

fore we proceed with other railways. The Bill for the Esperance railway was passed in January, 1915. At that time the total railway mileage in this State was 3,331. It is now 3,538, showing an increase of 207 miles. That increase is represented by railway construction from Bolgart to Calingiri, from Calingiri to Piawaning, from Bowelling to Bakul, from Collie to Darkan, from Kondinin to Naremben, from Kukerin to Lake Grace, and from Wyalcatchem to Bencubbin. I have vivid recollections of a meeting held in 1917, half-way between Boulder and Kalgoorlie, in support of the candidature of Mr. Seaddan. At that meeting the then Premier, Sir Henry Lefroy, speaking from the platform, made a distinct promise to the goldfields electors that in view of the satisfactory nature of the report received from the Royal Commission appointed to inquire into the Esperance lands, the Esperance railway would be given precedence over other lines, and that its construction would proceed without delay.

Hon. J. W. Kirwan: Sir James Mitchell made a similar promise before the last elections.

Hon. H. SEDDON: Reference has been made to a resolution with regard to precedence in railway construction, which was passed in another place at the instance of Mr. Walker, thus practically committing Parliament to the observance of the pledge. Since that resolution was carried in 1917, the construction of the Wyalcatchem-Mt. Marshall line is practically in defiance of Parliament.

The Minister for Education: What railway has been built since that resolution was passed which has been authorised since the Esperance railway?

Hon. H. SEDDON: Certainly the Bill for the extension of the Wyalcatchem-Mt. Marshall line, passed on the 3rd December, 1919, was passed after that resolution of 1918. Moreover, the building of the 23 miles has been carried out with rails recovered from the goldfields area. Surely the pledge of Parliament should have been observed, and those rails from the goldfields utilised in the construction of the Esperance-Northwards railway. Such a proceeding would have maintained confidence in the Government on the goldfields. Only in March last this question came up in an interview between the mayor of Kalgoorlie, Mr. Burton, and the Premier. The latter then promised that the Esperance railway would proceed without delay. The failure to fulfil these repeated promises has placed the good name of the Government at stake. The claims of the Esperance settlers are paramount, if only in view of the number of years they have been waiting for their promised railway. Some distressing evidence as to the position of the Esperance settlers was placed before Sir Henry Lefroy when he was in Kalgoorlie. There was the case of one man, who had had two sons killed at the war, and who stated that he was practically penniless as the result of the work he had done unavailingly on Esperance land. He

was unable to transport his wheat satisfactorily, and therefore he had been compelled to let his block fall back practically to a state of nature. That kind of thing creates a most unfortunate impression, and gives rise to bitterness, and has done more than anything else to promote and strengthen the movement for breaking away from this State.

Hon. J. Duffell: It is enough to drive one to drink.

Hon. H. SEDDON: Worse than that. When men are faced with such a position as that created in the Esperance district, they can only form impressions most unfavourable to the Government of this State. It is from that standpoint I make my protest against the passing of this Bill. I consider that the Government have done wrong in carrying out the 23 miles of the Wyalcatchem-Mt. Marshall line instead of devoting the rails to the Esperance railway. For the sake of their good name, I hope the Government will defer the carrying out of the extension proposed by the Bill.

The PRESIDENT: If the hon. member is opposed to the second reading of the Bill, all he has to do is to vote "No."

On motion by Hon. J. Cornell, debate adjourned.

House adjourned at 5.45 p.m.

Legislative Assembly,

Tuesday, 17th October, 1922.

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

ASSENT TO BILL.

Message from the Lieutenant-Governor received and read notifying assent to the Broome Hill Racecourse Bill.

QUESTION—GOVERNOR'S INSTRUCTIONS.

Hon. W. C. ANGWIN asked the Premier: Have the Governor's instructions by the Imperial Government been altered of late to allow party politics to be discussed by him at public functions?

The PREMIER replied: No.

QUESTION—PERTH MARKETS.

Mr. O'LOGHLEN (for Mr. Simons) asked the Minister for Works: 1, Is it a fact that prior to the resumption of land at West Perth for market purposes negotiations were in progress with the object of acquiring a site at East Perth? 2, If the foregoing is answered in the affirmative, is it his intention to lay the file relating to same on the Table of the House?

The MINISTER FOR WORKS replied: 1, Tentative inquiries were made. 2, There is no objection to do so if the hon. member so desires.

RETURN—IMMIGRANTS RETURNED TO BRITAIN.

On motion by Mr. McCallum (South Fremantle) ordered—

That a return be laid upon the Table of the House showing: 1, The number of immigrants who have returned to Britain during the two years ended 30th September last. 2, The number of fares for the returned passage paid by (a) the State Government, (b) the Commonwealth Government. 3, The reasons given by the immigrants for desiring to return. 4, The assistance given to these immigrants from State funds while in this State, and the extent of it. 5, The assistance given them by the Red Cross Society or the Ugly Mon's Association or other local organisation, and the extent of it.

BILL—GERALDTON RACECOURSE.

Introduced by the Minister for Agriculture and read a first time.

BILL—THE PERPETUAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY (W.A.) LIMITED (PRIVATE).

Report of Select Committee.

Mr. MANN (Perth) [4.39]: I move—

That the report be adopted.

Hon. W. C. ANGWIN (North-East Fremantle) [4.40]: It would be better if the adoption of the report were postponed. We have just had placed in our hands a copy of the evidence of the select committee, and we have not yet seen the Bill. I do not see how we can adopt the report of a select committee on a Bill we have not seen and the contents of which we do not know.

The Minister for Mines: The Bill is here. Hon. W. C. ANGWIN: It is not on the file.

Hon. P. Collier: It has not yet been read a second time.

Hon. W. C. ANGWIN: We shall be voting in the dark. We should have an opportunity to peruse the evidence of the select committee.

The Minister for Mines: The report will not affect the discussion of the Bill.

Hon. P. Collier: The report recommends that the Bill be passed without amendment.

Hon. W. C. ANGWIN: If, after we have seen the Bill, amendments are deemed necessary, we shall be in a very awkward position. I trust the motion for the adoption of the report will not be passed to-day, but that the second reading will first be proceeded with.

Mr. SPEAKER: There must be seven clear days between the presentation of the report and the second reading.

Hon. W. C. ANGWIN: In glancing down the first page of the evidence, I notice that there is a doubt regarding one of the clauses.

Mr. Mann: The adoption of the report will not prevent any alteration being made.

Hon. W. C. ANGWIN: The select committee have not recommended any alteration, but have recommended the Bill as presented. However, the House is not in possession of that knowledge.

Mr. Mann: I would like to know my position.

Mr. SPEAKER: Our Standing Orders are very specific. After the presentation of the report seven clear days must elapse before the second reading is moved. On the second reading there will be full opportunity for discussion, the same as on any ordinary Bill.

Mr. O'Loghlen: Cannot the member for Perth allow it to stand over till Thursday?

Mr. SPEAKER: Any other member can move to adjourn the debate.

Hon. P. COLLIER: I move—

That the debate be adjourned.

Motion put and declared passed.

Mr. Mann: Divide!

Mr. SPEAKER: Ring the bells.

Mr. O'Loghlen: You were in favour of it a while ago.

Mr. Mann: Very well; I withdraw my call for a division.

Mr. SPEAKER: Call off the division.

Motion thus passed; the debate adjourned.

BILLS (2)—REPORTS ADOPTED.

- 1, Attorney General (Vacancy in Office).
- 2, Pensioners (Rates Exemption).

BILL—ADMINISTRATION ACT AMENDMENT.

Read a third time, and transmitted to the Council.

BILL—SUPPLY (No. 2) £668,000.

Returned from the Council without amendment.

BILL—LICENSING ACT AMENDMENT.

Further Recommitment.

Order of the Day read for the consideration of reports of Committee.

On motion by the Premier, Bill again re-committed for the purpose of further considering Clauses 16, 20, and 29.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 16—Amendment of Section 40:

Mr. WILLCOCK: In the absence of the member for Canning, I move the following amendment, which stands in his name on the Notice Paper—

That the following be added to the clause:—"A paragraph is added to Section 40 of the principal Act as follows:—
(3) Subject to the proviso to Subsection 1, a temporary license may be granted to any club, committee, or other organising body of race meetings if, in the opinion of the Licensing Court or the chairman or members thereof to whom the application is made, the granting of a license is desirable for the accommodation of the public, and that the number of persons likely to be in attendance is sufficient to justify the issue of a license.'"

It is desirable that racing clubs should have the opportunity of obtaining temporary licenses. Such bodies consist of highly responsible people, who would see that the conditions of a temporary license are carried out to the letter and in the spirit of the law. The character of the people who run racing clubs being exemplary, there should be no objection to this amendment. In connection with picnics and sports meetings it has been the custom to farm out these licenses, the law thus being evaded, though no particular notice has been taken of such evasions.

Hon. W. C. Angwin: The amendment does not go far enough.

The Premier: It goes quite far enough.

Mr. Richardson: Does the amendment apply to race meetings only?

Mr. Willcock: Yes.

