member will confine himself to that amendment.

Mr. LATHAM: The member for Swan made out a good case for a board of three as against one of five, but I should prefer to see no board at all, leaving it to the Minister.

Mr. SAMPSON: The Minister for Works has said that the board proposed by me would mean practically another department, with consequent duplication of work. On the second reading I pointed out it would be possible for the Minister to appoint to the board officers of the Works Department, so I do not see that there would be duplication under that suggestion. No reflection whatever has been intended to be cast on the officers of the department. But there can be no question of the necessity for having a board with power to carry out the work. The salaries to be paid will have to be determined later. The Minister has publicly said that, having regard to the amount of money to be spent, it would be wise to pay a high salary to the Engineer-in-Chief and so secure the best possible man. We may with equal truth say that those to constitute the board under the Bill should be well paid. Also the Minister has often suggested that the local authorities should give him their best advice. After long consideration the Road Boards Association recommended that a Bill on the lines of the Victorian Act should be brought down. Notwithstanding this the Minister has declined that advice and proposed a board of five. There can be no question that the suggested board of three will be occupied full time. The board must have freedom of action, with power to initiate and carry out works. There is in the Bill a most desirable provision for the letting of contracts to the local authorities. That provision is more likely to be carried into effect by an untrammelled board of three than if a board consisting of Public Works officials, as contemplated in the Bill, is appointed.

The Minister for Works: Are not the local authorities getting those contracts now?

Mr. SAMPSON: I understand not. I met the Kellerberrin road board a little while ago, and they told me the Minister had refused to give them a contract.

The Minister for Works: That is quite wrong. All I did was to decline to allow them to sublet a contract.

Mr. SAMPSON: Obviously a board of three will be less costly than one of five. I take it the administration will receive adequate salaries.

Mr. Thomson: What is an adequate salary for a reliable engineer?

Mr. SAMPSON: Perhaps £1,000 or £1,500. I trust members will give effect to the considered opinion of the Road Boards Association.

Mr. J. H. SMITH: I oppose the amendment. The country is crying out for this measure and the proposal of the Government is quite fair. If the local authorities have two representatives on the board, nothing could be fairer. If the amendment were accepted, we would have no guarantee that the local authorities would have any representation on the board.

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

Ayes	.. .. ..	11
Noes	.. .. ..	25
Majority against	..	14

AYES.

Mr. Barnard	Mr. Panton
Mr. Davy	Mr. Sampson
Mr. Griffiths	Mr. Taylor
Mr. Mann	Mr. C. P. Wansbrough
Sir James Mitchell	Mr Latham
Mr. North	*(Teller.)*

NOES.

Mr. Angelo	Mr. Marshall
Mr. Angwin	Mr. McCallum
Mr. Brown	Mr. Millington
Mr. Chesson	Mr. Munsie
Mr. Collier	Mr. Sleeman
Mr. Corboy	Mr. J. H. Smith
Mr. Coverley	Mr. Thomson
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Lindsay	*(Teller.)*

Amendment thus negatived.

Progress reported.

House adjourned at 10.36 p.m.

Legislative Council,

Thursday, 4th December, 1924.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

BILLS (3)—THIRD READING.

1, Fire Brigades Act Amendment.

2, Supply (No. 2), £2,150,000.

3, Stamp Act Amendment.

Passed.

BILL—CLOSER SETTLEMENT.

Recommittal.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3.10]: I move—

That the Bill be recommitted for the purpose of reconsidering Clauses 3, 4, 6, 7, 8, 10, 11, 12, 13 and 14, and of considering the insertion of a new clause.

It by no means follows that the amendments that have been made to this Bill are acceptable to the Government, but I should like the measure to pass this Chamber in the best possible form.

Question put and passed.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 3—Inquiries of Board:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause (1) the following words be added: "Situate within 12 miles of an opened railway, and for the purpose of such inquiry shall summon the owner and all persons the board may think proper to give evidence in regard to the suitability or otherwise of such land for closer settlement.

The Bill is somewhat imperfect as regards this clause. I suggest it would make it more clear if we added the words proposed in my amendment. The board will have power to summon whom they think proper, but surely they must summon the owner.

The COLONIAL SECRETARY: I intend to move an amendment to Subclause 2 of this clause, making it apply to land within 20 miles of a railway, or of the intended route of a railway authorised by Parliament.

Hon. J. NICHOLSON: My amendment would be subject to the passing of the amendment which the Minister has indicated. The present clause could again be recommitted.

Hon. H. STEWART: I appreciate that Mr. Nicholson's amendment improves the draftsmanship of the clause. Is it his intention to move a further amendment giving a guide to the board as to what shall be considered unutilised and unproductive land, and as to the application of "economic value"?

Hon. J. Nicholson: I have some further amendments to move in Clause 4 for the purpose of dealing with those matters.

Hon. H. STEWART: Mr. Nicholson would be well advised not to alter the construction of the Bill from what it is now. The amendments are not on the Notice Paper, and consequently the Committee are not in a position to know where the matter will end.

Hon. J. J. HOLMES: The consensus of opinion of the Committee appears to be that 12 miles should be the limit. A difficulty which might arise can be guarded against by inserting in Subclause 2, after the first word, "Land," such words as "any portion of which is within 12 miles of a railway." Land might begin within six miles of a railway and finish 15 miles from a railway. If the Government took any portion of such land, they should take the lot.

Hon. J. NICHOLSON: The difficulty could be met by describing the land, not as situate within 12 miles of a railway, but as "mentioned in the next following subsection." It is necessary to refer to the land in Subclause 1 so that the board may be required to summon the owner when inquiry is being made as to whether the land is suitable for closer settlement.

Hon. A. Lovekin: Clause 2 gives the interpretation of "unutilised and unproductive." Why alter that?

Hon. J. NICHOLSON: Another way of getting over the difficulty would be by making Subclause 1 read—

> The board may inquire into the suitability and requirement for closer settlement of any unutilised and unproductive land situate within 12 miles of an opened railway.

Hon. A. Lovekin: That is what the clause says now.

Hon. J. NICHOLSON: Yes, but by Subclause 2.

Hon. A. Lovekin: That is the interpretation of Subclause 1.

Hon. J. NICHOLSON: Subclause 2 is not an interpretation of Subclause 1 at all. I want to limit the board in making inquiries.

Hon. J. J. Holmes: Why limit the board in making inquiries? They are entitled to inquire into any land within 12 miles of a railway.

Hon. J. NICHOLSON: When the board go round a district, naturally the effect is to impress owners of land there with the idea that resumptions are contemplated; and that has an unsettling effect. Therefore the scope of the board's inquiries should be clearly limited by Subclause 1.

Hon. A. Lovekin: That is exactly what Subclause 2 does.

Hon. J. NICHOLSON: But Subclause 2 does not deal with the board's inquiries.

The COLONIAL SECRETARY: I do not agree with Mr. Nicholson, but I do agree as to the necessity for his amendment. In Subclause 1 we must restrict the board's inquiries; and unless those inquiries are

limited as Mr. Nicholson has set forth, they will not be limited at all. Unless a limitation be inserted in the clause, the board can make inquiries in connection with land 40 or 50 miles away from a railway. I do not for a moment suppose the board would do that, but it would be as well to have the instructions clearly defined in the subclause.

Hon. A. LOVEKIN: The amendment is unnecessary and I am opposed to recasting the Bill any further if we can avoid it. Subclause 1 provides power for the board to inquire into the suitability for closer settlement purposes of land that is unutilised and unproductive within the meaning of the measure. Subclause 2 sets out what is unutilised and unproductive land. Thus the clause is perfectly clear. The Minister suggested that the board could make inquiries 40 or 50 miles away from a railway line. The board could not do so, for land suitable for closer settlement purposes must be within 12 miles of a railway.

Hon. J. J. HOLMES: The clause will define what land is to be brought within the scope of the measure. The board will be able to deal with land within 12 miles of a railway and no other.

Hon. A. J. H. SAW: I agree with Mr. Nicholson that it would be preferable to amend Subclause 1. Subclause 2 defines unutilised and unproductive land as that within 12 miles of an opened railway. That was not intended. What was intended was that the board should not have the right to acquire land that was not within 12 miles of a railway. The subclause does not say anything about land outside that distance.

