Mr. Male: And giving a direction.

The ATTORNEY GENERAL: Which is in the direction of the suggestions of the hon. member. I want to say that whatever we have done, and whatever the commissioners may do, the final decision is reserved for the House. It is reserved for every member, for the presentation of facts on whichever side members may sit. And it being thus, what wrong can there possibly be in a Bill of this kind, which is necessary for guidance, and aims at a sketch of boundaries drawn entirely free from all political influence? One would remark, in answer to the hon. member who says "Why did you not bring it in earlier" that the hon. member knows that the moment we get a Redistribution of Seats Bill we are not justified in continuing the House any longer. If we are to do our work, complete our task, fulfil the promises we made, we require to attempt that which our electorates have sent us here for. Having done it, if we want a redistribution of seats it must be brought in at a time close to the election, when upon the merits of that measure we must stand or fall in the eyes of the public.

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

| | |
|---|---|
| Ayes .. .. .. | 18 |
| Noes .. .. .. | 9 |
| Majority for .. | 9 |

| Ayes | |
|---|---|
| Mr. Angwin | Mr. Mullany |
| Mr. Bath | Mr. O'Loghlen |
| Mr. Bolton | Mr. Price |
| Mr. Carpenter | Mr. Scaddan |
| Mr. Collier | Mr. B. J. Stubbs |
| Mr. Gill | Mr. Turvey |
| Mr. Johnston | Mr. Underwood |
| Mr. Lewis | Mr. Walker |
| Mr. McDowall | Mr. Hudson (*Teller*). |

| Noes | |
|---|---|
| Mr. Allen | Mr. McDonald |
| Mr. Elliott | Mr. Monger |
| Mr. Gardiner | Mr. F. Wilson |
| Mr. George | Mr. Layman |
| Mr. Male | (*Teller*). |

Question thus passed.

Bill read a second time.

*House adjourned at 12.28 a.m.*

# Legislative Council,

*Tuesday, 2nd December, 1913.*



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

## PETITION—WHITE SLAVE TRAFFIC.

Hon. D. G. GAWLER (Metropolitan-Suburban) presented a petition from the West Australian National Council of Women praying for an amendment of the Criminal Code Amendment Act to deal with the White Slave Traffic.

Petition received and read.

Hon. D. G. GAWLER: I do not propose to proceed any further at the present time. I understand the motion that the petition be printed is not moved unless it is proposed to proceed further with it.

The PRESIDENT: That is so.

## PAPERS PRESENTED.

By the Colonial Secretary—1, Mining Act, 1904—Additional Regulation—Regulation No. 70 (b). 2, Fisheries Act, 1905—Annual Report of the Chief Inspector of Fisheries.

## QUESTION—CORONER FOR METROPOLITAN DISTRICT.

Hon. M. L. MOSS (without notice) asked the Colonial Secretary: In view of the resolution passed by the Council last session, which was acceded to by the Minister, that a coroner should be appointed to the metropolitan district, is it intended

that anything shall be done, particularly in view of the recent inquest at which the man Odgers was committed for trial on a charge of murder?

The COLONIAL SECRETARY replied: The resolution was sent on, but I am not aware as to whether anything has been done in the matter. However, the question having been brought under my notice, I will obtain the information.

## QUESTION—SCHOOL BUILDINGS RENTED.

Hon. W. KINGSMILL (without notice) asked the Colonial Secretary: When will the return asked for by me, relating to buildings rented by the Education Department, be laid on the Table?

The COLONIAL SECRETARY: I will make inquiries about it to-morrow.

## QUESTION — PREROGATIVE OF MERCY, SURRADGE CASE.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Before remitting the sentence in the case of Surradge, No. 74, in the Return laid on the Table of sentences remitted, was any report called for from the presiding judge? 2, If so, will he lay such report on the Table of the House?

The COLONIAL SECRETARY replied: 1, The report of the presiding judge and the judge's original notes taken at the trial were duly obtained. 2, It is not considered desirable to make a precedent by placing confidential papers on the Table.

## SELECT COMMITTEE, CAPTAIN HARE'S RETIREMENT.

Hon. D. G. GAWLER (Metropolitan-Suburban) brought up the report of the select committee appointed to inquire into the retirement of Captain Hare.

Report received, read, and ordered to be printed.

## MOTION—LAND TAX DEPARTMENT, TO INQUIRE.

Hon. V. HAMERSLEY (East) moved—

*That a select committee be appointed to inquire into the working of the State Land Tax Department, with power to send for persons, papers, and records, and to report on Tuesday, December 16th.*

He said: I trust hon. members will not think me unreasonable for asking for another select committee at this late stage of the session, when a number of matters have already engaged the attention of select committees. I feel that it is necessary to have some inquiry into the working of the State Land Taxation Department, especially in view of the fact that the Land Valuation Bill bearing on this matter is now before the House. Before dealing with a new measure in connection with the valuation of land, it would be of the utmost importance to hon. members to have some data as to what has already been done and the methods adopted in connection with the first valuations made by the Land Taxation Department. It would be as well to find out the land values actually adopted by the department for the assessments for land tax since the commencement of this taxation in 1907. It would be extremely important to the House to have some idea of the large number of appeals with which the department have had to deal and information as to how the various appeals have been disposed of. If the Land Valuation Bill is passed there will be a conflict of interest between the various offices; a new department will be created, and we have already spent an enormous sum, amounting to something like £40,000, in arriving at the valuations adopted by the department. The department have a great deal of data respecting the various portions of the State which should cover the whole of the ground that the department are likely to deal with under the Land Valuation Bill. It would be interesting to know, and I think we can ascertain it only by appointing a committee, what has been the cost, and what is likely

to be the cost in future of actually keeping these records up to date. One of the most important matters which I desire to have inquired into is the difference between the values returned by the taxpayers and the values fixed by the department, and after the assessments were finally fixed, what scheme was adopted for the disposal of the surplus money paid in by many of the taxpayers.

Hon. Sir E. H. Wittenoom: You had better include the operations of the Federal land tax.

Hon. V. HAMERSLEY: I would most certainly like to do so but I do not think it would be within our province. My motion deals with the State Taxation Department and I think we would have power to deal only with State taxation. I certainly think there are many matters in connection with Federal taxation which warrant inquiry, but I will leave it to Sir Edward Wittenoom to move an amendment to my motion if he desires to do so. There is a number of people in the outback areas — and an inquiry by select committee would call forth evidence in support of my statement—who from time to time experience a great amount of irritation when making up their annual returns. Hon. members must be aware of many instances where people have had to travel great distances and incur great expense in order to make up their returns, and it has always seemed to me that the irritation and cost to these people has far outweighed any benefits which have been derived from this form of taxation, and the expense to which they have been put has been greater than the amount of the taxation which they have had to pay. In these directions I think a select committee could secure interesting information and it is with that idea that I make the proposal, and especially as there are various proposals under consideration for imposing further taxation and another scheme for arriving at land valuations which the Government desire to apply in the event of the resumption of property. There must be evidence in the department, gained at great expense, which should throw some light upon the probability of these departmental valuations being fair or otherwise in future.

Hon. C. SOMMERS (Metropolitan): I second the motion.

On motion by the Colonial Secretary debate adjourned.

## BILLS (3)—FIRST READING.

1. University Lands.
2. Evidence Act Amendment.
3. Money Lenders Act Amendment.

Received from the Legislatvie Assembly and read a first time.

## BILL—MINES REGULATION.

*Recommittal.*

On motion by Hon. J. E. DODD (Honorary Minister) Bill recommitted for further consideration of Clauses 3, 19, and 35.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 3—Interpretation:

Hon. J. E. DODD moved an amendment—

*That the following paragraph be inserted:—"Underground" and "under ground" or "below ground" shall mean of such position as to be under and overhung by earth or rock, but shall also include any position in a shaft, pit, or winze sunk from an existing land surface, whether of natural occurrence or resulting from artificial accumulation of earth upon or removal of earth from a natural surface, and in any open-cut working any part of which is more than twenty feet below the surface existing prior to excavation of such open-cut working.*

It had been thought necessary to insert a definition of these words because a good deal of confusion had arisen. There were three terms used in the Bill, "underground," "under ground," and "below ground." The word "underground" was an adjective. One might be underground in the ordinary sense of the term, and still not be underground; in fact one might be working in a shaft 2,000 or 3,000

feet deep and still not be underground because the sky might be right overhead. Owing to the confusion which had arisen it had been thought necessary to insert some such definition of the words. An open cut, for instance, was not underground, but it was below ground. Many of the open cuts worked to-day were worked to a considerable depth, some of them to a depth of 200 or 300 feet, but the whole system of working was similar to underground working, and the same regulations affected that kind of working as affected the workings which were underground.

Hon. D. G. Gawler: Will this affect any of the other clauses in the Bill?

Hon. J. E. DODD: There were many references to these words in the clauses throughout the Bill. In Clause 7, for instance, it would be seen that the word "underground" was used as an adjective, defining as it did the duties of the district inspector. Then in Clause 23 it was found that "No person who has been appointed manager of any mine in which 20 men or more are employed below ground shall be appointed or act as manager of any other mine." Then in Clause 35, paragraph 3, the word would be found to be used there again as an adjective. Subclause 5 of the same clause began, "Every road on which persons travelled underground . . . ." That meant underneath the ground. So that it would be seen that often the word was intended to be used as a noun and again at times as an adjective. Clause 44 dealt with the hours of employment below ground, and it would be seen that there were quite a number of references throughout the Bill to "under" or "below" ground. There were certain works on some of the larger mines which were a good many feet above the surface. Some were over 100 feet above the surface, and the work there was often very dangerous from the point of view of the risk of accident.

Hon. J. D. CONNOLLY: There was not much objection to the amendment, and it was, perhaps, necessary that there should be some such definition as the Honorary Minister proposed to insert. The only objection which he saw to it was in the latter portion, which read, "and in any open cut working any part of which is more than 20 feet below the surface." The words "any part of" might be taken out of that sentence and it would then read, "in any open cut working which is more than 20 feet below the surface." It might be an open cut of only a few feet at one end. He agreed that a big open cut was as much underground as any shaft.

Hon. J. CORNELL: An open cut 12 feet deep would not be brought under this provision. His reading of the amendment was that if any part of the open cut was 25 feet deep, the whole of the open cut would come within the term "underground." If the words were struck out, as suggested by Mr. Connolly, it might be possible that an open cut 100 feet long and 24 feet deep for the greater portion of it would not come under the definition of "underground."

