

NOES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. Foulkes	Mr. Piesse
Mr. George	Mr. J. Price
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Hayward	(Teller).
Mr. Keenan	

Mr. SPEAKER: Following the usual practice, I must vote for further consideration, that is with the ayes.

Question put and passed.

Ballot taken and the following appointed a select committee, namely:—Mr. Angwin, Mr. Brown, Mr. George, Mr. Underwood, and the mover (Mr. Swan) with the usual powers, and to report on the 24th November.

House adjourned at 9.58 p.m.

Legislative Council,

Thursday, 11th November, 1909.

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

LEAVE OF ABSENCE.

On motion by Hon. J. W. Hackett, leave of absence for twelve consecutive sittings was granted to Hon. R. F. Sholl on the ground of ill-health.

BILL—ADMINISTRATION ACT AMENDMENT.

Third Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) moved—

That the Bill be now read a third time.

Hon. C. A. PIESSE (South-East) moved an amendment—

That the word "now" be struck out and "this day six months" be added.

He said: It is the usual custom to allow the third reading of Bills to go through without discussion, but owing to the fact that I had no opportunity of debating the fresh taxation caused by the Bill I am moving in the matter at this late stage. Unfortunately I was not present in the House on the previous day when the second reading was passed. The old Act is quite good enough for all the requirements of the State at present; and, in fact, most people look upon it as legalised robbery of the dead. We have already gone far enough with this "burglar Bill" sort of legislation under the old Act, and it is unnecessary to carry it further. Under the present Act an estate of £4,000 has to pay 3 per cent., or £120, while, if the money is left to relatives, the total is only one half that sum.

The Colonial Secretary: That provision exists in the new Bill also.

Hon. C. A. PIESSE: Under the Bill the estate would have to pay £160, except where money is left to relatives, and then it would be £80. The income from £4,000 would not be more than £200 a year, and from this sum the Government are now seeking to take £160 in the first year. When all the expenses attaching to the adjustment of the affairs in an estate of £4,000 have been met, and £160 has been paid to the Government, there will be nothing left of the first year's interest for the people to whom the money has been bequeathed. It is all very well to have this tax in old countries where estates are passed down from generation to generation, but it is very different in a new country. In Western Australia I could put my hand on, say, 50 estates which are being made by the sons and

daughters of the men this Bill will rob when they are dead. In helping to build up these estates the children are bearing the same taxes as everyone else, and yet they will be robbed again on their father's death.

The Colonial Secretary: A 50 per cent. reduction is provided for relatives.

Hon. C. A. PIESSE: The Government are wise in including that proviso, as otherwise they would have had no chance of getting the Bill through.

Hon. J. W. Kirwan: What alternative taxation do you propose?

Hon. C. A. PIESSE: The hon. member forgets that Western Australia is a magnificent country. He and others are always looking round for fresh means of taxation. He will not admit that Federation has cost this country nothing.

Hon. J. W. Hackett: Get rid of the sinking fund.

Hon. C. A. PIESSE: Yes; if it is thought wise. It is most unfair to increase the burden upon the young men and women who are now assisting to build up estates in the country. Taxes in a new country like this should be as light as possible. While giving the Government credit for having used the pruning knife fairly severely, I cannot but see that there is room for still further economies. Such being the case, these economies should be practised. Recently a wise course was adopted in the case of retrenched officers of the Lands Department, and it would be well if the same system were adopted with regard to officers in other departments. The existing Act is a good one, but it should not be carried any further. One result of this Bill will be to stop capital from being invested in this country. I am somewhat late in the day in moving this amendment, but I know that dissatisfaction is abroad in regard to the measure, and I feel it my duty to move as I have done.

Hon. T. H. WILDING (East): I second the amendment.

