Legislative Assembly,

Wednesday, 20th November, 1907.

The SPEAKER took the Chair at 4.30 o'clock, p.m.

Prayers.

PAPERS PRESENTED.

By *the Premier*: Plans in connection with the Street Closure Bill; papers in connection with the Denmark Railway proposed purchase.

"HANSARD" REPORT OF ALL-NIGHT SITTING.

Closure Divisions.

Mr. HOLMAN: On a question of order, I desire to draw the attention of Mr. Speaker to the fact that in the number of *Hansard* published this week, the divisions taken in a great number of cases during last Thursday's sitting did not appear. Always in the past it has been the custom, when divisions are taken, for the names of those voting to be recorded, and it is absolutely necessary that this should be done. I notice on every occasion when the closure was applied for at Thursday's sitting of the House, the names of those voting were left out. What is the reason? In the past a special note was always made of divisions on closure motions; and on such an important matter the full details should always be given, for one never knows when, in the future, reference may have to be made to the division lists.

The SPEAKER: I desire to say for the information of the House, that this matter has been brought under my notice already, and I have taken steps to deal with it. I shall be able to give the House the information that the member seeks for, to-morrow. I am already in communication with the Chief *Hansard* Reporter on the matter. I may add that the Minutes show the names in the division lists. The member for Mount Magnet (Mr. Troy) drew my attention to the absence of the division lists, and I told him I would take steps to see that it should not occur again.

QUESTION—PUBLIC SERVICE CLASSIFICATION.

Mr. HARDWICK asked the Premier: 1, Have the Government approved of the Public Service Commissioner's classification of the Professional Division and the Supplementary Clerical? 2, If not, when will the approval be gazetted? 3, When approved, will Public Service Regulation 143 be adhered to in its entirety?

The PREMIER replied: 1, No. 2, Is now under consideration. 3, When the classification is approved, the relation of Regulation 143 to it will be considered.

SITTING DAY, EXTRA.

The PREMIER moved—

That the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 4.30 *p.m. in addition to the days already provided, and shall sit until* 6.15 *p.m. if necessary, and if requisite from* 7.30 *p.m. onwards.*

Before giving notice of the motion, he had mentioned the matter to the Leader of the Opposition, and informed him that it was desired to sit an extra day in the week in order that the House might dispose of the business which had accumulated on the Notice Paper, and in order that work might be sent up to another place. It was stated at the beginning of the session that there was every likelihood it would be necessary for us to meet four days a week towards the end of the session. Members would probably agree that it would be better for the House to meet at 4.30 on Fridays, rather than at 2.30 on each of the three present

sitting days. Last year the Friday sittings started on the 27th November.

Mr. BATH: Although he did not intend to offer any objection to the proposal to meet four days a week, he would suggest to the Premier that in making Government business precede the Notices of Motions and Orders of the Day, he might first ascertain whether there were any motions which members were desirous of having discussed forthwith, so that arrangements might be made to have them called on, and so prevent them from being wiped off the Notice Paper altogether. If the Premier fell in with that view, he would be happy to ascertain the wishes of members with regard to this motion, and try to make arrangements which would be mutually satisfactory.

Mr. JOHNSON: With regard to the question of meeting on Fridays, it was unfair to make it apply to the present week. Speaking personally, he had made arrangements by which it would be necessary for him to be absent from the sitting if held on Friday. Members should have received longer notice of the intention of the Government to call them together on Fridays, for then they would have been able to make arrangements accordingly. It was not fair to members that the motion should be made to apply to the present week.

Mr. TAYLOR: At the beginning of the session he suggested that the House should meet at 10.30 a.m. or at 2 p.m. from the outset, and so do away with the necessity for meeting four or five days a week towards the end of the session. Had this suggestion been adopted, and the House been sitting longer hours on three days a week since the beginning of the session, the present difficulty would not have arisen. It was inadvisable that there should be such a rush of work at the end of the session, for then members were tired after the continual sittings. There was no justification for the Government to come down with a motion of this kind in November. It was time the Government met, as other business people did, to transact business in proper hours, not late in the afternoon and late at night, but in the morning and afternoon. It would be much wiser if the Government sat at 10 a.m., starting from to-morrow morning, than have an extra afternoon and evening a week. He intended to move in that direction before he resumed his seat. He trusted that no arrangements had been made beteween the Government and the Leader of the Opposition with regard to Friday sittings. By meeting at 10 a.m. we would be better able to discuss the business before the country than if the House met at 4.30 p.m. It was advisable in the interests of good legislation that all the work should be done in daylight. Ministers of the Crown would get on much better if the House sat at 10 a.m., and had three full days for the work of Parliament. A Minister could not remain in the House from 4.30 on Tuesday afternoon until Wednesday morning, and then go to his office; nor could he start again in the House at 4.30 on Thursday afternoon, remain there till 11.30 on Friday night, and be in his office at 9 on Saturday.

Mr. ANGWIN: It was inadvisable to meet on Friday next. Members who had made provision for going to their homes at the end of this week should be allowed to do so.

The PREMIER: In any case, the House could not meet after 6 o'clock next Friday, as members would subsequently accept the hospitality of the Speaker.

Mr. TAYLOR moved an amendment—

That all words after "on" in line 3 be struck out, and "Tuesday, Wednesday, and Thursday at 10.30 a.m." be inserted in lieu.

Between 10.30 a.m. and 11 p.m. should be ample time to do business. Members would then be disposed to go home to rest, thus avoiding all-night sittings, which were of no use except for bringing the Government to their knees.

Mr. STUART seconded the amendment. He had been here long enough to be tired of all-night-owl business. If we were remembered at all, we should go down to posterity as the worst Parliament that ever existed in Western Australia; and the amendment would at

least redeem our reputation. It was sensible to meet in daylight when men were in their normal state, thus avoiding some of the sore-headedness that was recently in evidence.

Mr. WALKER: If we were the worst Parliament that ever existed, how could meeting at 10.30 improve our morals? The shorter time we sat to show our wickedness, the better. Rather should we meet for one hour a day, and thus have less chance of doing harm. Members' duties were not confined to the House. A representative who really attended to the business of his constituency had repeatedly to go from office to office to make all kinds of inquiries, attending some offices several times to get an answer to a simple question. It was necessary to spend in this manner a considerable portion of some days in every week. If confined in the daytime to the House, Ministers could not attend their offices, and the general public would not visit the offices at night. His experience of the days on which the House met at 2 p.m. was that we sat longer than usual into the night. When members met early they felt they had plenty of time ahead, and did not settle down to business until after the tea adjournment. Whilst it might be necessary at the fag-end of a session to add one or perhaps two sitting days per week to clear up the business, he would stand by the reasons given for opposing the amendment.

Mr. STONE supported the amendment in the interests of country members, to whom attendance at the House on an extra day was a serious matter. The proposed arrangement, while suiting city members, would be inconvenient to those whose homes were at a distance; and though it might involve inconvenience on Ministers to attend the House at the early hour of 10.30 forenoon, he hoped the members of the Government would accept that infliction in the interests of country members.

Mr. TROY: The Federal Parliament met in the morning and transacted its business during the day. [*Minister*: On one day a week.] He would agree to meeting early even on only one day. In present circumstances members were practically working on public business, either at the departments or in the House, for 15 or 16 hours per day. If earlier sittings were the rule, members would be better fitted to discharge the business of the country than in doing it after a tiring day in visiting the departments and attending to other duties in the interests of their constituents. His complaint, however, was not at members being compelled to attend the House, but that they would not remain in the Chamber. The majority of city members, for whose convenience the present proposal was introduced, were generally to be found in the Corridor. [*Member*: When the hon. member was speaking, perhaps.] One had known the Premier to be addressing the House with only three members present on the Government side. Country members had this year been needlessly detained in Perth for six months, through being told first that Parliament would assemble in February, then in May, and finally the House did not meet until July. The congested condition of the business paper was due to the waste of time by the Government. Ministers were no more fitted than private members to properly conduct the country's business after a hard day's work in their offices. The difficulty in regard to deputations could be overcome by arranging, as was sensibly done by the Premier last year, that deputations would be received on one day a week only.

The PREMIER: It was essential that Ministers should attend at their offices early in the day. For one thing, correspondence must be attended to; and the member for Mount Margaret (Mr. Taylor) would be among the first to complain, were any request from him neglected because of the early sitting of the House. Since the member for Mount Magnet (Mr. Troy) was apparently disgusted with the present Parliament, a simple means of getting out of the difficulty would be to resign. The fault of being out of the Chamber was not peculiar to members on the Government side. Members must recognise that it was essential Ministers should attend at their offices during the morning, and on that

account he hoped the amendment would not be agreed to.

Amendment put, and negatived on the voices.

Division called for by *Mr. Taylor*, and taken with the following result:—

Ayes	.. .. ..	8
Noes	.. .. ..	28
Majority against	..	20

AYES.	NOES.
Mr. Angwin	Mr. Bath
Mr. Holman	Mr. Bolton
Mr. Horan	Mr. Brebber
Mr. Stone	Mr. Collier
Mr. Stuart	Mr. Daglish
Mr. Taylor	Mr. Davies
Mr. Underwood	Mr. Draper
Mr. Heitmann (*Teller*).	Mr. Foulkes
	Mr. Gordon
	Mr. Gregory
	Mr. Hardwick
	Mr. Hayward
	Mr. Johnson
	Mr. Keenan
	Mr. McLarty
	Mr. Male
	Mr. Mitchell
	Mr. Monger
	Mr. N. J. Moore
	Mr. S. F. Moore
	Mr. Piesse
	Mr. Price
	Mr. Smith
	Mr. Troy
	Mr. Veryard
	Mr. Walker
	Mr. F. Wilson
	Mr. Layman (*Teller*).

Amendment thus negatived.

Mr. TROY desired to move an amendment to substitute 10.30 a.m. on Fridays for 4.30 p.m.

Mr. SPEAKER: It had already been agreed that the words "four-thirty" stand part of the question. Those words therefore could not be now struck out, though farther words might be added.

Mr. TROY: Since he could not move in the direction desired without adding Monday to the sitting days, he would not press the matter.

Question put and passed.

GOVERNMENT BUSINESS.

The PREMIER moved—

That for the remainder of the Session, Government business shall take precedence of all Motions and Orders of the Day.