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

Clause 35—General Rules:

Hon. J. E. DODD moved an amendment—

*That the following be added to stand as Subclause 11:—When stoping is carried on by any method by which the excavated ground is filled with waste rock, sand, earth, or broken ore as the support of the persons engaged in working the stope, the filling shall at all times be kept to within ten feet of the back of the stope, unless the inspector shall have given permission in writing in the record book for a greater height than ten feet.*

Hon. J. E. DODD: As there had been considerable debate on the height of stopes, he desired only to show the difference between the amendment and the subclause in the Bill. The last lines of Subclause 11, as printed in the Bill, read:—

> unless the Inspector shall have given permission in the record book for a greater height than 10 feet, but which shall not exceed 15 feet.

The last seven words, "but which shall not exceed fifteen feet," had been struck out. Objection had been taken that under the subclause as previously printed, the manager would be limited to a maxi-

mum height of 15 feet. Under this new subclause the inspector was given authority to allow the stope to be carried higher than 10 feet wherever he deemed it advisable to do so. That would remove the objection in connection with leading stopes, because the inspector would now be able to allow the stope to go as high as he thought advisable.

Hon. J. D. CONNOLLY: The Minister proposed to insert the same subclause as appeared in the Bill, with the omission of the words "but which shall not exceed 15 feet." The inspector was given power, where he liked to take the responsibility, which no sane inspector would think of doing, to give permission for a stope to be carried beyond 10 feet. The subclause still limited the height of stopes to 10 feet, and when the Bill laid it down that stoping should not be carried beyond 10 feet, could members imagine any inspector taking the full responsibility of saying that a stope should go beyond the height which Parliament had fixed as the safe limit? The subclause was impracticable, because the inspector was not always there, and it would not be always possible to get his permission. The inspector had not only to give permission, but had to certify in the record book that the manager might work a stope beyond 10 feet. Then if the slightest fall of rock occurred he had to bear the full responsibility. This was shifting the responsibility from the manager, who under the original subclause could be prosecuted for working unsafe ground, and placing it on the inspector, and no sensible inspector would take that responsibility. To keep stopes down to 10 feet was impracticable, and apart from the impracticability of the proposal it was not adding to the safety of the mine. The Kalgurli mine, managed by Mr. Black, had been quoted as one of the safest mines in the country. He was in a position to say, on the authority of the leading mine managers on the Eastern Goldfields, Mr. Hamilton of the Great Boulder, Mr. Sutherland of the Horseshoe, and Mr. R. Nicholson of the Ivanhoe, that to limit the height of stopes would increase the danger to the miner. Mr. Black said undoubtedly if the height of stopes was limited to 10 feet it would make his mine more dangerous. If there was a stope the width of this chamber and the manager was limited to a height of 10 feet, he was debarred from taking down any loose ground that might be above that height, and in that way the stopes would be rendered less safe than they were to-day.

Hon. J. CORNELL: The limitation of the height of stopes was not going to do away with accidents, but Mr. Connolly would lead the Committee to believe that it was going to increase accidents. All that was desired was to limit the stopes to a reasonable height in which the men working in them could properly examine the back. Ten feet was as high as a man could reasonably go and still be able to properly and easily examine the back of the stopes. If a man took a ladder to examine the back of a high stope there was a risk of something happening, but a stope of a height of 10 feet could be easily examined. If the Committee agreed to a height of 10 feet, and there was bad ground above that height, the only reasonable policy would be to work that bad ground down, even if the stope were carried to 20 feet.

Hon. J. D. Connolly: And the management would be prosecuted.

Hon. J. CORNELL: If a stope had reached the height of 10 feet and it was found that the ground was bad, would it not be suicidal to put men into the stope to work before the bad ground had been taken down? As one who knew a little about mining, he claimed that 10 feet was any amount high enough. If the Committee could not agree to a 10 ft. limitation, it was to be hoped hon. members would agree to a fair and reasonable height which would be safe for the men.

Hon. J. D. CONNOLLY: The Honorary Minister and Mr. Cornell took the attitude that he was against limitation of stopes, whereas he considered the matter could be controlled a great deal better

than by putting a hard and fast height in the Bill. Where 10 feet, or less than 10 feet in the stope was unsafe, the manager should be liable to prosecution, but it was not advisable to put a hard and fast rule as to height in the Bill.

Hon. J. E. DODD: Undoubtedly something should be done to limit stopes in some way or other, not to leave the matter solely to the discretion of the inspector or the mine manager. Mr. Connolly had stated that the inspector might be away and the manager might be continually asking whether or not he should work the stope above a certain height. That was altogether beside the mark. Hon. members who knew anything about mining at all well knew that in a big mine it might take twelve months to work a stope out. If the inspector said they should throughout that stope keep somewhere within a certain height, it was no question of going back to the inspector every day. Taking down bad ground if it went higher than 10 feet was not to say they were stoping higher. It was a different question altogether. There was certainly something in the contention that to cut a stope off at a given height might be possibly a little more dangerous than what it would be to go higher, and it might be more safe to take the ground right out of a "head" sometimes than to cut right across it. The idea of the clause was to place some limitation upon the height of stopes. There was no question about it that stopes had been carried too high, and unless something was laid down to guide the inspector they were likely to go higher, and as he had previously pointed out, the majority of accidents occurred in stopes.

Hon. J. D. CONNOLLY: The ground varied all over the country, even in the same mine and in the same drive. There should be some general direction from time to time by the inspector. The Minister should take power in the rules that he might issue rules to the inspector and in regard to any particular district or mine, stating what the height of stopes should be. Such a rule could be rescinded or altered from time to time as required.

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

| | | |
|---|---|---|
| Ayes | .. .. .. | 7 |
| Noes | .. .. .. | 18 |
| | Majority against .. | 11 |

AYES.

| | |
|---|---|
| Hon. J. Cornell | Hon. J. W. Kirwan |
| Hon. F. Davis | Hon. B. C. O'Brien |
| Hon. J. E. Dodd | Hon. R. G. Ardagh |
| Hon. J. M. Drew | (*Teller*). |

NOES.

| | |
|---|---|
| Hon. E. M. Clarke | Hon. C. McKenzie |
| Hon. H. P. Colebatch | Hon. M. L. Moss |
| Hon. J. D. Connolly | Hon. W. Patrick |
| Hon. F. Connor | Hon. C. A. Piesse |
| Hon. J. F. Cullen | Hon. A. Sanderson |
| Hon. D. G. Gawler | Hon. C. Sommers |
| Hon. Sir J. W. Hackett | Hon. T. H. Wilding |
| Hon. V. Hamersley | Hon. Sir E. H. Wittenoom |
| Hon. A. G. Jenkins | Hon. R. D. McKenzie |
| | (*Teller*). |

Amendment thus negatived.

Hon. J. CORNELL moved an amendment—

*That in Subclause 24 after "indicator" in line 4, the words "and a speed recorder" be inserted.*

If that amendment was carried it would be necessary to subsequently insert "and the speed" after the word "position" in line 5. He thought the proposed amendment would confer no hardship on the mining industry. The subclause provided that the winding appliance should have an adequate brake and should have an indicator also to show the position in which the cage was in the shaft, and the person who drove the engine or hoist was limited to a certain speed. Those whom he had consulted regarding the winding of engines were all of opinion that for a winding engine where possible a speed regulator was just as necessary as an indicator, as otherwise all that the winding driver had to go on was his own mind as to the speed being travelled, whereas if there was a speed indicator on the winding engine there would be prima facie evidence of the speed at which the engine was travelling at the time of an accident.

Amendment put and passed.

Hon. J. CORNELL moved a further amendment—

*That in line 5 of Subclause 24 after "position" the words "and speed" be inserted.*

Amendment passed.

Hon. J. D. CONNOLLY moved an amendment—

*That Subclause 57 be struck out.*

Subclause 56 provided that a rise could not be carried above 20ft. unless the box method were adopted, and Subclause 57 was contradictory to Subclause 56. To box-in a rise would prevent unnecessary rising because it was a very expensive method, but Subclause 57 said that rising should not be carried beyond 20ft. In a wet mine it was necessary to go beyond 20ft. and it was only in these cases that the box method would be adopted.

Hon. J. E. DODD: The Committee after debating these two clauses at considerable length decided to allow them to remain in the Bill. The box method was to be adopted in all cases above 20 feet. Wherever possible rising should be abolished and there would be no great hardship involved in abolishing rising. There were very few mines in which it was necessary, excepting in small prospecting mines where they could easily get beyond the clause of the Bill by the latitude allowed. If a rise was to be put up more than 20 feet the inspector would certify that the rise was necessary and there could be no objection to that. It was to be hoped the Committee would stand by their previous decision.

Hon. J. CORNELL: If the amendment was agreed to, very little remained to commend the Bill. The Committee should make up their mind to abolish rising, or to limit rising to 20ft. Mr. Connolly had said it would be a great hardship in wet mines to abolish rising. If the water in a mine was such that it would not allow a winze to be struck, God help the miner who was asked to sink a rise. The vast majority of mines in the State were dry mines and in dry mines the miners suffered most. The man who worked in rises invariably got miner's phthisis. Let it go forth that something was being done by this Bill towards bettering the condition of the miner and the Committee would do a great deal towards that end by agreeing to limit the height of rises.

Amendment put and negatived.

Clause, as previously amended, put and passed.

New clause—Inspection by workmen:

Hon. J. E. DODD moved—

*That the new clause added on 27th November on motion by Mr. Connolly be struck out and the following inserted in lieu:—"19. (1.) Subject to the regulations the workmen employed underground in any mine, or the society registered under 'The Industrial Conciliation and Arbitration Act, 1912,' the membership of which in the area within a circle described round the mine with a radius of five miles contains the largest number of underground miners as compared with any other such societies, may appoint not more than two persons who have not had less than five years' practical experience as workmen in general underground mining work to inspect from time to time such mine, and the Minister may pay not more than one-half of the cost of such inspection. (2.) The inspecting person or persons shall have full liberty to visit and inspect every part of the underground workings of such mine with the same rights of entry, inspection and examination as are conferred on inspectors by Clause (b) of Subsection (1) of Section 11 of this Act. (3.) The owner, agent, or manager shall afford such inspecting person or persons full and free facilities for the inspection, and may accompany the said person or persons in the inspection, and (4.) The inspecting person or persons forthwith after the inspection shall make a full and faithful report in writing, duly signed by him or them, of the result of the inspection, and shall forward a true copy thereof, signed by the said person or persons, to the Inspector of Mines, and shall also furnish a true copy thereof to the owner or manager of the mine,*

*and the owner or manager shall thereupon cause the report to be truly copied in the Record Book. (5.) The Governor may make regulations to govern the mode of election or appointment of such inspecting persons, and the term and the conditions of their appointment."*

The clause he proposed to insert provided that the workmen employed in any mine or society registered under "The Industrial Conciliation and Arbitration Act, 1912," the membership of which in the area within a circle described round the mine within a radius of five miles contained the largest number of underground miners as compared with any other such societies might appoint not more than two persons who had not had less than five years' practical experience as workmen in general underground mining work to inspect from time to time such mine, and the Minister might pay not more than one-half of the cost of such inspection.