Hon. W. KINGSMILL (Metropolitan-Suburban): I cannot agree altogether, or indeed at all, with the arguments used by Mr. Piesse. Because, although

as hon. members know, I have objected strenuously in this Chamber to certain forms of taxation, to which I still object as tending, in my opinion, to hamper the progress of the State, still I think that in increasing these death duties the Government are taking the step which is least likely of all to injure the progress of the State, while it will increase to some slight extent their financial powers. It seems to me these estates while in the transition stage, while passing from the hands of those who once held them to those about to receive them—surely at that stage most of all can they suffer some little loss to benefit the State. With regard to the argument that many sons and daughters have helped in building up the estates, I agree that it has weight; but I maintain that it is fully recognised by the section of the Act which provides that in such cases the death duties shall be only one half. I think in this the Government has devised a mode of taxation to which but little exception can be taken in comparison with some of the other modes we are familiar with. For that reason I shall support the third reading of the Bill.

Hon. J. W. KIRWAN (South): In respect to an interjection of mine Mr. Piesse made a remark to which I would just like to say a few words by way of explanation. He said that I was one of those responsible to some extent for having induced Western Australia to enter Federation; and, furthermore, he said that I was not prepared to admit that federation had cost the State anything. In reply to that I would like to say that certainly I did everything that lay in my power to get Western Australia to enter the Union. I wish furthermore to say that I am now very pleased with what I did, and that nothing I know of has arisen to cause me to regret having taken that step. If the same thing were to occur again to-morrow I would do exactly what I did then. Furthermore, I wish to say that the cost of Federation to this State has been grossly exaggerated, and that some of those responsible for the present condition of things in Western Australia—a condition of things

which necessitates increased taxation such as this—have gone out of their way to blame Federation. This is not the time or place to justify Federation, but I merely say that I at any rate, am one of those who believe that Federation will ultimately be the best for Western Australia, and for the whole of the Commonwealth, and that I have no regrets whatsoever about this State having entered the Union. I am extremely sorry that the hon. member has brought forward this matter, and the reason why I regret that he has taken this course is this: There is a general opinion abroad that the majority of members of this Chamber are more endowed with the world's goods than the average member of the community. There is also an impression that in considering questions such as this, members of this Chamber—I do not say that it is so, I am simply stating the impression abroad—are inclined to think rather more of their personal interests as a class than of the welfare of the community; that they ought to take a broader view than they do, and that they ought to consider the welfare of the State as a whole rather than how a particular measure may directly affect themselves as individuals.

Hon. C. A. Piesse: Do you say that is done?

Hon. J. W. KIRWAN: No; I simply state what I think every member of this Chamber must recognise to be a truth, namely, that that impression prevails abroad. I would like to be clear upon that point. I am only giving voice to an impression that exists outside the Chamber, and I am extremely sorry that when matters of this kind has cropped up, speeches have been delivered and action taken in this Chamber which may give colour to those who seek to cast reflections of that kind.

Hon. C. A. Piesse: Evil be to him who evil thinks.

Hon. J. W. KIRWAN: I am simply saying that I scarcely think the proposal of the hon. member has any chance of being carried, and I do not see what good purpose can be fulfilled by bringing it forward, while it might be utilised in order to do harm in the respect I have men-

tioned. In reply to the hon. member's argument, I can only say that in every other State of the Commonwealth these succession duties are in existence, and that this Bill, although it increases the succession duties, does not make them higher than they are in other States. It is an unfortunate necessity that we should either have to increase taxation or to economise. I believe it will be found necessary to do both in order to place the finances of the State in the condition we would all like to see them. As I said yesterday, I know no means of taxation by which less injury is likely to be done than by taxation such as is here proposed. It was said yesterday in the course of an argument against the Bill that if this measure be passed it would have a tendency to keep capital out of Western Australia. I do not think there is any reason for a statement of that kind. The man who comes and invests capital in a country does not make inquiries as to what the probate duties are. He is not thinking of dying when he is investing his money in the country, and it would be a most extraordinary thing, if because the probate duties were high or low—at any rate to the extent of the difference that this measure shows as compared with the existing Act—he would go and invest his capital elsewhere, more especially when in the other States of Australia the duties are equally high.

The COLONIAL SECRETARY (Hon. J. D. Connolly): I have no desire to speak at any length in reply to the hon. member. I think it has been suggested that we were raising these duties higher than they exist in other of the Australian States. Such is not the case. Our succession duties under the existing Act are the lowest in Australia. The Bill only raises the present duties to the standard of the lowest of the Eastern States. I may mention that where the estate is left to husband, or wife, or son, or daughter there is 50 per cent. reduction. That provision exists in some of the other States, but not in all of them.