Mr. McCALLUM: I cannot agree to the amendment as it stands. There is necessity for some amendment of the kind, but to apply it to horse racing only seems to me altogether unfair. Under existing conditions, only the holder of permanent license can obtain a temporary license. Therefore, either a license must be borrowed, or else the booth must be let to a regular licensee. I see no reason why a temporary license should not be obtained in connection with a sports meeting, or an agricultural show, or the Labour Day celebration. In the final analysis it is those who run such gatherings that are responsible. At football meetings there are much larger crowds than at race meetings. The Football League, too, should be permitted to take out a temporary license as here proposed for racing clubs. At the Labour Day celebration there is 15 or 20 times the attendance that

there is at a race meeting. Under present conditions the worker has to pay the middleman in order to obtain a license. There is no risk of a temporary license being granted to every croquet or tennis club under the amendment, in view of the stipulation for a sufficient attendance. I move an amendment on the amendment—

That after "race meetings" there be inserted "or agricultural shows or other sports meetings."

Mr. PICKERING: The arrangement which has been in vogue for many years has been entirely satisfactory.

Mr. Willcock: No.

Mr. PICKERING: The effect of the amendment will be to cause heart-burnings amongst other bodies.

Mr. Latcy: Which other bodies?

Mr. PICKERING: Tennis, for instance.

Hon. W. C. Angwin: Is not tennis a sport?

Mr. Clydesdale: The latter portion of the clause covers that.

Mr. PICKERING: We should stick to the Bill as it is.

Mr. CLYDESDALE: The position to-day is unsatisfactory. The race clubs cater for hundreds of thousands of people during the year and they have no control over the liquor being consumed. They have to rely entirely upon the licensee as to the class of liquor he provides, and if the club were summoned for selling inferior liquor, the licensee would escape. The position is also unsatisfactory to the licensee himself. It is well known that the licensee takes very little interest in the matter and he has to depend upon the race club committees. Surely those committees are of sufficient standing to be able to apply for a license. In the country districts, there are many instances where clubs have to apply to a publican to supply the booth, and being the only publican in the place, the club is compelled to take what he gives. All we ask for is that the clubs shall have the right to control the liquor consumed on the premises.

Mr. J. H. SMITH: I will support the amendment if the matter can be confined to the metropolitan area. If we go beyond that we will find that irresponsible bodies will be looking for a license to run booths without any control whatever. At the present time under the existing Act a licensee has to get a permit to run a booth and he is held responsible for the liquor supplied there and for any disorderly conduct which may take place.

Mr. Clydesdale: If you confine it to the metropolitan area you will prevent a club like the Kalgoorlie Race Club from obtaining a license.

Mr. J. H. SMITH: The amendment goes too far, but I would support it as introduced by the member for Canning and no further.

Capt. CARTER: To apply this to every form of sport will have the effect of making the license too general. It would be just as logical to grant a license to, say, six cricket clubs in my electorate as it would be to grant it to a race club.

Hon. W. C. Angwin: Why not? If this is good enough for race clubs, it should be good enough for cricket clubs.

Hon. P. Collier: The amendment says, "If in the opinion of the court."

Capt. CARTER: If we are going to make it possible for any sporting club to apply for a license, we shall have a lot of disgruntled people and we shall not be doing any more for the general public than is being done to-day.

Mr. UNDERWOOD: If we give the clubs the right to supply liquor we shall be doing a service to the patrons of sport.

The Minister for Mines: And if they do not run the booth well, the license will not be renewed.

Mr. UNDERWOOD: Exactly.

Capt. Carter: The same thing obtains now.

Mr. Clydesdale: You do not know anything about it.

Mr. UNDERWOOD: If a publican conducts a booth at a race course or at a sports meeting and something goes wrong, that is not a complaint against the licensee and it does not affect his general license.

Mr. J. H. SMITH: If anything goes wrong the matter is investigated, and when next an application is made what previously occurred is not lost sight of, and the bench will go into the pros and cons before issuing another license.

The Minister for Mines: To you, yes, but Jones then applies for the license.

Mr. J. H. SMITH: No, it appertains to any licensee. I was once the successful tenderer for a booth in my electorate, but the police objected to the issue of a temporary license because of disorderly conduct in that booth in the previous year. In consequence, I had considerable difficulty in getting a license.

The Minister for Mines: But the point is that such an offence does not affect the general license.

Mr. J. H. SMITH: Perhaps it does not, but still the man with the temporary license is held responsible for the quality of the liquor sold in the booth. I will support the amendment moved by the member for Caning.

Capt. CARTER: The Committee should be made aware of the exact position. I am in the dark as to whether a man's general license is likely to be affected by offences committed under the temporary license. Personally I prefer to see a responsible body holding the temporary license.

The PREMIER: It is clear that a man holding a temporary license can be called to account for any offences committed. All we are considering is whether the general license shall be the only man to get a temporary license. I do not see why he alone should have that privilege. The amendment

will not permit of the granting of any license which is not issued to-day, will not increase the number of temporary licenses. It only provides that the license may be held by other than a general licensee.

Amendment on the amendment put and passed.

Hon. W. C. ANGWIN: The amendment as amended introduces an entirely new system. We are to hand over the Licensing Act to the control of racing and other sporting bodies. Instead of, as in the past, issuing temporary licenses to general licensees, the amendment provides that a license can issue to a committee.

The Minister for Mines: It has been done in years past. The eight hours' committee in Kalgoorlie always had a temporary license.

Hon. W. C. ANGWIN: It is idle to say that a licensee would not be penalised under his general license for an offence committed under a temporary license. Of course, the offence is bound to tell against him when he applies to the bench for a renewal of his general license. This proposed new system will be inimical to the carrying out of the Licensing Act. Race clubs repeatedly alter their committees.

Mr. Lutey: The stigma would be on the club.

Hon. W. C. ANGWIN: I admit that, but I would prefer to see a clause under which the sale of intoxicating liquor would be prohibited at sports meetings. We do not want those in control of race meetings to be in control also of the sale of intoxicating liquor. Thousands of people would prefer to see no liquor at those big assemblages.

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

Ayes	..	..	..	..	22
Noes	..	..	..	..	13
Majority for					9

AYES.

Mr. Carter	Mr. McCallum
Mr. Chesson	Sir James Mitchell
Mr. Clydesdale	Mr. Munro
Mr. Cotter	Mr. O'Loghlin
Mr. Davies	Mr. Richardson
Mr. George	Mr. Sampson
Mr. Heron	Mr. Scaddan
Mr. Lambert	Mr. J. Thomson
Mr. Lutey	Mr. Underwood
Mr. H. K. Maley	Mr. Willcock
Mr. Mann	Mr. Mullany

(Teller.)

NOES.

Mr. Angwin	Mr. Pickering
Mr. Broun	Mr. J. H. Smith
Mr. Durack	Mr. A. Thomson
Mr. Gibson	Mr. Walker
Mr. Harrison	Mr. Wilson
Mr. Johnston	Mr. Plesse
Mr. Latham	

(Teller.)

Amendment, as amended, thus passed; the clause, as amended, agreed to.

Clause 20—Amendment of Section 48:

Capt. CARTER: I move an amendment—

That the following subclauses be added:—“(4.) Every person whose license has been declared forfeited under Section 139 or Section 141 shall for a period of three years from the date of such declaration be disqualified from holding any license under this Act. (5.) No license shall be granted or renewed in respect of any premises if any person disqualified as last aforesaid has any share or interest in the business carried on or to be carried on upon the premises in respect of which such license or renewal is applied for.”

At an earlier stage I moved a more drastic amendment to this clause, but after discussion the Committee apparently regarded it as too stringent. There can be no such objection to the present amendment, which provides a very necessary safeguard against those offenders who have done so much damage, not only to the trade, but to the community in general. The man who is guilty of an offence serious enough to require the forfeiture of his license should not again be given a license until he has had some period of punishment, during which he can reflect on the error of his ways. Proposed Subclause 5 is an attempt to get over the dummying which we know has been going on in the trade. It is not right that a man disqualified under the Act, and precluded from writing his name over the door of licensed premises, should be able, by the employment of a dummy, to continue in the business. If a man is clever enough to evade the law it will not be the fault of Parliament if this amendment is carried. If a licensee is disqualified for three years he will have an opportunity of showing at the end of that period whether he has rendered himself fit to be licensed or otherwise.

Mr. J. H. SMITH: I see no necessity for the amendment and hope it will be defeated. At any rate I must give the hon. member credit for having modified his previous intention.

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

Ayes	..	..	..	14
Noes	..	..	..	21

Majority against .. 7

AYES.

Mr. Carter	Mr. Pickering
Mr. Collier	Mr. Plesse
Mr. Denton	Mr. A. Thomson
Mr. Durack	Mr. Walker
Mr. Gibson	Mr. Willcock
Mr. Harrison	Mr. Richardson
Mr. Mann	(Teller.)
Mr. McCallum	

NOES.