He would be pleased to consult with the Leader of the Opposition at all times, and would meet his wishes as far as possible regarding any business or motions by private members.

Mr. ANGWIN: During this session, only two days had been allowed private members for the introduction of business with which they desired Parliament to deal; and in view of the agreement arrived at by the Premier and the Leader of the Opposition that at least one day in each fortnight be set apart for private members' business, the Premier should withdraw the motion. An extra sitting day had now been arranged for each week, and private members should be granted at least one day in each fortnight.

Mr. HOLMAN: As the Premier had promised that facilities would be afforded for the introduction of private members' business, he would not oppose the motion, because in all probability facilities would be given to move the most important motions. He had two important motions on the Notice Paper, and would not like the session to close without having an opportunity of bringing them forward.

Question put and passed.

BILL—ROADS AND STREETS CLOSURE.

Second Reading.

The PREMIER (Hon. N. J. Moore) in moving the second reading said: I may explain this is not a proposal on the part of an unscrupulous Government to in any way limit debate so as to close the session early, but it is to close certain roads and streets. It is a measure that bobs up serenely every session, and one that does not lead to any very adverse comment. The measure is a formal one. Most of the roads have been closed in accordance with a desire expressed by the various local authorities. Plans have already been laid on the table showing the roads proposed to be dealt with by the Bill. They have been coloured brown so that members may have an opportunity of seeing exactly what they are dealing with. The tail is the biggest part of the dog, so to speak, as there is only one clause in the Bill, and a schedule which refers to the particular roads dealt with, and I propose to give members some in-

formation in regard to the matters contained in the schedule. The first paragraph relates to a road at Boulder; this road is bounded by Clancy, Keegan, Auburn and Kingsmill Streets. The proposal is to lease 20 acres included in that area for a special lease for an artificial lake for the holding of aquatic sports, etcetera. As the application at first enclosed some alienated land it was refused, but on it being amended it was found the application dealt with some very low-lying land, unsuitable for settlement; and on the applicant agreeing to submit all plans to the approval of the council and to carry out the works to the satisfaction of the council's engineer, the Boulder Council raised no objection but support the application. A special lease has been approved for 10 years at £10 per annum, and the closure of the streets referred to is set out in the plan on the table of the House—Jamieson Street, a portion of DeBaun Street, and a portion of North Street. The next clause in the schedule deals with certain roads in the vicinity of Geraldton; this land is being set aside for a water reserve for the supply of water to the town of Geraldton, and it is necessary that the council shall have the sole authority over the areas referred to. This road is included at the request of the Geraldton Council and approved by the Minister for Lands. The next clause deals with a small area in the town of Guildford, which has been enclosed by the Railway Department. At present it is fenced and there is a building on the area. This land is portion of Location 40, and it has been found necessary to close it. The safer course seems to be to include this in the Bill. Although the road has been closed to traffic for ten years it was decided by the Crown Law authorities that it was advisable to close the road by Act of Parliament. At Kookynie the Railway Department have made a reserve of certain blocks, and these are separated by a small right of way. This road is absolutely of no value to the town and at the same time it separates the railway property. Parliamentary approval is asked for the closing of this particular right-of-way, which lies in close proximity to the Kookynie Station. The Kookynie Council have given their approval. At Leonora the street proposed to be closed forms portion of the old main road to Leonora, which it is necessary to close to declare a subdivision of some vacant land in the vicinity of Leonora. The road runs in a diagonal direction, and if left as at present it will interfere with the design made out for farther subdivision, where it is proposed the roads shall be laid out rectangularly. This is supported by the municipal council of Leonora. At Wagin there are two reserves lying in close proximity to each other. One is gazetted as a class A reserve, and the other as a water reserve and camping reserve. There is a small road running between the two, and as both of these are public property there is no necessity to have the road running between them, and at the request of the municipal council of Wagin, which was made in July last, it is proposed to close this gazetted road. It is only a short distance of eight chains. The next clause deals with the proposal of the Perth City Council to close portion of Malcolm Street, in the vicinity of King's Park. It is proposed to reduce the width of that street by 150 links; the portion excluded will be taken into the Park. The Perth Council proposed that the road should be reduced to a chain, but as all the principal streets in that vicinity are a chain and a-half wide, and it is rather a nasty corner, the Lands Department did not think it advisable to reduce the width of the road to a chain, as suggested, and they have kept the road a chain and a-half wide. The next matter refers to the city of Perth, a small portion of a street known as Small Street; it is a blind alley, giving approach to the rubbish destructor. The request came from the Perth Council and was approved by the Lands Department. At the present time it is of no value as a highway, and the department have fallen in with the wishes of the Perth Council. The next proposal is in connection with the Esplanade. At the present time the recreation ground has included 25 links of land belonging to the road, and it has been fenced in although it has not been legally closed. Power is

now sought to legalise what has already been done. The Esplanade resumes 25 links from the present road which is a chain and a-half wide, and the road will be reduced to 49 feet 6 inches. The land has been included within the recreation ground by the council for over nine years, and it is necessary that their action be confirmed by the closure of the road.

Mr. Bath: It forms part of the recreation reserve?

The PREMIER: Yes.

Mr. Bath: To whom does Small Street revert to?

The PREMIER: It is an approach to the rubbish destructor, and I suppose it will be vested in the Perth Council. I think I have explained as far as I can to members the various roads contained in the schedule, and any farther information that members require I shall gladly give, or it can be obtained from the plans.

Mr. Bath: What is being done with the small strip of land near the park?

The PREMIER: Nothing has been done, but I think it is proposed to extend the fence and include that portion. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—agreed to.

Schedule:

Mr. BATH: In regard to the portion of Bellevue Terrace, adjoining King's Park, before the Government agreed to the inclusion of the land in the park, inquiry might be made as to whether the block could be made available for building purposes? There is a fairly substantial block there on which the Government could erect a building. In view of the lack of Government blocks of land around the city of Perth, the Government might find a use to which this land could be put, without having to purchase land at an enhanced price.

The PREMIER: The suggestion would be considered. The Government were only committed to the closing of the road.

Mr. BATH: As to the closing of Small Street, the Premier had stated that it would probably vest in the Perth Council. The point was worth looking up, as to whether the land would vest in the council or the Crown. If it vested in the Crown, the Crown should keep hold of it.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment; report adopted.

BILL—AGRICULTURAL BANK AMENDMENT.

Second Reading.

The HONORARY MINISTER (Agriculture, Mr. J. Mitchell) in moving the second reading said: It will be remembered that last year when I moved the second reading of the Agricultural Bank Bill, I said I hoped that in the near future it would be necessary to again ask Parliament to amend the Act by increasing the capital. Although this Bill contains only one clause it is designed to increase the capital of the Bank from £1,000,000 to £1,500,000. It will not be necessary for me to repeat the argument which I used when the amending Bill was introduced last year. I simply propose on this occasion to let members know something of the good work done by the Bill passed last year, and by the £400,000 which Parliament authorised by the passage of that Bill. The capital of the Bank to-day is £1,000,000. Under the old Act we approved of loans to the extent of £640,025, while under the new Act, which came into force on the 1st February last, we have approved of loans to the extent of £247,075, and applications have been received amounting to £283,150. We approve of loans to the extent of a little over £30,000 each month, and just now we are paying away for work completed about £20,000 a month. Members will see that of the present capital there is very little left; there is certainly not sufficient to carry us over the first quarter of next year. Something of the good the Bank has done may be understood when I say that there are 3,970 accounts on the books of the Bank;

that is to say 3,970 farmers have applied for and received advances from the Bank in order to improve their holdings. These people have not only improved their holdings, but they have also improved the conditions under which they live, and many of them have become exceedingly prosperous by reason of the help we were able to give them under the Act. Since the first of February last, when the new Act came into operation, we have had 1,989 applications for advances. That is a tremendous number of applications to receive, and members will realise the immense amount of work the officers have had to do to deal with nearly 2,000 applications in nine months. Of these applications there have been refused only 116, for a total amount of £15,925; but while applications have in some cases been refused they are now being reconsidered, and in many cases we hope the applicants will be able to get advances. I want hon. members to realise the small number of applications refused, and the small amount of money applied for and refused; because we have heard a considerable amount of criticism with regard to the management of the Bank. We all realise that in every financial institution the manager has at times to say "no." In my experience as a bank manager I had to say "no" oftener than would be the case with the manager of the Agricultural Bank. To only refuse 116 applications out of 2,000 is almost a record. I venture to say that of the requests made to them for loans, many hon. members have refused a larger percentage than that. While we have this large amount of money advanced, repayments which extend over a period of 30 years are responsible for a return to the Bank of £116,020. [*Mr. Bath*: Altogether?] Yes. That has been the return to the Bank, and to-day there is owing to the Bank £495,339. The total sum actually advanced is therefore £611,360. This money has been responsible for clearing 275,966 acres, fencing 162,597 chains, and ringbarking 280,249 acres. I wish to make a comparison between the work done for twelve years previous to the 30th June of this year, and the work done since the passing of the Act last year. During the year just closed the money advanced by the Bank has cleared 139,892 acres, nearly one-half of the total acreage cleared for the twelve years, which was 275,966 acres, while for fencing we paid for 148,833 chains for the twelve months against 162,597 chains for the twelve years. I mention these facts because, as I have said, hon. members have sometimes criticised the management of the Bank, and persons in the country have been criticising the advantages that accrue to them under the liberalised Act. No doubt the Act as amended last year considerably liberalised the conditions, and no doubt the work done under the Act as amended has been of considerable benefit to the State. The system of trustees which has also come in for criticism from time to time has worked very well indeed. I think there have been few delays in connection with the business. Of course there have been some, and there will always be some, but they are not always accounted for by reason of delay on the part of the trustees. They usually occur through applicants not sending in proper information or not producing their documents in proper order when they come to register their mortgages. Our inspectors throughout the country are all capable and experienced men, and they are of great assistance to the borrowers. I believe all of the men making inspections for us are capable of advising the farmers not only as to the best method of clearing and improving, but also as to the best portions of the estate on which to operate. This advice must have been of considerable benefit to many people. Indeed many applicants have told me that it has been a great benefit to them to be able to seek the advice of expert agriculturists when it comes to the question of making improvements. Members must realise that in addition to making a valuation of the security at the time a loan is asked for, we have to keep in touch with the applicants, and that the money is paid by progress payments; that is to say, when a man has arranged his loan and has done £20 worth of work he is entitled to ask for a cheque for £20, and so on until the loan is exhausted.

