, but the miner sinks his capital, and perhaps may never see it again. He may perhaps not have friends from whom to make calls to keep him working in the shaft. I am not taking into consideration the amount of prospecting that companies carry out, and from which they get no profits whatever: I am giving all that in. I am taking a case in which a company has struck payable ore, when it has to erect machinery, put up winding plant and go to the expense of costly work; in such a case that dead capital has to be sunk; in such a case as that a large amount of money has to be expended before any profit whatever is obtained. I know of one company which spent £100,000 before any profit whatever was obtained. And we are only asking the House to allow us the freedom to pay off the old debt before we are taxed. There are on the fields to-day many companies which have suffered from this tax on profits. They have continually prosecuted fresh prospecting, increasing the wealth of Western Australia as a gold-mining country. Instead of paying dividends, many of these large companies have gone in for farther development, which hon. members must allow is for the good of the country.

HON. R. G. BURGES: They ought to get more capital.

HON. T. F. O. BRIMAGE: Where are you to get more capital? You cannot get a loan on the London market to-day. If you try to float a loan to-day in London, you get £350,000 out of a million. To try to get more capital in London is futile. Let us assert ourselves, and show that we can get more capital without this continual borrowing. I venture to say that if the taxes at present imposed on the mining industry continue, they will become altogether unbearable. The mining industry is more heavily taxed than any other in the State. Here is a chance for hon. members to show themselves friendly to the prospector.

HON. C. E. DEMPSTER: These are not prospectors, but mining companies.

HON. R. G. BURGES: They are capitalists.

HON. T. F. O. BRIMAGE: Here is a chance for hon. members to show themselves friendly to prospectors and to prospecting companies. These always find the money in the first instance, and they go out in the back country prepared to lose that money. Surely if they have found gold, and if they spend more money, Parliament will give them the right to pay off their back debts before taxing them.

HON. C. E. DEMPSTER: Why do they pay dividends before paying their back debts?

HON. T. F. O. BRIMAGE: They never do. I assure the hon. member they do not declare dividends before they have paid their debts. If the hon. member thinks they do, he is suffering from a misconception. After finding gold, the companies put machinery on the mines. Before it can be of any use, a mine has to be developed. Take, for example, that

well-known mine the Great Boulder, one of the best gold mines in Western Australia. In the first place, that mine was floated into a company of 175,000 shares of, I think, £1 each; and I think £10,000 was paid up. With that working capital they bought a battery, erected it, and milled gold. After that, the mine did not immediately pay dividends, as some hon. members think and as Mr. Dempster has just said, but the mine was farther developed and explored; and it was proved by the money won with the first 10-head battery that there was a great industry in that particular Boulder belt. In those days mines were not taxed on profits; and it is those particular profits in respect of which we do not wish to be taxed. Subsequently this proposition proved itself a great mine, and more money was required for the erection of larger and better machinery. That money certainly came out of the mine. The property became still more valuable; yet it did not pay any dividends.

HON. F. T. CROWDER: It did pay dividends.

HON. T. F. O. BRIMAGE: I beg the hon. member's pardon; it did not. I came to this country when the Boulder was first discovered, or soon after.

HON. F. T. CROWDER: You are not the only man who can say that.

THE PRESIDENT: We cannot have any altercation across the Chamber.

HON. T. F. O. BRIMAGE: I know I am not the only man. There are many more. But I say the Boulder did not pay dividends out of those early-won gold-yields. It went on developing; and the company does not wish to be taxed on those early expenses of making its mine profitable. But as soon as it has proved its mine, and can disburse to its shareholders certain dividends, then it is willing to pay a tax on those dividends. I think that is all a country should ask mining companies to do. This tax on profits is disastrous to the mining industry, and I am sure that had Mr. Dempster, when he supported that motion of which he speaks, known what a grievance it would be to the mining industry, he would not have seconded it. I feel confident that at heart he is with us on this point; that he would lend us every assistance. Whatever profit we can make from the gold-mining industry, whatever dividends we declare, we are willing to pay a just tax in respect of; but I ask hon. members to allow our profits to go into development of our mines, because the development of that industry is very costly, and while we are paying a tax on profits the industry is sure to be hampered. Another case I should like to quote is that of another company, which would meet the views of Mr. Crowder, because it had to reconstruct owing to the heavy expenses it incurred. I refer to the North Kalgurli.