Mr. Angwin	Sir James Mitchell
Mr. Chesson	Mr. Mullany
Mr. Clydesdale	Mr. O'Loghlin
Mr. Davies	Mr. Sampson
Mr. George	Mr. Scaddan
Mr. Heron	Mr. J. H. Smith
Mr. Johnston	Mr. J. Thomson
Mr. Lambert	Mr. Underwood
Mr. Latham	Mr. Wilson
Mr. Lutey	Mr. Munzie
Mr. H. K. Maley	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 29—Assessment of fees on returns of liquor purchased:

The PREMIER: I move an amendment—

That in line 3 of subclause 1, paragraph (b), after the word “excise,” the following be inserted, “and cost of carriage from place to place within the State.”

This should meet the objection which has been raised concerning the cost of transport of liquor. It is recognised that if liquor has to be sent to a northern port the freight upon it would probably be equal to the cost of the liquor.

Amendment put and passed.

Clause, as amended, agreed to.

Bill again reported with further amendments.

BILL—CLOSER SETTLEMENT.

In Committee.

Debate resumed from 10th October; Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 3—Inquiries of Board:

Hon. P. COLLIER: When we were discussing this clause last we had reached the words “fee simple.” Can the Premier tell me whether this Bill will apply to land owned by the Midland Railway Company?

The PREMIER: The Bill last year stated that land must be within 12½ miles of a railway, but as that clause is not contained in this Bill it will apply to any lands in the State whether Midland Railway land or not.

Hon. P. Collier: Have you considered the possibility of the Midland Company's lands being debarred under the Constitution Act?

The PREMIER: I have not.

Hon. T. Walker: That is, by the Imperial legislation.

The PREMIER: Is it suggested that freehold property cannot be taken?

Hon. P. Collier: I referred to that granted prior to responsible government.

The PREMIER: There is very little freehold other than that held under the present Transfer of Land Act.

Hon. P. Collier: There is some land that was granted under the Imperial regime.

The PREMIER: Almost all the land in Western Australia is held by virtue of the Transfer of Land Act.

Hon. T. WALKER: The Leader of the Opposition has drawn attention to Subsection 2 of Section 4 of the Imperial Act of 1890, which was passed to enable Her Majesty to assent to a Bill for conferring a Constitution on Western Australia. Subsection 2 sets out the exceptions to the general powers as follows:—

Nothing in this Act shall affect any contract, or prevent the fulfilment of any promise or engagement made before the time at which this Act takes effect in the colony of Western Australia on behalf of Her Majesty with respect to any lands situate in that colony, nor shall disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belonged to the licensed occupants or lessees of any Crown lands within that colony.

That means that until there is an amendment of that provision, we are debarred from interfering with, or legislating against, those lands alienated, granted, or promised, or concerning which there was any contract with the Imperial Government, prior to the passing of the enabling Act. Such lands continue as they were. If I understand the question correctly, the Midland Company's lands were granted before the passing of the enabling Act.

The Premier: But their titles were issued later.

Hon. T. WALKER: If the company had a contract, we cannot interfere with them now.

Hon. W. C. Angwin: The same thing will apply to Millars.

Hon. T. WALKER: Whatever was promised or contracted by the Imperial authorities before responsible government was granted to Western Australia, is protected. If a contract is governed by the section of the Imperial Act I have quoted, we cannot get away from it.

Mr. Johnston: We tax that land.

Hon. P. Collier: But that is a general matter.

Hon. T. WALKER: If the Midland Company had a contract, or even a promise of an agreement, prior to the Imperial Act being passed, their rights are protected and we cannot interfere with their land.

Hon. W. C. Angwin: The same applies to any other company!

Hon. T. WALKER: I have only mentioned the Midland Company, because reference was made to them at an earlier stage.

The Premier: I do not think the company earned the right to the land until long afterwards.

Hon. T. WALKER: It is a point that should be cleared up.

The Premier: I will have inquiries made for that purpose.

Hon. T. WALKER: As I see it, we are bound to respect those contracts until the Imperial law is repealed.

The PREMIER: I will make a note of the point raised and take legal advice on it. In other States of the Commonwealth they have a similar law to that which is now before the Committee, and I presume the position must have been similar there to our own here. I think the Midland Company only earned their right to the land after the line was constructed and the land was allotted to them subsequently. I will have the matter looked into.

Mr. PIESSE: I move an amendment—

That a new subclause, to stand as Subclause 3, be inserted as follows:—“No property which, in the opinion of the board, is used principally for the breeding of stud sheep, and/or cattle and/or horses for sale shall be compulsorily acquired or affected under this Act.”

The protection indicated in the amendment is enjoyed by farmers in New South Wales or Victoria and the Committee should recognise that it is a reasonable request. Security of tenure is necessary if a man is to invest money in stud farms. If that security of tenure is not present, money will not be invested for such purposes. Protection should be afforded to people because stud farms are valuable to the State.

The PREMIER: The amendment only refers to stud sheep and cattle and horses. It does not say that it will cover cattle and horses for stud purposes only.

Mr. Piesse: It refers to sheep, cattle, and horses used for stud purposes.

The PREMIER: I do not think the Committee will agree to the amendment, for it would have the effect of holding up large areas of land.

Mr. Willcock: Of course it would.

Mr. McCallum: It will mean that if there is a ram on a 1,000 acre paddock, you cannot touch the holding.

The PREMIER: Whatever the amendment may mean, if the Committee pass it, the result will be that if a man puts a few horses on his holding, we will not be able to acquire it under the Bill because it will be regarded as being utilised. It is a different matter if it applies only to stud stock. There are so few in the State that it would not mean much from the standpoint of the Bill. The board would not take land used for the breeding of stud stock.

Mr. Pickering: It was done in the other States.

The PREMIER: I do not know of that. When was it done?

Mr. Pickering: When legislation was introduced.

The PREMIER: It is strange that I have not heard of that before. No board would take property used for stud stock purposes and I do not think the amendment is necessary.

Hon. P. Collier: In any case, it is not only a matter for the board; it is for the Government. The Country Party have no faith.

Mr. Pickering: That is a great security!

The PREMIER: If a man had 10 head of stud cattle on a holding which could run 300 head, surely we would not be asked to permit that area to be held up? If a block were being adequately used for stud purposes, it would be a different matter. In any case, the Government would not agree to a board acquiring land used for the purposes suggested in the amendment, and I hope the Committee will not agree to it.

Hon. P. Collier: If that prize ram which came from the Dwarda district were the only one on a large holding there, the owner could hold up the entire estate.

Mr. Johnston: If we had the railway there, the amendment might not be necessary. As we have not got the railway, it is necessary.

Mr. WILLCOCK: I oppose the amendment. I regard it as a subterfuge to destroy anything of value in the Bill.

The Premier: I do not think that is the object of the member for Toodyay.

Mr. Pickering: Of course not.

Mr. WILLCOCK: If the Country Party had the interests of agriculturists at heart, they would agree that any land not properly used should be taken away from existing holders and made use of. They have, on the contrary, opposed every amendment.

Mr. A. Thomson: That is a matter of opinion. You should be reasonable.

Mr. WILLCOCK: It is as easy to say that that is not reasonable, as it is to say that the board, with all its responsibilities, would make a recommendation to acquire such land and that the Government, with all their responsibilities, would uphold a silly recommendation by that board. The amendment can only be construed as an attempt to kill the principles of the Bill. If the Bill is to be effective at all, it must go through without the addition of this sub-clause.

Mr. PIESSE: The amendment is not quite as clear as it might be. With the permission of the Committee, I should like to amend it by striking out the first "and or" in line 3, and inserting "stud" before "cattle" and before "horses". There is no justification for the remarks of the hon. member who has just sat down. This party is not against the Bill. With the price of rams varying up to 2,000 guineas, it takes big money to establish a stud farm. I have every confidence in the proposed board, but a man setting up a stud farm must be given security of tenure.

The CHAIRMAN: I will accept your amendment of the amendment.

Hon. W. C. ANGWIN: I am sorry the Premier did not show even stronger opposition to the amendment.

Hon. P. Collier: And he is sorry he went so far.

Hon. W. C. ANGWIN. Sub-clause 2, to which we have agreed, throws on the board the responsibility of saying whether the land is being put to reasonable use. Do hon. members think the board would take land used for the breeding of stud sheep, cattle and

horses? The member for Sussex says it has been done in New South Wales. It must be that the law in that State is very different from the provisions of the Bill. I have gone carefully through the Victorian Act, but I can find no reference to it there. Under the amendment, all that a person will require to do to exempt his property will be to buy one or two stud sheep and declare his place to be a stud farm.

Mr. Pickering: You have not much confidence in the board.

Hon. W. C. ANGWIN: I want to reserve to the board the exercise of judgment. I do not want in the Bill anything that will hinder that. It would have been much better if the mover of the amendment had tried to defeat the Bill on the second reading, for if the amendment be passed, the Bill might just as well be dropped. There is not in all Western Australia a farm which could not be brought under the amendment.

The Premier: The board should not take a stud farm, anyhow.

Hon. W. C. ANGWIN: The board will be able to ascertain by the number of stud stocks on a farm whether or not the farm is being legitimately run as a stud farm; but we must leave it to the discretion of the board.

The Minister for Agriculture: The amendment does that.

Hon. W. C. ANGWIN: On the contrary, it takes the discretion out of the hands of the board.