Members will readily understand the enormous amount of work this entails, and if at times borrowers are inclined to think that the Bank is not acting as promptly in their cases as it should, there is some excuse. I venture to say that no other institution of this State, no business house with the same staff, is doing an equal amount of work to that done by the Agricultural Bank. It must also be remembered that in this State every man has the right to select almost where he will, that there is practically free selection, and that our country is somewhat patchy; so members will realise that there are occasions when the manager of the Agricultural Bank has had to say to the applicant, "Your land is not quite good enough; you had better see the Minister for Lands and get some alteration made." A great deal of trouble has been taken from time to time to set people on the land they should have; but where we have free selection it is impossible to say that a man is not to have certain land, because he is as much entitled to take it up as any other person if the land is open for selection; and as a rule he will take it. The consequence is that people select land which they believe to be good, but when they go along to the Agricultural Bank they have to be told that their holdings will not bear the outlay they propose to put on them, at any rate that the Agricultural Bank cannot help them.

Mr. Bath: They should have that information supplied to them when they select the areas.

The HONORARY MINISTER: I expected that interjection. If a friend of the Leader of the Opposition were refused land adjoining my holding, and if the Government thought, when I made an application, that it would be right to let me have it, the hon. member would be the first to get up in this House and say we were doing an injustice, that we were refusing land to one man and letting another have it.

Mr. Bath: The department will not have two opinions about the land.

The HONORARY MINISTER: No; they are bound to let the man have it, because the system is free seelction; and while we have free selection we are bound to have this trouble. The blame is not on the department, but on the person who takes up the land.

Mr. Bath: We have land agents and they advise the people as to the land to take up.

The HONORARY MINISTER: I have found that on most occasions the applicants have taken up land against the advice of the land agents. In some cases, where it is impossible to improve the conditions under which the selector has taken up the land, the Agricultural Department and the Lands Department have admitted that these applicants made a mess of it and have given them better land. Members will agree that it is only right for the Trustees of the Agricultural Bank to lend money where the advances are perfectly safe, that is to say, where the improvements on the land are worth a sum that is equal to the amount advanced. If that were not so, it would not be right for the trustees to make advances. Through all the years this institution has been at work, only £7 10s. has been written off, and I think it will be agreed that the management has been most careful, and rightly so. Hon. members will perhaps wonder why so large a sum as £500,000 is wanted with the sum passed under the Amending Bill of 1906; but as I have explained previously, the whole of the amount already authorised by Parliament will be exhausted during the next four months; and notwithstanding repayments are constantly coming in, it is necessary for us to ask for increased capital, because the repayments go to redeem debentures. No money is used twice by the institution. The money repaid to the bank is used to redeem debentures from the Savings Bank which has provided the money in order that the loans may be advanced. I do not propose using the arguments I submitted last session, but I desire to say, no money ever invested by the Government in this State has done so much good as that which has passed through the Agricultural Bank. During the whole of the time the Bank has been under the management of Mr. Paterson, who has done remarkably good work

and has been particularly anxious to help forward land settlement and make every settler in the State as prosperous and happy as he is entitled to be. We have unfortunately a tremendous amount of land to clear, for out of 13 million acres alienated, only three millions are in any way improved, so that this £500,000 would only go a small way towards making the improvements which are necessary if all this land is to do the good it should to the State.

Mr. T. H. BATH (Brown Hill) : So far as this Bill is concerned, members cannot object to the utilisation of money for the purpose of making provision for the settlement of our agricultural areas ; and as one who has always pointed out the necessity that where we pay an interest of three per cent. on money deposited in the Savings Bank we must find some remunerative form of investment in order to be able to continue to pay that interest without loss, I agree that we have to find some channel of investment such as this, so that we can deal with the increasing amount of money now being deposited in the Savings Bank. There is this, however, to be borne in mind with regard to the utilisation of the Savings Bank funds, which is the one source from which the capital of the Agricultural Bank is drawn, that the money is tied up for a considerable period, and what might be termed the liquid reserve retained by the Savings Bank or by the Treasury is very small in proportion to the total indebtedness to depositors. It is all very well while things go along smoothly and no trouble is occasioned by the utilisation of this money, and by tying it up, as it is under the Agricultural Bank Act ; but if to-morrow we were faced with a condition of things such as now pertains in America, a financial panic, where would the Savings Bank be ? It has but a very small reserve.

The Honorary Minister : What should they hold in reserve ?

Mr. BATH : That is a question for the Treasury officials to decide, not a member of Parliament.

Mr. Horan : Two shillings in the pound.

Mr. BATH : That would be a very small amount, and it would have been nothing like sufficient to satisfy the run made on the Savings Bank in 1890 in New South Wales. At that time, had not the various banking institutions come to the rescue of the Government Savings Bank, it would have been in a very parlous position. Private banking institutions do not grant accommodation of that sort, however, except on fairly exorbitant terms. While there is perhaps no better way under the existing conditions than by using the Savings Bank funds, we must bear in mind what might occur in the future. A financial panic occurred some years ago in Australia, and now there is one in America. So far as the administration of the Bank is concerned, undoubtedly during the past 12 months a great deal of activity has been shown. The present, however, is not the occasion upon which we can gauge the safety or otherwise of the investments. It is all very well to say that we are doing good work with the money, that everything is going on smoothly, and that there is no possible loss, but the money has only just been lent. Even if matters agricultural go along satisfactorily and prosperously in the future, there is always a contingent risk, unless wise discretion is used in the expenditure of the money. Other countries better dowered by nature than Western Australia have gone through their periods of depression, and sometimes to a very profound degree. It is on occasions like that, when the efficiency of the management of the Agricultural Bank would be properly tested, and it is only on such occasions that we would be able to judge whether the money is now being utilised rightly or not.

The Honorary Minister : It was a fair test last year owing to the low prices.

Mr. BATH : In Ontario there was at one time a spell of 20 years of depression and hard struggling in the agricultural community. The people, however, survived it, and that they did so was a matter of surprise to many. What

has occurred there might happen here also.

The Honorary Minister: We have had 50 years' experience.

Mr. BATH: But only recent experience on anything like a fairly big scale. It is only on such occasions that we can judge the wisdom of the banking operations. We cannot accept the optimistic statements of the Minister for Agriculture as being correct, for time will be the test as to whether there has been no risk. The Minister has also referred to the success which has accrued by the appointment of trustees of the bank. I am satisfied that if the same amount of money had been placed at the disposal of the management under the old lines, and with the same terms, the manager would have done just as well without the trustees. Perhaps he would have done even better, and we would have been saved the expensive luxury of feeing these gentlemen. I do not think they are necessary and we are being involved in an expense by an appointment for which there is no justification.

Mr. Stone: The cost does not amount to £400 a year.

Mr. BATH: It is not a very large amount, but when times are bad if we can save a few hundred pounds it is just as well to do so. We cannot afford to spend money unnecessarily. I have no opposition to offer to the second reading, and I hope that in the long run the experience of Western Australia will prove that the money we are placing at the disposal of the Agricultural Bank will have been wisely expended and that the State will be under no loss by reason of that investment.

Mr. J. C. G. FOULKES (Claremont): I gather from what the Minister said that any repayments made by the borrower are repaid to the Savings Bank, and that the debt of the Agricultural Bank is reduced to a certain extent every year.

Mr. Bath: It is redeeming debentures.

Mr. FOULKES: The Agricultural Bank has been in existence for some 13 years and has so far, according to the report of the Manager, sustained no loss. I cannot agree, therefore, with the Leader of the Opposition that we have not had sufficient experience of the working of the Act.

Mr. Johnson: What is the term of the loans?

Mr. FOULKES: Thirty years. I was a member of another place when the Bill was introduced for the creation of this Bank; and in those days there was considerable opposition to the proposals of the Government. Many people said that the Bank would never be a success, and the State in the end would lose a great deal of money. I can remember very well that one of the stoutest opponents of the Bill was Mr. Illingworth, who opposed it because he thought it would mean that the Bank would lose a great deal of money. I believe that so far the losses have been very small, if any. It must be borne in mind that every year the security given by the borrower is improving. The Leader of the Opposition has called attention to the fact that to a certain extent the operations of this Bank are on their trial, and that during the next few years we may be liable to a great reversal of fortune. Prices may fall to a very low sum, as has occurred in other countries, but I would remind the hon. member of the fact that no country in the world has been put to such a severe test in connection with this industry as this State has during the last 12 months. Owing to Federation and the abolition of the various duties, the agriculturists have now to compete with the old established States of the Commonwealth. The result has been that prices last year fell to a very great extent and, in addition, the crops that year were not so good as usual, or as we should have liked. Taking these two facts together —reduction in price and the competition of the older States—they show the agricultural industry of this State is capable of holding its own satisfactorily.

Mr. Bath: But what would happen if they had a succession of last year's experience?

Mr. FOULKES: Last year was practically the first year when the agriculturists had to compete with the other States.

Mr. Angwin: What competition had they?

Mr. FOULKES: Up to last year they were protected by duties, but these were removed last year and the agriculturists had to meet the opposition of the Eastern States. There could not be a more severe test than that.

Mr. Bath: It would be more severe if there was a long succession of such years.

Mr. FOULKES: Records have been kept of the last 30 or 40 years, and these show that during the last 10 years the yields have compared very favourably indeed with the other States. Our average of wheat during the past ten years is considerably higher, I believe, than any of the other States.

The Premier: The average is about 11½ bushels.

Mr. FOULKES: We are quite justified, therefore, in considering that these loans from the Agricultural Bank are properly secured. It is not the practice of the Treasury to make from the Savings Bank advances to agriculturists; yet many country properties form quite as good securities as the urban properties accepted by the Treasury. The Treasurer confines himself to urban securities, however good the country properties may be, and however wide the margin. In the York and Northam districts are many agricultural properties worth £15,000 or £20,000 each. Many of them are now freehold, or being under conditional purchase are in the course of becoming freehold, the terms having nearly expired; yet if any such landholder applies for an advance of only a thousand pounds, his application is refused, though it is the practice of the Government to lend freely on house property in Perth, Fremantle, and suburbs. If the Savings Bank have any difficulty, and I believe they have a certain difficulty, in finding good securities, I would suggest to the Premier that he consider the question of lending on country properties of adequate value. I am glad the Minister for Agriculture has found it necessary to introduce this Bill. I believe that the Act of last year has done more good than almost any other Act passed in the same session.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BRANDS AMENDMENT.