THE PRESIDENT: We cannot have the history of all the mines.

HON. T. F. O. BRIMAGE: I do not propose to give the history of all the mines, but merely illustrations which will prove that a mine should be allowed to pay for its development before it be taxed in respect of shareholders' dividends. However, as the President does not require the history of the mines, I will conclude my speech. As a mining man and a representative of a gold-mining constituency, I have put it on record that we protest against this tax on profits. I say the cost of developing the mines is very heavy; and I ask in fairness to the mining industry that we be allowed to pay the tax on dividends only, and be allowed to develop the mines before we pay it.

THE MINISTER FOR LANDS: I should like to say a word in reply to the hon. member (Mr. Brimage), who asked why should mining companies be called on to pay a tax on profits when other companies do not pay a tax on profits. That is not the case. By reading Section 4 of the principal Act, the hon. member will more clearly understand the position:—

> When and so often as any dividend is declared payable to any shareholders in a company carrying on business in Western Australia, and not elsewhere, and not being a mining company or a company which carries on insurance business only, such company shall, within seven days from the time when such dividend has been declared, forward to the Colonial Treasurer a return in the prescribed form, containing the prescribed particulars, and verified by a statutory declaration under the hand of and made by an officer of the company, stating the amount of such dividend, the date when it was declared, and such further particulars as may be prescribed.

Many of those companies do not pay dividends at all. Their credit balances are purely profits. It is not mining companies only which at this moment are called on to pay a tax on profits. I refer to companies which are actually mining in this State.

HON. A. B. KIDSON: What about Section 5?

THE MINISTER FOR LANDS: That is exactly the same thing again, if we omit the words "every mining company and." We propose to leave out the words "and every company which carries on business within and also beyond Western Australia."

HON. A. B. KIDSON: That is exactly my point.

THE MINISTER FOR LANDS: Even so, it has to pay on profits.

HON. A. B. KIDSON: What about a timber company?

THE MINISTER FOR LANDS: At present timber companies do not pay dividends at all. They will pay by-and-by. A mining company may carry on business entirely outside the State. Mr. Crowder has pointed out that we shall lose in revenue £20,000 or £30,000. Does the hon. member recollect that the return of gold in this State is about six or seven million pounds per annum, and that four or five millions of that is retained in the State for wages and other expenses? Does he remember that this State is at present actually carried on by means of the gold-mining industry? [HON. T. F. O. BRIMAGE: Hear, hear.] If we increase the cost of the production of gold, which we shall do by imposing an unnecessary tax, we shall make it more difficult to produce the metal, and more difficult for our mining companies to compete with America, South Africa, and many other gold-producing countries. We must win our gold as cheaply as possible; and in the desire to save a mere bagatelle of £20,000 or £30,000, we may be preventing millions of money from coming to this State. It is these little limitations and taxes that very often make people shy of Australian investments. If we save £20,000 or £30,000 on the one hand, as is contended, we shall undoubtedly lose as many hundreds of thousands on the other. The saving is a mere bagatelle; and moreover, I maintain that the tax is not just and reasonable. I think the hon. member is not altogether correct in saying that in Queensland, mining companies pay on the profits. It is principally on the dividends that the Queensland mines pay; and there again we have to enter into competition with them. I hope members will take a broad view of the question, and not be carried away by a desire to save comparatively trifling sums like £20,000 or £30,000 when we are dealing with an industry on which the whole of the State depends, and which represents from six to eight millions of money yearly.

