Legislative Council,

Wednesday, 12th October, 1898.

Joint Select Committee, Official Receiver: Refusal to Answer Question—Motion for Paper: Report of Metropolitan Water-Works Board—Paper Presented—Return: Number of Mining Employees—Coolgardie Water Supply Construction Bill; in Committee, further considered and reported—Goldfields Act Amendment Bill, first reading—Workmen's Wages Bill, third reading—Insect Pests Act Amendment Bill, second reading; in Committee, reported—Wines, Beer, and Spirit Sale Amendment Bill: Council's Amendments further considered, Division—Early Closing Bill, Legislative Assembly's Amendments considered—Land Bill, second reading—Streets Closure (Fremantle) Bill, second reading; in Committee, reported—Adjournment.

The PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

JOINT SELECT COMMITTEE: OFFICIAL RECEIVER.

REFUSAL TO ANSWER QUESTION.

HON. R. S. HAYNES: I beg to report, as chairman of the Joint Select Committee appointed by both Houses to inquire into the administration of the Bankruptcy Act by the Official Receiver, as follows:—

1. I have to report that on the 8th day of October inst., Harry Wainscot was summoned to and did appear before the Joint Select Committee of both Houses of Parliament appointed to inquire into the administration of the Bankruptcy Act and the administration of the affairs of companies whereof he was acting as liquidator. 2. I put the following question to him: "Would you tell the Committee what sums you have received up to the present time as official liquidator of that ('Courier') Company," and he refused to answer. 3. The question was both lawful and relevant, and I pointed out to him the consequences of refusing to answer the question, and, with a full knowledge of the position, he still refused to answer.—Richard S. Haynes, Chairman of Committee.

Ordered, that the report be taken into consideration at the next sitting of the House.

MOTION FOR PAPER: REPORT OF INQUIRY. METROPOLITAN WATER-WORKS BOARD.

HON. A. P. MATHESON moved

That the report of the Select Committee of the Legislative Assembly on the Metropolitan Waterworks Board be laid on the table of this House.

He said that at the beginning of the present session, a Select Committee of another place was appointed to investigate all the transactions of the Metropolitan Water Works Board since its initiation; and in now moving that the report of the Committee be laid on the table of this House, his motive was entirely a personal one. Last session he had moved that the Metropolitan Waterworks Board were not fit to be entrusted with the expenditure of public money, and he gave his reasons for that motion, all of them being taken from official documents furnished by the board, the Auditor General, and several Government officials. He was careful to exclude any matter for which he had not actual official confirmation. He had felt a little sore when the House did not take up the matter. Now, however, the report of the Select Committee confirmed in every particular every statement he had made; and other matters had come up in evidence to which he did not refer last session, but of which he was to a great extent cognisant.

Question put and passed.

PAPER PRESENTED.

By the COLONIAL SECRETARY, in accordance with the foregoing resolution: Select Committee of the Legislative Assembly, Report on the administration of the Metropolitan Waterworks Board.

Ordered to lie on the table.

RETURN: NUMBER OF MINING EMPLOYEES.

HON. H. G. PARSONS moved:

That a return be laid on the table of the House showing—1, The estimated number of the men employed as wage earners upon the gold-mining leases of the eastern goldfields. 2, The estimated number of men working alluvial on the said fields.

Although it might be rather a lengthy business, he said, to collect the figures asked for, the return would be of assistance to the Government and the country. No doubt alluvial men had rights and grievances, but at the same time they had been perhaps somewhat more vociferous than the larger number of men employed on gold-mining leases. The Government were in possession, he believed, of a return showing the number of men re-

gularly employed on leases, and it would assist in the future deliberations of this House, and another place, if hon. members had approximate information as to the comparative numbers of the men employed in these two respective pursuits.

Question put and passed.

COOLGARDIE GOLDFIELDS WATER SUPPLY CONSTRUCTION BILL.

IN COMMITTEE.

Consideration in Committee resumed on new clauses, and on the motion by the HON. R. S. HAYNES that the following be added, to stand as clause 8:—

Full compensation shall be paid to any person who suffers any damage by reason of any act or thing done in pursuance of this Act, and such compensation shall be assessed by three Judges of the Supreme Court, sitting without a jury, in the Full Court, with the same power to receive evidence upon oath, and to hear and decide such claim for compensation, as a Judge of the Supreme Court, sitting without a jury, in civil cases, at nisi prius, when the Crown is not a party, and proceedings shall be taken in accordance with, and subject, so far as practicable, to the Rules of the Supreme Court, in the same manner as in an ordinary civil action at nisi prius in such court.

THE COLONIAL SECRETARY (Hon. G. Randell) moved that the following be substituted for the proposed new clause:—

Compensation shall be paid to any person for all damage actually sustained by him through the exercise of the powers conferred by this Act, and such compensation shall be assessed by three judges of the Supreme Court sitting without a jury in the Full Court, with the same power to receive evidence upon oath and hear and decide such claim for compensation as a judge of the Supreme Court sitting without a jury in civil cases at nisi prius; and, subject to such mode of assessment, any such claim for compensation may be brought as a claim against the Crown in accordance with the law for the time being relating to suits against the Crown.

He explained that should any case occur between the passing of this Act and the 1st January next, when the Crown Suits Bill came into operation, the claimant would have to take action under petition of right. It was not very likely, however, that any case would occur, because not much progress could be made in the works during the intervening two months. He hoped the clause he had just proposed would commend itself to hon. members. but as he understood that Mr. Haynes and Mr. Stone would like to have a little time for consideration, he had no objection to progress being immediately reported.

HON. F. M. STONE moved that progress be reported. This was a matter of importance, and the new clause proposed by the Colonial Secretary would require some consideration. If progress were reported now, he and Mr. Haynes would consider the whole matter, and might arrive at a conclusion which would be satisfactory to the Colonial Secretary and to members of the House.

Motion put and passed.

Progress reported, and leave given to sit again.

GOLDFIELDS ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

WORKMEN'S WAGES BILL.

Read a third time and *passed.*

INSECT PESTS ACT AMENDMENT BILL.

SECOND READING.

HON. R. S. HAYNES: In moving the second reading of this Bill, I do not propose to go fully into the measure. There are only a few new clauses in it, and I intend to point out what the law is at the present time, and how it is proposed to amend it. At the present time there are two Acts in force in this colony, the Destructive Insects and Substances Act of 1880, and the Insect Pest Act of 1894. Under these two Acts the Bureau of Agriculture has the power to stop the importation of infected fruit with the consent of the Minister, and to declare certain colonies unclean in regard to insects, and from colonies so declared to be unclean no fruit can be imported. The result of that has been that, although we have been put to a great deal of trouble in not being able to get fruit cheaply—and I have complained as much as anybody else about this matter—I have come to the conclusion, after inquiring into the whole thing, that the Bureau has done what was right. I was in New South Wales about two years ago, and I met the secretary of the Fruitgrowers' Association there. He is a person who is very well versed, and knew all about

the orchards in New South Wales. I pointed out to this gentleman how unfair it was on the part of a certain few in this colony to keep out the New South Wales apples, and I said it was unfair to us because we had to pay exorbitant prices for fruit to the few persons who had orchards in this colony. I expected to receive from this gentleman a good deal of sympathy, but on the contrary he said I knew nothing at all about the matter, and he further said, "I wish such an Act had been passed in New South Wales."

HON. J. W. HACKETT: They have passed it since.

HON. R. S. HAYNES: This gentleman called to my mind that in 1880 to 1884 there was an agitation in New South Wales to allow the importation of American apples into that colony. The cry was "cheap fruit," and the result has been that the codlin moth is now in New South Wales from one end of the colony to the other. When I was in New South Wales I was at an orchard at Bishopsthorpe, and it was painful to me to see the trees laden with fruit, and this fruit was dropping on to the ground diseased, and all this was due to the codlin moth. I asked Mr. Simpson, "How is it you cannot get the codlin moth out of the place; I have heard that it can be stopped by putting a wet cloth around the bottom of the tree?" Mr. Simpson said, "So you can, but Tom Jones over there has a tree, and he supplies the whole district with codlin moth."

HON. J. W. HACKETT: Along the Hawkesbury all the orchards are being torn up.

HON. R. S. HAYNES: It is quite painful to travel from Sydney along the Hawkesbury line to see the orchards running wild as it were. You can buy an orchard for next to nothing now. I came back from New South Wales a sadder and a wiser man. I admit I was quite wrong in attacking the Bureau of Agriculture in regard to this matter. At the present time the Bureau can prohibit certain fruit, and the consequence has been that we have no codlin moth in this colony.

HON. R. G. BURGES: What about the fruit fly in the gardens of this colony?

HON. R. S. HAYNES: That is the reason for bringing forward this Bill.

HON. R. G. BURGES: After all the mischief has been done.

HON. R. S. HAYNES: The new features of this Bill are these: The Bureau of Agriculture has been abolished, therefore an Act of Parliament is absolutely necessary to be introduced to vest the administration of the Act in the Minister of Lands or the Minister of Agriculture, otherwise the Act would be a dead letter. This Bill proposes to deal with three new matters; first as to the declaration of infected areas.