Hon. F. Connor: Who would pay the other half?

Hon. J. E. DODD: The bodies concerned. In New Zealand there was a similar provision except for the payment of the subsidy. There the unions maintained these inspectors at their own cost, but here it was proposed that the Minister should pay one half. This had been recommended in 1904 by the Royal Commission on Ventilation and Sanitation of Mines. He thought some amount should be set aside from which the Government could pay part of the cost of these inspections, for such inspections would be advantageous to the mines and, indirectly, to the State itself. The power to be given to the inspectors was already in paragraph (b) of Subclause 1 of Clause 11 of the Bill. After the inspection was made the inspectors would report in writing to the inspector of mines, and also to the mine owner or manager, who would cause the report to be copied in the record book. The proposed new clause provided also that the Governor might make regulations to govern the election or appointment of the inspectors and the terms and conditions of their appointment. He hoped the Committee would adopt the proposed new clause. Almost all that was originally in the Bill had been struck out, and the Bill to-day was simply a copy of the Act. It would have been better had the Bill been voted out on the second reading, in which case the time wasted in dealing with the clauses would have been saved. The clause inserted by Mr. Connolly was almost the same as the section in the present Act.

Hon. J. D. Connolly: No, it is a big improvement.

Hon. J. E. DODD: There was very little improvement so far as he could see. The provision had never been acted upon.

Hon. J. D. Connolly: Do they not act on a similar provision in Broken Hill to-day?

Hon. J. E. DODD: The conditions there were very different from those obtaining in Western Australia. The workers in Broken Hill were merely acting on sufferance in respect to the appointment of their inspectors. They could be stopped at any moment under the law. Something better than that was required for Western Australia. But for the desire to secure anything, even the smallest enhancement of the safety of the miners, he would not have wasted so much time over the Bill.

Hon. J. D. CONNOLLY: The same ground was being gone over once more. The Committee had already decided the question. The original proposal for workmen's inspectors had been rejected by the Committee, and later on the Committee had decided to accept the proposal in the form in which it appeared on page 159 of the *Votes and Proceedings*. The Minister had declared that that provision was practically identical with the section in the Act. That was not so. There was an important difference. The clause which the Committee had accepted was word for word with the corresponding section in the New South Wales Act. In New South Wales these inspectors were quite independent of the mine managers. The clause already agreed to by the Committee was in operation in Broken Hill, where it worked very well indeed. The mine managers at Broken Hill not only did not object to it, but actually approved

of it, holding that the conditions under the provision were very much better than they had been before. Under the new system there were not nearly so many bogus complaints about dangerous places in the mine. The Minister had now come along with a new proposal which from the managers' point of view was worse than the original clause, for it provided that the inspectors should be paid by the State. Two men were to be appointed in every 5-mile circumference, and the State would have to pay half the cost. The Government inspectors were highly qualified men, but the Minister was proposing to pay unqualified amateur inspectors, and so make of them Government inspectors. Moreover it meant preference to unionists, because the inspectors were to be elected by union men, while other men working in the same mine, who were not unionists, were not to have an inspector nor to have a voice in the appointment of the union inspector. Every employee in the mine should have a voice in the appointment of these inspectors. All that was necessary was already provided in the clause agreed to by the Committee.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. CORNELL: The hon. Mr. Connolly stated that a similar provision acted well in Broken Hill. There could be no analogy between any mining centre in this State and in Broken Hill. On the Proprietary mine in Broken Hill about 1,500 men were employed underground. It would be possible for them to appoint and pay an inspector, but it was beside the question to expect the employees on the Golden Horseshoe, numbering 450, to appoint an inspector for any period and pay him full time.

Hon. J. D. Connolly: You do not expect an inspector to be employed on every mine.

Hon. J. CORNELL: The new clause stated so.

Hon. J. D. Connolly: Why not have the one inspector for the whole of the Golden Mile?

Hon. J. CORNELL: That would not be possible.

Hon. J. D. Connolly: Of course it would.

Hon. J. CORNELL: If the Ivanhoe men desired to have the same inspector as those on the Golden Horseshoe they could do so, but what if they desired another man?

Hon. J. D. Connolly: That would be their own concern.

Hon. J. CORNELL: This clause would be as inoperative as the provision in the existing Act. It was clear under the new clause that the Government would pay one-half of the salaries. The Honorary Minister's proposal was vastly superior to the one in the Bill, because it would bring in several permanent check inspectors. The hon. Mr. Connolly had objected that unionists would elect the inspectors. If the words "registered under the Industrial Conciliation and Arbitration Act" were struck out it would amount to the same thing, because 85 per cent. of the working miners were unionists. If we did not provide facilities for better inspection we would have done very little to improve the status of the working miner, and that might mean the loss of the Bill. If that happened members representing mining constituencies would be caused much concern.

Hon. F. DAVIS: A good deal of exception had been taken to the powers given to workmen's inspectors as originally fixed in the Bill, but no exception could be taken now that their powers were clearly defined and were limited to safeguarding the lives and limbs of the men. The clause would make the Bill much better than it otherwise would be. It had been stated that these inspectors were not like district inspectors, who were highly qualified men. That was true, but the work which they would be called upon to do would relate to matters with which they were thoroughly conversant. Objection had been taken to the method of appointment, but now that this was definitely stated surely there could be no further objection on this score. The principle of self-help as outlined——

Hon. J. F. Cullen: This is Government help.

Hon. F. DAVIS: Although the Government would be asked to pay one-half the unionists would have to pay one-half, and that would be self-help. It seemed to be a reasonable compromise. In the coal mines of the old country the men paid the salaries of those who did the check-weighing, but the circumstances in such cases were different from those obtaining here. The compromise should meet with the approbation of those who regarded the matter from a reasonable standpoint. Many of the good features of the Bill had been deleted, and it was only asking for a minimum of improvement and progression to request that this clause should be passed.

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

| | |
|---|---|
| Ayes .. .. .. | 7 |
| Noes .. .. .. | 15 |
| Majority against .. | 8 |

AYES.

| | |
|---|---|
| Hon. R. G. Ardagh | Hon. J. W. Kirwan |
| Hon. F. Davis | Hon. B. C. O'Brien |
| Hon. J. E. Dodd | Hon. J. Cornell |
| Hon. J. M. Drew | *(Teller).* |

NOES.

| | |
|---|---|
| Hon. E. M. Clarke | Hon. M. L. Moss |
| Hon. H. P. Colebatch | Hon. W. Patrick |
| Hon. J. D. Connolly | Hon. C. A. Piesse |
| Hon. F. Connor | Hon. A. Sanderson |
| Hon. D. G. Gawler | Hon. C. Sommers |
| Hon. A. G. Jenkins | Hon. T. H. Wilding |
| Hon. C. McKenzie | Hon. J. F. Cullen |
| Hon. R. D. McKenzie | *(Teller).* |

Question thus negatived.

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

## BILL—LAND VALUATION.

*Second Reading.*

Debate resumed from the 27th November on the motion for the second reading and on amendment by Hon. C. A. Piesse to strike out the word "now" and add "this day six months" to the motion.

The COLONIAL SECRETARY (Hon. J. M. Drew, on amendment): The hon. Mr. Piesse commenced his speech by saying that the Bill sought to fill a very necessary want. I expected that the hon. member would applaud at least some of the provisions of the measure, but I was bitterly disappointed. He had not one word of commendation and he ended his speech by moving that the Bill be read six months hence. Mr. Piesse made out no good case for the rejection of the measure. His first objection was that we had no guarantee that the Federal authorities would accept our valuations. No one, so far as I am aware, said that the Federal authorities would accept our valuations. It is a matter which does not concern us. We are not legislating in the interests of the people of the Commonwealth, we are legislating in the interests of the people of Western Australia. Mr. Piesse remarked that there should be provision for a circuit court. This is the idea of the Government. A judge will hear all appeals on circuit in all the principal centres. The appeals will be the greatest of course during the first two or three years.

Hon. J. F. Cullen: That is not in the Bill.

The COLONIAL SECRETARY: You do not put everything in the Bill.

Hon. J. F. Cullen: How is the House to know?

The COLONIAL SECRETARY: I am telling members what we propose to do.

Hon. J. F. Cullen: Is it not an afterthought?

The COLONIAL SECRETARY: It certainly is not. It is not necessary to put into a Bill every detail in regard to administration. I am telling the House exactly what the Government propose to do. If this is the principal objection to the measure, I can assure the hon. member that there is no cause for nervousness on his part. Mr. Piesse is of opinion that the Supreme Court should hear all appeals great and small.

Hon. C. A. Piesse: I did not say that, I said the circuit court should travel all round the country.

The COLONIAL SECRETARY: That is exactly what I have a note of. That view is in strange antagonism to the views of Mr. Colebatch who is also opposing the Bill and who appears to think it would be a great hardship on a farmer owning over £1,000 worth of property to appear before the Supreme Court.

Hon. J. F. Cullen: To come to Perth.

The COLONIAL SECRETARY: But from the attitude taken up by Mr. Piesse I daresay he would have no objection if the farmer had to put in an appearance before a circuit court which would visit that farmer's particular town. Mr. Piesse forgets that the resident magistrate takes all appeals against the valuations by local authorities. That is the position now.

Hon. J. D. Connolly: Not at all.

The COLONIAL SECRETARY: The resident magistrate hears all appeals against valuations by local authorities. There is a provision in the Municipal Act for an appeal to the Supreme Court, but it is rarely indeed that any advantage is taken of that provision.

Hon. H. P. Colebatch: The appeals that a resident magistrate takes are of far greater value than you will allow him to take under this Bill.

The COLONIAL SECRETARY: There is no limit to the amount in connection with the resident magistrates' court under the Municipalities Act.

Hon. C. A. Piesse: Why do you limit it to £1,000?

The COLONIAL SECRETARY: In order that the matter might go before the highest possible tribunal.

Hon. J. D. Connolly: It is all right for lawyers.

The COLONIAL SECRETARY: There is a provision in the Public Works Act of 1902 by which anyone who claims compensation in connection with land resumed by the Government for public purposes can have the matter adjusted by an arbitration court of which the resident magistrate is the umpire, but if the amount is over £500 the matter must be adjusted by the Supreme Court, so no doubt that principle was recognised to some extent in the drafting of the measure now before the House. Mr. Piesse asserts that the department will be costly. His proposal will be very costly indeed. He wants the court of review to consist of a judge, an officer of the department, and a local resident.