Hon. T. MOORE: I do not agree with Dr. Saw. We have decided that closer settlement shall take place within a certain distance of the railway line, and therefore land beyond that distance may be held for any other purpose. The clause is all right as it stands.

Hon. V. HAMERSLEY: I do not see any reason for altering the clause. I do not know why the board should not make inquiries regarding land more than 12 miles from an opened railway. If the board had that power it would be useful, because the members, who would be experienced men, would be able to report to the Government regarding the suitability of outside areas and the Government could acquire that land under other Acts.

Hon. J. J. HOLMES: I am inclined to agree with Mr. Nicholson that the amendment would appear to greater advantage in Subclause 1. I will not proceed with the amendment I suggested in order to allow Mr. Nicholson to move the one he has stressed.

The Colonial Secretary: I suggest that the amendment should appear in Subclause 2.

Hon. J. NICHOLSON: The inclusion of the words in Subclause 2 would be misplaced. The effect of Subclause 2 would then be to bring all land, any portion of which was within 12 miles of an opened railway, within the scope of the measure and would in effect make all that land unutilised and unproductive.

Hon. H. Stewart: If the board said so.

Hon. J. NICHOLSON: Not at all. I ask leave to withdraw the amendment I suggested so that I may move it in a slightly different form.

Amendment by leave withdrawn.

Hon. J. NICHOLSON: I move an amendment—

That after "land," in line 3 of Subclause 1, the following words be added, "any portion of which is situated within 12 miles of an opened railway."

The COLONIAL SECRETARY: I move an amendment on the amendment—

That the words "within 12 miles of an opened railway" be struck out with a view to inserting the following:— "within 20 miles of a railway or of the intended route of a proposed railway, the construction of which is authorised by Parliament."

Hon. J. J. HOLMES: For the Minister without notice to spring an amendment like this on the House savours of looking for trouble. Of course I am quite certain the Minister is not looking for trouble; he has enough on his hands now. Therefore I urge the Minister not to press the amendment.

Hon. H. STEWART: Under the Agricultural Lands Purchase Act people may offer their land and the board may approve the offer. But then this proviso comes in:—

> Provided that any such land must be situated within 20 miles of a railway or the intended route of a proposed railway the construction of which is authorised by Parliament.

Hon. J. J. Holmes: That is to prevent the Government buying land that will be of no use for the purpose.

Hon. H. STEWART: Yes, and to prevent the board from recommending such land. The policy of successive Governments has been that the Agricultural Bank shall not lend money for agricultural development at a greater distance than 12½ miles from a railway. That policy has been departed from only in exceptional instances. Therefore it is not equitable that Parliament should authorise the board to go a greater distance than 12½ miles from a railway, particularly as the Committee is prepared to widen the scope of the provision so as to include land, any portion of which is within 12½ miles of a railway.

The COLONIAL SECRETARY: The 12 mile limit was placed in the Bill by a large majority of the Committee. However I ascertained subsequently that many of those who had supported it were not

satisfied when they learnt that it meant that if any portion of the estate were not within 12 miles of a railway the estate would not come within the scope of the Bill. Therefore I took the question to the Solicitor General and he sent along this amendment.

Hon. G. W. MILES: I agree with the amendment proposed by the Minister. The policy of not advancing money for agricultural development beyond 12½ miles from a railway may have been a good policy in years gone by, but in view of the new and relatively inexpensive motor transport, it is now quite safe to advance to settlers within 20 miles from a railway.

Hon. A. Burvill: For closer settlement?

Hon. G. W. MILES: Yes. I understand there is now on the market a caterpillar tractor that will reduce transport charges by 50 per cent. I see no reason why the Government should not be prepared to advance money on land within 20 miles of a railway.

Hon. T. MOORE: Of my own knowledge I am aware that men are speculating in land to this extent: they get an idea of where a new railway is to go, and straightway they proceed to take up land along the route with the idea, not of settling on it, but of holding it for a rise. Mr. Holmes has suggested that we should not take away from people old estates that are dear to them. However, I do not think Mr. Holmes would suggest that we should allow this speculation to go on. Where new railways go there are not any old estates, at all events not in my electorate; consequently we should not be interfering with legitimate settlers who in years long past went out remarkable distances from railways. One man recently told me that he had four farms to sell when the railway should come into his district, and would still have one left for his own use. That aspect of the authorised lines problem has not been before the Committee.

Hon. J. J. HOLMES: But immediately the line is built the land referred to by Mr. Moore will come within the provisions of the Act, and the man holding it will simply get what it is worth in its unimproved condition. As for Mr. Miles' contention, the people of this country have gone mad on motor cars. We are trying to build up an agricultural industry, yet the bulk of the money annually derived from that industry is going to America for the purchase of cars, tractors and petrol. On farm and station motor traffic should be reserved for emergency. It is absurd for a man to buy petrol and run motor cars and tractors when his horses are standing idle and the fodder he has grown is going to waste.

Hon. A. Burvill: Petrol versus grass!

Hon. J. J. HOLMES: If the farmers would but keep account books they would soon find that it would pay them to abandon the motor traffic, except in emergency.

Hon. J. Nicholson: And keep their money here.

The Honorary Minister: Mr. Miles was talking about road transport.

Hon. J. J. HOLMES: It is just the same. We have to get back to horses and home-grown fodders.

Hon. J. Nicholson: In America they are getting back now.

Hon. H. J. YELLAND: I support the amendment, but I fear we are going to break up a vital principle of long standing based on the sound belief that it is impossible to satisfactorily cultivate at a greater distance than 12½ miles from a railway.

Hon. T. Moore: The group settlements are out 17 miles from a railway.

Hon. H. J. YELLAND: Still they have not such bulky produce to cart as have the farmers in the wheat areas. However, I am prepared to support the Minister in extending the distance along the routes of railways, because I feel that it will prevent dummying of land. Still I do not agree that we are justified in attacking the 12½ mile limit in any broader sense.

Hon. A. BURVILL: I favour extending the principle to authorised railways, but not to the 20-mile limit. If new settlers with limited capital are placed 20 miles out, the burden of transport will be too great. I know of no one in the South-West situated over ten miles from a railway who is doing any good.

Hon. H. STEWART: If a speculator wants more than 1,000 acres he has to dummy, and there are instances of dummying. A family party took up a considerable area of land 35 miles east of Kondinin. They are too far out to grow wheat profitably.

Hon. T. Moore: They should not have been allowed to take it up.

Hon. H. STEWART: They were told they were going out on their own responsibility, that they would receive no advance from the Agricultural Bank, and that they could never put up a case for a railway because there was too much poor land between them and the existing line. The five-year period for non-payment of rent is nearing an end, and I think anyone could get the land for a premium of £50 a block. That is not much for a man to pay for having a good block picked out for him. A man who goes out and dummies land takes a big risk. It is not a matter of great importance, because the holding of land for the sake of increased value is not at all attractive.

The COLONIAL SECRETARY: The Committee seem firmly wedded to the 12-mile limit.

Hon. A. J. H. Saw: I was going to suggest 15 miles.

The COLONIAL SECRETARY: If that is acceptable, I am willing to agree to it. The balance of the amendment is important, in that it refers also to the intended route of a proposed railway, the construction of which is authorised by Parliament.

Hon. J. NICHOLSON: I am prepared to accept an alteration of my amendment to make it refer to land, any portion of which is situated within 12 miles of an opened railway or the intended route of a proposed railway authorised by Parliament.

The COLONIAL SECRETARY: While not agreeing with Mr. Nicholson's amendment, I ask leave to withdraw my amendment.

Amendment (Colonial Secretary's), by leave, withdrawn.

Hon. J. NICHOLSON: I ask leave to alter my amendment by inserting after "opened railway" the words "or the intended route of a proposed railway, the construction of which is authorised by Parliament."

Amendment, by leave, amended.

Hon. J. J. HOLMES: Under the amendment land will automatically come within the provisions of the measure as soon as a railway is authorised. Thus there will be no inducement for men to go out into the country and take up land. Immediately a railway is authorised by Parliament, they will be liable to lose their land.

The Honorary Minister: Not if they are working it.

Hon. J. J. HOLMES: That is my interpretation of the amendment.