HON. A. B. KIDSON: What is the object of re-enacting other sections?

HON. R. S. HAYNES: We have two separate Acts.

HON. R. G. BURGES: Both are repealed.

HON. R. S. HAYNES: Both are repealed, and this is in the shape of a consolidating Bill. Infected areas can be declared according to clause 7. It is a new clause, and has become necessary for this purpose. We want to deal with orchards. Persons who have orchards will only be too glad to get the assistance of the Government in stamping out any disease, or if they have any diseased trees they will report the matter. The other day Mr. Craig, who lives in Adelaide Terrace, and who has a nice little orchard, told me that his fruit trees were becoming diseased, but that he did not know where the disease was coming from. At last he discovered that the man who lived next door had an old olive tree in his garden which supplied the neighbouring gardens with disease. After Mr. Craig found this out the owner of the olive tree gave him (Mr. Craig) permission to cut it down. A man might have three or four trees and neglect them, and these trees would spread the disease amongst trees in the neighbourhood. This Bill will give power to declare an area infected. At the present time no one has the right to go into another person's orchard and find out whether disease exists there or not; but under this Bill, inspectors may enter and find out whether disease exists. Any person who has fruit trees growing is bound to allow an inspector from the board to inspect the trees. The other new clause

in this Bill is for the inspection of fruit, clause 8.

Hon. A. B. Kidson: Is that a new clause?

Hon. R. S. HAYNES: It is scarcely a new clause, but it is new in this respect, it authorises officers to go into fruit shops and examine the fruit there.

Hon. R. G. Burges: I suppose an inspector can go into gardens?

Hon. R. S. HAYNES: Inspectors have the power at the present time to go into gardens.

Hon. R. G. Burges: The fruit flies are coming from the nurserymen's gardens.

Hon. R. S. HAYNES: A good deal of the disease comes from the fruit shops.

Hon. R. G. Burges: The fruit has to come from the orchards before it goes into the shops.

Hon. R. S. HAYNES: According to this Bill an inspector can go into shops and inspect the fruit. I may go into a shop and buy some oranges. On my way home I call at another person's place and drop a piece of orange peel there. This peel may have the disease upon it, and the disease is spread in this way. I cannot tell whether the fruit is diseased, but an inspector could. Power should be given to inspectors to go into shops and examine fruit, and then the inspector could find out from the fruit seller where the fruit came from. In that way the diseased orchards could be discovered. The fruit seller would see that the next time he bought fruit it was not diseased. We are now prohibiting the sale of diseased meat and other things which are diseased, but diseased fruit can be sold. This Bill is one that has been in force for some time in New Zealand. It is practically a copy of the New Zealand Act, which has worked well. If such an Act had been in force in South Australia, in Victoria, and in New South Wales, there would have been flourishing orchards in those colonies.

Hon. J. E. Richardson: Does the fruit seller get any compensation?

Hon. R. S. HAYNES: Why should he get compensation?

Hon. J. E. Richardson: He might not know that the fruit was diseased when he bought it.

Hon. R. S. HAYNES: There is no reason why compensation should be paid to the fruit seller at all. In a Bill which was before the House yesterday or the day before, I complained about taking anything away from a man without giving him compensation, but that will not apply in regard to fruit.

Hon. R. G. Burges: Compensation is given in Victoria for destroying vineyards diseased with phylloxera.

Hon. R. S. HAYNES: Then it is a bad Act that is in force in that colony. If phylloxera breaks out here it will destroy all our vineyards, and we want to prevent phylloxera from breaking out. If we have power to deal with the disease before it is introduced, we can always prevent its introduction. This Bill has been drawn by the Government, and it is practically a Government Bill. I have been through it very carefully—it was given to me some time ago—and I approved of the Bill in every way except this: there was no power of appeal given. It is unfair to say that a man shall be fined without giving him the power of appeal, and I have put a clause in this Bill from the Police Act allowing appeal. I hope the House will pass this Bill, and I hope there will practically be no amendments, so as to allow the Bill to become law this session. If we have no such Act in force, phylloxera may come here at any time and destroy our vineyards.

The Colonial Secretary: There is no provision that regulations are to be laid before both Houses of Parliament.

Hon. R. S. HAYNES: The Shortening Ordinance applies in that case. Whenever regulations are made, they have to be laid on the table of the House.

Hon. A. P. MATHESON: I thoroughly approve of the Bill, but there is just one point on which it is deficient. In the case of the occupier of an orchard or a vineyard—take the case of myself, a tenant for twelve months—if an inspector enters my orchard and discovers disease, as the clause is drafted, the expense of putting the matter to rights has to be borne by the occupier.

Hon. R. S. Haynes: You must look after that in your lease.

Hon. A. P. MATHESON: But some provision should be made for existing leases. There are a number of gardens in Perth occupied on yearly rentals.

HON. A. B. KIDSON: Less terms than that.

HON. A. P. MATHESON: Yes; for six months or less.

HON. R. S. HAYNES: Read the clause.

HON. A. P. MATHESON: "The owner, occupier, or other person, through whose neglect, omission, or default"——

HON. R. S. HAYNES: It says: "Through whose neglect, omission, or other default."

HON. A. P. MATHESON: I think a tenant who is occupying premises for a short time should not have to pay any expenses in regard to destroying the disease.

HON. R. S. HAYNES: It does not fall on the tenant unless it is his neglect.

HON. R. G. BURGES: But the tenant will have to bear the expense.

HON. R. S. HAYNES: Somebody will have to bear it.

HON. A. P. MATHESON: The inspector simply demands the amount. He says "I have spent £20 in cleaning your orchard."

HON. R. S. HAYNES: The inspector will have to sue you if the amount is not paid.

HON. A. P. MATHESON: And a private person will have to fight the Crown. My experience is that it costs more in fighting small claims than the amount of the claim itself. Before you know where you are you have to pay about £50 in costs.

HON. R. S. HAYNES: That is an argument that does not appeal to me.

HON. A. P. MATHESON: I do not propose to debate the question now, but I submit it to the hon. member as a serious grievance.

HON. R. S. HAYNES: Clause 11 is not an arbitrary one. It says, "The owner, occupier, or other person through whose neglect, omission, or other default," a place becomes infected. It is necessary for an inspector to say it is your default, and if you do not admit that it is, you are not liable. You say you dispute the claim, then you will have to be sued in a court. The cost of doing the work would not amount to £20, and if it only amounted to £10 the cost at the outside would only be about £1.

HON. A. P. MATHESON: The owner of the property should be made liable.

HON. C. A. PIESSE: I do not intend to object to the second reading of the Bill, although I have not gone through the measure as carefully as I should have liked. I hope the Committee stage will not be taken until next week. The disease amongst fruit trees is becoming a nuisance. In my district the disease comes from the nurserymen's gardens, there is where the foundation of the trouble lies. There are only a few of these gardens, and they can be thoroughly looked after. I and my partner are fighting the disease in our garden, and the disease has been brought from a nurseryman's garden in the Darling Ranges.

HON. R. G. BURGES: I think it is necessary to have a Bill of this sort, but I do not think the title is sufficiently comprehensive. It says "to prevent the introduction into Western Australia of diseases affecting orchards and gardens." What about orchards and gardens in this colony where there is the fruit fly? I would like to know whether the hon. member knows where the fruit fly exists. It is a most extraordinary thing, but we have had a Bureau of Agriculture for some time which has spent £7,000 or £8,000 a year, and that Bureau has not thought fit to bring in a Bill of this kind before this. Last year there was a letter in the *West Australian* in reference to the fruit fly. A person was writing about the pest and saying what a destructive thing the fruit fly was, and yet nurserymen are allowed to send fruit trees affected with the fruit fly, all over the colony. I think the sooner that is stopped the better. It is very little use bringing in a Bill of this kind when fruit trees, diseased with the fly, are allowed to be sent all over the colony. What about the diseases we have in the nurserymen's gardens now? That is what we ought to be looking into.

HON. C. A. PIESSE: This Bill deals with that.

HON. R. G. BURGES: What is the penalty provided in this Bill?

HON. C. A. PIESSE: £50.

HON. R. G. BURGES: It is not half enough. I suppose hon. members know that the codlin moth has been introduced here. I know as a matter of fact that apples having the codlin moth in them have been brought here by people. I was travelling down in the train two or

three years ago, and a person travelling from Albany took up an apple and said, "That came off a tree which had the codlin moth on it."

HON. R. S. HAYNES: It could not have the codlin moth on it.

HON. R. G. BURGES: Then why do we stop apples coming in here? I know I am right, and the hon. member who introduced this Bill knows nothing about it. I say the person had an apple which he said came from a tree which was infected with the codlin moth. A person told me the other day that a friend brought a lot of apples to Fremantle during the last twelve months, and we know that apples have been brought into Albany in cases covered with bran and other materials. The law should stop this. The penalty should be greater. Why not make it £100 or imprisonment? Bringing in these apples is just like smuggling.

HON. R. S. HAYNES: Move to make the penalty £500.