HON. J. W. HACKETT (South-West): I have listened with much interest to the debate, and to what has fallen from Mr. Brimage, who, we all admit, makes a good case when he rises to speak; but I am compelled to say that if this question goes to a vote, I shall give my vote with Mr. Crowder, on the main ground that the matter must inevitably, in all its bearings—to use the phrase of the Minister for Lands, "in its deepest and broadest shape"—come before this House in about six months, or the whole Dividend Duty Act will lapse; and that, I presume, is not the wish of anyone in this House or in another place. In something like six months we must again consider the Act; we must go down to bed rock, and decide on what principles we must tax, what exemptions, if any, are to be made, and how far companies which make dividend-paying profits in this State are to be rated. We must then deal with all companies without exception. For that reason alone, rather than encourage this tinkering with these revenue Bills at a time when nearly three-quarters of the year have already passed, I shall vote against the second reading. But in listening to my friend Mr. Crowder, it struck me that his argument, if applicable at all, applies to all profit-making bodies, companies, or associations in this State. Everyone wants parts of his profits, and many of us want most of our profits, to be put back into capital. I speak as one who has for a number of years been connected with a company which, although it has been making a profit, certainly, has found it advisable to put back almost every penny of that profit towards doing, I trust, something to develop the resources of the State, and to add to the

wage fund. If we are to accept the amendment of Mr. Brimage—and his argument amounts to this, that no company ought to be taxed, and no capitalist ought to be taxed, until the whole of the initial expenses of the mine, or of the timber mills, or whatever the form of the enterprise, have been refunded to the original lenders—it should be made to apply all round. If it be argued that before taxation is imposed profits should be allowed to accumulate to such an extent that the whole of the first outlay has been returned, then I say such an argument should apply in every direction.

HON. T. F. O. BRIMAGE: But you have the security still.

HON. J. W. HACKETT: You would have it in any case. Mining companies expect large profits; and why? Because the security is doubtful. It is as broad one way as another. Does the hon. member wish us to believe that in no form of industry but mining capital has been lost? I should be disposed to say that on the whole the gold-mining companies bear rather a favourable comparison in this regard. I am strongly of opinion that a larger amount of capital has been sunk and lost in other industries than in gold-mining. On the whole, I am inclined to believe, gold-mining has been more profitable than other forms of industry. However, I am not disposed to subscribe to the principle that a gold-mining company is entitled to have the whole of its initial expenditure returned to it before it can be held to possess anything in the shape of profits from which it may return something to the State by way of taxation. We all know that in the case of companies in which we invest money we get something, though perhaps not for 15 or 20 years all we have expended; but what we get over and above the expenditure required to keep the concern going we call profits; and we are prepared to submit, if necessary, to taxation on those profits for the purposes of the State. I shall, however, support Mr. Crowder's amendment, if only on the ground that a Bill of this nature ought not to be brought forward, or even fathered, by the responsible authorities in another place at the very close of the session, when three-fourths of the financial year has elapsed.

Amendment (six months) put, and a division taken with the following result:—

Ayes	...	...	10
Noes	...	...	9
Majority for	...		1

AYES.	NOES.
Hon. H. Briggs	Hon. G. Bellingham
Hon. R. G. Burges	Hon. T. F. O. Brimage
Hon. F. T. Crowder	Hon. E. M. Clarke
Hon. C. E. Dempster	Hon. J. D. Connolly
Hon. J. W. Hackett	Hon. A. Jameson
Hon. A. B. Kidson	Hon. A. G. Jenkins
Hon. G. Randell	Hon. R. Laurie
Hon. J. E. Richardson	Hon. B. C. O'Brien
Hon. J. M. Speed	Hon. J. T. Glowrey
Hon. F. M. Stone (*Teller*).	(*Teller*).

Amendment thus passed, and the second reading negatived.

COOLGARDIE WATER SUPPLY LOAN REALLOCATION BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: This is a purely formal measure for the reallocation of certain moneys authorised by Parliament to be raised and applied for the purposes of the Coolgardie Water Scheme. Under the Act authorising the expenditure, certain items, numbered 1 to 7, were scheduled. It is now found more convenient to lump four or five of these items together, so that the expenditure may overlap. It appears that more than £190,000 may be required for the first item, less for the second, and so on. The object is to include the whole of the items in one schedule under the heading of "Construction of pipe line from Helena reservoir to Coolgardie," and so forth. It is merely a matter of simplification of accounts; for these sums have to be expended in any event, though it is convenient to expend more in one direction and less in another. It is necessary to have power given by Parliament to reallocate these moneys. The matter being of a purely formal character, I hope hon. members will see their way to support the second reading.

HON. J. W. HACKETT: Will the amount be exceeded?

THE MINISTER FOR LANDS: This Bill gives no right to exceed.

HON. J. W. HACKETT: I thought the Government might do so.