Hon. J. W. Hackett: They have lower taxation in other respects you will find.

The COLONIAL SECRETARY: In what other respects?

Hon. J. W. Hackett: In their income tax and land tax.

The COLONIAL SECRETARY: I think you will find that our income tax is the lowest in Australia. I wish to draw attention to the fact that in the lower amounts the increase in these death duties is very small. In amounts up to £7,000 the increase is only one per cent., while in the higher amounts it is 2 per cent., and $2\frac{1}{2}$ per cent. on the present amount; so even one per cent. on estates up to £7,000 cannot be considered a burden. The object of the Bill is to assist the revenue, and, reckoning on the amounts that came before the Court for probate last year, this increase will mean £7,000 a year to the revenue of the State. It has been remarked by other hon. members that the time at which these estates are passing from a previous owner to a new owner is the time when the tax is least felt.

Hon. C. A. PIESSE rose to speak.

The PRESIDENT: The hon. member cannot speak.

Hon. C. A. PIESSE: Surely I have the right.

The PRESIDENT: The hon. member cannot speak after the Leader of the House has replied.

Hon. C. A. PIESSE: But it is for me to reply. I have no wish to challenge your ruling, but I claim the right to reply.

The PRESIDENT: The hon. member is in order; he may proceed.

Hon. C. A. PIESSE: Mr. Kirwan has thought fit to bring into the debate words which constitute not only a reflection in an indirect manner upon myself, but upon every member of the House. He said that there is a feeling abroad that this House legislates for its own interests.

Hon. J. W. Kirwan: I said that was the impression prevailing outside. May I add that I do not believe that impression to be correct.

Hon. C. A. PIESSE: That does not take away the sting that the words carried. If you have the same opinion of members of the House—

The PRESIDENT: The hon. member will resume his seat. I withdraw my ruling as to the right of the mover of an amendment to reply. My attention has

been drawn to Standing Order 388, which says—

“A reply shall be allowed to a member who has made a substantive motion to the Council, or moved any reading of a Bill, but not to a member who has moved an amendment or the previous question.”

Hon. J. W. Kirwan: May I point out that the hon. member could speak with the leave of the House, and I think no member wishes to prevent the hon. member from speaking.

The PRESIDENT: The House is master of its own proceedings, and if any member will move that the hon. member be heard, with the consent of the House he can speak.

Hon. J. W. KIRWAN: I move—

That the hon. member be allowed to speak.

Hon. C. SOMMERS: I second the motion.

Put and passed.

Hon. C. A. PIESSE: I had about said all I wished. The figures I took represented an estate of £4,000, and I think that is about reasonable, because interest on £4,000 means a fair living income. The comparisons I used were based on that and I think it very unfair indeed for the hon. member to bring in, in the manner he did, his statements. It is the first time we have heard such statements made, and he brought them in in such a way that they became a personal reflection on myself and on every member of the House. That is all I wish to say. I see that there is no chance of my amendment being carried, but I thank hon. members for the courtesy in allowing me to speak.

Hon. J. W. Kirwan: May I say in explanation that the hon. member stated that my remarks cast a personal reflection on him. May I be allowed to say that I am sure no member of the House would take the view that certainly exists in certain quarters outside, in the least degree to refer to the hon. member, Mr. Piesse.

Amendment put and negatived.

Question put and passed.

Bill read a third time.

BILLS (2)—REPORT STAGE.

Reports of Committee on the Land Act Special Lease Bill and Municipal Corporations Act Amendment Bill adopted.

BILL—SUPPLY, £384,000.*Second Reading.*

The COLONIAL SECRETARY (Hon. J. D. Connolly): In moving the second reading of this Bill I may say that it is the ordinary Supply Bill that is presented to Parliament in order to meet the current expenses of the country before the revenue Estimates are passed for the year. The Estimates, as hon. members know, have been before another place for some time, and in that respect I may say they have been introduced earlier this year than in any previous year. They certainly have not been presented to this House yet, but members have been placed in possession of copies of the Estimates for some time past. This Bill authorises the expenditure of £384,000 for this financial year, and it is a sufficient amount to cover the cost of Government for two months.