Second Reading.

The HONORARY MINISTER (Agriculture, Mr. J. Mitchell) in moving the second reading said: This is a short amendment of the Brands Act, necessary to bring it up to date. Under the existing Act it is not necessary to register any brand in use when that Act came into operation; and we find that confusion and often trouble arise from the fact that old brands are still used. The old register is not perfect, hence it is difficult for the registrar to keep his records in order. I therefore propose in the Bill to make it compulsory for all stock-owners to register under the provisions of the amending Act of 1904. There are at present many brands registered under this Act, which provides that the brand shall consist of two letters and a numeral, whilst many brands are registered under the old Act, providing for the registration of any combination of letters or figures; and it is found that this leads not only to confusion but sometimes to fraud. For instance, under the old Act it was possible for a stock-owner to register say two letters. If he registered "TB" that became his brand; whereas under the new Act of 1904 it is possible for nine stock-owners to register "TB" and a numeral. Members will see that these provisions lend themselves very freely to fraud, because one would have only to add a numeral to the "TB" brand in order to perpetrate a swindle. An amendment is necessary in order that this may be avoided. We also provide in the Bill for the ear-marking of

cattle, an amendment asked for by many stock-owners. It will not be necessary that owners shall ear-mark; but if an ear-mark is used for cattle, it must be registered. It is also provided that stock owned by the Government shall be branded by a combination of letters and a broad arrow in place of a numeral. We are also amending the section providing that the age mark of sheep shall cover a period of seven years. We consider that six years should suffice; and the amendment will be more humane than the original section, because fewer notches will be required.

Mr. Walker: What if a man marks a sheep for two years, and then ceases?

The HONORARY MINISTER: If he marks at all, he must mark in accordance with the Act. The amendment is unimportant to members, but it is important to the thousands of sheep that will have to be earmarked. We provide also that where a run is partly in Western Australia and partly in South Australia, the South Australian brand may be registered here for such run. Members will see that is essential, because it would not be right that a man's cattle should bear two brands. We provide that if there is no objection to the South Australian brand it shall be registered here and accepted by the authorities of this State. The South Australian Act provides for one letter and two numerals, while our Act provides for two letters and a numeral; so the registration here of the South Australian brand will not lead to any confusion. I am seeking also to alter Section 50 of the principal Act, to make it read: "Any person found guilty of an offence shall be liable to a fine not exceeding £50, or to imprisonment with or without hard labour for a period not exceeding six months." If members will read Sections 50 and 51 they will see that this amendment is necessary. I move—

That the Bill be now read a second time.

Mr. G. TAYLOR (Mount Margaret): I have listened attentively to the speech of the Minister, and am pleased to be able to support him in carrying through the Bill. I cannot but congratulate him on the easy task he will have in amending the Brands Act 1904, compared with the task I undertook when introducing that measure, which sought to amend the old Brands Act, which had not been altered for a considerable number of years, though many amending Bills had been introduced with that object by very able Ministers who preceded me. I recognised the difficulties in 1904, and as we had in both branches of the Legislature representatives of the pastoral and farming industries affected by the Bill, and especially breeders of stock, there was much difficulty in altering the then existing law. Some of the provisions which the Minister now seeks to insert would have been in the Act of 1904 but for the attitude of certain hon. members; and I readily recognised at the time that the Bill was not complete, though it was as complete as it could be made by the Chamber as then constituted. I have carefully considered the sections of the 1904 Act which this Bill seeks to amend or repeal, and I find that the amendments are absolutely necessary, will not in any way hamper the stock-raisers of the State, but will materially help them, and will, as the Minister has pointed out, prevent fraud in branding. When I speak of fraud I mean that people used their brands on other people's stock, and the brands, if registered, afforded a *prima facie* evidence of ownership. The Bill under discussion will help the breeder, and will hinder people who desire to acquire stock by illegitimate means. The clause which makes it possible to imprison as well as to fine a convicted person is absolutely necessary. I agree with the provision for the squatter holding property on the South Australian border. If his run extends on both sides of the border, it is wholly right that he should have the choice of either brand. And as the South Australian brand is two numerals and a letter, whilst ours is two letters and a numeral, there will be no possible chance of any confusion.

At 6.15, *the Speaker* left the Chair.

At 7.30, Chair resumed.

Mr. TAYLOR (continuing): The provision in the measure necessitating that all stock shall be branded under the Act of 1904, that is with two letters and a numeral, is highly desirable. I am very pleased that the Minister has allowed ample time, namely until the end of 1908, for the reform to be brought in. Three years ago I desired this principle to be enforced, but in the opinion of the then Committee it was unnecessary. I hope that those members representing the cattle-raising areas will assist the Government in passing the measure, and especially the section which will bring all stock within the scope of this Bill. After that is done a great deal of unnecessary confusion will be prevented. I welcome the principle adopted by which the Government will be able to brand their stock. I presume they will use the initials of the department and the broad arrow.

Mr. P. STONE (Greenough): I am very pleased that the Honorary Minister has brought in this measure, as it will mean a great deal to the agricultural and pastoral industries. In the past the mode of administering the Act has been very defective, and in many cases people are now using brands which are not registered. Complaints have been made by the inspector of stock and the police, but it has been ascertained that there can be no prosecution in such cases unless the inspector engages a lawyer at his own expense and cares to take the risk of having to pay costs if the prosecution fails. An inspector who has charge of the Brands Act should be given power to engage counsel and prosecute all offenders against the Act. Many complaints have been received in my district of unscrupulous persons using illegal brands. The clause with regard to ear-marking is an excellent one. I hope that the Bill will become law.

Mr. A. MALE (Kimberley): This Bill, which I am very pleased to see introduced, has been promised to squatters and stock-breeders for the past two years, and they were almost despairing of getting the measure introduced. The Honorary Minister has referred to the principal features, one of which is that all stock must in future be brought under the original Act and rebranded accordingly. The clause with regard to ear-marking will be much appreciated, while it is also provided that when any run is partly in Western Australia and partly in South Australia, the registrar may allow the use of any South Australian brand for such run, if the brand is not likely in his opinion to cause confusion or mislead. The clause which insists on all stock being brought under the original Act for branding has been found very necessary, inasmuch as the brands have not in the past been all properly registered and tabulated. I know of one instance in which a new brand was registered and it was then found to be similar to one of the old brands. Now that it will be necessary for all brands to be registered before the end of 1908, it will be impossible for such a case to occur again. No fee, however, should be charged for re-registering brands at the end of 1908. In an amendment of Section 18 of the Act, it is provided that no fee will be charged for any brands that have to be re-registered owing to cancellation and a similar provision should be made for the free re-registering of brands under the earlier section. It would be a measure of great safety if a provision were inserted in the Bill providing for different brands for cattle inside and outside of the permanent quarantine area. We have a permanent quarantine area in East Kimberley, and difficulties arise owing to the fact that there are stations partly in that area and partly outside of it. If some system of branding to distinguish the cattle could be brought in, it would considerably safeguard clean parts of the country. It it impossible, if a station is on both sides of the permanent quarantine area line, to prevent cattle going from the quarantined to the clean area. I had considered the advisability of introducing an amendment whereby such stations should be divided into two and carry separate brands, so that it would be possible for

an inspector to determine whether the cattle were on the right or wrong side of the boundary. There appears, however, to be a certain difficulty in regulating such a thing, and I urge upon the Honorary Minister to consider the question in order that the clean country may be properly safeguarded. [*Hon. F. H. Piesse*: Clause 7 provides for that.] The clause only amends Section 18 of the principal Act. I hope that no fee will be charged under Clause 2 of the amending Bill, which has for its object the amendment of Section 5 of the principal Act. The amending Bill will give great satisfaction to squatters generally, and I think it will receive the approval of this House.

Mr. T. HAYWARD (Wellington): I would like to ask the Minister whether on December 1st, 1908, all the cattle branded with registered brands must be re-branded with a new brand.

Hon. F. H. Piesse: No.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PERMANENT RESERVE REDEDICATION (SUBIACO).

Second Reading.

The PREMIER (Hon. N. J. Moore), in moving the second reading, said: This Bill refers to a Class A reserve, No. 3078, portion of Perth town lot No. 186. It has been set apart for public buildings and it is proposed to allot a certain portion of this for a church site to the Seventh Day Adventists. This particular body waited on me quite recently in the form of a deputation and pointed out that only one grant of land, that at Capel, had been made to them since they had been established in Western Australia. Although the peculiar tenets of the order possibly are not in line with that of other Christian bodies, yet it is recognised that any body of this kind that has for its objects the improvement of the moral and social life of the community is worthy of support. I promised the deputation that if after inquiry I found there was no objection to their request I would bring a short Bill before Parliament with a view of submitting the proposal for Parliamentary approval. This reserve contains in all two acres one rood, and is situated in Thomas Street between Mueller Road and Hay Street. It is set apart as a reserve for public buildings. At the present time there is no necessity for any public building in that quarter, but one cannot foresee what may be required in the future. It is only proposed to grant to this body one quarter of an acre, or one-tenth of the reserve. The utility of the reserve will not be interfered with in any degree by granting this area, and I have pleasure in recommending the Bill for favourable consideration. In Subiaco various other religious denominations have received grants. The Presbyterians have received a grant of lot 404 containing two roods, the Baptists two roods and lot 434, two roods; the Congregationalists have been granted three-quarters of an acre, and the Wesleyans 2 roods 18 perches and the Primitive Methodists half an acre, all in that particular suburb. That is outside the Roman Catholics and the Church of England.

Mr. Taylor: The Baptists sold their church by auction last Saturday. What will become of the land?

Mr. Daglish: I think that was the Particular Baptists.

The PREMIER: I understand there are two orders of Baptists. The "bush Baptists" of a particular creed are located in the neighbourhood of Katanning. As the member for Subiaco pointed out that was the particular brand of Baptists who sold the church. There is no mistaking the Seventh Day Adventists; their particular doctrine is well known to members and I do not propose to go into details as to the particular tenets of the order, farther than to say that they have for their object the social uplifting of the community generally. And recognising as members must do the necessity for encouraging any body that inculcates a moral training, I am

sure the Bill will meet with the support of the House. I move—

That the Bill be now read a second time.