Hon. C. A. Piesse: I do not mind whether he is a judge or not.

The COLONIAL SECRETARY: That would be a travelling arbitration court, which would be a heavy drain on the Treasury.

Hon. C. A. Piesse: It is done in New Zealand.

The COLONIAL SECRETARY: The hon. member tells us that we have no assurance that the Agricultural Bank and the Government Savings Bank would accept the valuations. I do not think it would be wise to insert a provision in this measure making it compulsory that they should accept the valuations. A certain amount of discretion must be allowed those connected with these institutions, but I think if we judge from experience in New Zealand we must come to the conclusion that the valuations would be largely availed of by the trustees of the Agricultural Bank and the manager of the Savings Bank. In New Zealand, as I have said, the valuations are utilised by the money-lending institutions connected with the Government. The late High Commissioner of New Zealand, Hon. W. Pember Reeves, has the following to say on this subject:—

> The Government of New Zealand has many reasons for requiring a uniform and scientific valuation of land. It is plain that the success or failure of the land taxes largely turns on the skill of the assessing officers whose duties are far from being confined to determining the gross saleable value of the properties which they inspect. In addition to this, the levying of the rates on the unimproved value of the land is not a work which can be left to the casual servants of the small local bodies. Then the Government is the largest land buyer and the largest lender of money on mortgage in the Colony. Its land bank, public trustee, life insurance department, and post office may all lend on real property, so that its

interests therein amount in various ways to many millions. Yet until 1898 no uniform system of assessment for public purposes prevailed. Each Government department, municipality, and local council could work independently and employ whom it thought fit. Most of the valuers are odd job men of widely varying degrees of judgment, firmness, and experience. The same land might be assessed several times at several values. The Government valuation of land Act put an end to this chaos eleven years ago by establishing a central department, which now carries out the whole work of assessing property for taxation and other public purposes, including the calculation of death duties. Its assessments may also be, and are, made use of by trustees, executors, and private lenders and purchasers. They may of course be objected to when made, and an appeal carried to an impartial tribunal.

Those are are views of the Hon. W. Pember Reeves in connection with the principles of this Bill or some of the principles of the Bill.

Hon. A. Sanderson: What was the date of that?

The COLONIAL SECRETARY: The date is not given here. Mr. Piesse tells us that the State cannot afford another department. He forgets that the State has already this particular department installed.

Hon. J. F. Cullen: And a costly one it is too.

The COLONIAL SECRETARY: I do not know on what figures the hon. member relies when he says so. At any rate, it has a staff of valuers and I am informed that very little addition to that staff will be needed. It must be remembered that the Act will not apply to the whole of the State straightaway. It will be applied gradually, and provision will be made for the creation of districts to be proclaimed from time to time as the necessity arises. Of course if the Government set to work and started to value the whole of the land of Western Australia without delay, there is no doubt that would involve a very heavy expenditure, but I can assure hon. members that this is not proposed. Mr. Colebatch suggested the appointment of a Royal Commission on the present system of valuing. There is no necessity at all for a Royal Commission. The Government possess all the information that is necessary to enlighten any person in connection with this question. We have all the valuations of all the local authorities, and what they serve to prove is that there is no uniform system of valuation in Western Australia. That is the reason why this Bill is introduced.

Hon. V. Hamersley: Cannot the department institute a uniform system without having a special Bill?

The COLONIAL SECRETARY: No, it is necessary to have a special Bill. Mr. Moss said that in his opinion the valuer should have local knowledge. That would defeat the object of the Bill. We should have the same old state of affairs that has existed from time immemorial in Western Australia. Each local valuer would be guided by his own particular principles. Each would act honestly enough no doubt, but the result would be a wide disparity in regard to the valuations of property in two districts immediately adjoining, and for no perceptible reason. The value of the land might be identical, but these different minds acting on different principles would come to different conclusions. That is the position to-day, and it is a position we are attempting to surmount by the medium of this Bill. The Government do not require any information at all from the local experts. The Taxation Department is in touch with all dealings in land throughout the State. There is no single transaction which has to go through the Land Titles Office of which the Taxation Department is not aware. The Land Titles Office is in constant communication with the Commissioner of Taxation, and supplies him with all information relative to dealings in land. In consequence of that, the Commissioner of Taxation is in a far better position to judge land values in any portion of the State than any local valuer we could secure, no matter how competent or honest he might be.

Hon. Sir E. H. Wittenoom: I question that very much.

The COLONIAL SECRETARY: Mr. Moss said the register would remain a binding document against every landholder until it is abrogated. I cannot say that this is inaccurate, but it is calculated to deceive. In Clause 17 the owner can appeal once a year, whether there is a fresh valuation or not. That is distinctly set forth in the Bill. The hon. member further declared that in this Bill there is no obligation at all upon the department to give any notice of valuation. It is scarcely fair of him to make that statement. There is a distinct instruction to the Valuer General in this Bill that he shall send out notices. The instruction is not mandatory, but it is directory, and if he does not do it he will be guilty of a grave breach of official duty: but there is the saving proviso that if the notice does not go out it will not invalidate the valuation. Then we are told that people will require to continually watch the *Gazette* or the local newspaper to see whether the valuation is excessive, or, in the case of land likely to be resumed, too low. I would point out that power is given under Clause 21 to demand a special valuation, and that particularly in connection with resumption. Of course the prescribed fee must be paid. Mr. Moss indicated that the amount of the fee should be specified in the Bill. That would be an utter impossibility, because how would it be possible for Parliament to anticipate what would be the expense involved by any particular valuation?

Hon. Sir E. H. Wittenoom: Is it proposed that these valuations shall be recognised by the Federal Government?

The COLONIAL SECRETARY: We cannot compel the Federal Government to accept our valuation, and we have had no communication on that matter. Mr. Moss harps on the cost of the valuation, but if there is to be resumption there has to be a valuation, and the man whose land is to be resumed has to pay the cost, and I do not think that cost will be any more under the Bill than under the present system, by which he has to pay a valuer of his own. Mr. Moss pointed out the seriousness of bringing a man from Roebourne to Perth to contest a valuation in the Supreme Court. There is no likelihood of that happening. The present Government do not propose to do it, and it is highly improbable that this Bill will be made to apply to the North-West for many years. There is very little necessity that it should so apply, because the bulk of landed property in the North-West is pastoral lease, and there is special provision in the Bill for dealing with pastoral leases, and no matter who the valuer was he would have to go on certain well-defined principles and only one result could be obtained. There seems to be very little necessity to apply it to the North-West until that portion of the State becomes very much more populated and its conditions are entirely different from what they are to-day. But suppose it were made to apply to the North-West, there is a way out of the difficulty. Power is given in the Bill to a Supreme Court judge to transfer a case from the Supreme Court into a local court of review, and if it were necessary for a man at Roebourne or Wyndham to appeal and his property is worth more than £1,000 or his improvements more than £2,000, all that it would be necessary for him to do would be to apply to the Supreme Court judge to have his case transferred to the North-West to be there heard by one of the resident magistrates. Mr. Moss objects to the valuation being used for probate purposes, and he pictured a man with £20,000, who desired to save his family from excessive probate duty, watching the *Government Gazette* and the local newspaper from day to day. Mr. Moss has assumed that no notices will be sent out, but I would impress on members that the notices must be sent out and if they are not sent out the Valuer General will have committed a grave breach of official duty.

Hon. M. L. Moss: The Bill says the instruction is only directory and not mandatory.

The COLONIAL SECRETARY: It is an instruction from Parliament that these notices shall go out, but even if they

do not go out there are abundant safeguards in the Bill. In Clause 15 modifications of the register will be published within one month of the commencement of each year. That means that these modifications must be published between July and August, and a man with £20,000 worth of property, one would think, would keep a keen look-out for the *Government Gazette* during July and August.

Hon. H. P. Colebatch: The other day you were asking the House whether they were requiring that the mandatory provisions of an Act should be carried out, and here you are expecting merely directory provisions to be carried out.

The COLONIAL SECRETARY: I do not quite understand the hon. member's point. Then, again, the land owner can inspect the register. It will be kept in his own district, and if he is not able to attend to inspect the register itself he can always secure an agent to do so, and so keep in touch with the register and find out whether any alteration has been made in the valuations or not. Then, again, any alterations in the register during the year can be objected to within a prescribed time after he has received the notice, or within a prescribed time after the valuation has come to his knowledge. He is given 60 days in which to take steps to object, and there is provision by which, if he has not seen the *Government Gazette* or the local newspaper containing the notice, and if he has not received the notice he has only to prove that the valuation did not come to his knowledge and he can object to the valuation, and also have the right of appeal. All he has to do is to prove that the notice of the assessment did not come to his knowledge. So that everything possible has been done by the Government to protect the rights of property owners.

Hon. C. A. Piesse: What clause is that?

The COLONIAL SECRETARY: Clause 20, Subclause 3.

Hon. C. A. Piesse: What about Clause 2—"provided any omission to give such notice shall not invalidate the valuation"?

The COLONIAL SECRETARY: The valuation is not invalidated, but the owner is given the opportunity of appeal. He can go forward and say, "I have just heard that the valuation appeared in the *Gazette* and a local newspaper, but it had not come to my knowledge" and he would then have the right of appeal. Mr. Moss referred to the subclause of Clause 28, by which in valuations no regard shall be had to minerals. The hon. member seems to be extremely doubtful whether in case of a resumption of land the owner of the land can claim for minerals. He is inclined to think that the owner would get only the amount set down in the register; that he would get no allowance at all for the minerals contained in the land. In other words he maintains that the proviso in Clause 43 does not apply.

Hon. M. L. Moss: I did not say it did not apply, but no one can tell what the real meaning of those words is.

The COLONIAL SECRETARY: The clause states—

> Provided, also, in any case in which determining such compensation any element is required to be taken into account which is not taken into account in the valuation in the register or *vice versa*, then in determining the compensation the valuation shall be adjusted by the inclusion or exclusion of such element, in accordance with the requirements of the case.

I referred the point to the Solicitor General and he writes as follows:—

> 1. As regards resumption cases the valuation in current register is deemed the true and correct valuation of the land without regard to minerals. 2. The value of the minerals may or may not be an element to be considered. It depends upon—(a) Whether there are minerals; and, if so (b) whether the minerals belong to the owner of the land or are reserved to the Crown. The last paragraph of the clause seems to me to meet Mr. Moss's query. If there are, in fact, minerals, and they belong to the claimant it will be an element to be taken into account over and above the valuation of the land without regard to the minerals.

That is the intention, to enable compensation to be awarded to a man who has been deprived of his land under the Public Works Act, 1902, which happens to have minerals or phosphatic substances.