Hon. W. Kingsmill: May we draw the usual happy conclusion from that?

The COLONIAL SECRETARY: Yes. This is the second Bill of this nature this session, and I think I can safely promise that it will be last. That is to say, before this supply is exhausted the Estimates will have been passed through the House, and it will not be necessary to ask for more supplies in this way.

Hon. G. Randell: That will carry the Government to the end of December?

The COLONIAL SECRETARY: Yes. Question put and passed.

Bill read a second time.

In Committee, etc.

The Standing Orders having been suspended, Bill passed through Committee without debate, reported without amendment; the report adopted.

Read a third time, and *passed*.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

Received from the Legislative Assembly, and read a first time.

RETURN—LANDS ALIENATED, PURCHASE MONEY UNPAID.

Order of the Day read for resumption of debate on motion of the Hon. G. Throssell, "That a return be laid upon the Table of the House showing the amount of money owing to the Government to 30th June last on all lands now in course of alienation."

The COLONIAL SECRETARY (Hon. J. D. Connolly): As the hon. member who moved the motion is not present, I move—

That the order of the day be postponed until the next sitting of the House.

Hon. C. A. PIESSE: I desire to have this matter further discussed, and I want your ruling, Mr. President, as to the position this House occupies in regard to it. On the 24th July, 1907, a motion of exactly the same nature was carried by this House, and up to this date the Government have flouted this House. A motion was carried at 15 votes to 5 in exactly the same words as this motion, moved by myself, and I want to know whether the responsibility of the Government dies every year, or whether the Government are not in duty bound to give the information asked for by the House on that occasion.

Hon. J. W. Hackett: What became of your motion?

Hon. C. A. PIESSE: It was carried and the Colonial Secretary again and again put me off, and on the last occasion he told me that I would have to formulate a fresh motion.

The PRESIDENT: What was the date?

Hon. C. A. PIESSE: The 24th July.

The PRESIDENT: Of what year?

Hon. C. A. PIESSE: The year 1907.

The PRESIDENT: What does the hon. member wish to know?

Hon. C. A. PIESSE: I want to know what position the House occupies at the present time, whether the Colonial Secretary is not in duty bound, under the resolution which was carried in this House on the date I have mentioned, to give us this information without the necessity of this further motion.

The PRESIDENT: I do not think the President can give any ruling on that. The business of each session finishes at the prorogation.

The COLONIAL SECRETARY: If I am in order I should like to make an explanation. The position is that in 1907 Mr. Piesse moved a motion, not word for word with the motion before the House, but it was of a similar character. That motion was agreed to and I explained to the House at the time that on account of the way in which the books at the Lands Office were kept they would not be available for the purpose desired except at night time, and it would take three months to prepare the return, and that it would involve an expenditure of £250. Before the return was prepared the House had adjourned and consequently it was not thought necessary then to go on further with it.

Hon W. Kingsmill: I suppose that would happen again this time?

The COLONIAL SECRETARY: I am not prepared to say that. If the hon. member asked a question in the next session the return could have been obtained and laid on the Table of the House. When I moved the further adjournment of the debate on the motion I did not wish to put the matter back. I am prepared to speak on it, but the hon. member who moved the motion is not present and he had mentioned the likelihood of withdrawing it, therefore I did not think it would be wise to proceed with it.

Hon. C. A. PIESSE: If I am in order I shall speak against the adjournment.

The COLONIAL SECRETARY: If the hon. member wishes to discuss the motion I will withdraw my motion for adjournment, and will move it later.

Motion (postponement) by leave withdrawn.