THE MINISTER FOR LANDS: They may have to do so at a future time, if

they follow the example of their predecessors.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

PERTH SUBURBAN LOTS (SUBIACO) EXCHANGE BILL.

SECOND READING (MOVED).

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I have to point out that this Bill simply proposes to effect an exchange of certain lands forming a recreation ground in Subiaco, for other lands. It is proposed to exchange Perth suburban lots 270, 271, 272, and 273, for Swan locations 118 and 119. The lots in question, which were vested in the Subiaco Municipal Council in 1899, are classified as "A" reserves under the Permanent Reserves Act. Land so classified cannot be altered or dealt with in any way except by Act of Parliament. That provision is a good one, and of course meets with the support of the Government in every respect. Nevertheless it becomes necessary occasionally to exchange lands which have proved unsuitable. Swan locations 118 and 119, which contain 20 acres and are coloured red on the plan I now display to hon. members, are proposed to be exchanged for the lots I have mentioned in the municipality of Subiaco. These lots, being dry and sandy, are of little value as a recreation ground. On the other hand, Swan Locations 118 and 119, which have been known for many years as "Shenton's Paddock," have with the consent of the owner been used by the residents of Subiaco as a recreation ground. The owner is now willing at the request of the Subiaco ratepayers, who at a meeting expressed themselves as unanimously in favour of the exchange, to accept the lots in question in exchange for the Swan locations. Both parties having agreed to the exchange, the Government intend, with the consent of Parliament, to make it. Swan locations 118 and 119 are highly suitable for the purpose of a recreation ground. Several deputations have waited on the Government in connection with this matter. One interviewed me some short time ago, and I promised to endeavour to have this Bill put through. I hope, therefore, hon. members will support the second reading.

HON. J. W. HACKETT (South-West): I am glad the hon. gentleman has paid a tribute to this Act, which is, I think, one of the most valuable on our statute book, and is intended to give permanency of reserves. I think this is the first time the provisions dealing with class A reserves have been put into operation; that is that Parliament has been asked to break a dedication made by the Governor in Council. I should like, however, to be sure that the party most concerned in this transaction, the owners of the original paddock, namely the Subiaco Municipal Council, are prepared to go on with this.

THE MINISTER FOR LANDS: They have petitioned for it.

HON. J. W. HACKETT: But you have not the petition on the table.

THE MINISTER FOR LANDS: We have it not on the table, but I have it on the file.

HON. J. W. HACKETT: The Municipal Council of Subiaco are entirely in favour of the exchange?

THE MINISTER FOR LANDS: Entirely.

HON. J. W. HACKETT: If that be so, I think the House really ought to be agreeable to the Bill, because the paddock is admirably adapted for a recreation ground, whereas the original ground is highly unsuitable in many respects.

THE MINISTER FOR LANDS: I can assure the House the Bill is desired by the Municipal Council of Subiaco and by many of the ratepayers, a large meeting having been held. The mayor of Subiaco has himself seen me on the subject, and there was a large deputation about it.

THE PRESIDENT: I ask the hon. member to kindly postpone the second reading till to-morrow.

HON. G. BELLINGHAM (South): I think that in a matter of this sort more information should be before the House. This plan has been brought in on the motion being introduced for the second reading of the Bill, and in my opinion members have not had sufficient time to consider it. I notice there are 20 acres of land being exchanged for 10 acres. I

am not in a position to criticise this, and I beg to move that the debate be adjourned until to-morrow evening.

THE MINISTER FOR LANDS: It is not an exchange of 20 acres for 10.