HON. R. G. BURGES: I should like this Bill to apply not only to diseases being introduced from other places, but to deal with the fruit fly which we have here. It is no good having make-believe legislation. Nurserymen here are sending fruit trees all over the country when these trees have fruit fly on them, and the nurserymen do not deny it. I shall move in Committee, when we come to clause 18, that the penalty shall be not exceeding £100 or a term of imprisonment; that is the only way to stop the spread of the disease.

HON. R. S. HAYNES: It is unnecessary to say anything about imprisonment. If a person does not pay the fine, then he has to undergo imprisonment.

HON. R. G. BURGES: I strongly objected to a Bill which was brought forward last year. I mean the measure in reference to plants, especially the thistle.

HON. C. A. PIESSE: The Noxious Weeds Bill.

HON. R. G. BURGES: Yes, that was the measure. We were told then that the Bill would be brought forward in another form this year, but it has not come to light. That measure can be embodied in this Bill. Mr. R. S. Haynes says that according to clause 7 orchards can be shut up Why has not the Department of Agriculture done something in this direction before? Why has the fruit fly been allowed to spread as it has done? I heard one gentleman talking about having been ordered to pull up all his fruit, and he lost his fruit by it. That is not satisfactory. Something is wrong somewhere. This Bill is being brought forward now because the department has done nothing. During the last few years the officials have been paid for doing nothing, and this Bill is now brought forward when the mischief is done.

HON. E. McLARTY: I have much pleasure in supporting the second reading of the Bill, but like Mr. Piesse I have not had much time to go through the clauses and consider carefully the provisions; but I know a Bill of this description is very necessary. As a member of the late Bureau, and as a member of the District Advisory Board, I may say that we would have met the difficulty where orchards were affected, but we had no power to deal with the matter. It was suggested that we should send notices to persons having infected orchards, asking them to pull their fruit, or in some way to dispose of it; but we thought that would be only a matter of form, as the persons would not be compelled to comply with our notice. This Bill might have been introduced sooner, but it is better to have it late than never. It has been found necessary to move in this direction because the Advisory Board have no power to act. If this measure is passed, there will be no chance of smuggling apples into the country if the law is properly administrated, and we shall then soon have a local supply of fruit to meet all the requirements of the country. I think this Bill is a step in the right direction. It is in the interests of the people of this country. We wish to protect those who have spent a good deal of money in the cultivation of vineyards and orchards. I have much pleasure in supporting the Bill.

HON. J. W. HACKETT: I also intend to support the second reading, in the warmest terms. The greatest tribute paid to the Bureau is that its efforts in the direction of preventing the introduction of affected fruit and fruit trees, after being subject to the scorn and vilification

ot other colonies, are being followed by the same colonies, without exception, and they are now following or intend to follow the steps taken by Western Australia. A similar Bill has, I believe, been passed in South Australia, and is administered with much strictness; and the codlin moth is no doubt a real danger. I have had an apple at my own table in which there was an unmistakable codlin moth, and this apple was, I believe, brought from Tasmania, and sold as good West Australian. To show how real the danger is, I may mention that on a late trip in conjunction with some friends to Esperance, a place which may be familiar by name, at all events, to members of this House, a leading dignitary of the church sat at the same table as myself. That gentleman is a warm advocate of free-trade, and for throwing open our ports to all nations without restriction, especially to those nations which have apples to sell. In front of us was a dish of the finest apples I have ever seen on a table; magnificent in size and appearance, and, as I afterwards discovered, excellent in flavour. When I asked where they came from, I was informed, Tasmania. I then said I would wager a supper that I would find a codlin moth in some of the apples; and the wager was taken up, as neither party had anything to lose. On cutting the apples up, I found, in the first one, the well known codlin moth, and also in the second. The third apple was sound, but the fourth, fifth, and sixth, which exhausted the apples at our end of the table, all contained the moth. Unless stringent laws are not only made but maintained, we shall have the moth in this country. And the fruit fly is even more dangerous than the moth, seeing that the latter in this climate seems to breed all the year round. At present there are no means of destroying this fly, as there are of destroying the moth, the only way of dealing with the fly being the drastic step of destroying the fruit tree, which, however, must be borne if the interests of the country demand. No step can be too strong, if it be justly and fairly taken, to keep fruit pests out of the colony. So far as my knowledge goes, the climate and soil of Western Australia are unsurpassed in any part of the world for the production of fruit, and I believe that that industry is going to rank next the gold as a wealth producer. At this early stage of the industry, every step should be taken to render this country immune from pests which have worked such havoc in the other colonies.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Power of the Governor to do certain things:

THE CHAIRMAN drew attention to the fact that in clause 3 the phrase "Governor-in-Council" was used.

HON. J. W. HACKETT moved that the words "in Council" be struck out.

Put and passed, and the clause as amended agreed to.

Clauses 4 and 5—agreed to.

Clause 6—Notice of disease appearing to be given:

HON. C. A. PIESSE suggested in line 2 the words "twenty-four" be struck out and "forty-eight" inserted in lieu thereof. Considering the high penalty, 48 hours would be reasonable time to give to people in which to report any outbreak of the disease.

HON. R. S. HAYNES: If the notice were posted within 24 hours, that would be sufficient.

Put and passed.

Clauses 7 and 8—agreed to.

Clause 9—Power of prohibiting plants, etc.:

HON. A. B. KIDSON suggested that an amendment was advisable in this clause, seeing that it referred to other proclamations already in force.

HON. R. S. HAYNES: There was a clause in the Bill providing that all past proclamations shall be deemed to have been amended under this Bill.

HON. A. B. KIDSON: But the question was whether that provision applied to this particular clause. The other Acts were being repealed.

HON. R. S. HAYNES: It was provided that all proclamations and orders-in-council in force at the time of coming into operation of this Bill, should be deemed to have been made under the Bill and should continue in force.

HON. A. B. KIDSON: But that did not give power to seize the fruit mentioned in any other proclamation.

Hon. R. S. HAYNES: All proclamations made under the last Act were deemed to have been made under this Bill.

Put and passed.

Clause 10—agreed to.

Clause 11—Payment of expenses incurred:

Hon. A. P. MATHESON: Some provision ought to be made for short tenancies in this clause, otherwise the occupier, as the most accessible person, would be made liable. People who had taken premises on short leases would undoubtedly be held responsible by the inspector for the eradication of the pest. He suggested that the word "occupier" in the first line be struck out.

Hon. R. S. HAYNES: The hon. member was citing what would be a very exceptional case. Whoever was responsible for neglect or default would be responsible, whether he were owner, occupier, or nurseryman, but it would have to be proved where the fault lay. There might be a case where a person with a lease of twelve months planted a lot of infected trees.

Hon. A. P. MATHESON: Was it to be supposed an occupier on a short tenancy would plant trees?

Hon. R. S. HAYNES: Then the occupier, if he did not plant trees, could not be said to have brought the disease. But if the occupier were to blame for the neglect, why should he not pay? The clause ought to pass as drawn.

Put and passed.

Clause 12—Use of force in case of resistance:

Hon. C. A. PIESSE: This clause ought to take another form, although he was not prepared to suggest what that form should be. It might be necessary, in many instances, to use a little force, but if there were a little inspector and a big gardener, it would be a case of the weaker going to the wall.

Hon. J. W. Hackett: The inspector had the law behind him.

Hon. C. A. PIESSE: But this seemed to be rather too severe a law.

The Colonial Secretary: Suppose there were a big inspector and a little gardener?

Hon. C. A. PIESSE: Then again the weaker would go to the wall.

Hon. R. S. HAYNES: If unnecessary force were used it would be a case of trespass. The clause has been inserted for a certain purpose. Under the present law an inspector was not allowed to lift a latch, and if he did so, all that was afterwards done in the orchard was illegal. This clause was to prevent the inspector being treated as a trespasser, if he did lift a latch. The sheriff could not lift a latch to enter a house, or it was regarded as breaking in, and his subsequent actions were illegal. The object of the clause was to allow the inspector to open a gate in order to enter an orchard, and if he used more force than was necessary he would be a trespasser. There must be some force, to remove a tree for instance.

Put and passed.

Clause 13—agreed to.

Clause 14—Officers not to be trespassers:

Hon. D. McKAY: The inspector had too much power, and might do incalculable damage, while the owner had no remedy.

Put and passed.

Clauses 15 to 17, inclusive—agreed to.

Clause 18—Penalty:

Hon. R. G. BURGES moved, as an amendment, that in line 2 the words "fifty pounds" be struck out, and "one hundred pounds" be inserted in lieu thereof. The strictest penalties were necessary to prevent people from importing diseased fruit into the colony.

Hon. R. S. HAYNES: There was no objection to the amendment.

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

Clauses 19 to 24, inclusive—agreed to.

Clause 25—Repeal of 44 Vic., No. 5, and 58 Vic., No. 32:

Hon. C. A. PIESSE: Surely this clause would necessitate an alteration in the title of the Bill. This was called an amending Bill, whereas it repealed the other Acts, and was really a consolidation.

Put and passed.

Clause 26—agreed to.

Bill reported with amendments, and the report adopted.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to certain amendments made by the Council, the same were further considered

IN COMMITTEE.