Hon. C. A. PIESSE (South-East): On the 24th July, 1907, I moved that a return be laid on the Table of the House showing the amounts owing to the State by the holders of Conditional

Purchase Lands acquired under the various land regulations and Acts of this State, such return to give separate details showing the particular Section of the Regulations or Act under which the land was acquired and the amount due in each case. I also asked that the return should give separate details. Mr. Sommers moved that the latter part of the motion should be struck out, and that made it to all intents and purposes a motion similar to that which has been moved by Mr. Throssell. At the time I introduced the motion the Colonial Secretary used the same arguments against it being carried that he has used on this occasion.

The Colonial Secretary: I have not spoken yet.

Hon. C. A. PIESSE: The Colonial Secretary has used these arguments in his explanation. He stated that the cost would be too great and he influenced certain members to vote against the motion. I will give a little of the history of this motion. The motion was carried on the 30th July on a division by 13 votes to 5. On the 11th September I asked the Colonial Secretary, without notice, when the House would be likely to get the return, and the Colonial Secretary replied drawing attention to the fact that he had stated that it would take three months to prepare the return. On the 21st November I again asked when the return would be forthcoming and he replied that it would be available as soon as the new system which was then being introduced into the Lands Department was in going order. On the 13th December I again asked, without notice, when the return would be ready and the Colonial Secretary shielded himself behind the rules of the House, and the President ruled that I should have to give notice of the question. I do not think it was right in a case of that kind, where promises were made again and again, that I should have been asked by the President's ruling to give notice. The ruling might have been strictly in keeping with the forms of the House but certainly the Colonial Secretary should not have

shielded himself behind it; it was, to say the least of it, unfair. A year went by and now we have the third year, and we find Mr. Throssell asking for the same information. I trust the Colonial Secretary will not throw any obstacle in the way of getting out the return on this occasion. The return in 1907 would have disclosed the startling fact that the people owed to the State something like $2\frac{1}{2}$ millions, and as Mr. Throssell had stated the amount would now be something like 3 millions. Surely that was large enough without additional taxation, and that was the reason apparently why the Government did not want these figures to be brought forward. The statistical return which was published monthly showed that we had disposed of 15 million acres of land or $2\frac{1}{2}$ per cent. of the total area of the State. When attention was drawn to the statement made by Mr. Throssell, who knew what he was speaking about, and the statement made by myself, that this large amount of money was owing for these very lands which were supposed to have been disposed of, members will agree with me that we have sold, not 15 million acres but only a little more than half that area, because at 10s. per acre the 3 millions owing meant 6 million acres. We have a magnificent country and we have only disposed of a very small portion of it, and it should be remembered that it does not become private property until all the money has been paid. I cannot understand why the Government have not adopted some business-like method in dealing with this matter. Even the Lands Department itself should be willing to state that they have sold so much land, and that the people owe so much. I am glad that Mr. Throssell brought this motion forward, and I trust the Colonial Secretary will not again make the same statement to the House that the preparation of the return will cost a lot of money, and so influence a number of members to vote against it, as he did on the previous occasion. The amount due to the Colonial Treasurer should be shown every year. I hope that the return will be forthcoming

without any more tiddly-winking excuses being made.

Hon. W. KINGSMILL (Metropolitan-Suburban): I am in accord with the motion and also with the speech made by Mr. Piesse. My wishes go somewhat further than either Mr. Throssell or Mr. Piesse have indicated, and in order that this motion may not be regarded as a mere episode in the work of Parliament, I intend to move an amendment which will put beyond doubt the fact that if it is passed by this Chamber, and I have no doubt it will be passed, it should be an instruction to the Lands Department that this information shall be supplied annually. I beg to move an amendment—

That in line 2, after the word "house" there be inserted the words, "Within 14 days of the assembling of Parliament in each year" and in line 4 after the word "last" the word "preceding" be inserted.