Hon. M. L. Moss: My point was that inasmuch as the Bill says you shall not take account of minerals, it would be one of the elements which in that proviso have not been taken into account.

The COLONIAL SECRETARY: I put the point clearly before the Solicitor General. I said Mr. Moss had stated that the point might be raised that there was a specific exclusion of minerals from consideration in connection with the valuation and that the registrar would have to go on the register without taking minerals into account, and that it required a very strong proviso indeed to get over the matter. If this proviso does not do so—if there is any doubt about it at all—every care could be taken to insert an amendment which would meet the case.

Hon. M. L. Moss: I only mentioned it as a matter which would have to be considered in Committee.

The COLONIAL SECRETARY: Mr. Moss further stated that property valued at £20,000 might be disposed of between the period of the making of the valuation and the resumption at £30,000, and if the legitimate owner were compelled to be bound by legislation of this kind, the result might be that he would lose £10,000 in the process. This is not so. There is provision in the Bill for a valuation, as I have already stated, in the case of resumption, Clause 20 (d), and under Clause 21 he can call for a fresh valuation.

Hon. M. L. Moss: He can call for a fresh valuation under Clause 21 on paying a prescribed fee. What is that going to be on land up at Roebourne?

The COLONIAL SECRETARY: As I have pointed out there must be a valuation for resumption, and if it is not done by the department now he must go and pay a land agent. He must have a valuation if his case is going into the Arbitration Court. It is impossible to specify the fee in the Bill with any degree of safety. Clause 43 merely deems it a correct valuation on the day it is made, that is the valuation which appears in the register shall be deemed a correct valuation on the day it was made. If it increases in value afterwards the owner of the land could certainly claim that that would be an element which would have to be taken into consideration. It can be proved either by a fresh valuation or by the machinery in the Public Works Act, 1902. The Public Works Act, 1902, will work in conjunction with this measure. Mr. Moss further said that it would be difficult for an owner of resumed land to prove that certain elements had not been taken into account in the valuation. There would be no difficulty at all. He could certainly prove in the first place that none of the elements mentioned in Clause 28 were considered, they could not be considered as the Bill forbids it. That clause says they must not be considered, but some of them would have to be considered if there was a resumption, and, therefore, to that extent he would be able to prove that some of the elements had not been taken into consideration. Everything outside of the scope of the ordinary valuation would be an element to be taken into consideration when the valuation was to be made in connection with resumption cases. I will give some instances of how land owners put up valuations when resumption is in sight. I am not going to mention names. Hon. members will see the rapidity with which some of those properties rose in value when resumption was threatened. In one case the departmental value was £4,000. A taxpayer put in a valuation of £4,000 in 1909 and a valuation of £20,000 in 1910, when he knew the property was threatened with resumption.

Hon. J. F. Cullen: With improvements.

The COLONIAL SECRETARY: Not with improvements, unless I am deceived. There was another case in which £400 was the departmental value; £1,950 was the taxpayer's value on the eve of resumption, although the property was assessed at £400, and he had previously put in a valuation of £625. In another

case £2,315 was the departmental value; £3,400 is what had been put in in the previous year by the owner and then he suddenly jumped it up to £9,100. In another case £770 was the departmental value. The amount the property owner put in on the eve of resumption was £3,500, whereas in the previous year the value given was only £2,000. In another case £5,650 was the departmental value; £5,650 was the value given by the owner in 1909, and £8,000 in 1910. I am given to understand that this is the unimproved value of the land. It would be ridiculous to urge that it would be anything else. It would be deceiving the House.

Hon. J. F. Cullen: Resumption includes improvements. It is nothing to mislead the House. That is a common thing.

The COLONIAL SECRETARY: According to this return there was no alteration in regard to improvements on the land during these periods. Of course I cannot swear that the return is absolutely correct, but I have had some experience myself of how these values are sent in when resumption is threatened, and it is also evident here that in 1909 these persons who sent in the valuations of their properties either sent in a false return or afterwards endeavoured to rob the Government.

Hon. J. F. Cullen: It does not follow at all.

The COLONIAL SECRETARY: I trust that the Hon. C. A. Piesse's amendment will not be carried. The Bill may not be perfect. It may be capable of improvement; I think it can be very easily improved. I have read it through myself, and I certainly do not think it is as perfect as it should be, but that is no reason at all for rejecting the measure if the House believes in the principle. So far there has been no sound objection to the principle. The hon. Mr. Moss did not oppose the principle of the measure. He criticised various portions of the Bill and pointed out where it required serious amendment, but so far as my memory serves me he made no attack on the Bill itself.

Hon. J. F. Cullen: But a good principle may be premature.

The COLONIAL SECRETARY: If the Bill is passed we shall in due course introduce a uniform system of valuing not only lands which are taxed by the State but lands which are taxed by the local authorities. It will be some years, of course, before the system will be in full operation, but it is just as well to make a start now, and I hope the House will not reject the measure, but make a serious attempt to amend it, and I feel certain a very satisfactory measure will be the result and bring about a considerable saving to the taxpayers of Western Australia.

Hon. C. SOMMERS (Metropolitan): I have been listening very closely to the various speeches and have given this Bill very careful study, and I feel that there is no necessity for the measure at all. Land valuation at all times is a very difficult matter, and although the system may no doubt be a success in New Zealand, it would have a greater chance of being successful there because the country is older and the lands probably of more value than they are in this State. We know very well that in this State the land differs very greatly indeed in quality and values fluctuate considerably, but that is only to be supposed in a large area like this. I feel that the Bill is unnecessary and I feel that it would be very costly to undertake what the Government propose to do. I think it would tend to build up another great and in all probability unwieldly department at a big cost to the State. The present system does not cost very much, and is practically no cost to the Government, as municipalities and roads boards carry out their own valuations which are near enough for taxation purposes. There is no guarantee that the Government, with the officers they may appoint, including the Valuer General, would be any more successful in arriving at what is a fair valuation than is the case at the present time. Roads boards valuations are sufficiently near for taxation purposes. Those that would be done in a wholesale manner would not be sufficiently near for

death duties or resumption purposes. The Minister points out that the local newspapers and the *Gazette* may be perused by the individuals; but we can see what it would mean when practically every land owner will have to pore over the *Gazette*, which is not very interesting reading at any time, in order to find out what he is being taxed. Just imagine the cost it would be to appoint valuers to go through the various portions of the State to make valuations sufficiently accurate to warrant the payment of death duties and to warrant the Government fixing prices for resumption purposes. It would be utterly impossible. Valuers appointed by the Government might be very good in one district and quite at sea in another. So we really get back to the local conditions after all. At present the valuations are quite sufficiently accurate. The clauses in the Bill dealing with resumption of land are too preposterous to be entertained for a moment. It is impossible to get two valuers to agree to the value of a city property; yet we are to give a roving commission to a Government valuer to go through the State and fix a valuation to every frontage, with or without improvements, and expect him to get near enough for resumption purposes. It is preposterous. We have a tribunal already appointed to fix these matters, and it works very satisfactorily. The resumption clause of the Public Works Act requires amendment, because in several of its provisions it is entirely unfair to the land owner. It may take his land and improvements at a valuation, plus ten per cent. for disturbance. Take any of those big buildings in the City. Would it be fair to the owner to take his land and buildings and give him nothing for goodwill, to turn him out to go and get something else? The very resumption of these buildings gives the adjoining property an increased value, and so it is impossible for the displaced owner to secure other premises without making a loss. If for the benefit of the community the individual is to be deprived of anything he has, then the State ought to pay handsomely. I know of some cases which occurred in the State recently in which the owners would have given thousands of pounds to have been left alone; yet all they were entitled to was the fair value as assessed by the court. In many cases ten per cent. would hardly pay for the removal of their goods. I cannot see that any good is to be done by the Bill. It is to be a further burden, increasing the valuations, probably in the hope of getting more income, and it will fall upon the unfortunate land owner, who has enough to contend with already. Only in this morning's newspaper we read of farmers in certain districts whose harvests were ready, but who suddenly have lost practically everything. Their crops had grown and were ready to harvest, and through no fault of their own they have been deprived of the lot. Surely their burden is big enough already. If members of the Government would go about the country and see for themselves what the unfortunate owners have to put up with they would not propose to increase their burdens in this way. Apparently the desire is to raise values from one end of the State to the other and obtain more money by the process. I think it would be costly and unnecessary, and for that reason I shall support the amendment that the Bill be read this day six months.

Amendment (that "now" be struck out and "this day six months" added) put and a division taken with the following result:—

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|---|---|---|---|
| Ayes | .. | .. | 15 |
| Noes | .. | .. | 7 |
| Majority for | .. | .. | 8 |

AYES.

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|---|---|
| Hon. E. M. Clarke | Hon. M. L. Moss |
| Hon. H. P. Colebatch | Hon. W. Patrick |
| Hon. J. D. Connolly | Hon. C. A. Piesse |
| Hon. J. F. Cullen | Hon. C. Sommers |
| Hon. D. G. Gawler | Hon. T. H. Wilding |
| Hon. V. Hamersley | Hon. Sir E. H. Wittenoom |
| Hon. W. Kingsmill | Hon. C. McKenzie |
| Hon. R. D. McKenzie | (*Teller*). |

NOES.

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|---|---|
| Hon. R. G. Ardagh | Hon. Sir J. W. Hackett |
| Hon. J. Cornell | Hon. J. W. Kirwan |
| Hon. F. Davis | Hon. B. C. O'Brien |
| Hon. J. M. Drew | (*Teller*). |

Amendment thus passed; Bill defeated

## BILL—CRIMINAL CODE AMENDMENT.

*Assembly's Message.*

Message received from the Assembly notifying that the amendment made by the Council had been agreed to.

## BILL—OPIUM SMOKING PROHIBITION.

Received from the Assembly and read a first time.

## BILL—PEARLING ACT AMENDMENT.

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The Bill is introduced for the purpose of remedying a mistake in the Pearling Act of 1912. That difficulty appears in the fifth schedule. Under that schedule it is provided that for certain offences imprisonment with or without hard labour shall be imposed for any period not exceeding two years. That is all right, but under Clause 2, dealing with offences and punishments, no mention is made of hard labour. The fifth schedule reads:—

> Any pearl-fisher who by wilful breach of duty or by neglect of duty, or by reason of drunkenness—(a) does any act tending to the immediate loss, destruction, or serious damage of the ship or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage or for preserving any person belonging to or on board the ship from immediate danger to life or limb, shall be guilty of a misdemeanour and liable to imprisonment with or without hard labour for any period not exceeding two years.

There is provision there for hard labour, but in connection with the offences shown in column one there is no provision at all for imprisonment with hard labour; so the position has arisen that several of these men were sentenced, but not to hard labour, because there is no provision in the Act to enable that to be done.