The Minister for Agriculture: It is provided that in the opinion of the board the property must be used principally for the breeding of stud stock.

Hon. W. C. ANGWIN: The mover of the amendment declared there ought to be security of tenure for the holder of a stud farm. But the other night the hon. member argued that the only form of tenure carrying security was the freehold, that there could be no security under a conditional purchase lease. The amendment will virtually debar the board from recommending to the Government the taking of any land, because all that a farmer will have to do will be to run some old stud ram on the place and call his farm a stud farm. The proviso to the clause is quite sufficient, without tying the hands of the board, as proposed in the amendment. If the hon. member had thought this amendment would not effectually tie up the board, he would not have moved it.

The Premier: Oh, yes, he would.

Hon. W. C. ANGWIN: The Premier can swallow that if he likes, but I will not.

The Premier: I, too, am opposed to the amendment, but it is not as bad as you think.

Mr. PICKERING. The amendment does not go far enough. I should like to strike out the words "in the opinion of the board." I have no confidence in the board.

The Premier: At last election time you had.

Mr. PICKERING: But I have since thought it over, with the result that now I

have not much confidence in the board. It might prove that, under the amendment, it will be necessary for a farmer to breed, not merely stud sheep, but also stud cattle and stud horses. It has been demonstrated in other States, particularly in New South Wales, that the entrusting of this power to the board without restriction has resulted in the destruction of some of the best stud farms in that State. The establishment of stud farms is of the greatest importance to Western Australia, where we want dairy cattle of the best type for the group settlements.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. PICKERING: No member would under-rate the great importance of the wool industry. When we think of the wonderful advance that the industry has made and all it means to the State, we must realise the absolute necessity for maintaining the stud farms. We have the Hawkhurst farm at York.

Hon. P. Collier: You are making a very laboured attempt to connect your discussion with the amendment.

Mr. PICKERING: I do not think I am, but I am not asking for the hon. member's ruling.

Hon. P. Collier: You ought to keep somewhere near the question.

Mr. PICKERING: I am speaking strictly to the amendment by instancing various stud farms. The name of Padbury of Koojan is a household word in Western Australia. For many years Mr. Padbury has won the cup at the Royal Show for the number and diversity of exhibits. Then we have Edgur of Gingin, T. A. Hardie of Narrogin, O'Connell of Darkan, O'Mear and Timms of Groswangurup, Ross Anderson and E. B. Anderson of Katanning, Max Iaw of Serpentine, Goyder of Brunswick, Norman Higham of Williams, Duraek of Wagin, Palmer of Cranbrook, the Roses of Brunswick, and the Grants of Newmarracarra.

Hon. P. Collier: And not one of those towns is in Sussex.

Mr. PICKERING: I am glad of that interjection, because the hon. member must exonerate me from personal interest. This list shows the wide range of operations, the importance of which cannot be over-estimated. If this State needs one thing more than another, it is herds of dairy cattle. We have a policy to introduce 6,000 migrants, most of whom are to be established in the South-West. The success of our group settlements will depend entirely upon the dairying industry. No market is so certain as that for dairy products, and it is essential to have stud farms for dairy cattle. I regret exceedingly that the excellent farm at Brunswick was cut up for other purposes than that for which it was eminently suited.

The Premier: It was losing about £2,000 a year.

Mr. PICKERING: It would have more than made up for that loss if it had been utilised for the purpose for which it was established. The board will be called upon to decide whether these stud farms are being properly utilised. The fact that they are stud farms should be sufficient to exempt them. If the Committee had agreed to the primary producers having a direct representative on the board, we would have had complete confidence in the board and all this discussion would have been obviated. It is essential that farms devoted to stud purposes should be exempt, and I trust that members will show a true regard for the interests of the State by supporting the amendment.

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	22

Majority against 10

AYES.

Mr. Broun	Mr. Pickering
Mr. Denton	Mr. Piesse
Mr. Durack	Mr. J. H. Smith
Mr. Harrison	Mr. A. Thomson
Mr. Johnston	Mr. Underwood
Mr. Latham	Mr. J. Thomson

(Teller.)

NOES.

Mr. Angwin	Mr. Mann
Mr. Carter	Mr. McCallum
Mr. Chesson	Sir James Mitchell
Mr. Clydesdale	Mr. Munste
Mr. Collier	Mr. O'Loughlen
Mr. Davies	Mr. Sampson
Mr. George	Mr. Scaddan
Mr. Gibson	Mr. J. M. Smith
Mr. Heron	Mr. Willcock
Mr. Lambert	Mr. Wilson
Mr. Lutey	Mr. Mullany

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 4—Board to report to Minister:

Mr. PIESSE: I move an amendment—

That in line 3 the word "two" be struck out and "five" inserted in lieu.

The clause provides that, if the board are of opinion that any land has continued unutilised and unproductive for upwards of two years and should be made available for closer settlement, they shall report to the Minister. Two years is an insufficient period to carry out improvements and make productive any reasonably large estate.

Capt. CARTER: We are not discussing the exemption period under this clause. The hon. member might explain more clearly what he means. If land has been lying idle for two years, it is high time the owner was made to bring it into use or someone else was permitted to do so.

Mr. LATHAM: The amendment is a very fair one. There are people coming here from the Eastern States to purchase these properties, but when they have purchased them the board may decide that they are not in a proper state of production and the new owners may be deprived of them.

The PREMIER: The Bill provides for a case such as that mentioned by the member for York. A man who buys an estate can take time in which to improve it by paying additional taxation.

Mr. Latham: That would not encourage people to come here.

The PREMIER: We are going to take only freehold property, and it must be property that has been held for a long time. If the amendment were agreed to a property owner might work his land only once in five years, and continue to do so at that rate.

Mr. A. Thomson: No property owner would dream of doing that.

Mr. Latham: We want to make the security good.

The PREMIER: It is good. There is no justification for extending the period. Two years is a reasonable time in which to effect improvements.

Mr. A. Thomson: What does "upwards of two years" mean?

The PREMIER: It means two years or more of idle land. Men are already coming from the Eastern States with money and taking up land here. Such men can always safeguard themselves.

Mr. PICKERING: I hope the Committee will not be misled by the arguments of the Premier. This is retrospective legislation, and will discourage people from taking up land of this description. If they do take it up, they may be penalised by paying a three-fold taxation. Many people have taken up large estates and are improving them by degrees, but cannot hope to wholly improve them within two years. In the Premier's mind is the breach of contract which exists under conditional purchase conditions. Those improvements which have been regarded as reasonable improvements will not now be taken into consideration and we shall have to fall back upon the opinion of the board. If it were composed of competent men, it would be a different matter.

Hon. P. Collier: The board has not yet been appointed.

Mr. PICKERING: I have a good idea as to the kind of board it will be. I should like to know whether the Premier has improved his property in the South-West within the meaning of this Bill.

The Premier: I have not, and neither have you.

Mr. PICKERING: I have improved my property within the meaning of the Act under which I bought it. This is an insidious attempt to destroy settlers of recent years. It is an attempt to extort further taxation from people who are making a genuine effort to handle their properties. It is in fact an insidious measure.

Hon. P. Collier: How does it become insidious? You gave it your blessing last year.

Mr. PICKERING: I have had a long time in which to go into the matter. It is not the Bill I thought it was. This shows the danger of Bills being placed before us during the closing days of the session.

The Premier: Last year's Bill was before the House for months.

Mr. PICKERING: At least five years are necessary in order that a man may improve his property, as laid down in this Bill. There is no provision for an appeal against the decision of the board. Without that right of appeal the measure will be most harmful. The Premier is embarking upon a bold policy of land settlement, but this Bill will undermine it. I have worked in the South-West myself, and I know the little that one can do in the way of improvements in five years. The land in the South-West needs a lot of capital and a lot of men for its improvement. Let us not make this Bill a measure of forfeiture.

Mr. WILLCOCK: This amendment, like the last, seems a deliberate attempt on the part of the Country Party to kill the principle of the Bill. The control of the board having been refused by this Chamber to the Primary Producers' Association, nothing in the Bill is now any good, apparently. The purpose of the measure is to secure land for closer settlement, in the South-West more particularly. The Country Party have been instructed by their chief that the Bill is no good. Though they have preached closer settlement from the public platform, they now come along with destructive amendments.

Mr. PIESSE: How can the members of the board arrive at a conclusion whether for two years past a property has or has not been properly developed?

The Premier: They can take evidence.

Mr. PIESSE: What sort of evidence can they get?

Mr. Munsie: The owner will have to bring proof that he has utilised the property within the two years; and that should not be difficult, if he has utilised it.

Mr. PIESSE: The main object of the Bill is to bring about the development of lands at present lying idle. There are thousands of acres available for the Government if their desire is to promote closer settlement. To go back five years would increase the liability to forfeiture.

The PREMIER: I protest against the use of the word "forfeiture" in connection with this Bill. Every man will be paid for his land and his improvements at full value. The present clause does not deal with improvements; another clause does that. Hon. members should not run away with the idea that the board will seize every possible block of land. The genuine farmer will not be penalised under the Bill. The member for Sussex was perfectly right in supporting a similar measure last session. The Bill is perfectly fair, and I object to hon. members describing it as confiscatory.