The COLONIAL SECRETARY: We have already provided for a court of appeal and we are establishing a board of inquiry. The board will be a sort of arbitration court travelling the country. It must summon the owner, hold an inquiry and take evidence as to the suitability of land. Surely the board should be competent to judge!

Hon. H. STEWART: I agree with the Minister's contention. The board should have power to skirmish around and inquire before summoning an owner. The board might well be trusted to exercise common sense.

Hon. J. J. HOLMES: The board should have the power to make a preliminary inquiry without calling evidence, but I urge that the amendment be restricted to land within 12 miles of a railway authorised at the passing of this measure. The men who make the country are those who go out back, and unless they receive some consideration they will not go out. The railway programme is set for a good many years ahead, and any man who is prepared to go out and take up land without a hope of getting a railway, for five years at any rate, should receive consideration. I move an amendment on the amendment—

That the words "prior to the passing of this Act" be inserted before the word "authorised."

Hon. J. Nicholson: I agree to that amendment.

Amendment on amendment put and passed.

Hon. J. NICHOLSON: I move an amendment on the amendment—

That after the words "inquiry shall" there be inserted "prior to making the report as hereinafter mentioned."

Amendment on amendment put and passed.

Hon. G. W. MILES: I move an amendment on the amendment—

That all the words after "Act" be struck out.

Hon. J. J. Holmes: I would advise Mr. Nicholson to drop the latter portion of his amendment.

Hon. J. NICHOLSON: I am seeking only to give the Committee the benefit of the thought I have put into this matter. I am not going to endeavour to drive the amendment through, but I do think it is essential. Before the board makes its report it should summon the owner and other persons interested for the purpose of considering the matter. The board would still be free to make as many inquiries as it chose.

Hon. J. J. HOLMES: The owner would be in a better position after the board had made its report than he would be if he weakened his case prior to the report being made.

Hon. H. STEWART: The amendment would probably do more harm than good. We should hesitate before interfering with the opening up of fresh country, and creating the fear that an owner's land might be resumed because some railway had been authorised through the district. The Lands Department is in a position to prevent dummying if it desires to do so.

The COLONIAL SECRETARY: I support Mr. Miles's amendment on the amendment. No fewer than three courts of appeal are already provided in the Bill, and it is now proposed to establish another court. The evidence of the owner as to the suitability of a property for agriculture would be of no use to the board, and the assumption would be, if Mr. Nicholson's amendment were carried, that the board was not qualified to carry out its duties. It must be borne in mind that we are dealing with people who are not putting their land to proper use. This measure will not interfere with anyone who is producing satisfactorily from his land.

Hon. J. NICHOLSON: If the Committee wish that the words suggested for deletion should be deleted, I will not press for their retention. However, the Committee misunderstand the position of the inquiry. Under Subclause 1 the board have to inquire. From whom are they to inquire? Should not they inquire from the owner and other persons interested in the land? How can the board report without obtaining evidence from the owner and those persons? Then why not state that in this case?

Amendment on the amendment put and passed.

Hon. H. STEWART: After mature consideration, and realising that the Lands Department have full power to deal with dummying, I cannot regard this proposal as reasonable. To authorise a railway and then say that the owners of land in proximity to that authorised railway must utilise their land and make it productive within two years irrespective of facilities for getting their produce to market is unreasonable, in view of the accepted agricultural policy of the State. Accordingly I move an amendment on the amendment—

That the words "or the intended route of a proposed railway the construction of which is authorised by Parliament prior to the commencement of this Act" be struck out.

Hon. J. J. HOLMES: Does the Minister agree to this amendment on the amendment? The Margaret River railway, now being built, was authorised 15 years ago; and the Esperance railway was promised a great many years ago. Surely we are on dangerous ground when providing that lands within reach of authorised railways shall be brought under this measure immediately. Last session we passed in one day five railways—railways which I described as political railways, vote-catching railways, as railways which could not be built for many years. The effect of retaining the words will be to block the very men we want to encourage, the pioneer.

Hon. A. J. H. SAW: Mr. Holmes does not credit the board with any common sense. They will not bring within the measure land in proximity to a railway which will not be constructed for years.

Hon. J. J. HOLMES: It is not what the board will do, but what this measure will do, that I am afraid of. If there are a few pounds to be made out of land in the backblocks, the pioneer is entitled to make them.

Hon. H. STEWART: There is not only the pioneering aspect. There is the setting up of an unfair and impossible condition. The accepted agricultural policy of Western Australia lays it down that 12 miles represents the maximum carting distance for wheat-growing. But, under this Bill, as soon as a railway is authorised the land in its proximity will come within the scope of the measure. The very form of this legislation is wrong.

Hon. A. BURVILL: I agree with a good deal of what has been said by the last two speakers, but would point out that there would have been no occasion whatever for this controversy had an amendment which I moved in Clause 17, to provide for the exemption of conditional purchase lands during the term of the contract, been carried.

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

Ayes	..	..	10
Noes	..	..	11
Majority against		..	1

AYES.

Hon. C. F. Baxter	Hon. H. Seddon
Hon. J. Cornell	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. J. Duffell
Hon. A. Lovekin	(*Teller.*)
Hon. J. M. Macfarlane	

NOES.

Hon. J. R. Brown	Hon. G. W. Miles
Hon. A. Burvill	Hon. J. Nicholson
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. E. H. Gray	Hon. H. J. Yelland
Hon. E. H. Harris	Hon. T. Moore
Hon. J. W. Hickey	(*Teller.*)

Amendment on the amendment thus negatived.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 1 of Subclause (2) the words "if within 12 miles of an opened railway" be struck out.

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

Clause 4—Board to report to Minister.

Hon. J. NICHOLSON: I move an amendment—

That after "notice" in line 8 of the proviso, the words "of any inquiry the time and place thereof" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after "inquiry" in line 5 of the proviso the following be inserted: "and the owner of the land shall, immediately after receipt of any notice as aforesaid, cause a copy thereof to be served by registered post on any person or company having any claim or interest, whether legal or equitable, in the said land or any part thereof, and shall immediately give notice to the board of the full name and address of any such person or company.

Any owner failing to send a copy of such notice or to furnish such name and address as aforesaid shall be guilty of an offence and liable to a penalty not exceeding £50.''

Unless provision is made for the owner giving notice to the persons or companies having claims on the said land, it is possbile that those persons may never hear about it. Therefore, we should make it compulsory on the owner to give those notices.

Hon. J. A. GREIG: This appears to be a repetition of what we have in Clause 6.

Hon. J. Nicholson: That is after the land is taken, whereas the amendment will operate before the land is taken.

Hon. J. A. GREIG: To me it seems that Clause 6 covers the whole thing, and that we shall be duplicating the matter by agreeing to the amendment.

Hon. J. NICHOLSON: Clause 6 is to meet quite a different position. When that clause comes into operation the land is declared to be taken under the Act, whereas the notices to be given under Clause 4 will be given prior to the land being taken.

Hon. G. W. Miles: Anyhow, the amendment is unnecessary, for it is covered in the opening lines of the proviso.

Hon. J. NICHOLSON: Those opening lines provide only for notice to be given to persons whose names actually appear on the register. There are such things as unregistered mortgages, or liens, or charges on the land.

Hon. G. W. Miles: There ought not to be.

Hon. J. NICHOLSON: Probably the hon. member himself holds some without knowing it.

Hon. H. STEWART: A few more amendments like this and the Bill will be quite unsatisfactory. I appreciate the intention of the hon. member, and I think it would have been well if the Bill had been more comprehensively drafted to begin with. In its present shape it will lead to confusion, and despite Mr. Nicholson's amendments it will never be clear. However, I object to all these penalties.

Hon. J. NICHOLSON: In order to meet Mr. Stewart's objection I will modify my amendment by striking out the words ''any owner failing to send a copy of such notice or furnish such name and address as aforesaid shall be guilty of an offence and liable to a penalty not exceeding £50.''

Amendment, by leave, modified accordingly.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 6—Notice to Owner:

The COLONIAL SECRETARY: I draw attention to an inconsistency in the third paragraph of this clause, which says—

> Within one month after the service of such notice the owner or any person having any interest in the land as legal or equitable mortgagee may appeal against the decision of the Minister to the appeal board.