No. 1—Add new clause to stand as clause 3, permitting the sale of liquor during certain hours on Sundays, and providing "A person shall not be deemed a *bonâ fide* traveller unless the place where he lodged the preceding night was at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare":

HON. R. S. HAYNES moved that the Council do not insist on its amendment, in the first portion of the clause, permitting Sunday trading, but do insist on the additional words defining a *bonâ fide* traveller. It was absolutely essential that the latter portion of the clause should pass, and that the three mile limit should be enforced.

HON. F. M. STONE expressed a hope, as the hon. member who had introduced this clause, that the Committee would agree to the motion of Mr. Haynes. At present there was no limit as applying to a *bonâ fide* traveller. If the law remained as now, people only need journey to South Perth to do as much drinking as they liked. He took it that the Zoological Gardens would be open on Sunday afternoons; and, if so, there would be numbers of people going there, and drinking in neighbouring hotels could go on at will. The same remark applied to Victoria Park, or any other place to which people could drive by 'bus.

HON. R. G. BURGES: The latter portion of the clause should not be insisted on, because such a provision would be a great nuisance in the country. Men engaged in harvesting would only have to go three miles on Sundays to start drinking, and there would be no getting them back to work for two or three days. He did not see why Sunday drinking should be encouraged.

HON. A. B. KIDSON: Men could get drunk now if they only travelled a mile.

Motion (Mr. Haynes's) put and passed.

Council's amendments Nos. 2, 3, and 4:

HON. R. S. HAYNES moved that these amendments be not insisted on.

Put and passed, and the amendments not insisted on.

No. 5—Add new clause, to stand as clause 7, providing for sale of liquor on licensed steamers on Swan River:

HON. R. S. HAYNES moved that the amendment be insisted on as necessary, in view of the former amendment in regard to the definition of *bonâ fide* traveller. At present, drink could be sold immediately the steamer cast off from the wharf, and it would be impossible to tell who was a *bonâ fide* traveller. Liquor must not be sold on a steamer when travelling on Sundays, until a mile on the other side of the Causeway, or half a mile on the other side of Point Belches. This would mean that a person could not take a ticket and go to South Perth, and call at the hotel at the Point and get a drink. A person must be half a mile from the other side of the Point.

HON. F. M. STONE: We were adopting the principle of no Sunday trading. If hotels were closed, why should liquor be sold on steamers? How would this clause affect a steamer coming from Fremantle? Packet licenses should come under the same condition as hotels.

HON. A. P. MATHESON: The object of the clause was to specifically prevent liquor being sold between Perth and South Perth. A traveller coming from Guildford and going on board a steamer would be entitled to be served with liquor immediately the steamer cast off from the wharf, unless other provisions were inserted in the clause. What would happen would be this: every person who wished to have a drink on a steamer leaving William Street jetty or any other jetty would have to say that he came from Guildford or Subiaco, or some other place, and the licensee would then be entitled to sell. The object of the clause was to prevent orgies on vessels trading between Perth and South Perth. In the interests of temperance the clause should be allowed to stand.

HON. E. McLARTY: If it was necessary to have a license for a packet

steamer at all, he did not see why liquor should not be sold between wharf and wharf. It would lead to all kinds of complications by defining an imaginary line on the river; the law would never be carried out. Who was to say whether the bar was closed when the line was crossed? It would be far better to do away with the packet licenses altogether or sell from wharf to wharf.

HON. A. B. KIDSON: The complications suggested by Mr. McLarty would not arise at all if the amendments were passed. The clause simply defined the boundaries within which liquor could be sold on a Sunday on a steamer, and directly the steamer reached the particular points named, the bars would have to be closed.

Motion (that the amendment be insisted on) put, and a division taken with the following result:—

Ayes	...	...	5
Noes	...	...	8
Majority against		...	3

Ayes.	*Noes*
Hon. D. K. Congdon	Hon. R. G. Burges
Hon. R. S. Haynes	Hon. W. T. Loton
Hon. A. B. Kidson	Hon. E. McLarty
Hon. A. P. Matheson	Hon. D. McKay
Hon. J. E. Richardson (Teller)	Hon. G. Randell
	Hon. H. J. Saunders
	Hon. F. M. Stone
	Hon. C. A. Piesse (Teller)

Motion thus negatived, and the Council's amendment not insisted on.

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

EARLY CLOSING BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

Schedule of six amendments, made by the Legislative Assembly in the Bill, considered.

IN COMMITTEE.

No. 1—Clause 3, strike out the words "wholesale or," in line 3 of the definition of "shop":

HON. A. B. KIDSON said it had happened in another place as he had anticipated, that the words "wholesale or" were struck out. In bringing wholesale houses under the provisions of the Bill, the effect was to include a class of business people who did not desire to be brought under the provisions of the Bill. He had mentioned this at the time the Bill was under consideration in this House. Having gone so far with the measure, it was not desirable to do anything to prevent the passage of the Bill into law. If the words proposed were inserted, the greatest difficulty would be experienced in carrying on a wholesale business, in the course of which late mails had to be caught and goods got on board ship.

HON. C. A. PIESSE: That applied also to the other branch of trade.

HON. A. B. KIDSON: The retail people could not be placed in the same category. Wholesale merchants had sometimes to catch mails early in the morning, and goods had to be placed on board late at night, and unless their employees were allowed to work in the evening, business would be interfered with to a great extent. After the Bill had gone so far, he felt sure hon. members would not do anything that would have the effect of wrecking the measure. This Bill was desired by the persons who would be immediately affected by it, and there was no necessity to include in its provisions a class of persons who had not desired to be included: and he hoped the amendment of another place would be accepted. In any case the Bill would only be in force for three years, and if at the end of that period it was not desired, it would cease to be law. He asked hon. members to support him in affording some relief to a class of persons who had been overworked in the past.

HON. C. A. PIESSE: The Committee ought to insist on the inclusion of wholesale houses in this provision. As to mails having to be caught, retail houses had as much correspondence as wholesale houses.

HON. A. B. KIDSON explained that he had not referred to correspondence, but to sending goods away by steamer. If he had referred to the mails, it must have been a slip.

HON. C. A. PIESSE: When this Bill was previously before this House, Mr. Kidson dwelt on the fact that employees had to work late hours, and yet he was now wanting to take out of the Bill a

class of business in which many men were employed. In proportion to the size of the buildings, more men were engaged in wholesale houses than in retail houses, and yet these wholesale employees were to be compelled to work all hours, whilst their more fortunate brethren were embraced in the Bill.

HON. W. T. LOTON said he could not support the proposal of Mr. Kidson. One of the main arguments in another place for striking out the word "wholesale" was that assistants in wholesale houses were not worked overtime at all. If that were so, there could be no harm in including them in the Bill.

HON. A. B. KIDSON: But there would be no object in including them.

HON. W. T. LOTON: Yes, there would be an object. The majority of wholesale houses did a partially retail trade and a number of retail houses did a partially wholesale trade. As a matter of fact, there was nearly as much legitimate wholesale trading done by retail houses as by wholesale houses, and if, under this Bill, houses which were called wholesale, and were really wholesale, were allowed to keep open after the hours at which retail houses of business had to close, the legislation would practically give a monopoly of trade in favour of the former. As to wholesale houses having to fulfil orders late in the evening, the same argument applied to retail houses, which had lots of orders for partially wholesale lines. If wholesale houses were to be allowed to do that class of business in the evening, then by everything that was fair, reasonable, and legitimate, retail houses should have the same right. The object of the legislation was to prevent trading after a certain hour of the day, and the same law should apply to wholesale houses. The whole question had been thoroughly debated, and it was to be hoped that, in justice to retail traders, the amendment would be adhered to.

HON. A. B. KIDSON: It was well known that Mr. Loton was exceedingly keen against the passage of this Bill.

HON. W. T. LOTON: Not particularly so.

HON. A. B. KIDSON: From the tone of the hon. member's remarks when the Bill was previously before the House, that was the inference to be drawn, because he voted on every possible occasion to defeat the passage of the measure. It was to be hoped hon. members would not take quite so much notice of Mr. Loton's remarks as they usually did, because, in this instance, his zeal had somewhat carried him away. His (Mr. Kidson's) business brought him into intimate contact with both branches of trade, and his experience was that the wholesale business done by retail houses did not approach that done by wholesale houses. Pretty well every day wholesale houses closed at 5 o'clock, whereas retail houses did not close till 6, and it was only about once a month or twice a month at the outside that employees in wholesale houses had to work at night. It was absolutely necessary in wholesale houses to work at night sometimes, in view of the fact that steamers left early in the morning, and goods had to be got on board.

HON. A. P. MATHESON said he intended to support Mr. Kidson's motion The Bill ought to become law, and unless the Council gave way on this amendment, the Bill would be wrecked. Personally, he had a very strong feeling that wholesale houses should be included—indeed, his own opinion was that this legislation did not go to the root of the evil. Banks, which were the greatest sweaters of the whole lot, ought to be tackled. Bank clerks were kept working until 10 or 11 at night, and he was certain that the number of deaths which took place in the banks, a year or two ago, was largely attributable to the long hours that the clerks were obliged to work, especially on the goldfields. He failed to see the reason for the reluctance on the part of hon. members to alluding to the fact that bank clerks were sweated. It was clearly impossible to deal with banks in the present state of feeling on the subject, and, therefore, he would content himself with supporting the proposal of Mr. Kidson.