Hon. W. Kingsmill: They must have read the Act.

The COLONIAL SECRETARY: We have in Broome gaol a number of coloured men who are enjoying a life of relaxation from their ordinary duties. There is no means by which they can be put to hard labour. If this Bill is passed it will not give the power to compel these men to do hard labour, but it will enable the resident magistrates, in future, when they decide to impose imprisonment, to impose hard labour if they come to the conclusion that the offence deserves hard labour. I move—

*That the Bill be now read a second time.*

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—ESPERANCE-NORTHWARDS RAILWAY.

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The Esperance railway question is one of the oldest of the present day political questions in the State. The agitation for the construction of the Esperance railway started in the early days of Responsible Government. Successive Administrations have talked of it but no Ministry have attempted to grapple with the question until the present Government assumed the reins of power. We contend that we have a mandate from the people of Western Australia to take action in the direction of providing railway facilities for the people in the Esperance district, and the re-submission of this Bill for the consideration of the Legislature

is evidence that we desire to keep faith with the people.

Hon. J. F. Cullen: But you have altered the proposal.

Hon. Sir E. H. Wittenoom: How many people?

The COLONIAL SECRETARY: The people of Western Australia at the last general election. This was made a very live question by the party which I have the honour to represent, and the result was that there was an overwhelming majority of supporters of that party returned to another place. I do not say that the Esperance railway question was responsible for that to a very great extent, but at any rate the Labour party made the question of the Esperance railway one of the planks in their policy in 1911. This is the third attempt during the life of the present Parliament on the part of the Government to give the settlers in the Esperance district what they are entitled to, namely, facilities of transit and connection with the markets of the world. I have no intention to repeat the threadbare arguments which have been used from time to time in this House and elsewhere in justification of the construction of this railway. I desire only to point out and to emphasise that this Chamber has not yet had an opportunity of expressing an opinion on the present proposition. The old objection that the building of this line would divert the goldfields trade to South Australia does not hold good under the present circumstances.

Hon. C. A. Piesse: I do not think it is thought of to-day.

The COLONIAL SECRETARY: I do not think it is used to-day but it was used some years ago. It is not possible to raise that argument at the present time for very many reasons.

Hon. W. Kingsmill: I think it is very necessary that you should make those reasons plain if you want to get the Bill through.

The COLONIAL SECRETARY: The contention many years ago, when I opposed the construction of a railway from Esperance to Norseman, and when there was no evidence of the existence of agricultural land, was, and it was a very forcible contention, that if a railway was built from Norseman to Esperance, South Australian products would come in in competition with the agricultural produce of our own selectors. That is a position which cannot arise under the present circumstances. No South Australian produce will come in if this Bill is passed and if the railway is built it is more likely to be the other way about, that produce will be raised by the people of Esperance themselves.

Hon. J. F. Cullen: Is this a first instalment or a complete proposal?

The COLONIAL SECRETARY: I hope it is a first instalment.

Hon. W. Kingsmill: Oh!

The COLONIAL SECRETARY: But this is all that is needed now, and all that the people of the Esperance agricultural districts require is the 60 miles. I travelled through the country in July last and each and every one of the settlers whom I saw told me that he would be quite satisfied with 60 miles of railway which would give him communication with the port, and consequently, communication with the outside world.

Hon. W. Kingsmill: Will the Government be satisfied?

The COLONIAL SECRETARY: The Government will be satisfied.

Hon. Sir E. H. Wittenoom: How many settlers, 60?

The COLONIAL SECRETARY: Many years I dare say, but at any rate some years must elapse before there can be any agitation for a continuance of the line to Norseman.

Hon. Sir E. H. Wittenoom: How many settlers are there?

Hon. M. L. Moss: Do you say they will not increase the line beyond the 60-mile post?

The COLONIAL SECRETARY: I cannot say anything of the kind.

Hon. J. W. Kirwan: Do not they make a condition in the case of any railway?

The PRESIDENT: I think the hon. the Colonial Secretary should be allowed to proceed without interruption.

The COLONIAL SECRETARY: If the railway is not wanted, if the information I propose to supply and the information already in the possession of hon. members does not justify the construction of the line, they ought to vote against the Bill. The question as to whether the line will be extended should not be considered.

Hon. W. Kingsmill: Should it not?

The COLONIAL SECRETARY: I hope to goodness that many years will not elapse before the extension will be warranted by the great agricultural development between Esperance and Grass Patch.

Hon. D. G. Gawler: How soon will you have the money to build it?

The COLONIAL SECRETARY: Really, Mr. President, I am making no progress at all.

Hon. Sir E. H. Wittenoom: How many settlers are there?

The PRESIDENT: I must ask hon. members to keep order.

The COLONIAL SECRETARY: This is simply a proposal for a railway to give an extensive agricultural province means of reaching its natural port, and that is an argument which should appeal strongly to members in this House representing constituencies outside of the metropolitan area. By that expression I do not wish to imply that members residing within the metropolitan area will be prejudiced against this measure but I am well aware that country members have very practical experience, and by reason of their practical experience have a keener appreciation of the difficulties which confront the selectors than possibly have those members who have resided for many years in the metropolitan districts and who have not been in touch with the agricultural settlements. Decentralisation has been a very old cry in Western Australia and it is based upon the recognition of the principle that the country makes the town. I hope that that principle will be taken into consideration and recognised when the House comes to cast its vote in connection with this measure. The Esperance lands have already attracted many men from the goldfields who desired a change of occupation. We have heard it stated here during the course of the discussion on the Mines Regulation Bill that after a few years the miners on the goldfields suffer from ill-health and the opportunity to establish these men in a district like Esperance is one which no doubt would be very largely availed of and which has been availed of to a certain extent at the present time.

Hon. Sir E. H. Wittenoom: How many do you say are living there, 25?

The COLONIAL SECRETARY: Apart altogether from the sentimental considerations there are immense possibilities from the point of view of settlement on the undoubtedly fine agricultural land around Esperance. I have seen it myself and I will have something to say in that regard later on. A very curious attitude is adopted by some people. They admit that the railway is justified, but not yet. They say, "Wait a while; build agricultural railways in other portions of the State closer to the City, and later on fall back upon the Esperance district," but if we have there all the agricultural land which experts have represented, why should we wait? Why should we not commence the development of these lands as speedily as possible?

Hon. J. F. Cullen: But you cannot get the money.

The COLONIAL SECRETARY: The policy of procrastination is one that should not receive acceptance from this Chamber.

Hon. M. L. Moss: I suppose you are quite satisfied you will get the money to build this line?

The COLONIAL SECRETARY: That remark was made two years ago. I think the present Government have borrowed close on seven millions of money since that remark was made.

Hon. Sir E. H. Wittenoom: And have not built the railway yet.

The COLONIAL SECRETARY: It is frequently contended that the Government should be guided by experts. We have been told that if we follow the advice of our experts we will go right, but that if we do not follow the advice of our experts we will go wrong. This Bill embodies the advice of experts.

Hon. M. L. Moss: It does not.

The PRESIDENT: Order!

The COLONIAL SECRETARY: The Advisory Board's report recommended a railway from Esperance 60 miles northwards. This Bill proposes exactly the same. Of course there was a minority report but only the other afternoon we were told that there was no such thing as a minority report in connection with select committees. It appears that there was a minority report in connection with this Advisory Board's report on the Esperance line, and we must recognise it because it came from a gentleman who had very extensive agricultural experience. This minority report was not against the proposal; it merely sounded a note of warning and that note of warning came from a naturally cautious man, a man who would be cautious in any case owing to the position he occupies as manager of the Agricultural Bank. It behoved him to exercise great care as to what he said in order that persons might not be sent to Esperance until the agricultural possibilities of that district had been fully proved. The point raised by him has since been cleared up. He was doubtful about the holding capacity of the land. To-day there are numerous dams in the Esperance district holding water and they are as good as dams in other districts I have seen, and in some instances better. The quality of the soil has also been questioned, but another ghost has been laid by the fact that wheat from this district secured second prize at the last Royal show. It was in competition with every portion of Western Australia where the rainfall does not exceed 15 inches, and in spite of that fact and of the fact that many of the districts where the rainfall is between 12 and 15 inches have been cultivated for many years, and well fertilised and all sourness gone out of the soil, despite that we find that wheat grown in the Esperance district secured second prize at the last Royal show.

Hon. W. Patrick: How many bushels to the acre?

The COLONIAL SECRETARY: I will tell the hon. member presently. The insignificance of the official returns of yields referred to by Mr. Patrick has been seized up by our opponents in order to show that it would be unwise to sanction the building of this line. The explanation is very simple. The primitive methods that have been adopted and the lack of incentive to go in for systematic farming extensively are responsible for the low yield. With regard to the primitive farming methods I will tell hon. members what I saw for myself. The mallee is rolled down, it is left to wither and then it is burned off, but there are large numbers of roots under the soil which remain alive for about 12 months, and the soil in that time is to a large extent poisoned. After burning off and within two or three months after the trees have been rolled down they use a spring tooth cultivator and sow a crop. There are perhaps 10 acres properly cleared and cultivated and this area will show a splendid crop, while perhaps 50 or 60 acres scratched in threaten to be a total failure. I put the question to them as to how it was that the average yield from the district was so low. They explained that when the police constable went around to gather information, if they had 110 acres under crop 10 acres only of which had been properly cultivated, they gave the return which they had got as coming from the whole area of 110 acres. Anyone can plainly see that with such methods you cannot possibly rely upon official returns. If the railway be constructed both these factors will be removed. It is impossible under present circumstances for the settlers, even if they had money, to secure implements or obtain fertilisers and have them delivered, because the cost of delivery is ruinous. The cost of delivering fertilisers from Esperance to Grass Patch is £7 a ton, the distance being 46 miles and from Esperance to Scaddan, a distance of 30 miles, the cost is £4 10s. a ton. It will thus be seen that the cost of cartage precludes all possibility of agricultural development under present conditions. Mr. Patrick wanted to know whether any information had been obtained in regard to the yields for the present year. I wired to Mr. Thompson at

Grass Patch the other day and asked him to give me an estimate of the yields for the present year. He said they expected to strip at Grass Patch 16 bushels of wheat to the acre.

Hon. M. L. Moss : How many acres ?

The COLONIAL SECRETARY : About 70 acres, so far as my recollection goes, and 25 bushels of oats. Dr. Richardson and his son expected to get 14 bushels and Mr. Townsend 15 bushels. The two latter are producing wheat only. The season in every part of the State was late this year, and in Esperance this was so particularly. In some of our districts not far from Perth farmers were on the verge of despair, but rain came on the 7th June and saved the situation. This has been a bad season in the Esperance district. The Esperance people missed the first rain and taking this into consideration and also the primitive methods which they have been adopting it will be admitted that the yields I have mentioned are satisfactory. Grass Patch has been under cultivation for years, but Dr. Richardson has been engaged in farming operations there for only 12 months. His place is about four or five miles from Grass Patch.