Mr. G. TAYLOR (Mount Margaret): I have no desire to oppose the Bill, but the Premier has pointed out that outside the Roman Catholic Church and the Church of England, grants have been made of small blocks of land to denominations for the purpose of building churches thereon. I interjected that one denomination had sold their church at Subiaco; it was sold under the hammer last Saturday. I noticed where the sale was to be held and attended it, and I saw the church and all the effects knocked down under the hammer in the usual way.

The Premier: Did you expect to start a new sect of your own?

Mr. TAYLOR: I will be candid. I was thinking that the Government required more training in morals, and I thought if I bought the church I might give them some training, but I could not see my way to pay what the church realised. I want to know whether the Government give the land for all time to these denominations, or what will become of the land which this denomination, which has become defunct, has sold? It evidently could not carry on, and sold the church. Will the land revert back to the Crown? Can any small section of people who spring up come to the Government and get a grant; then finding they are not able to carry on, can they sell their church? They should not be able to sell the land; it should revert to the Crown. I do not know if this particular denomination will be a great advantage to the State. I do not think they will help the member for Katanning much or the Honorary Minister for Agriculture. I am dealing especially with that portion of the Minister's control that comes under the question of the freezing of lambs and that kind of thing. I do not believe these people will in any way increase the market for sheep or beef, for I believe they are strict vegetarians. I want to know if the Government intend to allow land which is granted for church purposes to be sold at any time. We find some of the choicest sights around Perth belong to various religious denominations. Rightly so; I have no objection to that. But I want to say here that when the taxation proposals come along, the only land which should be exempt should be that on which the place of worship is built. I do not know whether the Premier has made the position of this Bill clear. I hope other members who know more about this particular religious body to whom this grant is to be made will give us farther information. I hope when the Premier replies he will tell us what the conditions of the grant will be; whether the denomination will be able to sell the land or not.

Mr. H. DAGLISH (Subiaco): I desire to take advantage of this opportunity of referring to the matter that the member for Mount Margaret has just spoken of, that is the sale of a building which was used for church purposes in Subiaco; and I desire to express the hope that the Minister will take into consideration the possibility of the site on which that church is erected, if it is not going to be used for church purposes, being revested in the Crown. The site I speak of is one that was, without the knowledge of the local residents, excised from a reserve, and was a very unsuitable site to grant. A quarter or half an acre was thus cut out of a municipal reserve; and I hope it will be possible, now that the need of it for church purposes has at all events for a time passed away, to make it again a portion of the same reserve. In regard to this Bill, I shall support the second reading. I know a little about the Seventh Day Adventists, and that little enables me to say that they are a body of very sincere and earnest people, who not only preach their faith but practise it, and practise it in many instances at some monetary loss to themselves. I know one of their tenets is the observance of each seventh day; and I have known a number of them make heavy pecuniary losses by refusing to work on

the seventh day of the week against the dictates of their conscience. These people are not in any way seeking to gain profit or advantage by the possession of or by trafficking in land. They are prepared to at once erect a church on this site if it is granted; they seek nothing but a Crown grant in trust solely for church purposes; and I am sure they will readily consent if the condition suggested by the member for Mount Margaret (Mr. Taylor) is imposed, as I believe it will be and should be imposed, not only in this grant but in every other, so that when such lands cease to be used for the purposes intended, they will in every instance revert to the Crown. In this case I am aware that the denomination are prepared at once to erect a church. They have at present no grant of land in any part of Perth. The block they have at Osborne Park was, I believe, purchased from the company owning the Osborne Park Estate. The denomination have not received any Government grant in any part of Western Australia. [*Mr. Taylor*: Are there many of them?] Some hundreds. There is a fair number around Perth. The member for Claremont (Mr. Foulkes) says that is rather vague; but in my opinion, were there only a hundred persons constituting a church and applying for a grant of land *bona fide* for church purposes, it would be reasonable that the Government should extend to them the like assistance afforded to worshippers of other denominations by a grant of unused land where unused land is available.

Mr. R. H. UNDERWOOD (Pilbarra): What public buildings is it proposed to put on this land? I see it was previously set apart for public buildings. I do not know whether it is correct, but it is suggested that this may be a portion of the reserve set apart for the Children's Hospital.

Mr. Daglish: No; but it is near that reserve.

Mr. UNDERWOOD: Again it is suggested that this land was set apart for a technical school. Though I am not opposed to any particular religious sect, yet I think that any small body of people banding themselves together and professing a religion of their own is scarcely entitled to a block of land, especially in the city, where Government land is so scarce. We know that the Government have at times a difficulty in finding land for their own buildings. We have Government buildings all over Perth, and we should be careful in giving away the remnant of the Crown land that is left. I feel inclined to oppose the Bill.

Mr. Daglish: The land in question is not the technical school reserve.

The PREMIER (in reply): There are at present no buildings on the land, but this reserve was set aside for public buildings. The Government did not know exactly what buildings would be required as the suburb extended; but the Works Department now assure me that there is no likelihood of any of this land being needed for public buildings. There is a large area, some acres in extent, near the municipal chambers, Subiaco, and set aside for public buildings. As to what the member for Mount Margaret (Mr. Taylor) has said regarding the title, a proviso will be inserted in the grant that the land shall be used for church buildings only, and that the denomination shall not be allowed to dispose of it. These people appear to be much in earnest, and only desirous of erecting a place of worship. A provision will be made so that the land shall not be converted to any other purpose. It is proposed that in all new townsites to be laid out, certain blocks may be granted for religious purposes, and if not used within a certain time for such purposes, the blocks will revert to the Crown. In any case, freeholds are not granted.

Question put and passed.

Bill read a second time.

Committee—a "Stranger" present.

The PREMIER moved—

That the Speaker do now leave the Chair for the purpose of going into Committee on the Bill.

Mr. Johnson: A rather dangerous precedent would be established to-night by permitting a stranger to sit on the floor

of the House. It was apparently within the power of the Speaker to permit of this. Had the Speaker's permission been obtained?

Mr. Speaker: Yes; following the practice adopted in the other States and in the British House of Commons, whereby a Minister could bring into the Chamber his Under Secretary or other executive officer, the Government Actuary (Mr. Owen) was here to assist the Minister in any matter of detail.

Mr. Johnson: Was the Minister allowed to nominate any person, irrespective of the office that person held, to be allowed inside the Chamber?

Mr. Speaker: Certainly not. That he would not allow. But it was the practice to allow the Under Secretary to attend, at the wish of the Minister. The officer was not allowed to take an ordinary seat, but was at the call of the Minister, for his convenience and for the information of the House.

Mr. Holman: In 1904 the Speaker ordered out of the Chamber the Commissioner of Railways, an executive officer having practically the sole control of the Railway Department; and that did not seem to be a precedent for allowing a Minister to bring in an officer from a department other than that controlled by the Minister.

Question (as to Committee) put and passed.

In Committee.

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

BILL—LAND AND INCOME TAX ASSESSMENT.

Machinery Measure — in Committee.

Mr. Daglish in the Chair; *the Treasurer* in charge of the Bill.

Mr. BATH explained that he had placed on the Notice Paper certain amendments both to this Bill and to the Bill for imposing a tax, and by his mistake the last four of the amendments appeared under the heading of the latter Bill instead of under this Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

The TREASURER moved an amendment—

That the words "or any body corporate" be added to the definition of "person."

Amendment passed; the clause as amended agreed to.

Clauses 4 to 7—agreed to.

Clause 8—Court of Review:

Mr. WALKER: What was the nature of this court?

The TREASURER: It would be composed of the magistrate of a Local Court. The duties of the court were to hear appeals against assessments made by the Commissioner of Taxation. Clauses farther on in the Bill provided the method for approaching the court, and regulations would be framed and the method of procedure prescribed.

Mr. WALKER: What would be the composition of the court? What independence would it have? Would the magistrate sit alone and his decision be final?

The Premier: Clauses 50 and 51 conveyed the information.

Mr. FOULKES: Clause 51 provided that appeals might be made to the Supreme Court on questions of law, which appeals would not be frequent, while there was no provision for appeals on questions of value, though appeals of that nature might be frequent.

The TREASURER: The details of appeals were set forth in Clause 50. Clause 51 did not provide for an appeal on a question of fact; the decision of the magistrate would be final, except that on any question of law there would be an appeal to the Supreme Court. It would hardly do to have two appeals as to the amount of the assessment. The Commissioner of Taxation would make his assessments from various sources, and if the persons assessed were dissatisfied they would appeal to the magistrate, and after the magistrate's decision was given it would not be advisable to carry it any farther. The clause was taken from the New South Wales Act word for word.

Hon. F. H. PIESSE: Notwithstanding magistrates were men of ability and practical knowledge, no doubt matters would crop up from time to time that would cause a good deal of trouble until we had the question of assessment finally settled. There might be some appeal from the magistrate to the Commissioner of Taxation.

The TREASURER: The appellant would have to give notice of appeal, and that notice would go before the Commissioner of Taxation. If the Commissioner was satisfied the assessment was not correct he had power to amend it, and would not allow the matter to go any farther, but if he was satisfied the assessment was good he would allow the appeal to go to the court.

Mr. FOULKES: There would be many difficulties in regard to appeals. If a landowner wished to appeal he would need to appoint solicitors to represent him before the court of review. This would mean expense. We should consider whether it was advisable to give leave to the landowner to appeal to the Supreme Court with regard to values. No doubt it would be an expensive gift, but some magistrates, by virtue of their training, had not sufficient experience of the value of land, and it might cause a good deal of trouble if their decisions were treated as final. It was provided in the Public Works Act that the Supreme Court was to judge the amount of compensation to be paid to the owner of land resumed for public works.

The ATTORNEY GENERAL: Would it be in order to refer now to Clauses 50 and 51? As far as he could gather the matter before the House was a suggested amendment of Clause 51 in order to enable an appeal to be taken from the decision of a magistrate, not merely on a question of law but also of fact.

The CHAIRMAN: The Attorney General could only deal with other clauses in so far as they had a bearing on the clause under discussion.