The importance of the motion will be gauged by the fact that, in the first place, we have it supported by Mr. Piesse, who has an undoubted knowledge of agriculture in the State, and added to that he has also departmental knowledge which he acquired during the period he was connected with the Lands Department as an Honorary Minister of the present Government. Then we have Mr. Throssell who is credited with having framed the present land laws of the State, and who, above all men, knows the importance of presenting to Parliament a return such as that he has asked for. I feel sure that hon. members who are in favour of the motion will be even more in favour of the amendment, and furthermore, I think I am right in supposing that the cost which the Colonial Secretary has indicated as likely to be the cost of this return, will be greatly minimised if it were spread over a number of years. When once the forms are got out in which the returns should be made up, they may cost £250 in that one year, but it should not be £500 for two years. Much less will it cost £750 for the three years, so that the more years the information is spread over the more the cost will be reduced, while the more the country will be in possession of facts that will ex-

plain the financial position. It is, therefore, an essential request, and I feel sorry that it was not complied with in the first case. However, the explanation of the Colonial Secretary is a good one, that the system of reform introduced into the Lands Department at the latter end of 1907 in regard to their bookkeeping would enable such a return to be made when the system was perfected. I take it that after a lapse of two years that system of reform must have been perfected; and that being so, I should think there would be no difficulty whatever in our securing the return.

The Colonial Secretary: It certainly can be made now at a much less cost.

Hon. W. KINGSMILL: I am glad to hear it, and the hon. member would not be disposed now to deny granting a return so important in regard to the financial position of the State and the agricultural outlook upon which the return will have such an important bearing. I hope members will support the amendment I move.

Hon. G. RANDELL (Metropolitan): I second the amendment.

Hon. J. F. CULLEN (South-East): Is the Minister going to tell us whether he is going to oppose the motion?

The Colonial Secretary: On account of the amendment I would like an adjournment.

Hon. J. F. CULLEN: I did not hear from the mover of the motion what he meant by moneys. I assume he means instalments made on the purchase money; but as the motion reads, it will mean also moneys owing to the Agricultural Bank. If it is the intention that it only means instalments, that should be inserted before the amendment proposed by Mr. Kingsmill. Although the return might cost £250 in the first instance, certainly it is information that ought to be supplied in the annual report of the Minister. I think that is where the information should be given. There is no need for it to be tabled as a separate document; it should be part of the annual report of the department; and after the first occasion when it is recognised as a normal part of the bookkeeping, the cost, I presume, will be very trifling indeed.

Certainly it is information the country should have. I suggest to Mr. Kingsmill that he should alter his amendment to make it read, "supplied in the annual report of the Minister." and I would support it.

On motion by the Colonial Secretary, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Report Stage.

The COLONIAL SECRETARY (for Hon. M. L. Moss) moved—

That the report of Committee be adopted.

Hon. A. G. JENKINS moved an amendment—

That the Bill be recommitted for amendment to Clause 7.

Hon. J. F. CULLEN: We knew nothing about Clause 7, which was added to the Bill during Committee, as the report had not been adopted. Was it not in order that we should adopt the report and then on the motion for the third reading take an amendment for recommitment?

The PRESIDENT: By Standing Order 205, when a motion for the adoption of the report was made, a motion that the Bill be re-committed for the reconsideration of any clause or clauses could be moved as an amendment.

Hon. R. W. PENNEFATHER: Having regard to the fact that this clause was added to the Bill by Mr. Drew, who was not present and who had no anticipation that this business would be brought forward, it was only an act of courtesy to move that the debate be adjourned. He moved—

That the debate be adjourned.

Hon. A. G. Jenkins: It would be better to go into Committee and then report progress.

Hon. R. W. PENNEFATHER: Very likely good reasons would be urged why the amendment should not be agreed to if the mover of the new clause were in attendance. The debate should be adjourned.

The PRESIDENT: It was a matter for the House to manage its own business.

Hon. C. SOMMERS: Would it not be better to hear what Mr. Jenkins had to say, and then, in deference to the wish of Mr. Drew, who would be absent for a week, to report progress to give Mr. Drew an opportunity of replying?

The COLONIAL SECRETARY suggested that the amendment and the motion to adjourn be withdrawn, and that the report be adopted, and the third reading fixed for a date when Mr. Drew could be present.

Hon. W. Kingsmill: That means printing the Bill.

The PRESIDENT: The hon. member could recommit on the third reading as readily as at this stage, and with some advantage to the House, because the amendments made to the Bill would be printed.

Motion (to adjourn debate) withdrawn.

Amendment (to recommit) withdrawn.