Motion (Mr. Kidson's) put and passed.

At 6.30 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed the chair.

Nos. 2, 3, 4, 5, 6:

HON. A. B. KIDSON moved that these amendments be agreed to.

Put and passed.

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

LAND BILL.

SECOND READING.

The COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I do not propose to detain the House long over this Bill, although it is an important one, and yet the word "important" is discounted in a measure because many of the provisions of this Bill are the law of the land at the present moment, inasmuch as the Bill embodies to a large extent the land regulations which occupy the same position as an Act of Parliament. This Bill proposes to consolidate and amend the Land Regulations of 1887, as added to by the Homesteads Act of 1893. This Bill was first introduced in the Legislative Assembly by the Minister of Lands (Mr. A. R. Richardson) in 1896, but it failed to obtain the approval of the House on that occassion, principally because of the lateness of the session when it was introduced. The Bill was brought forward again last year, when, after discussion, it was found owing to the shortness of the session, the lateness of the year, and the pressure of business, that it was not desirable to proceed with it, and again the Bill was withdrawn. Since the present Commissioner of Crown Lands—who I think is rightly credited with progressive ideas and earnestness in regard to land legislation—has occupied his position, he has brought to bear on the land question his great ability and knowledge of the subject, and this Bill has received his sanction to a large extent, and has passed the Lower House. I hope members of this House will see their way also to make this Bill become an Act of Parliament of this country. I do not say that hon. members will see eye to eye with those who have introduced this measure in the other House. There are many points in the Bill which hon. members of this House are well acquainted with, and I may say that we are fortunate in having amongst us a number of gentlemen who are fully acquainted with all the phases of the land question, having had dealings under the land regulations and with the various land laws of the colony for a considerable number of years. On that account I feel some diffidence in speaking on a measure of this kind. However, I profess to have some little knowledge of this question, although my knowledge is unfortunately so inferior to that of a number of members of this House; therefore I feel sure members will excuse me when I say I do not intend to go fully into the subject. I prefer, after drawing attention to a few features of the Bill, to defer anything I have to say to the Committee stage. I have a considerable amount of information on the different clauses; where they have come from, and the reasons why they are introduced, and the objects which they are likely to accomplish. On the whole I think I may say, with my limited knowledge of the subject, that the Bill is a good one and is an advance on present legislation. I am sure it is our object to promote the settlement of the country, and to advance the interests of the community, and the clauses in this Bill are adapted to accomplish that purpose. I notice in to-day's paper that the land laws of this colony have been referred to in South Australia by certain members of Parliament there, and in very laudatory terms, expressing the opinion as they do that the land laws of Western Australia are much more liberal than those of South Australia, and regretting at the same time the fact that the liberal land laws obtaining here are attracting some of the best people of South Australia to come amongst us, and to take up the cultivation of the soil and the occupation of the land. We rejoice that that is the case. I think I am correctly informed that there are a large number of eligible settlers who have come amongst us during the last few years, and I hope this number will be added to, and that we may reasonably enjoy the hope that our lands will, to a large extent more than at present, be settled on in the immediate future. Speaking generally of the Bill, I may say that it is more of a consolidating measure, although some new features have been introduced into it, and the opportunity has been embraced to rectify matters of omission, and to amplify some of the provisions contained in the various Acts and provisions which in the past have been found to be defec-

tive or require elucidating. The Bill consists of 161 clauses, and it is divided into twelve parts. It proposes to repeal eleven different statutes or codes of Land Regulations. The only new feature calling for any special comment is the provision in clause 15 reserving to the Crown the right to all minerals instead of only the royal minerals as heretofore, although this provision has been promulgated recently by regulation according to the powers entrusted to the Governor. The Bill limits the depth to which the land is alienated; although this provision has already been adopted to a certain extent by the regulations now in force. The colony is divided into different divisions. The boundaries of the South-Western Division have been extended so as to embrace the land around Esperance, but the condition of the pastoral lessees in this area remain as at present. The division known hitherto as Gascoyne has been renamed Western to distinguish it from the Gascoyne District. Part 3 remains practically the same as part 2 of the Land Regulations of 1867, but the provisions have been extended in some important respects. Part 4 deals with the purchase by auction of town and suburban lands. This part of the Bill, although different in some respects from the Land Regulations of 1887, is practically the same as the existing regulations framed under the Homesteads Act. I may mention here that the Homesteads Act is intended to be repealed, as the provisions of that Act are re-enacted in this Bill. Part 5 deals with the conditional purchase and agricultural lands. Agricultural lands remain as at present, although some minor alterations have been made. There is a provision for reducing the maximum area in specified localities. Part 6 deals with the conditional purchase and grazing lands.

HON. R. G. BURGES: That is new.

THE COLONIAL SECRETARY: The grazing lands correspond to the homestead leases under the Homesteads Act. The main outline of this part of the Bill is the same as part 2 of the Homestead Act, but alterations have been made in the details. Classification before selection as described in the Homesteads Act was found to be almost unworkable, and a system has been introduced into this Bill of making the classification follow selection, which practice the department had to adopt in order to work this portion of the old Act. The provision in the Homesteads Act of having two terms of homestead leases, the rental for the second term being double that of the first, has been done away with, and the rental for the whole period is the same. It has been pointed out on many occasions that this system of having two or three terms with an increasing rental was a mistake.

HON. R. G. BURGES: Why?

THE COLONIAL SECRETARY: The experience has been that the second term seldom if ever comes off.

HON. R. G. BURGES: You acknowledge the failure of the Act, then?

THE COLONIAL SECRETARY: This Bill does away with the increased rent, and makes the rental the same throughout the whole term. In reference to the northern districts, I remember a discussion taking place in another House, and on that occasion I ventured to say that "these lessees might reasonably go to sleep if they liked, as they had secured a life tenure of the property by the lease." That was my impression at the time, and I think it was the general impression that we had given very generous conditions to the leaseholders in the north. At that time the pastoral industry was a most prosperous one. The squatter coming from the north was looked upon as a millionaire, and his advent into Fremantle was looked upon with the greatest interest and hope. Unfortunately, things have changed, and we have passed through seasons—I was going to say of unmitigated trial and disaster, which I suppose some hon. members in this House know to their cost. It became requisite for the Government of the day to reconsider the position of the pastoralists in the north. Several efforts were made to give relief to the leaseholders in the northern portion of the colony who had passed through the terrible seasons of drought. I am not quite sure whether up to the present time these conditions have been satisfactorily settled. I hope that the pastoralists will have seasons of prosperity in the future, and that the industry will go ahead, and that we shall see again the

good old days in which the pastoralists were prosperous.

Hon. R. G. Burges: Until another drought comes.

The COLONIAL SECRETARY: Do not anticipate another drought.

Hon. R. G. Burges: You do not know anything about it.

The COLONIAL SECRETARY: We all know about it.

Hon. R. G. Burges: But you have not felt it.

The COLONIAL SECRETARY: I have always held that no one class in the community can suffer a loss without others being affected. We do not know where the ramifications of the suffering reach, therefore our sympathies have been with the pastoralists in the northern parts of the colony. Those who have no sympathy with the pastoralists in the north, we need not take into account, because they do not care about the interests of the colony; therefore we can safely leave those out of our reckoning. Everyone desires to see the welfare of their fellow countrymen, and we sympathise with those who have suffered in the past, and to the best of our ability we endeavour to assist and help them. I was saying just now that it was not a good principle to increase the rental during the second term. This was found to be the case under the regulations of 1877, which provided for an increased rental at the end of the first term of seven years. At the end of that term the rental was reduced to the same amount as during the first term of seven years. Part 7 deals with conditional purchase poison lands. These provisions have been considerably altered. The price of land has been fixed at one shilling per acre, payable in 30 years, instead of fivepence per acre payable in 20 years as under the regulations of 1877. The lessee pays the cost of survey in ten half-yearly instalments, instead of cash down as under the present law. In other respects this part of the Bill remains the same as under the Land Regulations of 1877. Part 8 deals with free homestead farms. These provisions are practically the same as those contained in part 1 of the Homesteads Act, which has been found to work well, but the provisions have been extended and liberalised to allow any lands in the south-western division to be thrown open for homestead farms, instead of being limited to selection for agricultural areas. Part 9 deals with working men's blocks. This is a new feature in the Bill. It provides for the granting of small blocks to working men on easy terms on much the same lines as the "blocker" system of South Australia. The present Commissioner of Crown Lands has given great attention to these provisions. He has publicly expressed his views in favour of enabling working men to obtain small blocks of land in the vicinity of towns, and in suitable positions, and I think there is a very large amount of sympathy in the colony with that desire and wish on the part of the Commissioner of Crown Lands. Generally, the provisions of part 10 are the same as those under the existing law. The term of the lease has been extended to 31st December, 1928. Part 11 deals with timber lands. Considerable alterations were made in these clauses when passing through the Legislative Assembly. It will be remembered that a Select Committee of the Legislative Assembly was appointed to inquire into these timber lands, and that Committee made some alterations in the Bill, and it remains to be proved whether these alterations are an improvement or otherwise. I believe the department does not look on the alterations as being an improvement. The timber regulations have been to a large extent liberalised. The regulations do not touch the holders of large concessions, such as the Jarradale Timber Company, or the Canning Jarrah Timber Company and others, but it affects those who pay an annual rental. These persons are to come under the regulations as soon as the terms of their leases or licenses expire. An important point in connection with the timber leases is the necessity for the Government reserving the power of dealing with agricultural areas within the leases. It is thought, by alterations made in another place, that a considerable number of pieces of land fitted for cultivation may, under the altered regulations, perhaps not become available for cultivation and settlement. If that is so, it will, to a certain extent, be an injury inflicted upon the Bill. Part 12 of the Bill contains a number of provisions, most of