The ATTORNEY GENERAL: Clause 8 gave the Government power to provide a court of review in the person of the magistrate of the local court. The functions of that court were a matter for a subsequent clause. The present debate dealt with matters decided by Clause 8. The procedure in the Bill was the simplest, the most efficacious and the cheapest that could be provided. Rights of a technical nature were safeguarded, as parties were able to appeal to the Supreme Court on all matters of law. If a taxpayer thought his assessment was too high he could appeal against it and had to give notice to the commissioner. That officer had an opportunity of reviewing his previous decision, and if he thought it right he would alter his assessment; but otherwise he could decide to have the matter tried in accordance with Clause 8. This power was similar to that in the case of assessments made by roads boards and municipalities, where those bodies could review their own rating and obviate, if they thought fit, the necessity for appeals to a court. No better court could be suggested to determine pure matters of fact, such as questions of value, than a Local Court. If it were prescribed that there should be a Supreme Court decision on all appeals against assessments, then all the cases would have to be heard in Perth, and the cost to appellants would be very great. In matters of this kind a resident magistrate was just as capable as, if not more capable than, a Supreme Court Judge. That was on a question of fact; but if there was a question of law, then there was the right of appeal to the Supreme Court. If any procedure were prescribed other than that in the Bill, the taxpayer would be placed at a grave disability on account of having to go to a distant court to obtain a remedy. Under this provision the remedy was within easy reach of him.

Mr. WALKER: It was very doubtful whether certain magistrates could decide the important issues that would arise in connection with assessments. One such was that mentioned in Subclause 3 of Clause 10, which provided that when land was situate at the intersection of two roads or streets one frontage only should be deemed a main frontage. Which was the main frontage was to be decided by the court of review.

The Attorney General: Could not a magistrate determine that question?

Mr. WALKER: It would be a very material matter to some property owners. While some local court magistrates might have an aptitude for deciding the assessment of property within their own particular knowledge, others might find a great difficulty, and especially in a case where the districts were not personally known to them. A local court magistrate was not specially fitted to decide on assessments, either as to income or land. There should be a special court consisting of some of the State's best men to deal with such matters. Under the system of review provided in the Bill there would be altogether too many appeals to the Supreme Court. In connection with municipal and roads board rating there were a great number of appeals, but they would be nothing compared with the number there would be under this Bill. In New South Wales there were very many appeals against assessments. [*The Treasurer*: Only on questions of law.] There was absolute dissatisfaction every time an assessment was made and a decision was given by the court of review. Under the Bill a vast number of people would be taxed who hitherto were strangers to direct taxation. Take the electorate of the Attorney General as an instance. There the great majority consisted of working miners, with an income of a little over £3 a week. They would come under the Bill, and their incomes would have to be assessed.

The Attorney General: They would have to be at work for 52 weeks in a year.

Mr. WALKER: Those men were earning enough to come within the tax, and therefore would be under the authority of the assessment officer. Every one of those men would be sure to go to the court of appeal; and if they did not they would resist the tax and all the powers of the law, and would defy the iniquitous tax, as to them it would appear. There would be no question as to what it would cost a man to live, for the only factor would be that he received over £150 a year. If that were the case he would be assessed, and then would come the question of the justice of the commissioner's assessment. That officer would always assess a taxpayer on the highest possible assessment, and there would never be any case of under assessing. All the constituents of the Attorney General would be assessed, and with regard to the question of the court of review the consideration would come in that many magistrates, although unbiased, would have a certain unconscious prejudice against the workers, and more inclined than the Commissioner to tax the working miner on account of difficulties that would arise. There should be a provision by which a man should be tried by his equals, but it should not be left to a resident magistrate or the workman would be beaten every time. A Judge of the Supreme Court or a special tribunal that understood the special circumstances of the case should deal with these assessments. This court of appeal would be in favour of the rich man all the time because he could afford to appeal, but the poor worker who was in receipt of a little over £3 a week would have to stand by the assessment inasmuch as the bulk of the taxation was to be obtained from the men who were earning wages, because £42,000 of the tax was to come from men getting incomes between £150 and £300 a year. If we could not have a court that understood the conditions under which men laboured and obtained their income, it was not taxation but absolute oppression. The working miner would not get justice in the court as created by the Bill. It was from the workers on the goldfields that this tax was to be raised. It made one alarmed when we talked about resident magistrates and knew their tendencies.

Clause put and passed.

Clause 9—Land Tax:

Mr. DRAPER moved an amendment—

That after the word "eleven," in line 31, the words "provided that the rate of the land tax per pound sterling shall not exceed one-fourth of the rate of the income tax per pound sterling," be inserted.

In working out the proportion he had

taken the amount which was mentioned in the Bill fixing the tax now before the House, the second reading of which had been moved. He did not know if members realised the effect of the Assessment Bill. The whole of the taxation required by the Government to be raised on any future occasion, either entirely from land or out of income, was identically the same as if the Bill that went through the House last session had been passed, because it would be within the power of any Government if the Bill became law, to say that all the money they required should be raised by a land tax and that they did not intend to raise any money through income tax. He did not say the Government would do this, but it would be possible, and that was not what could be regarded as fair. There could be no reason why all taxation should be raised either by one form or by another form. When the Bill was brought down one expected the intention of the Government was to raise the money they required from both sources. But as the Bill stood, the intention might be defeated in any year. Some definite proportion should be fixed between the two taxes. The income tax could not be fixed unless the land tax was proportionately the same, and *vice versa*. The land tax should not at any time be more than one quarter in the pound sterling of the income tax.

Mr. MALE: The amendment was a little bit one-sided. It was carefully safeguarding the land tax and leaving it possible for the impost to be all on incomes. If we assumed that the proportion was four to one, it was only fair and reasonable that an amendment should be made in Clause 16. The difficulty must be overcome. It might be desirable to alter the amendment to read, "provided that the rate of the land tax per pound sterling shall be in proportion as one is to four of the rate of the income tax per pound sterling." If Mr. Draper was prepared to amend his amendment as suggested he would support it.

Mr. Draper accepted the suggested alterations.

The TREASURER: As the Land and Income Tax Bill was not now before the Committee, it seemed the member for West Perth was moving his amendment without any official knowledge of the ratio proposed. It would have been more in order to have discussed this amendmnet when the Land and Income Tax Bill was before the House. As far as he could gather what the member meant was to tie up the hands of future Parliaments if he could: that was an impossibility. The question of the amount of taxation and of the ratio between the two taxes must be decided by the Parliament from year to year. The taxation proposal was only for one year, and when the Government brought down their measure stating what they thought was a fair tax on incomes and land, it was for Parliament to decide whether that was the proper proportion. Next year whoever might be in power might think differently. The present Government might find they had made a mistake, but if we passed the amendment and the actual ratio worked out hardly on one section of the community, it could not be altered. The Government might wish to alter the ratio next year or the year afterwards. It would be foolish at the present time to bind ourselves to a hard and fast proportion which possibly might not work out exactly as was estimated at the present time. The figures and calculations which members had taken strong exception to with regard to how the tax would affect the community were only based on assumption. We had no actual facts or results in Western Australia to tell us how the tax would pan out in reality. In making these estimates it was necessary to consider the conditions in other States—the proportion of taxpayers to the total population, the total amount of the taxpayers' income, the average paid by each during the year, and then, allowing for all the exemptions provided in the Bill, to ascertain whether the people in this State were in similar circumstances. Members must see it was impossible to lay down a hard-and-fast rule, or to arrive at an exact result. We assumed that the average income would be less in this State than in Victoria, where there were more wealthy people.

Mr. Scaddan: Among the poorer classes the average income was higher here than in Victoria.

The TREASURER: Probably. The Government Actuary had to assume the percentage of taxation and average of income for this State; therefore his figures were only approximate. The percentage of taxation to be drawn from those with incomes not exceeding £150 would not affect the actual result of the tax. The total could not be affected by the actuary's opinion. "What is to be will be." The question was whether the exemption of £150 was a fair exemption. Let the proportion of land tax to income tax be as proposed by the Government; and if the actual result were unsatisfactory, any necessary alteration could be made next year or the year after. It was impossible for us to tie the hands of future Parliaments, who could amend or repeal either land tax or income tax, or both.

Mr. BATH: The Micawber element seemed to be uppermost in the Treasurer's mind. Even the blind could see from the official figures which section of the community would contribute most under the Bill; yet he asked us to shut our eyes, open our mouths, and see what the Government would send us. The first essential of a taxation proposal was that its incidence should be made as plain as possible. The primary questions were how the tax would bear on each section of the community, and whether it would be allocated in proportion to the capacity of each section. Having decided that, we could proportion the tax on each section to the total amount to be raised. All knew that in other countries business men and professional men had numberless ways of evading the tax; but men whose salaries or wages could be ascertained from their employers had not the same chance. Yet the Treasurer said he wanted only a certain sum, no matter by whom it was paid. The object of the amendment did not appear, for it could not bind future Parliaments to adhere to the stated proportion between land tax and income tax. There could be no justification for making the burden of the former the lighter of the two. A tax to square the finances should fall on incomes given to the individual by the community, rather than on those obtained by personal exertion.

Mr. WALKER: According to the Treasurer, the Government had formulated the taxation scheme without regard to the principle involved. [*The Treasurer*: No.] That was clear from the Minister's speech. And the plea for this legislation by guesswork was that we should drift on for twelve months, and then use the compass when we saw where we were. The actuary had done his best to guess; but "what is to be will be." The Bill sought to impose two kinds of taxation, without special reference to each other or to the source of taxation. When we taxed land or labour, we taxed income. A man could never pay a tax on land from which he derived no profit.

Mr. Foulkes: He would be made to pay, and would sell the land.

Mr. WALKER: The proceeds of the sale would then be his income. No matter whether he secured the means to pay from land or from labour, the landowner, paying taxes as a land-owner, paid either from his present or his prospective income. Land was valueless if it would give no result now or ever; the assessment must be based on its possible return of income. Whether one paid income tax on earnings, speculations, or in any other way, he paid it as money earned from the particular investment; from labour or from land it was still income, so land tax was income tax as much as any other. However, there was no definite principle in the Bill. One could understand it if it had the purpose of compelling people to use the land; but it was not that; it was merely a revenue tax indiscriminately scattered abroad with all kinds of inconsistent exceptions, abatements and withdrawals of the principle. There was no sense in the application of the taxes, land or income. Then of course one could not see the justice of the amendment moved by the member for West Perth. If we were to have taxation, let income derived from land pay just exactly in the same pro-

portion as income derived from the other sources of energy or investment should pay, namely, just in proportion to what it could return, as the worker would have to pay in proportion to his earnings. An income tax was the fairest of all if its incidence was fair, if it reached all classes of men, those who got profits from the soil, and those who got profits from professions or from being humble workers; but here nothing was accomplished by the Bill except that we penalised men for getting low wages, because men receiving only £150 a year would have to pay the bulk of the taxation. That was the principle, if there was any principle at all, in the Treasurer's proposal.