Motion (adjournment of debate) put and passed, and the debate adjourned.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I must go somewhat carefully into this matter, because I understand it is a rather difficult one. This Bill has arisen owing to the Federal Act relating to the excise duty on beer, and I would just like to explain the matter clearly, so that hon. members may exactly understand the position, which is not so simple as it may seem. Under the Western Australian law, as it existed before the Federal Beer Excise Act came in, no brewer's license was required; that is to say, anybody could brew beer until this Federal Act came into force; but when they came to sell it that was another matter. Now no one can brew beer in any part of Australia without becoming a licensed brewer and paying the tax. That is under the Federal Act, and it is the Federal Act we have to deal with. We have to alter our legislation owing to the Federal Act which has just been passed. We will go step by step in this matter, which is not a very easy one to follow. In the first instance, up to the present time in Western Australia no brewer's license was required for brewing. The next point is that brewers in this State found it convenient to have a gallon license, which they took out under the Wines, Beer, and Spirit Sale Act, to enable them to sell beer. They paid £10 for that license. That is the next step in the position. They also paid under the Beer Duty Act of 1898 an excise duty at the rate of 2d. per gallon. Now Section 11 of the Federal Beer Excise Act of 1901 has provided for a brewer's license, for which a fee of £25 has to be paid. That is the position now. Twenty-five pounds is paid, and the Act provides farther for the use of stamps to be affixed on the barrels, etc., on removal from the brewery in payment of excise duty. The license for the making of beer is altogether a different thing from a license for selling beer.

HON. G. BELLINGHAM: Will not £25 govern the making and selling of beer?

THE MINISTER FOR LANDS: That £25 governs the making and selling of beer. I was coming to that, but, if you go ahead, you will lose a lot of this. This is not a simple matter. When the Federal Beer Excise Bill was introduced in the House of Representatives, Clause 10 read as follows:—

> No person who is licensed to retail wine, beer, or spirits shall be licensed under this Act, and if any brewer shall be licensed to retail wine, beer, or spirits his license under this Act shall thereupon cease.

This Clause 10 of the Commonwealth Bill as originally proposed was rejected. Mr. Mahon, who is, I think, the member for Coolgardie, drew attention to the hardships which might result if small brewers were precluded from also holding licenses to retail wine, beer, and spirits. The clause was thereupon amended to enable brewers also, if they thought fit, to become holders of licenses and to retail wine, beer, or spirits in quantities of not less than two gallons. I should like to draw attention to Mr. Mahon's remarks. He said:—

> I should like to ask whether this clause will not prevent small breweries, which in places like Western Australia are permitted to hold gallon licenses, from retailing beer? I wish to ascertain whether, in the event of this clause being passed and these establishments continuing to brew beer, their licenses to retail will lapse? It is a point of some importance to small breweries.
>
> MR. KINGSTON: How is the license expressed in Western Australia? Is it "licensed to retail"?
>
> MR. MAHON: Technically, what I am speaking of is known as a gallon license. It is a license which is held by storekeepers in various towns, and also by some of the smaller breweries, to retail a gallon of anything, but the drink must not be consumed upon the premises.
>
> . . . . . .
>
> MR. KINGSTON: I wish to look up the point which has been raised by the honourable member for Coolgardie. Probably it may be advisable to fix some limit to "retailing." I move:
>
> That after the word "spirits," line 2, the words "in quantities of not less than one gallon" be inserted.

Had that been inserted, we should have had no trouble; but unfortunately words were inserted, strangely enough, specify-

ing two gallons instead of one gallon. Section 10 of the Commonwealth Act reads:—

> No person who is licensed to retail wine, beer, or spirits in quantities of less than two gallons shall be licensed under this Act, and if any brewer shall be licensed to retail wine, beer, or spirits in such quantities his license under this Act shall thereupon cease.

So you see that, if we do not take some steps to convert the one-gallon license which exists in this State into a two-gallon license, brewers will no longer be able to sell wines, spirits, or even beer in lesser quantities than two gallons. That is how it came about in the House of Representatives; but, as I have said, the Wines, Beer, and Spirit Sale Act does not provide for the granting of two-gallon licenses, and those brewers who have taken out a gallon license to enable them to retail wine, beer, and spirits forfeit their brewer's license. The present Bill is to provide for a retail wine, beer, and spirit license which a brewer may hold without forfeiting his brewer's license. It enables a two-gallon license to be issued in lieu of a one-gallon license for the same fee, £10. There is no difference between the fee for a two-gallon license and that for a one-gallon license. We have not a one-gallon license provided for in the Licensing Act, and we have to convert the one-gallon license into a two-gallon license in order to protect our brewers. By this Bill it is provided that every gallon license held by brewers for the current year shall be deemed to be a two-gallon license. Section 21 of the Commonwealth Bill provides:—

> No brewer shall—(*a*) Make beer at any place other than his licensed brewery. (*b*) Sell wine or spirits in his brewery or except by permission of the Collector at any place within fifty yards thereof. Penalty, one hundred pounds.