There is no decision by the Minister to appeal against.

Hon. J. NICHOLSON: There is no provision in the Bill for the board to acquaint the Registrar of Titles or other officer in charge of the office of Land Titles with the fact that the land has become subject to the Act, and the Titles Department should make an entry on the title deed so as to show any person having dealings in respect of that land that it is subject to the provisions of the Closer Settlement Act. I move an amendment—

That the following words be added to the first paragraph of the clause: ''The Board shall serve a copy of such notice on the Registrar or other officer having charge of the office of Land Titles or of the registry of deeds or of the Department of Lands and Surveys or other Government department where such land may be registered, and it shall be the duty of every such registrar or officer to enter a memorandum or record of the receipt of such notice and particulars thereof in the proper register in reference to such land.

In the second paragraph of the same clause I suggest that in place of limiting it to the legal or equitable mortgagee it should read, ''Having any interest in the land, whether legal or equitable.'' It is possible that someone might have an interest as an equitable owner or otherwise. In order to meet that position it would be better for the clause to read as I have suggested.

Amendment put and passed.

On motion by Mr. Nicholson the second paragraph was amended in line 3 by striking out ''as'' and substituting ''whether''; in lines 8 and 9 by striking out ''mortgagee or otherwise''; in line 2 of the third paragraph by striking out ''as'' and inserting ''whether,'' and in line 3 by striking out ''mortgagee.''

Hon. J. NICHOLSON: The third paragraph, as the Minister pointed out, is inconsistent. There is no board to appeal to. All that a person could do would be to notify the board in writing of its intention to appeal. I move an amendment—

That in line 3 of the third paragraph, after ''may'' the following words be inserted: ''Notify the board in writing of his intention to.''

There is no decision to appeal against. The board must submit a report upon which the Governor will act. That report is not a decision; it is merely a report that the board makes and on that report the Governor may declare the land subject to the Act. I feel inclined to strike out the para-

graph altogether. The question of the appeal, however, can be dealt with under Clause 15. There is nothing in the Bill in the nature of a decision that can be appealed against. There might be an appeal against the land being made subject to the Act.

Hon. J. J. Holmes: Then amend the clause to that effect.

Hon. J. NICHOLSON: Yes, I will add words to that effect.

The CHAIRMAN: The hon. member already has an amendment before the Chair.

Hon. J. NICHOLSON: Yes. The clause as it appears is nonsensical. If we have any respect for ourselves we should take some pride and care in our work, so that we may frame legislation properly. I will not be a party, notwithstanding what hon. members may say, to a Bill going forward to the Assembly with clauses that read nonsensically. I will be prepared to stand here and move amendments, and further amendments, until I am finished.

Hon. J. R. Brown: This year?

The CHAIRMAN: Order!

Hon. J. NICHOLSON: I agree with the Minister that the clause is foolish in the extreme. When my first amendment is dealt with I will move a further one to make the clause clear.

Hon. C. F. BAXTER: I cannot agree with Mr. Nicholson that nothing is contained in the Bill against which an appeal may be lodged. Clause 5 provides that the Governor may arrive at a decision that land shall be subject to the Act. That alone makes it necessary for an appeal to be made to the board against the decision of the Government.

Hon. J. Nicholson: That is not a decision.

Hon. C. F. BAXTER: Yes, it is. The Governor—that means the Government—can come to a decision and declare land reported upon by the land acquisition board, to be subject to the Act.

Hon. J. Nicholson: That is not a decision; it is a declaration.

Hon. C. F. BAXTER: Of course it is a decision. What else could it be?

Amendment put and passed.

Hon. J. NICHOLSON: In order to get over the difficulty to which I have referred, we should strike out the reference to the appeal against the "decision of the Minister" and provide for an appeal against the "declaration of the Governor making the land subject to this Act."

The COLONIAL SECRETARY: We should be careful about the wording of the amendment. Can an appeal be made to a board against the decision of the Governor in Council?

Hon. J. NICHOLSON: That is an important point. I have not given this matter careful consideration. I take it the Minister will not carry the Bill through the final stages to-day. It may be necessary to alter the amendment on recommittal. I agree with the Minister that this amendment will require reconsideration.

Hon. J. J. HOLMES: We should finalise the matter if we can, and, in order to get over the difficulty, I move an amendment—

That in lines 14 and 15 the words "decision of the Minister" be struck out, and "land being declared subject to this Act" inserted in lieu.

Amendment put and passed.

Hon. J. J. HOLMES: The clause as amended provides that the third member of the appeal board shall be appointed by mutual agreement between the owner and anyone having an interest in the land. If they do not agree, a deadlock will ensue. An owner should not be permitted to stand by and refuse to appoint a member. I move an amendment—

That the following words be added to the paragraph:—"In the event of no mutual agreement being arrived at as to the appointment of the third member within 14 days after the appointment by the Governor of the second member, the third member shall be appointed by the other two members."

Amendment put and passed.

Hon. J. NICHOLSON: Subclause 4 provides that when an owner gives notice of subdivision, it shall be binding upon all persons having any interest in the land. When such notice is given, the land is affected, the registrar would be notified, and anyone making inquiry about the land would thus ascertain whether the owner had exercised the right to subdivide. Therefore the subclause is unnecessary. I move an amendment—

That Subclause 4 be struck out.

Hon. J. J. HOLMES: The owner may have very little interest while the mortgagee may have a considerable interest in the land, and a reckless owner might land a mortgagee in difficulties because of the notice on the owner binding all persons. I support the amendment.

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

Clause 7—Acquisition of land:

Hon. J. NICHOLSON: Two notices are referred to, and to make clear the intention I move an amendment—

That after "notice" in line 1 of Subclause 2, the words "resuming or taking the said land" be inserted.

Amendment put and passed.

Hon. H. STEWART: Safeguards have been provided in paragraph (b) of Subclause 2 to protect various people interested in the land, and a slight amendment is necessary to ensure that paragraph (a)

is subject to those safeguards. I move an amendment—

That after "Act" in line 2 of paragraph (a) the words "and subject as hereinafter provided" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: Subclause 3 provides that the unimproved value of any land means the sum which the owner's estate or interest therein, if free from any mortgage or encumbrance, might be expected to be realised if offered for sale, etc. To make the subclause read correctly, I move an amendment—

That the words "be realised" be deleted and the word "realise" inserted in lieu.

Hon. H. STEWART: I am not at all sure that Mr. Nicholson is right in wanting to alter the wording of this clause.

The CHAIRMAN: There has obviously been a misprint.

Amendment put and passed.

The CHAIRMAN: In the same paragraph the word "and" has been put in through a printer's error, and will be struck out.

Clause, as amended, agreed to.

Clause 8—agreed to.

Clause 10—Owner may require the whole to be taken:

Hon. J. NICHOLSON: I move an amendment—

That in line 2 the words "holding or adjoining holdings" be struck out, and "land or adjoining lands" be inserted in lieu.

The COLONIAL SECRETARY: I am advised that, under the clause as amended, if the Government resumed from an owner a block of land, say, in York, they would be obliged to take the whole of that man's land in Western Australia.

Hon. J. Nicholson: That was not intended.

Hon. H. Stewart: How can it be put right?

The COLONIAL SECRETARY: By striking out the words "or land."

Hon. J. NICHOLSON: It was not intended to extend this clause to all the land possessed by an owner, and I would willingly support any amendment to limit the clause to land immediately adjoining that which is resumed. If, however, the Minister strikes out the words "or land" the resumption of land would be restricted to that which came under the Land Act. This was not intended.

Hon. H. Stewart: Would not freehold land be included?

Hon. J. NICHOLSON: I think not.

Hon. H. Stewart: If the clause is not as comprehensive as desired, the Colonial Secretary could bring down an amendment later.

Hon. J. J. Holmes: I think the Committee would agree to the striking out of the words "or land" if Mr. Nicholson would withdraw his amendment.

Hon. J. NICHOLSON: I am prepared to withdraw my amendment, but would point out that if the clause is limited to conditional purchase or grazing lands it could not extend to freehold lands. If the property sought to be resumed was nearly all freehold, the Government might say, "All we have to take of the adjoining land is that which is held under the Land Act." They might thus take the best block on the estate.