Hon. J. F. Cullen : What area is under crop in the Esperance district ?

The COLONIAL SECRETARY : Dr. Richardson has 200 acres under crop, and I can tell hon. members that a better crop I have not seen; in fact I have seen nothing to approach it.

Hon. F. Connor : When did you see it ?

The COLONIAL SECRETARY : On the 5th July. The rainfall has been criticised as being insufficient but it is equal to that in many other approved wheat growing districts of Western Australia, and it is higher than in some of those districts. The average rainfall at Grass Patch is 15 inches, and this average has extended over a period of nine years. At Scaddan, which is 30 miles from Esperance, the average is 18 inches.

Hon. M. L. Moss : Why do they call it Grass Patch ?

The COLONIAL SECRETARY: It was the only spot cultivated many years ago, but for miles around there is a similar class of country.

Hon. W. Kingsmill : It was naturally cleared; that is why it is called Grass Patch.

The COLONIAL SECRETARY : There is 60 miles of country like it and some of it is very much better than that which I saw.

Hon. F. Connor : What is the timber on it ?

The COLONIAL SECRETARY : Mallee. I have stated that the average rainfall at Grass Patch is 15 inches and at Scaddan 18 inches, and the data collected for several years prove that the rain falls during the growing season. Seventy per cent. of it falls between May and September, which is reckoned the growing season of the year. The proof of the pudding is in the eating, and anyone going through that country in July would come to the conclusion that there was certainly no better wheat growing country in Western Australia. The argument as to the insufficiency of the rainfall is thus disposed of. The nature of the soil is such as to assist in the retention of moisture. There is splendid clay subsoil. I saw it 12 feet deep in dams which were under construction, and in such subsoil the light rainfall will produce a good crop. No significance need be attached to the fact that the Agricultural Bank has declined to make advances in that district. One of the reasons, if not the principal reason, for this was the absence of inducements for systematic farming. These inducements will be supplied if the Bill is passed. Hitherto I have been dealing with the cereal country. Nearer Esperance the land is of another class. It is a rich black soil, splendid for vegetables and fruit growing, and I am sure it will be settled quickly if facilities are provided. Much has been made about the probable expenditure on harbour works. To all appearances, the harbour is a safe and commodious one, and during my stay at Esperance I secured a panoramic view of

the harbour which I propose to lay upon the Table of the House. The harbour is practically land locked. I had an interview with Captain Douglas who has had 36 years of experience of the port, and he told me that by dredging, 30 or 36 feet of water could be obtained for shipping.

Hon. F. Connor: Have you soundings?

The COLONIAL SECRETARY: Not here. The general impression appeared to be that there was no necessity for harbour works. They are prepared to go on without harbour works until the value of the district from an agricultural standpoint had been fully proved.

Hon. M. L. Moss: What about the speech you made when you said that improvements to the harbour would cost a million sterling.

The COLONIAL SECRETARY: If my memory serves me correctly I got the information from the hon. member. I will now read extracts from the report of Messrs. Middleton and O'Brien who last year under instructions from the Government spent several months in the Esperance and Norseman districts examining and classifying the farm lands. The report of the agricultural advisory board appointed by the Moore Government recommended the construction of a line running 60 miles north from Esperance. When the present Government came into power they decided to send down there, on the recommendation of the Surveyor General, Mr. Middleton and Mr. O'Brien. With regard to Mr. Middleton's qualifications to speak on land values, he had four years under the Surveyor General in clasifying, valuing, and surveying, and as to water tanks he had two years in the Goldfields Water Supply Department as engineering surveyor, being in charge of the parties first sent out to locate tank sites on the goldfields, whilst with regard to harbour works he had three years' experience as engineering surveyor and technical costs clerk on the Fremantle harbour works at the greatest period of their activity, and he has also been in charge of a field staff of surveyors. Mr. O'Brien is the engineer in charge of Mines Water Supply, and has occupied that position for some years. Mr. Middleton says—

> In other parts of the wheat belt of this State, patches of good to rich agricultural land alternate with stretches of generally poor "sand plain," and a settler, at starting, may without the use of fertiliser obtain a general yield of wheat or hay from a patch of strong land, that will enable him to wait (though perhaps impatiently) the advent of the railway. The conditions within the area under examination are totally different, for, generally speaking, neither the areas of good, strong agricultural land, nor the stretches of poor "sand plain" are met with, but land of fair average quality, strikingly consistent throughout the mallee belt.

I travelled from Norseman to Grass Patch and I did not see one patch of sand on the whole journey; it was solid soil all the way. He goes on to say—

> While, therefore, I consider that one million acres (or more) of this mallee country is equal in value, for the growth of cereals, to the same area anywhere else in the State, the necessity for the early aplication of fertiliser and the probable absence of the strikingly high "first yields" generally obtained in the rich country of other parts of the State referred to above, will render the low freights that obtain for railway carriage, both of fertiliser and resultant crop, essential, at a very early stage, to the successful development of the country. The consideration of any scheme for the conservation of water is, therefore, dependent on the value to the State of the land under examination, taking also into account the cost of the proposed railway, and of necessary shipping facilities at Esperance.

Mr. Middleton further says—

> The conclusion I have arrived at is, wheat lands within 15 miles of proposed railway, from the 80-Mile Post (the limit of safe rainfall as accepted at present) to about the 25-Mile Post, the southern edge of the mallee,

922,000 acres, at 10s., £461,000. Sand plain, south of mallee country to the coast (includes patches of rich swamps) 412,000 acres at 4s. 6d., £92,700.

It is not sand plain; it is better than sand plain, but it is certainly not first-class land. The extract continues—

> In the above estimate, only the country immediately served by the proposed railway has been considered, but as a matter of fact there is a very large area of agricultural land within the mallee belt (which runs east and west, and is about 50 miles wide north and south) exceeding a million acres, which, although requiring its own spur line of railway for development, will then directly benefit the Esperance railway and its port. For a distance of 46 miles east of Grass Patch this mallee country has been penetrated, as shown on plans; and a further exploration, probably north from Israelite Bay, will be the subject of a supplementary report."

Then he deals with the suitability of the country for tank excavation, and he says—

> Clay was found along each track, within the mallee belt, at intervals where looked for, about seven miles apart. Though the bore holes, with one or two exceptions, did not disclose ground impervious to water from top to bottom, there was sufficient thickness of clay to allow for puddling the porous section of any tank.

Then he refers to tanks already excavated—

> Your department has already excavated tanks at Stennet's Rock, at the Salmon Gums, and Grass Patch (being respectively at the 93-Mile, 65-Mile, and 45-Mile pegs), while that at the 30-Mile is being excavated (now complete, 29th September, 1912). Stennet's Rock tank was outside the country I examined, but both Salmon Gums and Grass Patch tanks hold water well, and could be enlarged if required. The Roads Board have excavated a small tank at the 79-Mile, which has a good catchment, but does not hold water very well. I think better clay could be found on higher ground.

I was there, and there had been no rains for five weeks before, but this particular tank was full to overflowing. The report continues—

> Mr. James Lewis, at the 58-Mile, has had a small tank excavated for some time, which is water tight. Mr. G. Thompson has, within the last year or so, excavated a tank at his Grass Patch property, which was nearly full of water at the time of my visit, and appeared to be water tight. This gentleman had a small tank sunk originally on the opposite side of the road, which, he informs me, held water well.

Then he refers to the rainfall, which, I think, is not disputed, and in regard to the harbour facilities he says—

> The proposed railway line terminates at the existing jetty, the greatest depth at sea end of which is 18 feet below low water mark. A minimum depth of 26 feet will be required to accommodate most vessels of the "tramp" class, or of coastal traders large enough to deal with the traffic. Though Esperance Bay is practically land-locked, its entrance being dotted with the bold and rugged islands of the Recherche Archipelago, the jetty is not placed in the most sheltered position possible—it is directly facing, as a matter of fact, the "causeway channel," and it is, therefore, somewhat exposed to heavy weather from the south. It is consequently inadvisable to spend money in dredging and in extending the present jetty to obtain, say, 26 feet of water, when a more protected position can now be obtained for the berthing of ships.

He shows the Admiralty soundings and gives a rough estimate of the cost of harbour improvements. He estimates the cost of improving the harbour so as to give 26 feet of water would be £44,000, whilst if a breakwater is necessary—and in the opinion of old residents, including Captain Douglas, it is not necessary—it would cost a further £34,000.

Hon. F. Connor: What anchorage have you?

The COLONIAL SECRETARY: Four hundred yards from the jetty, with dredging, 36 feet can be obtained, but if it were dredged the old jetty would be undermined, and it would be a far better proposition to construct wharves. The return of applications for land in the Esperance district for the three years prior to the 6th October, 1911, gives the following figures—applications received 429, representing an area of 230,182 acres; holdings approved 296, area 114,680 acres; holdings still in existence of those approved before the present Government came into power, 225, comprising 97,351 acres. This is the return of applications in the Esperance district from the 6th October, 1911, to date—applications received, 241, representing 153,336 acres; applications approved, 166, area 91,794 acres; holdings still in existence, 143, area 70,135 acres. The lands approved since the present Government came into power are grazing leases between 20 and 30 miles along the route of this railway. We do not wish to encourage further settlement in any way in that district until there is an assurance of a railway. The total number of holdings in existence to-day is 368, acreage 167,486; and the total area under crop this year 3,845 acres. The estimated cost of the line is £102,000, including the provision of water supply. Since the question was last discussed in this House I have had an opportunity of forming a judgment of this land as a result of personal observation. I travelled from Norseman to Esperance. I inspected farms and dams, examined the soil, interviewed the settlers, and saw the growing crops, and I am firmly convinced that it is destined to be a great wheat-producing country. I made the journey during the early part of last July, and I will briefly refer to what I saw between Norseman and Esperance. The journey to Esperance occupied two days, and all the land was seen by daylight. Although we passed many farms *en route* we called at certain places only, and I may say they were not oases in the desert but of a piece with the rest of the country passed through. I must admit that the land close to Norseman was marvellous in its richness. I have never seen anything approaching it. But still right on to the 30-mile the land was suitable for profitable wheat growing. Mr. R. B. Johns, 118 miles from Esperance, had 225 acres under wheat; the crop had been sown in unfallowed land, in the middle of April, and 35lbs. of superphosphate was used to the acre, whilst the implements used in putting the crop in were a spring-tooth cultivator and a seed drill. That crop was the richest I had ever seen in my life. It was the 5th July, there had been no rain for five weeks—and I saw the police constable who attended to the rain gauge and ascertained from him officially that there had been no rain for five weeks—and on the 5th July that crop was 2 feet 6 inches high. I had a photograph of it, which unfortunately disappeared, but it was published in an illustrated newspaper at Kalgoorlie. I hope that a copy will be made available before the House disposes of this Bill. The sorts grown by Mr. Johns were Alpha and crossbred wheats. The average annual rainfall at his farm was only ten inches; that is admitted to be far too risky for wheat growing, and I do not think anyone should encourage the building of a railway line to open up a district which had an average rainfall of only ten inches. After that we called at Mr. Gilmore's homestead at 92-miles. This settler had only 12 acres under crop, but one can judge the fertility of the soil just as well by 12 acres as by 3,000 acres if the soil is the same in the immediate neighbourhood, and the soil cultivated by this gentleman was of a similar character to that which extended for miles around.