Mr. Munsie: The Bill is a little too fair to the landowners; it is unfair to the State.

The PREMIER: I do not agree with that.

Hon. W. C. ANGWIN: I hope the Committee will not carry the amendment, which amounts to an admission that there are large areas of land in this State not being utilised. Last session the member for Sussex said that the Country Party did not stand for men who owned land but for men who used it, and that the Country Party wished to stimulate land settlement, at the same time improving facilities for marketing. The hon. member said, "We are out to protect the facilities of the producers." In supporting the present amendment he is out to support the men who own land, and not the men who use land. Two other statements made by the hon. member last session were that while travelling through the South-West he had observed that those settlers who had reasonable-sized holdings alone showed indications of prosperity, and that landowners would welcome the Bill. Mr. Munsie: Mr. Mougier has spoken since then.

Hon. W. C. ANGWIN: The member for Sussex referred to land owned by the Premier in the South-West. We are coming down to a very low level when we cannot discuss a question such as this without touching on the private business of hon. members.

Mr. Pickering: Why was I questioned about my land?

Hon. W. C. ANGWIN: The Bill is not introduced for the purpose of dealing with the land held by the Premier. The measure affects him, but he is not afraid. It is introduced for the purpose of affecting all owners of land who do not utilise their land. The board will be able to "collar" the Premier's land; but the State is going to pay compensation to the full value.

Mr. Pickering: No.

Hon. W. C. ANGWIN: The question of compensation can be taken to arbitration. The amendment contemplates that a man must have five years to enable him to improve his property.

Mr. Latham: We say that the land must be held for five years by the one owner.

Hon. W. C. ANGWIN: If hon. members are genuine regarding closer settlement, they will see that the time stipulated is limited. I do not know who will comprise the board, but I have every confidence that the board will not take any action against a man who is genuinely improving and developing his property.

Mr. A. Thomson: That is only your opinion.

Mr. Lutey: It is a common-sense opinion.

Hon. W. C. ANGWIN: It does not matter who owns the land, so long as it is put to proper use. It is production that is necessary to enable cheaper freights and so forth to be provided. The clause should be agreed to as printed.

Mr. BROWN: The Committee apparently misunderstand the meaning of the amendment. It means, having regard to the subsequent amendment which is proposed, that if any one individual has been in possession of

the land for five years prior to the passing of the Bill and has not utilised it or made it productive within the meaning of the Bill, his property can be taken over by the board and sold by the Government. It is not intended that subsequent to the passing of the Bill a man can hold property for five years without improving or utilising it.

The Minister for Mines: The amendment will have that effect.

Mr. BROWN: It is not intended to apply to such land for the period of five years after the passing of the Bill.

The Minister for Mines: But it does.

Mr. BROWN: I cannot understand what objection can be raised to the proposal. Undoubtedly there are people in Western Australia who are holding land that is not being improved or utilised, and the Bill will apply to those people if they have held it for five years without carrying out the necessary improvements.

The MINISTER FOR MINES: So much light has been thrown on the amendment that the member for Toodyay will probably desire to withdraw it, so that it may be re-drafted. The effect of the amendment will be to limit the operations of the Bill to land held for five years prior to September, 1922, and to no other land.

Mr. Brown: And that covers all land.

The MINISTER FOR MINES: It does not. The board will not be able to take action, except as I have indicated, if the amendment be agreed to. There would be a change of ownership respecting the land and the board could not take action. The member for Toodyay does not intend that such a position should arise. The amendment would so limit the operation of the Bill to land held by one owner for five years prior to the 1st September, 1922, that the measure would be useless.

Mr. Piesse: I understood that the provision for two years was to enable a man to effect improvements, and that it did not refer to the retrospective aspect.

The MINISTER FOR MINES: The clause means that the Bill may be applied to any person in possession of land for two years or longer who has not been utilising it and making it reproductive. I warrant that the member for Toodyay did not consult the Parliamentary draftsman when framing his amendment. If the amendment be agreed to, there will be nothing in the Bill at all.

Mr. McCALLUM: I am surprised at the attitude of Country Party members towards the Bill, although, on the whole, we should expect such an attitude. Till August last, we heard the Country Party members state frequently that they were in favour of breaking up large estates and bringing idle lands into use. Their conferences repeatedly stood for such a move. Their speeches throughout the State led us to believe that they stood for the interests of those on the land, and that they could not get any relief for the farmers while there were empty spaces adjacent to our railways. They have con-

stantly pointed out that the men they represented were the genuine settlers and the bona fide farmers who were using their holdings properly. They have argued, however, that they could get no redress for them until idle lands were brought into productivity, thus, by providing extra freight for the railways, lightening the burden on the genuine farmers. The Country Party members have deserted that policy since they became the champions of the big land owners of St. George's-terrace instead of being the voice of the genuine settlers. They are now gagged and controlled by the land monopolists in Western Australia, and it is the principles of those monopolists which they are voicing in this Chamber.

Mr. Pickering: You say that as though you mean it.

Mr. McCALLUM: The Country Party members are expressing the opinions of those monopolists.

Mr. Latham: Do not say we are gagged, because we are not.

Mr. McCALLUM: In order to protect these land monopolists who have been a burden on the genuine settlers, we see the Country Party for the first time in their history standing solidly against the Bill. Instead of voicing the opinions of the men on the land, they are voicing the opinions of those who are holding their land out of use.

Mr. Pickering: That is what you say.

Mr. Munsie: That is what you have said.

Mr. McCALLUM: The Country Party members now stand for the large land owners and the land monopolists who have been a burden on the men on the land. The Country Party members want to continue the policy which means heavy freights, heavy taxation, stagnation and all the burdens that the genuine settler on the land has had to carry.

Mr. Pickering: What has this got to do with the amendment?

Mr. A. Thomson: Deal with the amendment.

Mr. McCALLUM: What I am stating has everything to do with the amendment. The amendment is only another attempt to make the Bill ineffective, abortive and unworkable. The policy of the Country Party has changed since the last primary producers' conference. At one stage the Primary Producers' Association went so far at their conference as to carry a motion favouring taxation on land values so as to force idle land into use. Now the amendment provides another attempt to wreck the Bill and make it ineffective. This is in the interests of the land monopolists who wish to retain their land without putting it to use. That sums up their position. They have deserted the men they came here to represent, and gone over to the land monopolists. As a member of the Opposition, I am sick and tired of having to save the Government. We are repeatedly doing it. If the Government have not sufficient backing to carry their policy into effect, it is about time the Opposition threw on them some responsi-

bility. Twice have we saved them on the Bill when their own supporters wanted to play up to the monopolists' interests. The Government have not been able to get along, save by the support of the Opposition. It is time we put the Government on their mettle. If the Opposition were to vote for the Country Party, where would the Government be?

The CHAIRMAN: The hon. member must keep to the amendment.

Mr. McCALLUM: I want to know what will happen if the amendment is agreed to. Will the Government stake their existence on it? What is the attitude of Country Party members?

The Minister for Mines: They want to wreck the Bill; you want to wreck the Government.

Mr. McCALLUM: Is it not up to the Country Party to wreck the Government, since they do not want the Government's Bill? Will they assist us to wreck the Government? The Country Party are in coalition with the Government, yet the Government cannot get their Bills through without the support of the Opposition.

The CHAIRMAN: The hon. member must confine himself to the amendment.

Mr. McCALLUM: Does the amendment mean a vital principle in the Government's policy? Even Ministers cannot say. Apparently they do not know where they are. They contradict each other, and then one goes out of the Chamber and will not vote with his colleagues.

Mr. Mann: He will not do that again.

Mr. McCALLUM: The best thing the Opposition could do would be to walk out of the Chamber and leave the coalition to fight it out amongst themselves.

The CHAIRMAN: There is nothing about coalition in the amendment.

Mr. McCALLUM: The amendment will be defeated if we leave it to the coalition. The Government can only be saved by the assistance of the Opposition.

The CHAIRMAN: The hon. member must not discuss the policy of the Government, but must discuss the amendment.

Mr. McCALLUM: Do you rule that this is not a question of Government policy?

The CHAIRMAN: I rule that the hon. member must confine himself to the question before the Chair.

Mr. McCALLUM: And I say it involves the Government policy.

The Colonial Secretary: Help us make it satisfactory.

Mr. McCALLUM: Only by our help can you hope to make it satisfactory. The Government are being kept in office by the support of the Opposition. Have Ministers no sense of responsibility at all? If the Government were to bring in some substantial measure of closer settlement, they would get no support at all from their own side.

Mr. Latham: On a point of order. Is this the second reading stage, or are we in Committee?

The CHAIRMAN: I am allowing the hon. member great latitude, but there is a limit, and it has been reached.

Mr. McCALLUM: The Premier himself says that the amendment will render the Bill useless. Clearly, then, the amendment involves Government policy.

The Premier: No, of course not.

Mr. McCALLUM: The Government are looking to our votes to help them through. The whole Bill is useless, and the Country Party want to make it still more useless. I am getting tired of the Government's reliance on us to keep them in office.

The Minister for Mines: We have not actually claimed your support.