HON. F. T. CROWDER: Is there anything about selling beverages, subject to that section?

THE MINISTER FOR LANDS: Nothing at all. The position is this: At the present time the brewer under the Commonwealth Act may brew and make this beer, and he may sell the beer, under the £25 license, but he cannot sell wine or spirits, and in order to sell wine or spirits he has to take out a license, which is a £10 license at the present time. I have looked into the matter most carefully, and I think it comes hardly upon a brewer that he should be called upon, in order to sell wine, beer, or spirits in quantities not less than two gallons, to pay £10 for a license. I am prepared to accept an amendment to reduce the amount of the fee. So far as the license applies only to beer, I shall be willing to have the amount reduced from £10 to 10s., letting the £10 stand for wines and spirits. I am quite prepared to support such an amendment, but certainly some annual fee has to be paid by brewers who are selling quantities not less than two gallons.

HON. F. T. CROWDER (East): So far as I can see, this is a Bill introduced to try to extort £10 a year from the brewers, though the Government have no right to the money whatever.

HON. J. D. CONNOLLY: The Government are going to reduce the amount to 10s.

HON. F. T. CROWDER: They have no right to the 10s., and so far as an amendment of the principal Act is concerned, the brewers do not want it. Under Section 2 of the Act relating to excise on beer, the Commonwealth Government have power to grant a £25 license yearly to brewers to sell beer. I claim that the Government have nothing whatever to do with beer. The power to deal with beer has gone beyond the Parliament of this country, and is now vested in the Commonwealth. However, brewers have to pay the Commonwealth Government £25 a year to brew and sell beer. On top of that the Government of this country, who have no right whatever to levy a charge, endeavour to extort £10 a year from brewers, and they have already done this. They have forced the brewers to pay it, and the money will have to be refunded. There is no necessity for the Bill whatever. The brewers of Western Australia to-day are under the Commonwealth Government, and under the Commonwealth Act the brewers have power to brew beer on payment of £25 a year, and they have power to sell that beer in quantities of two gallons and upwards; but they cannot sell any quantity less than two gallons. The Government of Western Australia, under the Wines, Beer, and Spirit Act, say that the brewers must pay £10 a year to

enable them to sell a gallon of beer, and they are bringing forward this Bill to make the quantity two gallons, so that the Bill will be in conformity with the Commonwealth Act. The brewers have to deal with a power greater than the Government of Western Australia. This Bill is not wanted. The Government have no power to ask even 10s. from the brewers. What position do the Government take up in the matter? Do they tell the brewers that they cannot sell beer without taking out a gallon license? The brewers can defy the Government, for they take out a license under the Commonwealth Act, and pay the Commonwealth Government £25, by which they can sell beer in quantities of two gallons and over. That being so, the brewers have nothing whatever to do with the State Government. It is true if the brewers want to sell spirits they must have a license according to the Act in this country; but the brewers do not want a license of that kind.

THE MINISTER FOR LANDS: Then they pay nothing.

HON. F. T. CROWDER: The brewers pay £25 a year to the Commonwealth Government.

THE MINISTER FOR LANDS: And nothing to the State.

HON. F. T. CROWDER: That is because the people would have federation. I did not want federation——

THE PRESIDENT: The question before the House is not federation, but the Bill.

HON. F. T. CROWDER: As far as the Commonwealth Act is concerned, it has ruined the brewers of the country, who have to pay 12s. 6d. on every hogshead of beer. And the brewers have to pay £250 a year to employ bookkeepers and to keep books to prepare the schedules provided under the Commonwealth Act, which a Philadelphia lawyer could not understand. Now the State Government want the brewers to pay a license of 10s. a year. There is absolutely no necessity for the Bill. All the power the brewers of Western Australia require is given them under the Commonwealth Act. This Bill is useless, and I move:

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

THE MINISTER FOR LANDS (in reply): It is perfectly clear the hon. member has missed the point. The brewers can sell any quantity of beer, so long as they do not sell less than two gallons. That is under Section 10 of the Commonwealth Act. If a brewer wishes to sell one gallon he cannot brew beer at all. The Commonwealth Act will not allow the brewer to sell less than two gallons.