The COLONIAL SECRETARY: The words "adjoining holdings" are defined in the Act. If there is a road or river subdividing a property into two, it makes no difference, for the one area is said to be adjoining the other. This Bill applies also to freehold land.

Hon. V. HAMERSLEY: I am doubtful about the meaning of this clause. It seems to me the Government may resume part of a man's property, and leave him with another portion of it several miles away. He should not be left with the remainder on his hands.

Hon. J. J. HOLMES: Do I understand that if a man had an area of 1,000 acres, with a road running through it, 700 acres being on one side of the road and 300 on the other, the board could take the 700 and leave the 300 because of the road being there?

The COLONIAL SECRETARY: No. They would have to take the 1,000 acres.

Hon. V. HAMERSLEY: Many people are being regularly criticised by the "West Australian" and other newspapers for having large holdings. But generally such people have their homestead right on the railway, and their principal holding, probably sand plain country, might be five miles away. Sand plain country is useful for running sheep, and the homestead block would carry the necessary plant and conveniences. Under this Bill the board might come along and say, "This homestead block of yours is not being used for growing wheat; so we will acquire it and cut it up for closer settlement." The homestead having been taken away, the sand plain would be useless to the owner.

The Colonial Secretary: That could not be done under the Bill.

Hon. J. A. GREIG: Under the Land Act "holding" would, I think, include holdings within 10 miles of each other.

Hon. J. Nicholson: But it does not include freehold

Hon. J. A. GREIG: Freehold should be included as well as conditional purchase. According to my reading of the Act, if there was a freehold block alongside the

railway, and if there were conditional purchase lands within 10 miles, the freehold and the conditional purchase would have to be regarded as one holding.

Hon. J. J. HOLMES: To overcome the difficulty, I would suggest that in Subclause 1 the words "within the meaning of those words in the Land Act, 1898, or land under this Act" be struck out.

Hon H. STEWART: In the consolidated Land Act there is no definition of either "holding" or "land," though there is a definition of "adjoining land." The Act says—

> "Adjoining" when used with respect to holding under this Act extends to holdings which are only separated by a road or roads, or by a railway, or by a water course, or other natural feature of such a character as to be insufficient to prevent the passage of stock.

Therefore it is as dangerous to retain the word "holding" as to retain the word "land." The Minister would do well to insert a proviso. Until three years ago many men, instead of selecting 1,000 acres, selected only a few hundred. This was especially so in the case of South Australian farmers who came here as the result of having had a bad time in their own State. As they became more conversant with Western Australian land, they selected more. All blocks within a certain distance were considered as adjoining for the purpose of the improvment conditions.

Hon. A. Burvill: Three miles was the distance.

Hon. H. STEWART: I think it was 10. The Mitchell Government brought in a measure wiping out that limit. I did not agree with the action of Parliament in removing the limitation.

Hon. J. NICHOLSON: In view of what Mr. Stewart has read from the Act, it is more important than ever that we should amend this clause, which undoubtedly is not what it is intended to be. If a man is working a property as a whole and the board take part of it, say the part which is the key of the position, he should have the right to call upon the Government to take the whole of the land which is worked as one property. If an interpretation of the word "holding" were sought in court, I do not think the court would look upon that word as comprising freehold land. That is the point to which I wish to draw the Minister's attention.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. NICHOLSON: I move an amendment—

That after "owner's," in line 2, the following be inserted:—"land worked as one property within a radius of 10 miles from the land so resumed or taken."

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in lines 2, 3 and 4 the words "holding or adjoining holdings within the meaning of those words in the Land Act, 1898, or land under this Act" be struck out.

Amendment put and passed.

Hon. J. NICHOLSON: Consequential on that, I move an amendment—

That in line 5 the words "holdings or," and also the words "or adjoining holdings," be struck out.

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

Clause 11:

Hon. V. HAMERSLEY: I move an amendment—

That in line 2 "stud" be inserted before "cattle" and in line 3 "stud" be inserted before "horses."

This has been suggested by the Minister as tending to render clearer the meaning.

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

Clause 13—Application of Agricultural Lands Purchase Act:

Hon. H. STEWART: I move an amendment—

That in lines 1 and 2 of Subclause 1 the words "This Act is incorporated with the Agricultural Lands Purchase Act, 1909, and" be struck out.

The amendment will avoid complications inevitable on the incorporating of the measure with the Agricultural Lands Purchase Act. For instance, the Agricultural Lands Purchase Act gives the owner the right to retain a portion of his land. In the Bill no such right is given, and so, if we incorporate this measure with the Agricultural Lands Purchase Act, there must be a conflict on this point.

The COLONIAL SECRETARY: There will be a perfect conflict if the hon. member has his way with his amendment.

Hon. H. STEWART: My desire is to make the finished clause agree as nearly as possible with the particular section of the Agricultural Lands Purchase Act.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the words "that Act" in line 3 be struck out and "the provisions of the Agricultural Lands Purchase Act, 1900," be inserted in lieu.

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

Clause 14—agreed to.

New clause:

Hon. J. A. GREIG: I move—

That the following new clause to stand as Clause 17 be added to the Bill:—"Any person applying for land forming portion of any land purchased by the Government under this Act shall, on lodging his applicaiton, pay to the Government one-half of the total purchase money agreed upon.

I wish to amend that by altering "one-half" to "one-quarter." The Government, in connection with repurchased estates, should not have their money outstanding for 25 or 30 years. Quite a number of people go to the Agricultural Bank after they have purchased farms from the Government, while a number of people have the money that can be put down. Many people too, buy farms by paying cash, and others buy through banks. The Government should secure themselves against loss on repurchased estates by insisting on 25 per cent. being paid in cash. Moreover, a person doing that would have a better chance of securing an advance from the Agricultural Bank or from other institutions.

Hon. J. J. HOLMES: I do not think the new clause is in order. We have already decided that land shall be disposed of in accordance with the Lands Purchase Act. Therefore, we cannot impose any restrictions on the Government in respect of terms.

The CHAIRMAN: I cannot accept the new clause because it is inconsistent with what has already been decided by the Committee.

Bill again reported with further amendments.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [8.0] in moving the second reading said: The Forests Act of 1918 provided for the inauguration of a fund for reforestation purposes. That provision applied to the revenue from all forest products, including sandalwood. The fund received three-fifths of the total revenue obtained under the Act. When the Act was passed the revenue from sandalwood was of little consequence. It has since shown a marked increase and is now an appreciable amount. It is anticipated that the revenue from sandalwood during the current financial year will reach £54,000. Therefore it has become a matter of concern to the Treasurer as to where such a large amount should go. The Conservator of Forests states that at present the reforestation of sandalwood can only be of a limited description. He states that the present expenditure in that direction is scarcely worth mentioning because no growth of sandalwood is attempted at the present time. Even when the Forests Department launch out determinedly, not more than £5,000 a year will be required, even when they have gone on with the work for a considerable time. In the early stages, however, nothing like that amount will be required. Eventually something like £5,000 a year will be necessary. The revenue returns under the Forests Act during the last eight months of the past financial year were as follows:—log royalties for permits under the Land Act, £39,958; log royalty for permits under the Forests Act, £15,525; miscellaneous royalties, £6,582; inspection fees, £9,976; rents, £8,118; sales, £1,985; miscellaneous revenue, £838; and on account of sandalwood, £44,271. The existing conditions in respect of sandalwood have been in operation since the 1st November, 1923. During the last six years the reforestation fund has received £211,194. From that fund there has been expended £139,649, leaving a credit balance at the end of the last financial year of £71,545. The Bill proposes to exempt sandalwood from the sections of the Forests Act relating to the reforestation fund. If the Bill becomes law none of the revenue from sandalwood will be paid into that fund but will go into Consolidated Revenue. The Treasurer intends to place an item on the Estimates dealing with the expenditure associated with sandalwood, either for administrative purposes or for reforestation. There is no necessity to pay three-fifths of the revenue derived from sandalwood into the fund for the purposes of reforestation work. That task is almost wholly undertaken in the South-West where our vast forests exist. If a larger amount were placed on the Estimates it could not be used advantageously in the interests of the State. The revenue paid into the reforestation fund is increasing. For the financial year 1920-21 the fund received £33,577; for 1921-22, £41,545; for 1922-23, £41,374, and for the financial year 1923-24, £64,583. The increase for the last-mentioned year was substantial and represented £23,209. The fund is in a very satisfactory state, notwithstanding that all expenditure necessary for forest purposes has been debited to it. I move—

That the Bill be now read a second time.