Mr. McCALLUM: If the Opposition were to walk out and leave the coalition to debate the amendment, the discussion would be merely a repetition of what took place at a meeting at which Monger presided and gave his instructions to members of the cross benches. It is up to the Opposition to throw responsibility on the Government.

Mr. A. THOMSON: Surely we are justified in moving amendments to the Bill. It is the privilege of every hon. member, one which we would not deny to even the member for South Fremantle. The farmer may have every intention of utilising his lands and effecting the necessary improvements as fast as he can, yet under the Bill he would not be given a chance. The Government invite settlers to come here from overseas, hold out all sorts of inducements to them, and yet would resume their land without due notice. Clearly those who come here and take up land ought to be given a reasonable time in which to effect their improvements.

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

Ayes	..	..	..	13
Noes	..	..	..	21

Majority against .. 8

AYES.

Mr. Broun	Mr. J. H. Smith
Mr. Denton	Mr. A. Thomson
Mr. Durack	Mr. J. Thomson
Mr. Johnston	Mr. Underwood
Mr. Latham	Mr. Wilson
Mr. Pickering	Mr. Munroe
Mr. Piesse	

(Teller.)

NOES.

Mr. Angwin	Mr. Mann
Mr. Carter	Mr. McCallum
Mr. Chesson	Sir James Mitchell
Mr. Clydesdale	Mr. O'Loghlen
Mr. Collier	Mr. Sampson
Mr. Davies	Mr. Scaddan
Mr. Gibson	Mr. Simons
Mr. Heron	Mr. J. M. Smith
Mr. Lambert	Mr. Willcock
Mr. Luty	Mr. Mullany
Mr. H. K. Maley	

(Teller.)

Amendment thus negatived.

Mr. PIESSE: I move an amendment—

That after "Minister" at the end of the first paragraph the following be inserted:—"And the board shall give the owner a copy of the report as submitted to the Minister, and shall define what in their opinion is reasonable use to which the land should be put."

I have a further amendment on the Notice Paper to provide for an appeal to a judge of the Supreme Court who may either confirm the action of the board or direct the cancellation of such intimation. The owner is entitled to be informed of the reasons actuating the board and, if he thinks fit, to appeal against the decision of the board. It is possible the board will make mistakes and the owner should have these means to ensure that he gets a fair deal.

The PREMIER: The amendment will mean appealing from the decision of experts to a judge who is not expected to know the position.

Mr. Pickering: But he will administer justice.

The PREMIER: There would not be the slightest objection to telling the owner what the land was useful for but the owner ought to know.

Mr. A. Thomson: Probably he would, but he might want to refute the argument of the board.

The PREMIER: The board will say that the land has not been utilised for two years.

Mr. Broun: Or has not been properly improved.

The Minister for Mines: The owner can appear before the board.

The PREMIER: What will there be for a judge to decide? The board will decide whether the land is being properly utilised.

Mr. Broun: But the owner might think differently.

Mr. A. Thomson: Suppose the owner considers that the land is being put to its full and proper use?

The Minister for Mines: He will appear before the board and tell them so.

Mr. Latham: "Unutilised and unproductive" will be the great questions to be decided.

The PREMIER: There seems to be an impression that we want to take people's land. We do not want to take it. Some members have suggested that the board will pounce upon a man who has just bought land and started to clear it. Is that at all likely?

Hon. W. C. Angwin: They think the Government have any amount of money.

The PREMIER: Surely we shall not be so stupid as to take land which we should not take. The measure provides ample protection for the landowner, though there might be some question regarding valuations dealt with in a later clause. It would be quite useless to accept the amendment.

Mr. MUNSIE: I move—

That the amendment be amended by striking out all the words after "Minister".

The Premier: Yes, that portion will be all right.

Mr. MUNSIE: It is only fair that a copy of the report submitted to the Government should be supplied to the landowner. The balance of the amendment is useless. The board would merely have to tell the owner that the land was suitable for closer settlement.

Mr. Pickering: No, it hinges on "unutilised and unproductive".

Mr. LAMBERT: If members on the cross benches desire to make the measure inoperative, they are going the right way about it. If land is to be resumed the owner should receive a copy of the report sent to the Government. The board would know that the land was not being utilised as it should be, but to throw on them the onus of indicating how it should be brought into use would destroy the main principles of the Bill.

Mr. Pickering: They should have that knowledge.

Mr. LAMBERT: Members on the cross benches should be satisfied with this mild measure of closer settlement. Otherwise, the time might come when they will get a very different measure. The position is becoming intolerable. We should not nightly have to throw out the political life line to save the Government. It must be humiliating for them.

The Minister for Mines: You want to confiscate our position.

Mr. LAMBERT: The Government would have no position if we on this side of the House did not step in and save them from humiliation. They must not continue to rely upon support from this side of the Chamber. No good purpose would be served by an appeal to a judge of the Supreme Court. The board will be fully competent to deal with all questions affecting closer settlement.

The MINISTER FOR MINES: The hon. member is trying to make his amendment in the wrong place. Before the board reports to the Minister, the people interested in the property are notified that it is the intention of the board to make a report. The persons receiving such notice, who are directly affected by the proceedings of the board, may then appear before it and give sworn evidence. A *prima facie* case is primarily made out by the board to the effect that the land is not being utilised. In order to ascertain from the people interested in it what they have to say in the matter, the board sends out this notice prior to the making of the report to the Minister. After taking that evidence the board will decide whether to report or not. When the owner or occupier of the land receives a copy of the report, he can then appeal to the Minister for his land to be exempt from the provisions of the Act. The

amendment should, therefore, come at the end of the clause. Once the Minister recommends to the Governor-in-Council to bring the land under the terms of the Act, it is too late for the people interested to get a copy of the report. There is sufficient protection afforded by the Bill without any reference to a judge of the Supreme Court being required. The fact of the board reporting to the Minister will not bring land within the scope of the Act. The Minister must make the recommendation to the Governor in Council.

Mr. PIESSE: We want to go to the Supreme Court before the Governor in Council deals with the matter.

The Minister for Mines: Why not an appeal from a judge?

Mr. PIESSE: There is no further recourse for an owner once the Minister has made a recommendation to the Governor in Council.

The MINISTER FOR MINES: There is the right of appeal to the board before any action whatever is taken. Does the hon. member imagine that the board would recommend that land should be taken unless it felt it could make out a *prima facie* case beforehand, and that after the taking of evidence it had a strong case?

Mr. PICKERING: The occupier or owner of the land should know what is in the report before he meets the board, so that he may be able to put up his case against the proposal to forfeit or confiscate the land.

Hon. W. C. Angwin: There is no report until after the case is heard.

Mr. PICKERING: The board will be in possession of certain information which should be made available to the persons interested in the property. I support the amendment as it was originally submitted. We are told to appeal to no one but the Minister. The amendment is perfectly fair. I am not prepared to accept the opinion of the board, or of the Minister either. We do not know who the Minister may be. If an appeal to a judge of the Supreme Court is right in one case, why should it be wrong in another?

Mr. LAMBERT: The Minister for Mines has made it quite clear where the words ought to be inserted. Furnishing the owner with a copy of the report is a mere formality. The amendment tends to nullify the clause. The Country Party, instead of cringing like whipped curs before the Government, should perform their proper function in this Chamber.

The CHAIRMAN: I will ask the hon. member to confine himself to the amendment.

Mr. LAMBERT: This being a measure for the utilisation of the unused lands along our existing railways, the Country Party should support it. I hope the Premier will exact from the cross benches that support which he is entitled to expect.

Hon. W. C. ANGWIN: Apparently this amendment has been moved in the wrong place. It is suggested that the person whose land is supposed to be about to be resumed for closer settlement should have a copy of

the board's report in order that he may move a Supreme Court judge in the matter prior to action being taken by the Governor-in-Council. Just fancy a judge deciding whether the Governor-in-Council shall be permitted to take land before he has decided to take it! Such a suggestion is ridiculous. Until the Government actually decide to take the land, everything is merely pending. The member for Sussex gave the position away when he said that there might be a change of Government. Any Government in office will act fairly by the citizens.

Hon. P. COLLIER: Even a Country Party Government.

Hon. W. C. ANGWIN: The country people are safer in the hands of a Labour Government. I support the amendment which the member for Hannans has moved on the amendment.

Mr. PIESSE: If I am prepared to accept the suggestion of the Minister for Mines, will it be competent for me to withdraw my amendment, seeing that the member for Hannans has moved an amendment on it?

Mr. MUNSIE: I ask leave to withdraw my amendment on the amendment.

Amendment on the amendment by leave withdrawn.

Mr. PIESSE: I now ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. PIESSE: I shall move, later, an amendment on the lines suggested by the Minister for Mines.

[Mr. Munsie took the Chair.]

Mr. PICKERING: I move an amendment—

That in the third paragraph "may" be struck out, and "shall" inserted in lieu.

Under the Interpretation Act "may" is optional, and "shall" is obligatory. We want it obligatory upon the board to take evidence on oath.