The CHAIRMAN: The hon. member must deal with the amendment.

Mr. WALKER was showing the absence of principle in the applicability of the amendment. Income had to pay a certain amount, but land, which was in itself income, because it had to produce income, according to the member for West Perth was to pay only one-fourth of the proportion. If a man received £151 he had to pay income tax up to 4d. in the pound on £100, but the man who had land which was assessed at £100 was only to pay one penny in the pound. There was a distinction between the man who owned property and the man who earned an income by energy. That was the inequity of the proposal.

Latitude in Debate.

The Chairman: The question is that certain words be added. The clause does not relate to income tax. The clause is one relating to land tax, to which an amendment has been proposed; and the question before the Chair is that amendment only.

Mr. Walker: Does not the amendment include the income tax?

The Chairman: The hon. member can speak to the terms of the amendment, and those terms only. The hon. member was discussing the principles of the Bill.

Mr. Walker: The principles involved in the amendment.

The Chairman: The hon. member was repeatedly discussing the principles of the Bill. I allowed the hon. member a reasonable amount of latitude, because other speakers preceding him had had latitude also, and reluctantly I appealed to the hon. member to deal with the amendment. I cannot allow farther digression from the amendment.

Mr. Walker: I am not going to dispute your ruling, sir, but I wish to draw attention to the wording of the amendment, that you may perceive I am endeavouring to make myself perfectly relevant to the amendment as it affects the clause. [Amendment read.] It would be impossible to discuss the relevancy of the amendment to the clause under discussion without dealing with the possible rating on the assessment of incomes and the possible rating on the assessment of land, and the relative methods of rating.

The Chairman: I do not know whether the hon. member is arguing against my ruling, which I have given after due consideration. If the hon. member continues to be irrelevant, I shall call upon him to desist.

Mr. Walker: If you rule me out of order as being irrelevant in the course I have taken, I shall have to dissent from your ruling and submit the point to the Chair. I submit it is impossible to discuss a matter of this importance unless I am able to enter into the matters affecting the rating of land, and the principle involved in that clause and in the amendment, and in the lack of principle in both the clause and the amendment.

The Chairman: If the hon. member desires to appeal against my ruling, namely that he has been irrelevant in discussing the principles of the Bill, I shall accept his protest and submit it to the Speaker. My ruling is that the hon. member has been discussing the whole of the principles of the Bill.

Mr. Walker: I beg your pardon, I have not.

The Chairman: That is my ruling on the question of fact, and I farther point out that if the hon. member continues I shall call upon him to desist from speaking. At the present time I have not called upon the hon. member, but I intend to do so if farther irrelevance takes place.

Mr. Walker: I am at a loss to know how I can proceed, if I am not allowed to discuss the principles involved. Am I allowed to discuss the principles involved in the method suggested in the amendment, and that involved in the clause itself?

The Chairman: The hon. member can discuss the amendment.

Mr. Walker: Thank you.

Discussion resumed.

Mr. WALKER: The amendment, like the clause, involved no principle: it suggested a purely artificial ratio between land and income. There was no basis to make it right that land should pay one-fourth of what income should pay. Why should not one-eighth suit the hon. member as well as one-fourth? We were passing a Bill that was not based upon principle. It was purely arbitrary guesswork, a real infliction upon the people without rhyme or reason; and the member for West Perth was just as wrong in trying to protect land and put it at low assessment, as the Treasurer was wrong in trying to apply the clause to one section only of the community. If we were to have this tax as so much per pound we should ask upon what principle the assessment was to be made. Was it to force the unemployed land into employment? Had it any purpose beyond arbitrary taxation? He trusted we would have some explanation of the guiding principle actuating the authorship of the Bill. One was under the impression that the Bill had been framed and modified purely to suit another Chamber.

Amendment put and negatived.

The TREASURER moved an amendment—

That the words "at noon" be inserted in Subclause 2 after the word "one":

Amendment passed.

The TREASURER moved an amendment—

That the words "the Commonwealth of" be inserted in Subclause 3 before the word "Australia," and that the words be inserted consequentially before the word "Australia" throughout the Bill.

The amendment was necessary so that Tasmania could be included in the clause.

Mr. TROY: The Commonwealth legislation prevented any State penalising any other State. Were it not for that, he would oppose the amendment because many absentees were residents in the Eastern States.

Amendment put and passed.

The TREASURER moved an amendment—

That the words "said calendar," in Subclause 3 be struck out, and the words "ending the 31st day of December next preceding the year of assessment" be inserted after "year."

The words "said calendar" were wrongly inserted, and the words mentioned in the amendment made it clear that reference was made to the year ending the 31st December next preceding the year of assessment.

Mr. Draper: Did the year of assessment commence on the 1st July every year?

The TREASURER: Yes; it was the financial year. If the year of assessment were this financial year beginning the 1st July last, the period would be to the 31st December next.

Mr. FOULKES: It was rather difficult to understand the explanation of the Treasurer; but it seemed to carry the interpretation that if a man were away from the State for six months from the 31st December, he would have to pay 50 per cent. increased taxation.

The Treasurer: It referred to any portion of the year.

Mr. BUTCHER: The clause was an extremely important one, and should receive careful attention. It was outrageous that a citizen of Western Australia could not absent himself from Australia for more than 12 months without being penalised by 50 per cent. additional taxation. Surely members would not support such a disgraceful clause as that. If a man had the good fortune to make a little money and was desirous, after 20 or 30 years' hard work, to go away for over 12 months' rest and to

travel throughout the world, he would not be allowed to do so without being forced either to return to Western Australia before the 12 months had expired, or to bear the extra burden of taxation. If the clause were passed it would have a detrimental effect on the State. There was a great difference between the absentee and the resident who was going away for a year or two on a holiday. If a man had his home and property here and carried on his work in the State in the usual way, and desired to go for a trip of more than 12 months duration he should be allowed to do so without being penalised, for clearly he was a resident of the State. On the other hand if a man held property in Western Australia and took up his residence in London or some other country and drew all his income from here, he was a real absentee and should be penalised. It was a pernicious clause, and if it were not postponed he would move to strike it out.

The CHAIRMAN: The question before the Committee was the amendment to the subclause proposed by the Treasurer. After that amendment had been disposed of it would be open to members to discuss the clause generally or any provision in it, and to vote against it if they thought fit.

Mr. TAYLOR: There should be some limit as to the time when a person became an absentee. He had no desire to penalise a person such as referred to by the previous speaker.

Mr. SCADDAN: From what time was the absence from the State counted? What was the year of assessment? [*The Treasurer*: The financial year.] If the year closed on the 30th June, 1907, and an owner was absent for any part of the year closing December 31st, 1906, he would be considered an absentee.

Mr. BATH: That would not be the case under the amendment but under the original clause. The amendment only made it the six months preceding the year of assessment.

The Treasurer: That was not so. The clause must be read in conjunction with the amendment. The year of assessment was the financial year; and if a person who had been assessed had been absent during the whole of the preceding year, he would be assessed as an absentee and have to pay 50 per cent. more.

Mr. DRAPER: The person would pay the 50 per cent. absentee tax not while he was away, but six months after he came back.

Mr. BUTCHER: The desire was to penalise the man who was an absentee, and drew his income from Western Australia and spent in a foreign country. A man had a property in Western Australia and lived in London; he drew the whole of his income from Western Australia and spent it in London. That man was an absentee; but to evade the increased tax, that person could visit Western Australia for a month every year, then he would be a resident. Another man lived in Western Australia and went away for a trip for twelve months; this man was penalised.

Amendment put and passed.

Mr. BUTCHER asked that the clause be postponed.

The CHAIRMAN: It could not be postponed as it had already been amended.

The TREASURER: Subclause 3 was framed to carry into effect what the member for Gascoyne was advocating. The intention of the Government was to put an extra impost on the habitual absentee who was deriving an income from investments in Western Australia. There was great difficulty in framing a clause such as the hon. member desired. In every Act where there was an increased impost on absentees it would be found the clause was framed similar to this. He failed to see how one could differentiate between the man who left the State for a short trip and stayed away over two years and the man who went away to reside in another country. If we attempted to differentiate between the different classes of absentees we would never get to the bottom of the matter. We must have a general clause, and this was the only way in which the clause could be drawn.

Mr. SCADDAN: What the member for Gascoyne had pointed out was that while a person was a resident of the

State and desired to take a holiday for twelve months, if he was away over that term he was considered an absentee; yet the man who lived in London, who was a real absentee, might visit Western Australia and reside here for a month, and evade the additional impost.

Mr. BATH: An expensive way of evading the tax.

Mr. SCADDAN: There were many mining magnates deriving incomes from Western Australia whose business might bring them to Western Australia every year. We could get over the difficulty by having an interpretation of "resident." We had an interpretation of "non-resident agent" and "non-resident trader"; surely we could have an interpretation of "resident."

Mr. H. BROWN moved—

That Subclause 3 be struck out.

We heard the sentiment "one flag, one destiny"; there was no reason why a resident at home should be farther penalised than a resident of the Eastern States. If we penalised the absentee he would soon withdraw his money from the State.

The CHAIRMAN could not accept the amendment. There had been words already inserted, and it was impossible after inserting those words to strike them out and other words in the clause also.

The ATTORNEY GENERAL: Members should consider what object was aimed at. This clause was taken, so he believed, word for word from the New Zealand Act; and he had yet to learn that the law in New Zealand had caused any grievance in its working in that country in the sense that it imposed a disability on the person who was a resident, or afforded some measure of protection to those who were non-resident. A man leaving Western Australia for a trip to the old country, and being absent more than a year, might intend to come back; but it was impossible to legislate for intentions. If he were away for some term to be fixed, we assumed that he was a non-resident.

Mr. Bath: The Government legislated for intentions in the Police Offences Bill, which sought to punish a man suspected of intending to rob a house.