On motion by Hon. J. A. Greig, debate adjourned.

BILL—WAROONA-LAKE CLIFTON RAILWAY.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to discontinue the use of the railway:

The COLONIAL SECRETARY: Yesterday Mr. Holmes asked me a question as to who would bear the financial responsibility after the Railway Department ceased to have control. I investigated the matter and I find that the Treasurer will be responsible, and that the interest and sinking fund payments will be a charge on the Consolidated Revenue of the State.

Hon. J. J. HOLMES: Any material of value that is transferred will be debited to the Railway Department in connection with the new railway?

The COLONIAL SECRETARY: It will be debited to the Newdegate railway.

Hon. J. EWING: What department will be responsible for maintaining the permanent way after the rails and sleepers have been removed?

Hon. J. R. Brown: What will there be to maintain.

Hon. J. EWING: There are thousands of pounds' worth of property, including high embankments, valuable bridges, and so on. They should not be allowed to go to rack and ruin. Yesterday Mr. Greig asked why, if the country in that portion of the South-West was so good, it had not been opened up before. The Minister for Lands has received two deputations from people interested in the development of that area, and has given a great deal of attention to the matter. He does not see eye to eye with us yet, but we hope to convince him of the necessity for opening up the area.

The COLONIAL SECRETARY: This question cropped up when the removal of the rails was discussed. I understood it was intended that nothing should be done to damage the formation, but I do not know that anything was said about maintaining it. I understand the earthworks and so on will be under the control of the Minister for Works, and it is intended to see that they are not damaged.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—PEARLING ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd December.

Hon. T. MOORE (Central) [8.13]: I support the Bill. Members will be in accord in the desire that something shall be done by way of legislation to alter the present state of affairs in the North-West. Having recently had an opportunity of visiting Broome, which is the great pearling centre of this State, I learnt that there was general dissatisfaction with the existing state of affairs. It was rather remarkable that each person with whom I came in contact seemed to suspect someone else of dabbling in dummying. I was informed by several persons, who had the reputation of being the biggest dummies in Broome, that they were anxious something should be done to prevent dummying! I came away from Broome amazed and bewildered as to who was dummying and who was not.

Hon. J. W. Kirwan: That is rather a reflection upon the people living in Broome.

Hon. T. MOORE: Not at all. I saw there a large percentage of some of the finest people I have ever had the opportunity of meeting. There appeared to be so much dissatisfaction and so much in the way of dishonest practices going on, that each person seemed to be prepared to believe the other fellow was doing it. It is only human-nature to desire to participate when good things are available. So far as I could make out, the existing position at Broome was brought about by the bad times through which the industry passed during the war period. During that time it was not a good business. The price of shell was very low, owners of luggers had to pay high prices for their commodities and could not get sufficient return to meet the outlay. The Asiatic, however, every ready to get a foothold wherever possible, seized the opportunity. He was prepared to carry on and to hang on, and was able to get a hold even to the extent of owning boats. At the present time one-quarter or one-third of the boats are suspected of being held by dummies, many of whom were the owners of boats in pre-war days but who, through bad circumstances, have had to place themselves in the hands of the Asiatics. It is an awkward business to handle. We have imposed rigid precautions on the mining industry to guard against gold stealing, and if similar precautions were applied to the pearling industry, it would still be possible to smuggle pearls out of the country. Many pearls are being smuggled away, and thus the State is being defrauded of revenue. One can understand how easy it is to smuggle away such a small article as a pearl. We have the indentured labour from overseas being constantly changed, and when the Asiatics leave for their own country, it is easy for them to smuggle pearls away with them. To safeguard the industry against smuggling is certainly a difficult problem. Illicit buying also presents a difficulty. We understand that the men do not always hand over to their employers the pearls that are won and that there are white men and Asiatics prepared to buy the pearls. So the whole business has fallen

into a bad state. White men have not been a success as divers. Tests have been made, but we are given to understand that the Japanese divers are necessary. Still, I do not consider it necessary that the owners of luggers should have the right to employ Asiatics in capacities other than diving. The Bill does not provide against that. Some of the best owners find it possible to carry on their business by employing white shell-openers. Considering that the boats have crews of seven or 12 men, it should be reasonable to say to the lugger owners, "A Jap diver may be necessary, and it may be necessary to have some Asiatics as members of the crew, but you should endeavour to give white men a chance if they wish to engage in the industry." No doubt white men would be prepared to engage in the industry as shell-openers, and if this were brought about we would be doing something to prevent the dwindling of the white population in the North. We should provide that wherever white men can be employed, they shall be employed. The absence of such a provision is a weakness of this Bill. The bringing in of the Asiatics is really a Federal matter. The Commonwealth authorities have the right to say who shall and who shall not be indentured. Another matter brought under my notice was the absence of desire to bring in the best class of Asiatic. In Broome we find the Koepangers, the poorest class of individual that could be brought in. Though they may be able to do the work required of them. Some months ago, in referring to the population of the North-West, I spoke of the number of half-castes. It is an appalling state of affairs. A few years ago the white population of the North was much greater than it is to-day, but the whites are giving place to the Asiatics and the rising generation are a poor class of brindles. The Koepangers average only about five feet in height, and are about the poorest class one could find in the Eastern countries. The Federal Government could at least stipulate that if the industry must have Asiatics, a good class should be obtained.

Hon. J. J. Holmes: I think they take up an exactly opposite attitude. They do not want all of one nationality.

Hon. T. MOORE: I understand they provide for so many of each nationality, but these poor Koepangers should be excluded. If we allow the present state of affairs to continue, in 10 years' time we can expect to have a brindle population very much in excess of the white population of to-day. It seems impossible to prevent what is happening, because wherever the Asiatics get a footing in Australia, they leave behind something we do not desire. All the people in Broome that matter are keen for a change. The returned soldiers, a very fine body of men, have communicated their ideas as to how dummying is being carried on—

(1) The diver pays all expenses, including cost of gear, provisions, etc. The owner of the lugger pays the diver £130 per ton for all shell landed, sharing the pearls and baroque fifty-fifty with the diver. (2) The diver pays £150 for the use of a hand-pump lugger and £250 for an engine boat; he also pays all expenses in connection with the working of the boat. He shares, or is supposed to share, all pearls and baroque with the owner. (3) The diver pays the owner of the boat £250 for the season, also allowing him 10 per cent. on the value of pearls and baroque. The diver pays all expenses in connection with the working of the boat. (4) The diver hires a boat for £150 for the season. He then buys an engine and instals it at his own expense. If at the end of the season he goes to another dummy station, he takes his engine along. The diver pays all expenses as above. Pearls and baroque fifty-fifty. (5) An Asiatic alien furnishes the purchase money for both boat and gear and the white man lends his name as the reputed owner and is paid an arranged sum for so doing. In this case all the proceeds go to the alien. (6) Cases in which the alien pays half the cost of the boat and gear and shares fifty-fifty with the white man in pearls, shell and baroque. It is alleged that about 80 boats are being dummied now. With a catch of 500 tons of shell at a profit of £60 per ton, there will be a sum of £30,000 in the hands of dummies to help them fight investigation. It cannot be too strongly emphasised that urgent action should be taken before the early shell-take comes in in August.

Some of the returned soldiers are engaged in the industry and those are the conclusions of men who know. I am only sorry the Bill does not go further. At all events, it is an endeavour to alter the existing wretched condition of affairs. I wish it were possible to provide that every boat should carry a white man as shell-opener.

Hon. J. J. Holmes: I think it is so.

Hon. T. MOORE: When I was up there I was told that a number of boats did not carry a white shell-opener, and I was also supplied with the names of men who were employing white shell-openers. Shell-opening surely is an occupation in which white men could engage. I wish it were possible for all members of Parliament to take a trip to the North-West, and make themselves thoroughly conversant with the condition of affairs with the idea of doing something tangible for that part of the State. The North-West has many possibilities, but no use is being made of them, and the one big industry is fast drifting into the hands of undesirable Asiatics. I support the Bill.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 32—Continuance of award:

Hon. H. A. STEPHENSON: I move an amendment—

That the proviso to Subsection 1 of proposed Section 83 be struck out.