Question (to adopt report) put and passed; the third reading fixed for the 23rd November.

BILL—AGRICULTURAL MACHINERY, SALE AND PURCHASE.

Second Reading.

Resumed from the previous day.

Hon. S. STUBBS (Metropolitan-Suburban): The mover of the second reading of this Bill has overlooked one or two important facts, which, I think, should be sufficient to influence members to refuse to allow the measure to find a place on the statute book. The passing of this Bill would restrict trade to the detriment of the farming community to whom vendors of agricultural machinery have for years past acted as bankers, and to them, in a very large degree, is due the development of the agricultural industry. Agricultural machinery is sold on terms up to three and a half years. The sales can be divided into two parts, namely, harvester and tilling implements. The former are, in nine cases out of ten, sold without any deposit whatever. If a farmer went to a merchant to-day and asked the price of a harvester he would be told that if he required three and a half year's terms the cost would be in the neighbourhood of

£100. No deposit would be demanded until the implement had been sent to the farmer and used for taking off the first year's crop. Generally in the first or second week in February the first payment is made on the harvesting machinery. If this Bill becomes law no vendor of machinery would permit a machine to leave his yard without a substantial deposit, consequently the passing of the measure would do a great deal more harm than good to the farmers. Withdraw the vendor's security and recourse on buyers and a heavy cash deposit will be demanded, and this, in most cases, buyers are not in a position to put up. There would be a necessity for vendors to demand cash deposit at all times, because otherwise, buyers could have one season's use out of machinery and then throw it back on the vendor's hands. The second payment would also need to be heavier than at present, and terms of subsequent payments curtailed, for the reason that the buyer could throw the machinery back on the vendor's hands after getting two seasons' use for one payment, three seasons for two payments, and so on. On tillage machinery a small cash deposit is usually demanded by vendors. If in February a farmer wants a drill then, on the payment of £6 or £7, he can get one worth £45 or £50, and he generally gets four years in which to pay off the balance; that is, on signing promissory notes. Mr. Drew is evidently making a very serious blunder when he attempts to get the House to pass this Bill. If the Bill becomes law the cash instalment will have to be increased. Machinery is seldom taken back from buyers except at their request, as usually vendors are agreeable to extend payments. One of the largest merchants in agricultural machinery says their whole repossession during the course of trading in this State are approximately $3\frac{1}{2}$ per cent. In no instance have they repossessed machinery and demanded full payment from the buyer. Usually it means that buyers are not in a position to make payments due, but in any case the machinery is depreciated at a value mutually agreed on between vendor and buyer, or by arriving at its actual value as a second-hand

machine by re-sale. A claim is then made on the hirer, the difference between the amount already paid as hire and the amount realised by re-sale of the machine being deducted from the original selling price of the machine, but invariably such a claim is not paid, and the sellers have to content themselves with the amount paid and the value they can obtain by selling the second-hand machine. Anyone who has had experience of selling a second-hand article knows that its selling value, because of its not being new, is depreciated considerably more than the actual wear and tear. I appeal to hon. members to vote against the Bill, still believing that the passing of the measure would mean a great handicap to struggling farmers by reason of the merchants, in order to protect themselves, having to demand much higher deposits and considerably reducing the terms for the balance of the unpaid amount. Inquiries from some of the leading machinery dealers to-day convince me more than ever that 99 per cent. of the farmers are treated generously, should they be unable to meet the promissory note on the due date, by the merchants renewing the bill for another year. The other one per cent. of the farmers, who are not treated generously, are to blame for not complying with the conditions of hire, and for treating the vendors in the transaction with discourtesy, or, as in some cases, acting fraudulently. Scarcely an instance can be proved where the seller has ever treated a farmer harshly; it would be against his own interests to do so. I hope members will vote against the Bill. Mr. Drew in the course of his speech quoted from a hiring agreement, in which stringent regulations were laid down by the vendors to the hirer. I have here a hiring agreement that one of the leading machinery merchants of this State issues daily, and there are no conditions in it so strict as those in the agreement quoted by the member when introducing the Bill. Not only is the agreement not nearly so stringent, but on the other hand, it is very liberal, for one of the clauses says that if at any time after the first payment is made the hirer desires to close up the

bargain, he can send the machine back freight paid, to the merchant, and if it is only a case of ordinary wear and tear, the merchant agrees to take the machine back and there is no recourse to law. The average merchant is doing splendid service for the farmer, and there is no occasion to alter the existing conditions prevailing between the machinery merchants and the farmers.