HON. F. T. CROWDER: The brewers do not want to do it.

THE MINISTER FOR LANDS: Then they will not have to pay anything to the State. If brewers pay £25 a year to the Commonwealth Government they can sell beer in quantities of two gallons and over. If a brewer does not sell less than two gallons he has not to pay any license to the State.

Question—that the Bill be now read a second time—put, and a division taken with the following result:—

Ayes	...	...	11
Noes	...	...	5
Majority for	...	...	6

AYES.	NOES.
Hon. G. Bellingham	Hon. H. Briggs
Hon. T. F. O. Brimage	Hon. R. G. Burges
Hon. E. M. Clarke	Hon. F. T. Crowder
Hon. J. D. Connolly	Hon. G. Randell
Hon. J. W. Hackett	Hon. C. E. Dempster (*Teller*).
Hon. A. Jameson	
Hon. A. G. Jenkins	
Hon. B. C. O'Brien	
Hon. J. E. Richardson	
Hon. J. M. Speed	
Hon. J. T. Glowrey (*Teller*).	

Question thus passed.

Bill read a second time.

LIGHT AND AIR BILL.

ASSEMBLY'S AMENDMENT.

Amendment made by the Legislative Assembly now considered in Committee.

HON. G RANDELL moved that the amendment made by the Assembly be agreed to.

Put and passed.

Resolution reported, report adopted, and a message accordingly transmitted to the Assembly.

PUBLIC HEALTH ACT AMENDMENT BILL.

Order read for the second reading of the Bill.

[A pause ensued.]

Order lapsed.

BRANDS BILL.

SECOND READING (MOVED).

HON. E. M. CLARKE (South-West): My reason for asking that the second reading of this Bill be postponed till this stage was that hon. members might have an opportunity to consider the measure. In now moving the second reading, I would simply say the Bill will do away with the endless confusion prevailing under the present Brands Act. I am sure every hon. member who has had any stock to brand, if he did not apply for a registered brand in the early days of the colony, when his own initials would represent his brand, realises the necessity for this Bill. We often find that when a branded beast is advertised in the newspapers, the description is such that not even a Philadelphia lawyer could identify it as his brand. It is usually described in such terms as "J and T combined." Under this Bill it will be clearly defined, so that each and every person can describe the brand to a nicety, and anyone can identify the owner. The Bill will remove the difficulty of identification, and the greater difficulties existing especially in the North-West, where there are great numbers of cattle roaming over vast areas of country, where some of the people are not altogether what they should be, and where there is often great confusion as to the ownership of cattle. By the Bill, it will be clearly shown who is the first owner of a beast, inasmuch as it is provided that the first person branding a beast shall brand it on one particular spot, and the next person on another spot relative to the first, so that it can clearly be shown which brand was the first to be affixed, and which the second. I take it the settlers in particular will appreciate this enactment. The Bill provides for the branding of sheep also by tattoo marks or tar marks. I have fully examined the Bill with some settlers interested; and with the alteration of a few details I am sure the measure will commend itself to the goodwill of members. I do not think it necessary to say more because, in Committee, each clause will be separately discussed. I move that the Bill be now read a second time.

HON. R. G. BURGES (East): I am rather surprised to find the Government bringing down at this late stage of the session such an important measure. They may not consider it important, but it is important; and as we have not seen the Bill till within the last two or three days, I think it had better be altogether dropped. Most of the people concerned in the Bill have not seen it, and do not know anything of it. No doubt a few of those interested in stock have been called in to discuss the Bill; but I do not believe in that hole-and-corner method of doing things. As all the northern settlers in the State are particularly interested, they ought to have had some idea that a Bill of this sort was being introduced, so that they could give their opinions on such an important measure.

HON. G. BELLINGHAM: What about the goldfields?

HON. R. G. BURGES: Do the people there want to brand camels, or to put a brand on their dividends? I believe they require branding much more than the stock dealt with in this Bill. Without going minutely into the Bill, I should like to draw the attention of the Minister in charge to Clause 27:—

> If at any time prior to the sale of any impounded stock any person proves to the satisfaction of a Justice the right of property of such person in any of the said stock, such stock shall, without prejudice to the rights of any person possessing an interest therein, be given up, upon the order of such Justice, and upon payment of one pound per head, and of the expenses of the food and keep of such stock ascertained as aforesaid. Such expenses, if the stock be impounded in a private stockyard or enclosure, shall be paid to the person having collected and impounded such stock. The sum of one pound per head shall be paid into and form part of the consolidated revenue.