The ATTORNEY GENERAL: That was a legitimate deduction from the man's actions. We could not allow an absentee to exempt himself from the land tax because he said he intended to return. Members who objected to the subclause should furnish a definition of "resident," or suggest a more effective method of penalising non-residents. The clause was taken from the New Zealand Act, and it did not appear that in New Zealand any genuine resident was penalised or that any non-resident escaped.

Mr. TROY agreed with the member for Gascoyne (Mr. Butcher) as to penalising all residents absent from the State for a longer term than twelve months. Better amend the subclause by adding: "and to any person, being a resident of the State to the satisfaction of the Commissioner, who shall not be absent for a longer term, not exceeding two years."

The ATTORNEY GENERAL: Did not the proposed amendment contradict the first two lines of the subclause, which confined its operation to an owner not resident in Australia during any portion of the year?

Mr. BUTCHER: Why should we penalise a man who was prevented by ill-health, or by failure to secure a passage in a certain steamer, from returning within a year? If truly a resident of the State, he should not be punished. The Government could frame an amendment to meet the objection.

Mr. ANGWIN: Ministers did not seem to understand the clause, which the Treasurer said was drafted to suit the cases mentioned by the member for Gascoyne (Mr. Butcher); yet the Attorney General said that though a resident of Western Australia remaining out of the Commonwealth for a year could no longer be regarded as a resident, yet an English visitor to this State would still be regarded as resident in England. Out of nine clauses dealt with this was the fourth the Treasurer had tried to amend, showing clearly that the Government did not understand the Bill, which should be withdrawn and reconsidered for another twelve months.

Mr. GORDON supported the clause, being strongly in favour of the extra

tax on the absentee, who, even if he intended ultimately to return, received his annual profits from the State. He could easily return within twelve months; or if he wanted a longer holiday, let him complete it within the Commonwealth. It was astounding to find members of the Opposition so liberal to absentees. The member for Ivanhoe (Mr. Scaddan) openly admitted that he had not read the Bill.

Mr. Scaddan objected to that statement, which must be withdrawn.

The Chairman: The statement having been taken exception to, it must be withdrawn.

Mr. Gordon: What statement?

Mr. Scaddan: That he had not read the Bill.

Mr. Gordon withdrew. He meant the hon. member did not understand the Bill.

Mr. Scaddan: That should be withdrawn.

The Chairman: There was nothing to be withdrawn.

Mr. Bath: The statement was withdrawn with a qualification.

The Chairman understood the hon. member had withdrawn absolutely.

Mr. Bath: And substituted something.

The Chairman: The hon. member had not substituted anything, but had expressed an opinion with regard to the member for Ivanhoe understanding the measure. The hon. member had not accused the member for Ivanhoe of making any statement to that effect.

Mr. SCADDAN: How would owners of a joint estate be taxed if one resided in the State and another was absent?

Mr. DRAPER: The farther we discussed the subclause the more confused we seemed to become. The clause should be postponed.

Mr. TROY moved an amendment that the following be added to the subclause:—

"Or to any person who being a resident of the Commonwealth of Australia has obtained a permit from the Commissioner to be absent from the Commonwealth for a period not exceeding two years."

It might be objectionable to apply for a permit, but one could see no other way of getting over the difficulty.

Mr. MALE: The amendment was in the right direction, but did not define the period. In the clause the twelve months was the twelve months expiring on the 31st December. It would be possible for a man to be absent for 23 months. It would be possible for a man to be in the State for the first two weeks of the year and then to be absent from the State until the last two weeks of the succeeding year.

Mr. BOLTON: Ten members had already discussed the subclause without any progress being made. Since the consideration of the clause could not be postponed it would be well for the Treasurer to report progress. There was sound logic in many of the suggestions, but the amendment did not meet with his views. It extended the leave to two years, and it was too much to expect one to apply for a permit.

Mr. Bath: Too much like a ticket of leave.

Mr. SCADDAN: Was not the amendment a direct negative to the earlier part of the subclause?

The CHAIRMAN: The amendment was in order. It was a proviso which was a limitation, not a contradiction.

Mr. DRAPER: Progress should be reported. The Treasurer had not answered the question of the member for Ivanhoe as to how the joint owner resident in the State was to be treated.

Mr. STUART scarcely understood the tender regard for the absentee. He would vote for the subclause, because those people who derived their incomes from Australia and could afford to go out of it should at least pay slightly to the upkeep of the Commonwealth while they were away. The proposal in the amendment was altogether undesirable. If there were any merit in the Bill it was not in the honeycomb of exceptions.

The TREASURER: It was impossible for one to reply to all the questions put from all sides of the House. It would not be wise to report progress and hang up the Bill for a few days.

Mr. Bath: It would give the Minister an opportunity of looking into the Bill.

The TREASURER: Members should look into the Bill more carefully. The member for West Perth would see clauses applying to co-partners. It was not intended that the co-partner resident in the State should be classed as an absentee. The absentee co-partner was liable for the whole tax, but it would not be fair to force the absentee tax on co-partners resident in the State. The member for Kimberley (Mr. Male) was correct in saying that a man could be absent 23 months and still escape the absentee tax, because each year stood by itself. That position would not be overcome. It was not possible to define an absentee more clearly than was done in the Bill. The amendment proposed was to the effect that the Commissioner should, in certain circumstances, be able to grant a permit to a resident of the State who wished to be absent for a longer period than 12 months and not more than two years. He did not object to that amendment, although it was giving a good deal of power to the Commissioner.

Mr. WALKER: There should be a clearer definition of a joint owner in his relation to the tax. Suppose a man who owned property jointly with his wife went to London and she stayed in Perth, who would have to pay the absentee tax? [*The Attorney General* : There would be no absentee tax at all.] Was the joint and several liability placed on the residence or on the absentee ? That was not made clear in the clause. It was not a fair thing to allow joint owners to chop and change about, one going abroad for 12 months, then another, and so on. If the tax was on absentees then those persons who were absent should pay it. A man living in Tasmania was as much an absentee from this State as a man living in London. He should be specially taxed.

The Treasurer : That was not possible under the Federal Constitution.

Mr. WALKER : In Adelaide the absentee was described as a man living out of the State of South Australia. If the absentee, whether he were in one of the other States or not, could not be taxed in that way, some other system could be devised to make him pay.

The ATTORNEY GENERAL: Under the Commonwealth Constitution no State could place any disability on a citizen residing in any other State. Since the establishment of the Commonwealth, all State legislation which existed as legislation of a Colony prior to that date and which imposed disabilities, was not enforcible. It would be merely trading on the ignorance of the public to propose legislation which we knew would not stand the test of the Federal High Court, if any citizen chose to appeal to that authority.

Mr. WALKER: The Constitution did not interfere with the State's local power of taxation.

The ATTORNEY GENERAL : It did to the extent that the State was not allowed to exercise any power to the detriment of a citizen living in another State.

Mr. WALKER: There was absolute discrimination between State and State in the matter of taxation.

The ATTORNEY GENERAL could only differ from the hon. member The section of the Constitution Act laid it down very clearly, for it said :—

> " A subject of the Queen resident in any State shall not be subject in any other State to any disability or discrimination, which would not be equally applicable to him if he were a subject of the Queen resident in such other State."

A joint owner was a person who owned an undivided portion. He was liable for the whole tax, and under no taxation system, whether in the Bill or in any Act, was there found any provision for treating one of several joint owners as an absentee.

Mr. Walker: Was the resident owner liable for the absentee?

The ATTORNEY GENERAL: There was no absentee where there was a resident owner, being one of a co-partnership. Co-partners were assessed generally in the name of the firm in respect of the land of the partnership; the result was that each co-partner was liable for the whole of the tax. Exactly the same

provision was found in all States where the principle had been made applicable. Did any member know of injustices which had been created by the application of a clause, worded the same as this one, which was in force in any part of Australia or New Zealand.

Mr. STONE moved—

That the Committee do now divide.

Motion put, and negatived on the voices.

Mr. BUTCHER moved—

That progress be reported and leave asked to sit again.

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

Ayes	.. .. ..	20
Noes	.. .. ..	19
Majority for	..	1

AYES.	NOES.
Mr. Angwin	Mr. Barnett
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Davies
Mr. H. Brown	Mr. Gregory
Mr. T. L. Brown	Mr. Hardwick
Mr. Butcher	Mr. Keenan
Mr. Collier	Mr. Layman
Mr. Draper	Mr. Male
Mr. Hayward	Mr. Mitchell
Mr. Heitmann	Mr. Monger
Mr. Holman	Mr. N. J. Moore
Mr. Horan	Mr. Piesse
Mr. Hudson	Mr. Price
Mr. Scaddan	Mr. Smith
Mr. Stuart	Mr. Stone
Mr. Taylor	Mr. Veryard
Mr. Underwood	Mr. A. J. Wilson
Mr. Walker	Mr. F. Wilson
Mr. Ware	Mr. Gordon (*Teller*).
Mr. Troy (*Teller*).	

Motion thus passed.

Progress reported, and leave given to sit again.

BILL— SAND DRIFT AMENDMENT.

Received from the Legislative Council, and on motion by *the Minister for Works* read a first time.

ADJOURNMENT.

The House adjourned at 10.55 o'clock, until the next day.

Legislative Council,

Thursday, 21st November, 1907.

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

Prayers.

PAPERS PRESENTED.

By *the Colonial Secretary*: Papers in connection with the Broome Water Supply, asked for by the Hon. R. W. Pennefather.

QUESTION — RAILWAYS INQUIRY.

Hon. J. W. WRIGHT (without notice) asked the Colonial Secretary: What progress is being made in reference to the Royal Commission to inquire into the working of the railways, promised on the 28th August?

The COLONIAL SECRETARY replied: I ask the hon. member to give notice of that question. I cannot answer it without notice.

QUESTION—CONDITIONAL PURCHASE HOLDERS.

Hon. C. A. PIESSE asked the Colonial Secretary: Will the return showing the amount due to the State by conditional holders on the 30th July last be laid on the table without farther motion? If so, when?

The COLONIAL SECRETARY replied: Yes; the return will be supplied as soon as the new system of accounts now being introduced into the Lands Department is in full working order.

MOTION—GOLDFIELDS WATER SUPPLY.

To be Self-Supporting.

Resumed from the previous day, on the *Hon. W. Patrick's* motion that the Gold-