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

Ayes	16
Noes	5
Majority for ..	11

AYES.

Hon. J. Cornell	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. A. Burvill (*Teller.*)

NOES.

Hon. J. R. Brown	Hon. T. Moore
Hon. J. M. Drew	Hon. E. H. Gray (*Teller.*)
Hon. J. W. Hickey	

PAIRS.

AYES	NOES.
Hon. C. F. Baxter	Hon. W. H. Kitson

Amendment thus passed.

Hon. H. A. STEPHENSON: I move a further amendment—

That in Subsection 2 of proposed Section 83 the words "and to the power of the court to give a retrospective effect to its awards and orders" be struck out.

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

Clause 33—Amendment of Section 84:

Hon. A. LOVEKIN: I move an amendment—

That Subclause 3 be struck out.

Hon. E. H. GRAY: I oppose the amendment. The court may make an award to provide for day baking. Any little baker can still carry on with night baking and enter into unfair competition with others in the trade.

Hon. A. Lovekin: We can provide for that.

Hon. E. H. GRAY: The same thing applies to small printers.

Hon. A. J. H. Saw: Why should they not be allowed to work at night?

Hon. E. H. GRAY: The trade should be protected against unscrupulous people.

The COLONIAL SECRETARY: I oppose the amendment. The object of the paragraph is to regulate competition between employers and non-employers of labour. We have the same principle in the Factories and Shops Act in respect of the early closing of shops.

Hon. J. CORNELL: If this legislation was similar to the Factories and Shops Act, I would support it.

Hon. J. R. Brown: It runs hand in hand with it.

Hon. J. CORNELL: Not at all. At present two or more employers must employ 50 workers before they can enter the court, but a union can do so with a membership of 15. The law as it stands does not apply to an employer who employs no worker, and he would have no standing in the court. If night baking is prohibited, it will have to be done by legislation similar to the Factories and Shops Act. Things are coming to a pretty pass when we endeavour to stretch this law so as to bring within its purview an individual who employs no workers at all. I will not support legislation which gives a man no opportunity to defend himself.

The COLONIAL SECRETARY: As regards the baking industry, the Nationalist Government had to bring in legislation to deal with unfair competition.

Hon. J. Cornell: Do that to-day and I will support you, but not in connection with this Bill.

The COLONIAL SECRETARY: The same principle applies here. If it was good enough to make provision for the baking industry, it is good enough to make provision in this case.

Hon. J. R. BROWN: I hope the clause will be retained. It is the unscrupulous man who has to be guarded against. Men with mixed businesses go on selling goods after 6 p.m., because they are not employing anyone. Some bakers bake bread on Sunday afternoon so that there may be fresh loaves and hot rolls for Sunday evening tea. In justice to the honest trader, the clause should pass as printed.

Hon. A. J. H. SAW: The clause goes altogether too far in the direction of restricting individual liberty. A man working for himself should be allowed to determine what hours he will work, and under what conditions, and for what pay. He should not be dragged into the Arbitration Court. I understand that the clause has been introduced because of night baking; but surely it is not sound legislation to introduce a general principle because of one particular trade. I am against night baking, but let it be abolished in some other way—if necessary by a special Act of Parliament. It

should not be abolished by a clause such as this, which affects all trades.

Hon. V. HAMERSLEY: This is a drag-net clause, bringing in men who employ no labour at all. If domestic servants were brought within this measure, then, under this clause, the conditions governing their work would apply also to housewives. If the farmer were brought in, a lot of work would be stopped.

Hon. E. H. HARRIS: If the object of the clause is to safeguard bakers, it should be restricted to bakers. As it stands, the clause is far too sweeping. If an award were made for, say, nurses in public hospitals, its conditions, under this clause, would also apply to nurses running a small private hospital of their own and such nurses might find those conditions highly inconvenient.

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

Clause 34—agreed to.

Clause 35—Amendment of Section 90:

Hon. A. LOVEKIN: The amendment I am about to propose should have the support of every member of the Labour Party, because it is entirely in their interests. Proposed Subsection 5 provides—

> The court may, in addition to imposing a penalty for breach of an award, order that any party liable shall pay to any worker the difference between the amount paid and that which should have been paid under the award . . .

But the next few words go on to provide that such worker shall not have the money if the court awards it. The words in question are—

> and the penalty imposed shall be deemed to be increased by the amount so ordered to be paid, and such amount may be recovered accordingly.

There is in existence an Act which provides—

> Notwithstanding provisions of any kind to the contrary, every fine and penalty imposed by any court of summary jurisdiction——

And the Arbitration Court is a court of summary jurisdiction under the Arbitration Act—

> under any Act passed before or after the passage of this Act for any offence against or breach of the provisions of such Act, or of any by-law or regulation made under such Act except as hereinafter provided—

And none of the "hereinafters" comprise this—

> shall be paid to the Colonial Treasurer for the public use of the State.

So that if the Arbitration Court rules that the man should have an additional amount by way of wage, it will impose payment of that amount by way of penalty; and so the amount will go to the Treasurer. Therefore I move an amendment—

> *That in proposed Subsection 5 the following be struck out:—"and the penalty imposed shall be deemed to be increased by the amount so ordered to be paid, and such amount may be recovered accordingly."*

The COLONIAL SECRETARY: I do not read the proposed subsection in the same way as Mr. Lovekin does. It seems to me quite clear.

Hon. A. LOVEKIN: By the proposed subsection the payment is made a penalty; and as soon as it is made a penalty, the Act from which I have quoted comes in. I am not putting up this amendment to the injury of the workers, but in their interests. The clause is worded in a very peculiar way. If the Government do not like my amendment, I will not press it.

The COLONIAL SECRETARY: The Act quoted by Mr. Lovekin does not apply at all. Under this Bill we are dealing with the Arbitration Court. The Act to which Mr. Lovekin refers deals with courts of summary jurisdiction.

Hon. A. Lovekin: The Arbitration Court is a court of summary jurisdiction, and that is the only way it can impose fines.

The COLONIAL SECRETARY: If the Arbitration Court is a court of summary jurisdiction, possibly that Act would apply.

Hon. J. A. GREIG: Under the proposed subsection the court may impose a penalty and order the employer to pay what is due to the worker who has been underpaid. The court may also impose a penalty upon the employer but that penalty would not go to the worker, but would be paid into Consolidated Revenue.

Hon. J. CORNELL: What is the necessity for the words referred to at all? Is it to be inferred that the penalty as well as the arrears of pay are to be handed over to the worker? If that is not what is meant, there is no necessity for the words under discussion. If the amendment be agreed to the law will then be the same as it is to-day.

Hon. A. J. H. SAW: The first part of the clause differentiates clearly between the penalty imposed and the amount to be paid as arrears to the worker. No amount of hair-splitting will make the clause read as though the penalty has something added to it by way of a further penalty. I cannot support Mr. Lovekin in view of the clear differentiation to which I have referred.

Hon. A. LOVEKIN: I have brought this matter forward because of my experience of the Fines and Penalties Appropriation Act in connection with the work of the King's Park Board. The penalties arising out of cases brought by the board have gone into revenue, and the board

has not even been able to recover expenditure incurred. For this reason and because of my experience, I have some sympathy for the workers.

The COLONIAL SECRETARY: The effect of the provision is that under the existing Act the worker, after having successfully sued an employer for a breach of an award, has to take proceedings in the local court to recover what is due to him. The clause will overcome that difficulty and in the event of the worker securing a verdict, the employer will be required to pay the penalty and the arrears into court. The worker will thus secure his wages by the one action. The clause will simplify the procedure and save expense.

Hon. A. LOVEKIN: That is not necessary. In any court of summary jurisdiction such as the Arbitration Court, an alternative order must be issued. This obviates the necessity for action being taken in the local court to sue for the recovery of the amount due. The court of necessity has to issue the order which is recoverable by distress.