which are merely a consolidation of the existing law, and call for no comment. The provision for the payment of rent is a new departure in the way of liberalising the regulations. It is provided that the payment of the rents shall be half-yearly, instead of yearly, as at present; and mortgages are provided for in lieu of transfers, by way of security, which it is hoped will be a most useful provision. I do not propose to go into the various clauses, but I may indicate those clauses which are new, and, after doing that, I propose to leave the Bill in the hands of hon. members. Clause 18 is a new clause providing how priority of application may be decided. Clause 20 deals with applications for surveyed land, and by clause 22 the Minister may order, in certain cases, surveys and other things to be done. Clause 30 provides for extension of time in certain cases, for fencing and other matters. Clause 43 deals with reserves, which may be placed under a board with power to make by-laws. Clause 44 deals with land within commonages, reserves of which may be disposed of by conditional purchase. Clause 49 provides that the auctioneer, before he puts up the land by auction, must read the conditions of sale. Clause 52 provides for license to occupy, and refers to the 7th schedule of the Bill. Clause 54 dispenses with survey in certain cases. This is a clause which, I believe, is taken from the New South Wales Act; whilst other clauses are from the Queensland Act. Clause 58 provides that land in agricultural areas may also be disposed of under other conditions, and clause 59 sets out that lands may be declared open. Clause 63 deals with restrictions on alienation of Crown lands in Kimberley, North-West, Western, East, and Eucla divisions. Clause 66 provides that a portion of the improvements may, in the discretion of the Minister, be dispensed with, and clause 67 provides for certain regulations where there is a thickly settled population, or, as it is termed in the Bill, "close settlement," and where smaller portions of land may be granted. Clause 72 provides that pastoral lessees have prior rights to poison leases, and clauses 87, 88, 89, and 90 deal with workmen's blocks, to which I have already referred in detail. Clause 102 deals with pastoral leases within goldfields and mining districts, and clause 112 refers to special timber licenses and provides that saplings may be protected and planting encouraged. This is a most useful feature of the measure. It is also provided that lessees may under certain limitations and conditions, construct railways, and clauses from 121 to 134 are concerned with the timber regulations. I have already referred to the right of mortgage which is embodied in clause 140. Clause 154 provides for licenses for quarrying, and clause 158 deals with auctions, while clause 161, which comes from the Queensland Act, provides for the making of regulations for carrying out the measure. I need say no more on the Bill; and I will not venture to go into particular clauses which may be dealt with more effectually in Committee. I feel that my few remarks are somewhat imperfect, considering the importance of the subject, but I have had a very short time to deal with the Bill as it has come to us from the Legislative Assembly. The Bill varies in some considerable particulars from the measure as first introduced. I have very much pleasure in moving the second reading, believing the Bill will be an excellent and useful addition to the laws of the land.

HON. C. A. PIESSE: I beg to second the motion, and in doing so, I would like to make a few remarks. I do not intend to occupy the House very long, preferring to deal with any objections I may have, and even to sing the praises of some of the clauses, when we come to deal with them in Committee. It would be difficult indeed to over-estimate the importance of the Bill. This measure has been well thought out, and it will, no doubt, do much good. Outside the fact that it is a consolidation of other Acts bearing on the subject, there are many new features, even more than the Colonial Secretary has pointed out. One improvement is the reduction of fines. According to clause 136 the fines are now what may be termed reasonable. These are only 2d. in the pound for 30 days, 6d. in the pound for 60 days, and 1s. in the pound for 90 days, whereas before the fine was 5s. in the pound. This is a concession to people who are not in the position to pay at the moment, and it is a concession that will be highly appreciated. There ought to be some fine inflicted in order that people

may learn to pay up to time as nearly as possible, and I regard the provision in the Bill as much more satisfactory than the old regulations. I must object to clause 34, which really goes too far. If this clause had been applied only to officers of the Lands Department, I could have understood it, but why take away from all Government officers the privilege of selecting land? It is not in keeping with the general objects of the Bill that Government officers should be barred from taking up land, or that they should not have the same rights and privileges as other people; and I hope the House will insist on an alteration in this clause. If we can trust Government officers in responsible positions, we can surely believe they will not do anything underhand, to secure land from the officers of the Lands Department.

The Colonial Secretary: They can take up land, with the permission of the Governor.

Hon. C. A. PIESSE: I have heard it said many times that the improvement conditions are the life-blood of the Bill. If so, what matter who does the improvements so long as the improvements are done? We want the land made productive, and it will not be productive unless it be improved, and if a Government officer chooses to put his money into these improvements, he ought to be allowed to do so. Of course, there ought to be some restriction, so far as the officers of the Lands Department are concerned, but those restrictions ought not to apply to officers in other departments of the State. In Committee I shall move that sub-clauses 4, 5, and 6, of clause 68, dealing with conditional purchase and grazing lands, be struck out. By one clause, we pretend to give cheap land, and yet the conditions imposed make this land dearer in the long run than first-class land. The cost of survey of second-class land, bought at 6s. 6d. an acre, is thrown on the purchaser, who may also take possession by an agent. The whole provision is a farce, and hampers the occupier. In carrying out improvements, a man must be on the ground longer than this clause provides, and why not allow a free hand? A man has to reside on the land six months, and a blackfellow can do that for him.

Hon. R. G. BURGES: This goes all through the land regulations, and double has to be paid for non-residence. That is the blot in the whole regulations.

Hon. C. A. PIESSE: It is provided that the occupier must take possession and reside on the land for six months in the year, and I maintain that these sub-clauses are hampering and ought to be struck out. The improvement conditions are quite strict enough, and will have the effect desired, namely, the improvement of the land.

The Colonial Secretary: Sub-clause 5 is unaltered from the old regulations.

Hon. C. A. PIESSE: Yes; but it has been complained of as unsatisfactory all through. The provision is evaded, and there is no reason why it should be here. Who is to say that a man resides on the land for six months in the year?

Hon. R. G. BURGES: There are inspectors now.

Hon. C. A. PIESSE: The appointment of inspectors was an excellent move. They see what improvements are wanted, and the plan is working splendidly in my own district. In regard to free homestead farms, I have, for some considerable time, since my return to the House, moved for this privilege. If hon. members refer to the minutes of proceedings, they will find that, time after time, I have advocated this free selection. As the law stands now, it is objectionable, and the cause of very much disadvantage. In fact, the late Minister of Lands told me he knew of one instance, where a man took up a garden block, which he never intended to use, simply in order that he might get 160 acres surrounding, and make the homestead his own; and, although he did not pay for the land he did not want, he could not be turned off. The restrictions were needless, and I congratulate the Government upon their removal. As to the clauses dealing with poison lands, I feel strongly, and somewhat inclined to ask the House to throw out this part of the Bill. But, on reading the clauses more closely I find there is one redeeming feature. I may state for the information of hon. members, that I do not know of one instance, in spite of the liberal conditions under which poison land may be taken up, where a man has continued to pay his instal-

ments and get his title. The survey and other conditions have been found most hampering. The poison land is held under the old conditions, by absentees for speculative purposes, but in a few years the occupancy will expire, and, thus far, there will be a gain. This land has to be improved to carry stock and fenced in three years, and the occupiers only have two and a half years in which to do that. The million acres thus held will revert to the Crown if no consideration be given to the occupiers, and I sincerely trust no consideration will be given, seeing that the land is held for purely speculative purposes, and that as much as 43 per cent. has been paid in one half year on the speculation. As the matter stands now, we may congratulate ourselves on the fact that the lands are likely to come back to the Crown. The present Act allows as little as 300 acres to be taken up. We all know that poison is not over large areas of 10,000 or 12,000 acres, and that, possibly, 50 per cent. of the land is free from poison. Under the Bill, a man may take up 300 acres, and I am rather inclined to favour the retention of this part of the measure; otherwise, I regard the provisions in regard to poison land as a snare and a delusion. No application will be considered for 1,000 or 2,000 acres; and, possibly, the inspector would prefer to call it second or third class class land, which, to my idea, is much more desirable. In fact, if I had my way I would strike out the word "poison" altogether. In my travelling about, I come across many strangers who are under the impression that it is the land itself which is poisoned; and it would be just as well to remove the ugly word altogether. But as the Bill is a good one, and the time at our disposal this session is limited, I shall not propose any alteration in this respect. In conclusion, I may congratulate the Minister of Lands on the manner in which he has prepared this Bill, and on the new features he has introduced. I am very pleased, indeed, to welcome the clauses dealing with working men's blocks, and my only regret is that these clauses cannot be applied to centres that are not townships. There are centres where it is almost impossible to form townships, and yet where there is a lot of labour about, and there should be some provision extending the clauses to such places; but possibly the want of such a provision may give rise to small townships, at those centres. I do not propose to take up any more time. If these clauses, as drawn, work any hardship, hon. members will be only too glad to amend the measure in the future, so that all working men may benefit by it.