A man's sheep may be led away on purpose; and before he can recover the sheep, perhaps 1,000 in number, he has to pay £1 per head. Whoever draws up such Bills and brings them before Parliament——

HON. G. BELLINGHAM: Is not a squatter.

HON. R. G. BURGES: And takes little care what sort of Bills he is bringing in. Yet we have had to-night an attempt to move the suspension of the Standing Orders in order that Bills might be passed through all stages at one sitting! When such Bills are forced through the House at the end of a session, we invariably see amendments to them appearing on the Notice Paper at the beginning

of the next session; and that is what will always happen if Bills be sent down to the Upper House towards the end of a session of Parliament. Advantage is sometimes taken of the fact that in this House the squatting and agricultural interests are well represented; and yet an attempt has been made to rush through Bills of great importance to those interests. Undoubtedly Clause 27 must be amended. I would draw attention to Clause 32, Sub-clause 2, providing a penalty for branding stock with an unregistered brand; and to Clause 33, Sub-clause 2, which reads:—

> All sheep above the age of six months, upon which the registered wool-brand is not renewed from time to time and kept visible and legible, shall not be deemed branded with such wool-brand.

That is perfectly absurd to anyone who understands stock; because in dirty country such as is found in the North-West, after a shower of rain and two or three dust storms, it is impossible to see the brands on sheep unless every sheep in the paddock be caught and examined. If, therefore, a squatter registers a brand, brands his sheep, and three months afterwards finds the brands illegible, the sheep are not to be considered branded. I suppose the owner would altogether lose the sheep. In Committee, I shall move that the consideration of the measure be adjourned for a week, so that members may thoroughly look into it and see what amendment it requires.

HON. C. E. DEMPSTER (East): I have carefully looked through the Bill, and have little to find fault with. At the same time, there are several clauses which require amendment, and in particular those to which the last speaker referred. But as this is a Bill which will affect large stock-owners in the State, I think it would be well to bring it under their notice before passing it into law. In the northern districts are many large stock-owners who may be able to suggest some valuable amendments; and on that account it will be to the interest of pastoralists to defer the passing of the measure until it be well known to the people.

HON. J. E. RICHARDSON (North): I, too, should like this Bill deferred. I am not by any means against the measure. The Minister in charge says he has carefully gone through the Bill with a number of squatters. Well, I for one was not asked to consider the Bill; I did not know anything of its being considered by the squatters; and I should like time to consider it in the interests of my constituents in the North, many of whom have extensive stations. I am sure they have no idea this Bill has been brought in; they would like to see it; and I hope it will be postponed till full time is given them for its investigation.

HON. J. W. HACKETT (South West): I move that the debate be adjourned till this day week.

Motion put and passed, and the debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 9·40 o'clock, until the next day.

Legislative Council,

Wednesday, 12th February, 1902.

Question: Coolgardie Water Supply, Pipe Laying, etc.—Question: Military Contingent, Fourth—Question: Engineer-in-Chief, Salary and Allowances—Question: *Early Closing Act*, Breaches—*Wild Cattle Nuisance* Amendment Bill, first reading—Workers' Compensation Bill, Recommittal, third reading—Judges' Pension Bill, third reading—Coolgardie Goldfields Water Supply Loan Reallocation Bill, third reading—Industrial Conciliation and Arbitration Bill, Recommittal, reported—Perth Suburban Lots (Subiaco) Exchange Bill, second reading, etc.—Wines, Beer, and Spirit Sale Amendment Bill, in Committee, reported—Appropriation Bill, first reading—Public Works Committee Bill, first reading—Adjournment.

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

PRAYERS.

QUESTION—COOLGARDIE WATER SCHEME, PIPE LAYING, ETC.

HON. G. BELLINGHAM asked the Minister for Lands: If any agreement exists, or is there any reason why the laying and jointing of the pipes on the Coolgardie Water Scheme cannot be let