Hon. P. COLLIER: If the amendment be agreed to, it will mean that the board must get evidence irrespective of whether there is any necessity for it or whether it is available. Should there be no evidence offering, a policeman will have to be sent round to forcibly drag in witnesses. As the clause stands, it means that if evidence is offering, the board will take it. To make the clause mandatory, would be absurd. The draftsman of the clause had a proper appreciation of the value of the words included.

Mr. MacCallum Smith: He does not understand the value of words as well as the member for Sussex.

Hon. P. COLLIER: Evidently not. The language of the clause provides all that is required. If the amendment be agreed to and no evidence is offered, the board will have to search the countryside and drag witnesses forward by the hair of the head and compel them to give evidence.

The PREMIER: If the land owner appears before the board, the Bill already provides that the board shall take his evidence on oath. It is not only the land owners whose evidence may be taken. I do not think the amendment will mean that the board must search for evidence. If the member for Sussex is suspicious regarding the board when the land owner appears before them, I do not object to the amendment. We have heard much in defence of the landowner, but it is now provided that he must give his evidence on oath!

Hon. P. COLLIER: If he is to tell a lie, it must be on oath and that may be a handicap.

The PREMIER: The land owner will not be able to send in a statement in connection with the matter, but he will be compelled to go before the board and give evidence on oath.

Mr. PICKERING: I am fully seized with the importance of the matter. If there is to be an appeal to an appeal board, evidence before the board under discussion will be of no value unless it be on oath.

Hon. P. COLLIER: If you have an appeal board, you will have the right to appear before that tribunal in person and it is not necessary to take evidence as you suggest.

Mr. PICKERING: Unless evidence is taken on oath, due weight will not attach to it.

Mr. WILLCOCK: The clause is all right as it stands. It already provides that the evidence shall be taken on oath.

Mr. Broun: It is discretionary.

Mr. WILLCOCK: The board cannot take evidence under the clause except on oath.

Amendment put and passed.

Mr. PIESSE: I move an amendment—

That after "administer," at the end of Clause 4 the following words be inserted, "and the board shall forthwith give the owner a copy of the report as submitted to the Minister."

Mr. LATHAM: I move an amendment on the amendment—

That the word "give" be struck out. I will subsequently move that the words "deliver to" be inserted in lieu.

Mr. WILLCOCK: Some people may not require a copy of the report and I think the better amendment would be to include the words "on application." In some cases, it may be difficult to determine who is the owner.

Mr. A. Thomson: The board will already know that under the previous clause.

Mr. WILLCOCK: Some owners may not require a copy of the report; they may want "to go quietly."

Amendment on the amendment put and passed.

Hon. W. C. ANGWIN: I move an amendment—

That in lieu of the word struck out, the following be inserted: "On application forward by post or otherwise."

Amendment on the amendment put and passed.

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

Clause 5—Land may be declared subject to this Act:

Mr. PICKERING: I move an amendment—

That the following proviso be added:—
“Provided that an owner may, at any time within one month from the service of such intimation as aforesaid, appeal to a judge of the Supreme Court, who may either confirm the action of the board or direct the cancellation of such intimation.”

If the right of appeal be conceded, this is the proper place for it.

The PREMIER: The hon. member ought to realise that this is not the proper place for the amendment.

Hon. P. Collier: No, the waste paper basket is the proper place.

The PREMIER: Certainly the amendment is misplaced here. We are constantly resuming land, but the owner has no right of appeal against the resumption. All that he can do is to go to the court and there get full value for his land. The only appeal is against the valuation.

Mr. Pickering: There is no appeal, except on the ground of improvements.

The PREMIER: Certainly there ought not to be any appeal in this part of the Bill. When we come to valuations, that will be another matter. I hope the amendment will not be carried.

Mr. A. Thomson: You will agree that there should be a right of appeal.

The PREMIER: No. There should be an appeal only in point of the value of improvements.

Mr. Piesse: To what court will the appeal be made?

The PREMIER: That is provided for. I hope the amendment will not be agreed to.

Hon. P. COLLIER: I, also, hope the amendment will not be agreed to. It is an utterly nonsensical proposition. The long list of amendments which we see on the Notice Paper is evidence that the executive have not yet had their way in getting Bills affecting policy submitted to them before being brought to the House. I hope that defect will be remedied. I am inclined to agree with the contention of Mr. Mounzer that all policy Bills should be submitted for the consideration of the executive. Certainly it would materially save the time of the House if the executive first scrutinised all Bills and issued instruction to their representatives in the House. Also, it would save us the sorry spectacle of members on the Government side dividing against each other on practically every one of these amendments. If not too late, I think the Bill even now might be handed to the executive, to be recast down in Wellington-street.

Mr. Latham: Why Wellington-street?

Hon. P. COLLIER: Because there will be found the headquarters whence you receive your instructions. The amendment is utterly absurd. It proposes an appeal to a judge of the Supreme Court. Upon what? As to whether the land is being utilised, and whether it is suited to closer settlement. We are to give to a judge of the Supreme Court power to decide the whole policy of closer settlement. No matter what the Government or the electors, through Parliament, may think in respect of closer settlement, it is to be set aside by a judge of the Supreme Court, who shall adjudicate on the question of land settlement, decide whether an estate of 5,000 acres owned by one man ought to be cut up and held by two or three men. Could anything be more ridiculous? First the board deals with the estate and reports to the Governor-in-Council, who make a decision upon that report. Now it is proposed to empower a judge of the Supreme Court to step in and set aside the decision of the Governor-in-Council. Moreover, the wording of the amendment is stupid and foolish. It was drafted as an amendment to Clause 4, which deals with the board, yet now it is moved as an amendment to Clause 5, which deals with the Governor-in-Council. When the Governor-in-Council declare the land to be subject to the Act, the amendment comes in and directs what is to be done with the report of the board.

Mr. A. Thomson: Previously you said it was ridiculous to have an appeal before the matter went to Executive Council.

Hon. P. COLLIER: It is absurd to provide for an appeal to a judge at any stage. Even if it were desirable, the wording of the amendment is not applicable. However, I hope members on the cross-benches will insist upon the decision of the August conference. It is of no use conference carrying resolutions demanding that certain things be done, if the executive do not see that those resolutions are carried out. The resolution having been passed, I agree that it should be given effect to, and all Bills submitted to the executive before being brought down here.

Mr. PICKERING: It may be that the amendment is not worded exactly as one could wish. It was framed for addition to Clause 4, but the hon. member pointed out that that was the wrong place to provide for an appeal. Perhaps if we were to strike out from the amendment the word “board” and insert in lieu “Executive Council”—

Mr. McCallum: Make it your own executive council.

Mr. PICKERING: If I could I would. I regret that I can see no alternative to asking permission to withdraw the amendment and trying to get it inserted in some other place.

Hon. P. Collier: Yes, try it on every clause.

Amendment by leave withdrawn.

Clause put and passed.

Clause 6—Notice to owner:

Mr. PICKERING: I move an amendment—

That after "owner" in line 3 of Sub-clause 1 the words "and all other persons concerned as specified in second paragraph of Section 4" be inserted.

Point of Order.

Mr. Willcock: This amendment appears on the Notice Paper in the name of the member for Toodyay. Is the member for Sussex in order in moving the amendment when the member for Toodyay is in his seat?

Mr. Pickering: You did it yourself.

Mr. Willcock: It might be permissible when the other member is not present. When the member who has given notice of amendments is in his seat, he should move them.

The Chairman: I am prepared to give the member for Toodyay an opportunity to move these amendments, but, if he does not avail himself of the opportunity, any other member may move them.

Hon. P. Collier: He has not had a chance.

Mr. Piesse: Yes, I have; I have no objection to the hon. member moving them.

Committee resumed.

Mr. PICKERING: I am sorry that such a trivial objection should have been taken in view of the fact that the member for Geraldton did a similar thing earlier in the sitting. This is a very simple and necessary amendment.

The Premier: I do not think it is.

Mr. PICKERING: Mortgagees and others might be interested.

Hon. P. Collier: Read the next paragraph. No wonder the member for Toodyay has handed these amendments over to you! He has found them impossible.

Mr. PICKERING: If the Leader of the Opposition looks at the Notice Paper, he will find other amendments to strike out the second paragraph and the penalty of £100. The onus should be on the board.

Hon. P. Collier: The board might not know.

Mr. PICKERING: The board should find out. It is not fair to the mortgagee to shift the onus on to the owner. It is evident that very few members have considered these amendments.

Hon. P. Collier: The member for Toodyay has considered them and has decided to have nothing more to do with them.

Mr. PICKERING: I realise their importance. I regret that members do not study amendments even when due notice has been given of them. I intend to press the amendment. The rights of others than the owner should be safeguarded by the board, and justice demands the passing of the amendment.

The PREMIER: The amendment is quite unnecessary.

Mr. Pickering: According to you, all the amendments are unnecessary.

The PREMIER: A man might have a mortgage which is not registered and only the

owner would know of it. Yesterday I was asked to authorise the payment of an amount due to a person who had held merely the title deeds as security for six years. He had an equitable mortgage over the property. The land had been sold for rates.

Mr. Pickering: It should have been registered.