HON. J. E. RICHARDSON: I do not intend to say much, but I would like to make a few remarks on that part of the Bill which deals with pastoral lands, by way of entering my protest against the absence of any provision for a reduction of rents in the North. My constituents fully expected a provision in this new Bill for a reduction of rents.

HON. C. E. DEMPSTER: There is, is there not?

HON. J. E. RICHARDSON: No; and in my opinion it would not have been a great matter if the land had been given for nothing, so long as it was stocked and made use of. At any rate the least the Government could have done was to reduce the rent to, say, 7s. 6d. Years ago, the rent was only 5s., but it was raised in the early days, when wool was double the price it is now, and when pastoralists never knew what floods and droughts were; because it is only within the last ten or fifteen years that these latter have been experienced. Another reason for a reduction of rents to pastoralists in the North is that the stock tax has been reduced by one-half, and that 5 per cent. has been added to the duty on wearing apparel and other station requisites, in addition to £2 a ton charged on galvanised iron, which formerly was free. In fact, settlers up North are taxed on everything they use, and all they had in return was the stock tax of 30s., which has now been reduced one-half. I know it is said that the northern settlers have been given facilities for bringing down their stock, but that benefits the people in the south, in the way of cheap meat, as much as it benefits the people in the North.

THE COLONIAL SECRETARY: They ought to get a better price.

HON. J. E. RICHARDSON: It may be news to hon members that mutton can be bought on the stations up North for

2¼d. and 2½d. per pound; but, by the time the meat reaches Perth, it is 7d. or 8d per pound. I only rose to enter my protest against the absence of any provision for a reduction of rent.

Hon. W. T. Loton: The hon. member can move for a reduction of rent in Committee.

Hon. R. G. BURGES: I congratulate the Government on the introduction of this measure, although there are not so many changes as we had been led to expect from what we heard of the Bill. True, the land laws have been liberalised in a few ways, but the Agricultural Lands Purchase Bill should have been embodied in this measure, because the two would have worked better together. The object of the Bill appears to be to discourage large holdings, and that idea, I may say, is general throughout the colony; while the object of the Agricultural Lands Purchase Bill, which will come before us in a day or two, is not to allow any man, except with the consent of the Minister to hold more than 1,000 acres. In both Bills that seems to be the leading idea.

Hon. C. A. Piesse: It is 5,000 acres.

Hon. R. G. BURGES: It is 1,000 acres under conditional purchase. The hon. member is referring to homestead farms and leases for grazing land.

Hon. C. A. Piesse: No; I am referring to conditional purchases of agricultural lands outside agricultural areas. It was 3,000 acres before, and it is 5,000 acres now, so that the provision is more liberal.

Hon. R. G. BURGES: Clause 18, which deals with the priority of two or more applications by lot, ought not to be allowed to pass as drawn. The same privilege ought to extend to applicants under this clause as is extended to Government contractors, who are allowed to attend when tenders are opened, or they may appoint a representative, or, if they like, leave the matter entirely to the Minister. I want to refer to clause 27, which deals with the land of insolvents being sold for the benefit of creditors. The latter part of this clause says: "provided that no person shall be entitled to purchase as aforesaid who would not be qualified under this Act to hold such land under conditional terms or otherwise, if such land were open to selection." I think that needs amending. It limits the purchase of the land to a certain class of persons. If the land is to be sold, why should it not be sold to the highest bidder? It does not matter what law you may pass, you cannot stop people from accumulating land. I do not see why Parliament should pass a law by which the revenue will lose. This clause will limit the number of purchasers, and in some cases there will be no purchasers at all. I recommend that this clause should be amended. There is another clause I wish to refer to; it is clause 29, but before doing that I may say that according to a previous clause the boundaries of lands fronting on the ocean, sea, bay, or creek, or any lake, lagoon, swamp, river, must be limited in every case by straight lines, as near to high water mark as the Minister shall decide, and such lines shall be plainly marked on the ground, and the land between such lines and the water shall belong to the Crown. The latter part of clause 29 says: "The fence shall in all other cases be erected on the survey boundary lines, or in special cases as near thereto as shall be approved by the Minister, and shall be of the prescribed description." In the first part of the clause the Minister may grant an exemption from fencing any part of the land. That was provided under the old Act; now this Bill will not allow this privilege at all. It does not give the applicant for land any right on the boundary of a river or creek or lake at all. I do not see how the clause will work.

The Colonial Secretary: It is permissive.

Hon. R. G. BURGES: It is useless, when in another clause the Crown does not give that right at all. I was referring to clause 21 just now, and if hon. members will read it they will see that it does not work with clause 29 at all.

Hon. C. A. Piesse: It is subject to clause 29; that is all right.

Hon. R. G. BURGES: I do not see that at all. What is the use of clause 29? There is clause 56 dealing with conditional purchase without residence. Under that clause a man can take up land, if he resides upon it. He can take up 2,000 acres and pay 6d. per acre, and a man is allowed to expend the additional amount

on improvements. I do not think that is advisable at all. Why should a man be forced to expend double the amount on improvements because he cannot reside upon the land? In the old regulations there was a limit of ten miles given. I do not see why, if a man is residing in the country, as long as he improves the land, that should not be sufficient. I consider this an unjust clause. If a man is residing on land more than ten miles away he has to pay double, and very often the land is not worth putting the improvements on. Further on there is a provision that if land is not considered worth the improvements, some allowance is made.

THE COLONIAL SECRETARY: This is a clause under the land regulations.

HON. R. G. BURGES: That is no reason why it should not be amended. The Commissioner of Crown Lands before he held his present position, said as long as a man improved his land, that was all that was wanted of him. That is a good idea; but the Minister is not carrying it out. I think clause 57 might be embodied in clause 56.

THE COLONIAL SECRETARY: They deal with different subjects. One is with the condition of residence, and the other is without that condition.

HON. R. G. BURGES: This is the part I disagree to: "provided that two or more leases held by one person adjoin, they shall be deemed to be one lease in respect to the required fencing and improvements." That is all right where they adjoin, but a man may take up land a year or two afterwards, and he may take up a piece a mile away; why should not this man be allowed to effect his improvements on his first piece of land, which may be only 20 chains, or even 10 chains away? It may be only across the road, but according to this Bill he is obliged to carry out the improvements on the additional land which he has taken up, although it is only a short distance off. It would be far better to allow a man to carry out his improvements around his homestead. What difference would it make to the country as long as the man carries out the improvements? It can be provided that the man shall make a statutory declaration. There are inspectors all over the country, and they can see that the improvements are carried out. It must be known to every man who is working a farm that the closer he gets his work around him, the cheaper he can carry on his business. I say that this clause should be amended. Sometimes this has been recommended to the Minister, and the Minister has approved of it; but we are now passing a new law, and I think it is our duty to point out these matters. A man may take up 200 acres, but may not be able to afford to take up more; other people come and take up land all around him, and hem him in on all sides. He has to go further when he wishes to take up an additional piece of land. This additional land may not be a mile away, but he is forced to carry out his improvements on this land which is a mile away, when he could carry them out on the land around him to far greater advantage to himself. If a man is forced to carry out these improvements away from his homestead, it will be a great loss to him. Part 6, Conditional Purchases and Grazing Land: This is no doubt a new idea in this Bill, although it is something similar to the homestead leases. I think the Bill might have gone a little further, because these clauses refer to lands now held, and give the lessee prior right to take up a certain portion of these lands. This is a similar provision to that contained in the South Australian regulations, where the land is cut up into limited size blocks. I wonder that the Commissioner of Crown Lands, with all his staff of officers, should not have gone further. It must be well known to hon. members that there is an enormous area of land which is not taken up under lease at all.

HON. C. A PIESSE: This provision applies to that land.

HON. R. BURGES: Then the price is too high for it. Large areas of this land have been lying idle for fifty or sixty years, and it must be very poor land indeed when the Government cannot get people to take it up and pay £1 a thousand acres for it. Would it not be better to have another class of land, and almost give it away, similar to what the Government intend to do with the poison land? I have been over miles of country only 70 miles from Perth, and I say it would be better to give that land away, or lease it under a lower scale, somewhat similar to

poison lands, than to allow it to remain idle.

Hon. C. A. Piesse: Insecurity of tenure was the cause of this land not being taken up.