Hon. W. Kingsmill: Have you been to see "Get-rich-quick Wallingford"?

The COLONIAL SECRETARY: The land was ploughed in January and was sown on the 5th April with a seed drill, 50lbs. of superphosphate to the acre being used. Light rain fell on the 10th April, following which there was a dry spell of five weeks. The last rain prior to my visit fell on the 25th June (a fortnight previously), when 75 points were recorded. The crop, though not so forward

as that of Mr. Johns, was far better than anything I saw in any other part of the State six weeks afterwards. Six weeks afterwards I travelled right through my own district, and the wheat I saw at Esperance was far in advance of what I saw in my own district, where the average wheat yield is the highest in Western Australia. Mr. Lewis, 68 miles from Esperance, had 70 acres under crop and he showed me an excellent sample of last year's chaff. I inspected a large dam which was half full and I went over his farm and noticed he had every implement that was necessary in connection with agriculture. He had spent £600 in this direction and he said every penny of that £600 had been made out of the farm in the days when the teamsters were on the track. Mr. Lewis had 1,000 acres, three-fourths of which land was fenced, and 200 sheep were running on it. The rainfall at this particular place averages 13.75. Mr. Ottery, 53 miles from Esperance, had been there two years. He had 70 acres in and was satisfied with his prospects, that is if the railway is provided. He has a 14.80 inch average rainfall. I now come to Dr. Richardson and his son. We saw Mr. Richardson. They have 3,000 acres which they took up three years ago and the place has been worked systematically during the last 18 months. Dr. Richardson lives at Boulder and his son manages the property. There were 400 acres cleared—Mr. Richardson informed me at a cost of 15s. an acre—and this year they have 120 acres under fallow; 280 acres is being cropped this year on the two properties, and I can assure hon. members that the crop was a magnificent one. There was a large dam holding water on the property and, in fact, at almost every homestead I saw tanks holding water perfectly. I saw a tank at Mr. Gilmore's full to the brim. I saw the roads board's tank full and in no quarter could I discover any complaint that the country was not good holding ground. On Dr. Richardson's property there was a comfortable dwelling house and all the necessary agricultural machinery, and I feel certain that unless he saw good prospects ahead he would never invest in agricultural machinery to the extent which he has done. The rainfall there is an average of 15 inches. At Grass Patch Mr. Thompson's land was acquired from an English company nine years ago. It is the show place in the district. We visited Mr. Thompson's and the party were provided with an excellent luncheon; everything except tea and sugar was grown on the farm, there being so far as I can recollect, honey, cream, fresh butter, cheese, fowl, meats, vegetables, and bread. At every place we stayed at on the way we got fresh butter and cream. I am just mentoning that to show hon. members that those in this part are far ahead of some other agricultural districts in Western Australia.

Hon. Sir E. H. Wittenoom: They have to live somehow.

The COLONIAL SECRETARY: At Mr. Thompson's the area comprises 3,720 acres altogether, and I may say the farming methods are up to date. They have a steam driven milling plant that grinds the wheat into flour, and the bacon for home consumption is cured with honey from hives on the spot. Market difficulties are solely responsible for the limitation of the area cropped. Seventy acres are now under cultivation. In former years, when the teamsters were on the track, three times that quantity, I am given to understand, was under cultivation. The record for one year, we were informed by Mr. Thompson, was 2½ tons of hay to the acre. The growing crop I saw was looking splendid and Mr. Thompson wired to me the other day that the yield was estimated to be 16 bushels to the acre. Twenty head of cattle were running on the property and the average rainfall is 15 inches. We called at Mr. Bretag's, he being nearer to Esperance still. Mr. Bretag is one of a number of settlers who have taken up land during the last two years at the 30-mile, which is known officially as Scaddan. At this centre, which is, roughly speaking, about 30 miles from Esperance, quite a number of homesteads have been established, some of them extending westward for five or six miles. The number of settlers at Scaddan is 28.

They had at the time of my visit 5,000 acres cleared and half of it was under wheat. Last year Mr. Bretag cropped his land for the first time. He merely rolled down the mallee, burned it off, and put in the harrows. By that process, of the 28 acres sown 17 acres yielded 21cwt. of hay to the acre and the crop on the remaining 11 acres yielded only 10cwt. I am giving the House all the information I can secure, whether it would support the case of the railway or whether it would do it injury. I am hiding nothing, but am putting the plain facts before Parliament. All the crops at Scaddan were looking well, and it seems to me there should be no risk there in a dry season, as the average rainfall is 18 inches. At Esperance we visited a number of gardens and they all showed the capabilities of the soil in that locality. I inspected the gardens of Captain Douglas and Mr. Kingsmill. The potatoes grown by Mr. Kingsmill were some of the finest I have ever seen.

Hon. J. F. Cullen: Do you mean our Mr. Kingsmill?

The COLONIAL SECRETARY: No. Mr. Douglas's garden, at the rear of his residence, contained vegetables and assorted fruit trees—figs, loquats, apples, grapes, peaches and other stone fruits, English and Cape gooseberries. All these are to be seen growing in Esperance gardens. I noticed in the Paper Bark Valley splendid rich soil similar to that around Esperance which is being cultivated by Mr. Kingsmill and others, numerous patches of 10 or 15 acres of rich black soil. Settlement is also proceeding on what is known as "the sandplain" 15 miles out of Esperance, on the grazing leases sold by the present Government. We have disposed of no first class lands since we have been in power but we have disposed of grazing leases between Esperance and the 20-mile. Mr. Bowe of Coolgardie is on one of these grazing leases and he was developing it very vigorously so far as I could see. He struck water a few feet from the surface and has sown rye and clover. Mr. Bowe is experimenting in cereals but I am inclined to think he will not be successful in that direction as I do not know whether the soil he has is rich enough. Mr. Bowe's experiment will be watched with considerable interest. At Coolgardie I was met by a gentleman who asked me for a seat in my conveyance and I told him it was full. I subsequently discovered he was editor of the *Boulder Star* and had been hostile to the Esperance railway. When I made that discovery I was determined that he should be provided with a seat in my car. I did provide him with a seat and he came along.

Hon. J. F. Cullen: Was not that bribery?

The COLONIAL SECRETARY: This gentleman, from what I heard, started out to curse but remained to bless. Mr. O'Donoghue was his name, and by the time he reached Grass Patch he was infatuated with the country. He had been agricultural reporter on a Tasmanian paper and was generally sent out to report agricultural shows, so that he was an authority. He was fully convinced of the worth of the country all along the road, but when we reached Grass Patch he said, "I am satisfied with the land I have seen but I do not know the breadth of the land, how far it extends east and west." I said, "You had better go out and test it and I will be prepared to accept the result." So the editor of the *Boulder Star* travelled out in a westerly direction 12 miles the next morning in a trap, and he said that so far as he could see the country was exactly the same. It was exactly the same so far as he had gone and to all appearances it was exactly the same for miles ahead. When he returned to the Boulder, instead of denouncing the proposition as he had done before, like an honest man he inserted, in a lengthy description of the country, this paragraph—this is the conclusion he arrived at as the result of the trip between Esperance and Norseman—

> There is certainly a very strong case for an agricultural line to serve the Grass Patch district from Esperance—

That is the proposition as it appears in this Bill—

> and it will satisfy a number of the settlers if the Government content

themselves with the first portion of the projected Norseman-Esperance line as a first instalment.

There is no necessity to make this line through. We do not want it through; we will be satisfied if you give us connection with the port. This is the report of a gentleman who started out to Esperance in order to support the attitude he had taken up previously in condemnation of the railway. His report continues—

> If it is justified—and no settler has any doubt about it—the extension further north will only be a matter of time. The reports of Messrs. Middleton and O'Brien are eloquent for the railway. It is doubtful if more emphatic recommendations have emanated from official pens. The official reports are that over a million acres of good wheat-producing land would be served by a line extending from Esperance to Grass Patch. For a line, say, 60 miles long, the cost should not exceed £80,000, and the existing rents on the 2,000 acres already selected would pay interest on the cost of an agricultural railway, leaving the revenue from freight to pay working expenses. It seems certain that the line to Grass Patch would not mean any burden on the State, while it would add a new province to the wheat-producing territory of Western Australia.

This is from a man who previously condemned the line, but afterwards, from an examination of the country, came to the conclusion that it was warranted, and turned a somersault. We are told from time to time that there is a lot of salt in the soil. I do not know and do not care. It is not a question of whether there is salt or sugar in the soil, so long as it grows wheat well, and that, I contend, the Esperance soil does. I could give the House a lot more information, but that it seems unnecessary. A grave duty is cast on the Council in the consideration of this question. The position is that the Council can make or mar the future prospects of the district. If the Bill fails to become law this session there is every reason to fear that the whole of the settlers down in that district will abandon their holdings and there will be no further opportunity of proving the value of the district. We have had ample evidence to show that this is good land. We have had the reports of numerous officials; and except by some extraordinary combination of adverse circumstances or unless by some unholy alliance, some conspiracy on the part of those officials and various Governments, we cannot come to any other conclusion than that there is excellent agricultural land between Norseman and Esperance, and particularly between Grass Patch and Esperance. I think that never in the history of Western Australia has so much information been supplied in justification of a railway as has been furnished in connection with this proposition. There is not merely the information which I have supplied, but there is the information already in possession of the House. There is a great deal of information which the Government have brought forward. I could have repeated the old arguments and read from reports which have been read to the House time after time. But that is not necessary. Every member is well acquainted with the arguments. I do hope that on this occasion members will consider the matter very seriously and reflect for a long time before they cast their votes in opposition to the railway.

On motion by Hon. R. G. Ardagh debate adjourned.

*House adjourned at 9.50 p.m.*