On motion by Hon. J. F. Cullen, debate adjourned.

BILL—LANDLORD AND TENANT.

Second Reading.

Resumed from the previous day.

Hon. S. J. HAYNES (South-East): Personally I am in accord with the Bill before the House, although I do not take quite so extreme a view of the present provision as the introducer of the Bill. Mr. Moss quoted a case which appeared to be a very harsh one. It came before the Full Court, and if it were the case of *Brice v. Slee* to which he referred, I remember reading about it in the Press. It seems to me from the report of that case, and from what I have heard since, that under the law as it at present stands the Court cannot give relief if there is a substantial breach of covenant to repair, but if there is a very slight breach, such as that mentioned by the introducer of the Bill, where the damage was put down at £5, then the Court can give the lessee relief unless there are other matters between the parties. In the case in question there is no doubt that the lessee lost a very valuable lease, but in that case the damages, from what I can remember, were considerably more than £5, although the amount was small. The Court held then, I think, that relief should be given if there was nothing further in connection with the case than that, but it came out in evidence that there was also an application for forfeiture on the ground of non-payment of rent. I believe relief was refused on this ground, although the Court had power to grant it. The reason was that there was a valuable orchard on the lease which the man had scan-

dalously misused or had allowed to get into a dreadful state, and the Court took the view that a man who did not deal properly with the lessor in that manner should not be granted relief on the others. I do not think relief was granted on account of the covenant to repair. I think the Court would give relief in circumstances where no substantial breach of covenant had taken place, and the present Bill, therefore, seems to be one in the right direction. It extends the law and gives an opportunity to the lessee to remedy any breach that may have taken place, on the receipt of a notice from the lessor. I assume the lessee would pay reasonable compensation. If the repairs are not effected or the injury made good, then an appeal can be made to the Supreme Court, and it rests with that body to give relief if they think it necessary. That seems to me a reasonable provision, and I think the Bill will, therefore, be an addition to the statute law. I am sorry the mover of the second reading is not present, for I would have liked an explanation with regard to Subclause 5 of Clause 3, but doubtless he will be able to give the information when the Bill reaches the Committee stage. At present I can scarcely see what is the meaning of that subclause. I fully approve of Clause 4 of the Bill, as it is a very wise provision. It provides that where a man is asked to consent to the assignment of a lease, and there is no objection to the proposed assignee or transferee, he should not refuse to allow the transfer. I have known instances where fines or the payment of large sums have been demanded for such transfers, and in cases where it would have been impossible to find more decent persons than those to whom the transfer was desired to be granted. I am also in accord with Clause 5, which provides reasonable and very proper protection for under-lessees, because if this clause were not inserted it would mean that where a property, or portion of it, was sub-let, the tenants of certain portions may have kept their portion up in perfect condition and may suffer grievous

wrong. Under the clause, however, they are fully protected.

On motion by Hon. W. Kingsmill, debate adjourned.

House adjourned at 6.1 p.m.

Legislative Assembly,

Thursday, 11th November, 1909.

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

QUESTION—STATE BATTERY CHARGES.

Mr. TROY asked the Minister for Railways,—In view of the decision of the Minister to increase crushing charges at the State batteries on the ground that the battery system is unprofitable, does he intend to apply the same procedure in the case of unprofitable railways?

The MINISTER FOR MINES replied: While not admitting that the State battery system is unprofitable, the amended battery charges were framed after giving consideration to the general cost of treatment at the State batteries, a principle which is generally followed in framing railway rates.

QUESTION—BIRTHS IN GAOLS.

Mr. BATH asked the Premier: In view of the undesirability of innocent children having to endure through life the stigma of having been born in gaol, will the Government take the necessary