The PREMIER: If the hon. member insisted on every mortgage being registered, he would put the farmers to an expense of thousands of pounds. The bank gets a good security when it holds the deeds. The clause is quite right. The onus is put on the owner to give notice to every person interested. It is not possible for anyone except the owner to give such notice. The board will give notice to all who a search indicates are interested, and the owner must give notice to any other creditors.

Mr. MONEY: If it is necessary to give notice to the registered mortgagees under Clause 4, the same should apply to this clause.

Amendment put and passed.

Mr. PICKERING: I move an amendment—

That the second paragraph be struck out.

The PREMIER: I hope the paragraph will be retained. The owner should be compelled to give notice to people interested in the land but not registered.

Hon. P. Collier: If there is no penalty the owner might neglect to do it.

Amendment put and negatived.

Mr. PICKERING: I move an amendment—

That the penalty of £100 be reduced to £50.

Hon. P. Collier: You are too late; we have passed that.

Mr. PICKERING: Then I move an amendment—

That after "may" in line 2 of Sub-clause 2 the words "subject to the consent of his mortgagee, if any," be inserted.

It is only right that the consent of a mortgagee should be obtained to the owner's election to subdivide or pay the increased tax.

Mr. WILLCOCK: I oppose the amendment. I always understood that the Country Party were out to watch the interests of the man on the land, but they are absolutely championing the interests of mortgagees.

Mr. Latham: They might be men on the land too.

Mr. WILLCOCK: The Country Party are moving amendments to protect the St. George's-terrace crowd and the big financial interests.

The PREMIER: The land will not be subdivided without the consent of those interested in it.

Hon. W. C. Angwin: This is compulsory acquisition.

The PREMIER: It is not necessary to again ask the consent of the man who has advanced money on property because he is

already protected. We have done all we need do for the protection of those who have advanced money.

Mr. Pickering: Those who are interested in a property should have some say in it.

Hon. W. C. ANGWIN: The mortgagee is protected in every instance. If the Government acquire the land the mortgagee gets his money. On the other hand if the mortgagee and the owner have a difference of opinion the land can be held up for a considerable time under this amendment.

The Premier: The mortgagee may be at the other end of the world.

Mr. A. Thomson: Suppose the amount of the advance is not equalled by the amount paid by the Government on resumption?

Hon. W. C. ANGWIN: Mortgagees are usually careful about their advances. I am opposed to the amendment.

Hon. P. COLLIER: The amendment is aimed at giving special advantages to the mortgagee as opposed to the land owner.

The Premier: He must be protected, of course.

Hon. P. COLLIER: The owner may choose to cut up the land or pay the increased tax, but under the amendment the mortgagee may say how the land must be disposed of. Apparently the hon. member stands for any Shylock who happens to have advanced money on a property. I am astonished that such an amendment should have come from a party which has drawn such harrowing pictures of the poor land owner, who during a period of distress has been obliged to seek somewhat extensive financial assistance. It is no wonder that members sitting behind the Government should so often find themselves in conflict with members sitting on the cross-benches. We now find city members creeping into the Association, men who have no interest in the land, but who for political purposes and in order that they might pose as Country Party members during the Federal elections, have assumed this rôle. I warn farmers not to allow themselves to be captured by the city folks. I hope next year such gentlemen will be debarred from membership of that organisation.

Mr. MONEY: I can see no objection to the insertion of the words proposed to be put into the clause. We have acknowledged the principle of affording protection to the mortgagee. If a landowner elected to subdivide his property he might prejudice the interests of the man who was financing him. I do not think many mortgagees can be looked upon as Shylocks. They should have some say as to the manner in which a property is to be disposed of. Very often the man who has advanced money is as much an owner of a property as is the registered owner.

Hon. P. Collier: He may have only a small mortgage, and yet the amendment proposes to give him the sole right to say what shall be done with the land.

Mr. MONEY: If a man holds only a small interest, he does not control the position in

the way that the man who has a large interest controls it.

The Premier: But the mortgagee has already had notice.

Mr. MONEY: We recognise his right to say whether the property shall come under the measure or not. Further, if a report is made, the mortgagee is to have information of it. But after that he is powerless, apparently. The election as to how the property shall be dealt with is taken away from him. The mere fact of land being subdivided may make the security valueless. I know many properties the value of which has been ruined by subdivision. The mortgagee might prefer that the property should be taken over by the Government. He should have a voice in the election as to resumption or subdivision.

The PREMIER: The mortgagee holds the title, and there can be no subdivision without his consent.

Mr. Money: Then there can be no objection to the words going in.

The PREMIER: There might be objection. Under the amendment a mortgagee could force his mortgagor to pay him back the money lent although the mortgage still has a currency of years. In any case, the mortgagor cannot subdivide without the consent of the mortgagee.

Mr. Money: Yes, under the clause he can. Read Subclause 5 as to that; everybody is bound by the owner's election.

The PREMIER: The election cannot affect the mortgagee in the slightest.

Mr. Money: Subclause 5 says that whatever the owner does shall bind the mortgagee.

Hon. P. Collier: But you want the mortgagor to be bound by whatever the mortgagee elects.

Mr. A. THOMSON: I hope the amendment will be carried. The member for Bunbury has put up a good case. There is a penalty of £100 if the mortgagee does not comply with the notice. The man who has advanced money on the land should have some say as to whether the land shall be subdivided or the tax shall be paid. The object of the amendment is certainly not, as has been suggested, to protect the interest of money-bags. One cannot even lease mortgaged land without the consent of the mortgagee.

Mr. PICKERING: I protest against the construction put on the clause. It is not a question of resumption by the Government but one as between resumption or paying taxation. Loss has occurred in the past through the repurchase of estates by the Government because properties that were workable as a complete entity, were unsuitable when subdivided into small holdings. The mortgagee is usually a business man and he should be allowed to advise the owner as to the best course to pursue. I appreciate the tribute paid by the Leader of the Opposition to the integrity of the Country Party. We do not get many bouquets from the Opposition and I appreciate his statement that we stand for justice.

Hon. P. Collier: Did I say that?

Mr. PICKERING: I am proud to belong to such a party.

Hon. P. Collier: I did not say that.

Mr. PICKERING: You may not have said it in so many words, but you said it, and I thank you from the bottom of my heart.

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

Ayes	..	..	..	11
Noes	..	..	..	12

Majority against .. 1

AYES.

Mr. Brown	Mr. Pickering
Mr. Denton	Mr. Plesse
Mr. Durack	Mr. J. H. Smith
Mr. Harrison	Mr. A. Thomson
Mr. Johnston	Mr. Latham
Mr. Money	(Teller.)

NOES.

Mr. Augwin	Mr. Mann
Mr. Carter	Sir James Mitchell
Mr. Chesson	Mr. Sampson
Mr. Collier	Mr. J. M. Smith
Mr. Gibson	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
	(Teller.)

Amendment thus negatived.

Progress reported.

House adjourned at 10.48 p.m.

Legislative Council,

Wednesday, 18th October, 1922.

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

QUESTION—RAILWAY CONSTRUCTION AUTHORISED AND IN PROGRESS.

Hon. J. W. KIRWAN asked the Minister for Education: 1, What are the railways the construction of which has been authorised by Parliament but not completed? 2, What

length of rails has been laid and what length remains to be laid, of each authorised line?

THE MINISTER FOR EDUCATION replied,—

Name of Railway	Distance (miles)	Length of rails laid	Length of rails to be laid
Esperance-Northwards Railway	60	...	60
Busselton-Margaret River Railway	40	1½	38½
Wyalcatchem-Mt. Marshall Extension	23½	23½	...
Kondinin-Merredin Railway	85	31½	53½
Nyabing-Pingrup Railway ...	21½	½	21
Dwarda-Narrogin Railway...	33½	...	33½
Piawanning-Northwards Railway	24	...	24

QUESTION—ALCOHOL: INSANITY AND DESTITUTION.

Hon. H. SEDDON asked the Minister for Education: 1, What percentage of the cases treated in the Hospital for the Insane can be attributed to alcohol—(a) directly, (b) indirectly? 2, What percentage of the expenditure of the Charities Department can be attributed to the same cause?

The MINISTER FOR EDUCATION replied: 1, The Inspector General of Insane advises that to get out the percentages in respect of the 1,000 odd inmates would take a considerable time. He has, however, furnished the following statistics in respect of the last three years' admissions, but points out that the figures can be regarded only as approximate, for the reason that the "contributing causes" on which these are based are as at the end of seven days only after admission, and later information in the way of letters and statements by friends frequently adds alcohol as a contributing factor. His figures are:—Admissions three years ended 1921, 574; directly attributable to alcohol, 88; indirectly attributable to alcohol, 120. 2, So far as the Charities Department is concerned, no records are available from which the percentages could be worked out. The only reference to this aspect is contained in the following extract from the Royal Commission's findings on Causes of Distress:—"With one exception the Departmental officers were unanimous in the opinion that intemperance is the largest factor responsible for the need of the operations of the Department."

BILLS (3)—RECEIVED FROM THE ASSEMBLY.

- 1, Married Women's Protection.
 - 2, Attorney General (Vacancy in Office.)
 - 3, Pensioners (Rates exemption.)
- Read a first time.