Hon. R. G. BURGES: Hon members must know that this land is not worth what it is classified for in the Bill. The chief inspector, under the conditional purchase regulations, has stated that he does not know how the conditions are to be carried out on the homestead leases. I know that in the past people have dug holes and filled them up again to try and show improvements. I was asked by a person if I could not grow grass or lucerne on some of this poor land which I had taken up.

Hon. W. T. Loton: I suppose you told him to have a try himself?

Hon. R. G. BURGES: I told the man the truth, that I took it up because I did not want people around my land, in the different corners. I know one man who had an enormous area of country, 30 or 40 miles of land, and he could not keep more than 3,000 sheep upon it, and yet the inspectors think the country is good, and is going to fatten stock. This is the "land of promise" which we hear often spoken about. I agree with Mr. C. A. Piesse as to what he said in regard to subclause 5 of clause 68. It is a farce to make people reside upon the land. So long as a man carries out his improvements, that is all that should be required of him. Any man who would try to live on this land would find that he cannot. Why should we have all these absurd conditions laid down which only take away the benefit a man may get out of this land? Sub-clause 6 provides that a man who is the holder of a homestead farm within 10 miles of the land applied for, need not reside upon the land. I do not see why this provision should not be amended, and 20 miles inserted in place of 10 miles. As far as part 7, dealing with poison lands is concerned, I agree with the reductions which have been made. Part 8 deals with free homestead farms. This is a portion of the land law that I never could agree with. Anyone knows that a man may take up 160 acres of land in the southern portion of the colony where he could have an orchard, and live upon the land; but in the greater portion of the country 160 acres is not enough to live upon.

Hon. C. A. Piesse: He may take more in those circumstances.

Hon. R. G. BURGES: But before he finds this out some other man has taken up the land all around him. What is the use of 160 acres to him? Hon. members have only to look through the *Government Gazette* to see that those selections and free homestead farms are being forfeited every day; and I believe 160 applications have been forfeited in one area. South-east of Broome Hill there is some of the best country in the colony, which can be worked more economically than land in other districts.

Hon. C. F. Piesse: That land has all been taken up.

Hon. R. B. BURGES: It was not taken up when I was there. Clause 136, dealing with rents, is one that has been recommended for a long time. It was hard there should be such a heavy penalty, and, though the clause may cause the country to lose some money, the new provision is eminently satisfactory. As to clause 145, providing for payment for improvements, I wonder nothing is allowed for building a dwelling house, which is an absolute necessity. Along by the Great Southern railway may be seen many good substantial residences, and I hope some amendment will be made in the Bill allowing payment for these undoubted improvements. At the end of this clause, allowance is made for ringbarking, at not more than 2s. 6d. per acre; but anyone of experience knows that this work is more likely to cost 4s. or 5s. an acre, and, at the lowest, the work is certainly worth 4s. an acre. Indeed, there should be no hard and fast rule, because it may cost 10s. per acre to ringbark in redgum country. In the last six months I paid men 4s. an acre to clear bush, and they came to me and said the work was worth double the amount. Then a man who ringbarks country and leaves it alone is little better than a maniac; the work must be followed up, and 2s. 6d. an acre is not enough. On this point, when in Committee, I shall move an amendment, or ask somebody else to do so on my behalf. Clause 147 sets out that improvements on land are to be paid for by the conditional purchaser, and

that the first payment shall be made when the land is applied for. But how can a man pay the first instalment when he applies for the land?

THE COLONIAL SECRETARY: The rent is reduced from 20s. to 5s.

HON. R. G. BURGES: I cannot see that this clause has anything to do with rents. Clause 148 provides that the value of improvements on pastoral leases shall be determined by arbitration, and 60 days is given to the lessee in which to inform the Minister of the value of the improvements. No doubt hardship might be suffered under the old regulation, by which 30 days were allowed, but this clause is not satisfactory. The sooner people get their land the more satisfied they are, and it would be far better to do away with the lease altogether than have this clause in. Very few of the leases in the South-Western Division are of any value at all, although in other districts it is different. A man has to wait 60 days before he gets any satisfaction, and during the last twelve months men have left the colony because of the way they were treated in reference to applications for land. My experience of pastoral leases leads me to the opinion that it would be better to give them up altogether, seeing they are only a farce. It is a disgrace to the present Government that these leases exist at all.

THE COLONIAL SECRETARY: Then it has been a disgrace for a long time, apparently.

HON. R. G. BURGES: Clause 150 refers to special occupation and immigrants' lands under previous regulations. This clause provides that any holder of special occupation lands "shall be entitled to a Crown grant of the land comprised in his license or lease, provided that he has paid the full purchase money, that the land has been properly fenced, that the fence is in good order, and that an amount equal to the full purchase money has been expended on the land in prescribed improvements, in addition to the cost of such fencing." In another clause it states that if a man has fenced his land in so as to be both sheep and cattle proof, he will be allowed one-half of the cost of fencing as money expended in improvements. Why should not all land be treated alike?

HON. C. A. PIESSE: The land is held under different conditions.

HON. R. G. BURGES: Why not make the law retrospective?

HON. A. B. KIDSON: We have had enough retrospective legislation.

HON. R. G. BURGES: I hope that in Committee some amendments will be made. I congratulate the Government on the introduction of the measure, although I am sure the Colonial Secretary must be satisfied he has not got a complete grasp of the subject. The Commissioner of Crown Lands takes a great pride and interest in settling the lands of the country, and he must be thanked for the trouble he has taken, and for the able way in which he has carried out the duties of his office. We may not always agree with the Commissioner, but no man can help making mistakes at times. It is said there is not much time in which to deal with this Bill this session, but I hope it will go to the other House, with a few amendments, and then be returned to us, and passed into law. I do not think the Bill will give rise to much discussion, but might be passed through in a couple of nights.

HON. A. P. MATHESON: I do not propose to detain the House for any length of time in discussing the Bill, because, for one reason, I am not sufficiently posted in the land regulations to do so. I wish, however, to call attention to part 9 of the Bill, in which we find the Government perpetuating their most remarkable and singularly illiberal policy in dealing with the lands of the goldfields. I have always looked on the Commissioner of Crown Lands as a most liberal-minded man, who was quite prepared to march with the times. But when I see a Bill like this emanating from his office, and providing special and novel privileges for working men in any part of the colony, except the goldfields, I must say I begin to lose my confidence in his sagacity. Here we have clause 87 providing for the working men's blocks. This is a most liberal provision for the benefit of every working man or head of a family, so long as he does not live on a goldfield. I must say that I am astounded at this distinction. The only explanation I can possibly imagine for this particular clause, is that the Commissioner expected the new Mines

Bill, which was then in another place, would have made ample and liberal provision for working men's blocks on the goldfields. But, as we are aware, that Mines Bill has been abandoned by the Government. We find that this Bill, in dealing with the whole of the lands of the colony, expressly excludes the working men on the goldfields. I protest most strongly against the way in which the working men on the goldfields have been treated. The position of the working man on the goldfields is this, he cannot get a place of any kind in the shape of a freehold, unless he is prepared to pay on an average £80 per acre for land.

Hon. R. G. Burges: He can take a quarter of an acre block.

Hon. A. P. MATHESON: A quarter of an acre block costs £20, which is £80 per acre. There is a provision enabling a working man in every portion of the colony to take up land within ten miles of a town at £1 per acre, which he is not expected to pay off for another ten years. He has ten years in which to pay for the land, which is 2s. a year; this is for any working men, except the working men on the goldfields.

Hon. C. A. Piesse: You would have to make the area smaller on the goldfields.

Hon. A. P. MATHESON: I do not say a man wants five acres on the goldfields, or in any other part of the colony, but the working man on the goldfields should be given the same privilege as the working man in any other part of the colony. The gold-mining industry has given a spurt to this colony that it could not have obtained in any other way. It is all very well to talk about the agricultural industry, the timber industry, and the pearling industry; they are no doubt sound industries, but none of those industries would have attracted such attention to this country as the gold-mining industry has; and the people who have assisted in this industry are those whom the Government have put under a disadvantage in every possible way, as to the acquisition of land, and the making of homes. The Government put them under every possible disadvantage as to the formation of homes, whereas the working men in every other part of the colony have every possible advantage given to them. I do not suppose in any other part of Australia there are more liberal land laws than there are here, with the exception of the laws relating to land on the goldfields. When in Committee, and when considering the portion of the Bill referring to working men's blocks, I shall move to strike out the words "not being within a goldfield": so that working men on the goldfields will have the same advantages as working men in other parts of the colony.

Question put and passed.

Bill read a second time.

STREETS CLOSURE (FREMANTLE) BILL.

SECOND READING.

Hon. A. B. KIDSON, in moving the second reading, said: I shall not detain the House more than a few minutes. The piece of land in respect of which this Bill has been brought before the House is about 15 feet by 6 feet in extent. This land has been built upon by the Fremantle Municipal Council, and has been occupied by that body for 30 years. This Bill is brought forward in order to give the council the right to this land, and the power to deal with it. I wish to have this Bill passed through the House this session; it has already passed through another place, and I hope hon. members will not object to the measure.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

ADJOURNMENT.

The House adjourned at 9.10 p.m. until the next day.