Hon. W. H. KITSON: The idea of the Committee is that the worker shall receive the wages he is entitled to without the necessity for action first in the Arbitration Court and later in the local court. So long as that is understood, we can pass the clause and as the Bill will have to be recommitted, legal opinion can be taken to see if the clause will give effect to our wishes.

The COLONIAL SECRETARY: That has been done.

Hon. J. CORNELL: According to that interjection I take it that this matter has been referred to the Crown Law Department. If that be so, I guarantee that if I went to the Department to-morrow I would get a different opinion.

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

Ayes	9
Noes	9
A tie ..	0

AYES.

Hon. J. Cornell	Hon. H. A. Stephenson
Hon. J. A. Greig	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. V. Hamersley
Hon. J. Nicholson	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. T. Moore
Hon. A. Burvill	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. E. H. Gray
Hon. E. H. Harris	(*Teller.*)

The CHAIRMAN: In accordance with the Standing Orders, the question passes in the negative.

Amendment thus negatived.

Clause put and passed.

Clause 36—agreed to.

Clause 37—Enforcement orders may be made by industrial magistrates:

Hon. H. STEWART: Under this clause any justice of the peace could be appointed an industrial magistrate. All our efforts have been directed to placing reliance on the president of the court. We should at least insist upon industrial magistrates being limited to police magistrates or to somebody approved by the president of the court.

The COLONIAL SECRETARY: The intention is to appoint resident magistrates as industrial magistrates.

Hon. J. Cornell: Then why not say so in the Bill?

The COLONIAL SECRETARY: I have no objection to that being done.

Hon. H. STEWART: I move an amendment—

That after "any" the words "police or resident" be inserted.

Hon. W. H. KITSON: Would Mr. Stewart agree to the inclusion of special magistrates? A special magistrate might be available when one of the others was not.

Hon. J. CORNELL: Mr. Stewart's proposal is quite wide enough .There are police or resident magistrates in every district, and if one falls ill or is called away, the Crown Law authorities invariably appoint someone to act in his stead.

Amendment put and passed.

Hon. J. CORNELL: I move an amendment—

That the words "appointed by the Governor as an industrial magistrate for the purposes of this Act" be struck out.

In view of the previous amendment, those words are unnecessary.

The COLONIAL SECRETARY: References to industrial magistrates appear in various portions of the Bill and should be preserved in this clause .

Hon. A. Lovekin: Those portions can be consequentially amended.

Amendment put and passed.

Hon. A. LOVEKIN: In the proviso it is laid down that if in any proceedings before an industrial magistrate a question of interpretation of an industrial agreement or award shall arise, it shall be referred to the court. In view of the amendments just agreed to, there is no necessity for the proviso. Having arranged to refer matters to a magistrate, it would be absurd to de-

prive him of the power to give an interpretation. I move an amendment—

That the proviso be struck out.

The COLONIAL SECRETARY: It is necessary to direct the magistrates not to give an interpretation. That is a matter for the president of the court. Uniformity is essential, and to secure uniformity questions of interpretation must be decided by the president.

Hon. H. STEWART: The president lays down the policy of the court and carries it out, and he should be available to give the final decision.

Hon. W. H. KITSON: Unless we retain the proviso various interpretations will be given of particular clauses in awards and agreements. That is not desirable. We must ensure uniformity. Magistrates are without experience of industrial matters, and may give interpretations entirely foreign to the intention of the court when it framed the clause in dispute. Nothing is calculated to cause more trouble than having different interpretations of a given clause in different districts.

Hon. J. J. HOLMES: If the proviso be retained it will be necessary to strike out the reference to industrial magistrates and insert "police or resident" magistrate.

Hon A LOVEKIN: I cannot see the use of referring anything to a magistrate and then providing that he must not give interpretations It will be a waste of time. Surely if he can interpret Acts of Parliament and agreements, as he is called upon to do every day, he is capable of interpreting one of these awards or agreements, especially when there is a right of appeal if either party is not satisfied. It would be an absolute farce to appoint magistrates and then give them no powers.

Hon. H. SEDDON: The most serious and vaxatious troubles regarding awards have arisen out of questions of interpretation. The court has sometimes experienced considerable difficulty in interpreting its own awards, and one can readily imagine the confusion that would arise if matters of interpretation were left to the magistrates. I agree that an interpretation should be referred back to the court which gives the award.

Hon. E. H. HARRIS: We have had experience on the goldfields of interpretations of awards. It has been difficult to get one president to interpret an award given by his predecessor. An award should always be interpreted by the person who gave it.

Hon. A. LOVEKIN: Section 92 of the Act deals with the jurisdiction of the court, in case of offences against the Act or regulations, and Section 91 contains provision for enforcing industrial agreements. Other sections deal with breaches of the award and penalties therefor, but there is nothing in them involving the interpretation of an award. If we leave in this proviso, the Act will be rendered absurd.

Hon. J. CORNELL: Time after time unions have applied for the enforcement of an award. The court says, "This will first of all need an interpretation." When the interpretation is given, if ever, the unfortunate litigant can then reapply for an enforcement upon that interpretation. The court alone should determine questions involving interpretation.

Hon. A. LOVEKIN: There is a special section, No. 79, dealing with the interpretation of an award. The court may, by order, declare the true interpretation of an award.

Hon. E. H. Harris: But it will not do so.

Hon. A. LOVEKIN: If the interpretation is the issue, the court must decide it. The section we are now dealing with does not affect interpretations, so that the proviso is unnecessary.

Hon. E. H. HARRIS: Only this week Mr. Justice Burnside, as president of the court, delivered an award in the mining industry in which he used the words "continuous process." Sometime ago the question arose to what was meant by those words. The then president, Mr. Justice Draper, when delivering his award, tacked on the word "necessary." When Mr. Justice Burnside came to deal with the same thing this week he said, "The question which had to be decided was, what was the process." The court then came back to the same words, so that the people concerned are just as far off as ever from an interpretation. In Hobart the other day a judge, when dealing with a case between the Australian Journalists' Association and the newspaper proprietors said thousands of pounds would be saved if some person who understood correct English read through the awards before they were gazetted.

Amendment put and negatived.

Hon. J. J. HOLMES: I move an amendment—

That in lines 1 and 2 of the proviso the words "before an industrial" be struck out, and "police or resident" be inserted in lieu.

Hon. J. CORNELL: It would be better to strike out the words "before an industrial magistrate," and leave the proviso as it is.

Hon. J. J. Holmes: I agree, and will withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. CORNELL: I move an amendment—

That in lines 1 and 2 of the proviso the words "before an industrial magistrate" be struck out.

Hon. A. LOVEKIN: How can a question of interpretation arise before a magistrate

when, under this particular section, no such thing as an interpretation is involved.

Hon. J. CORNELL: I thought we had forgotten all about that argument and were on another argument.

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

Clause 38—Amendment of Section 95:

Hon. H. STEWART: This clause requires amendment. It is not clear.

The COLONIAL SECRETARY: I agree that the clause is not clear, and I move an amendment—

That after "otherwise," in line 8, there be inserted "after the word 'where.'"

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

Clause 39—Industrial boards:

The COLONIAL SECRETARY: In connection with this clause there has been an oversight, and I move an amendment—

That "thirty-nine to forty-nine" be struck out, and "forty to fifty" inserted in lieu.

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

Clause 40—agreed to.

Clause 41—Gazettal of appointments:

Hon. A. LOVEKIN: A small amendment seems necessary in this clause, which provides that the appointment of a member of a board "shall not be challenged for any cause." There may be good reasons why an appointment should be challenged. It might appear that the person appointed was not all that he ought to be. I move an amendment—

That "for any," in the last line, be struck out, and "without good" inserted in lieu.

Hon. J. CORNELL: I see no necessity whatever for those words, "Such appointment shall not be challenged for any cause." They are utterly redundant.

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

Ayes	12
Noes	8
Majority for ..	4

AYES.	
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Ewing	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. A. Greig
	(Teller.)

NOES.	
Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. A. Burvill
	(Teller.)

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

Clause 42—agreed to.

Clause 43—Oath to be taken by members:

Hon. A. LOVEKIN: I move an amendment—

That the words "a penalty not exceeding £500" be struck out, and "imprisonment with hard labour for a term not exceeding three years" inserted in lieu.

Hon. J. R. Brown: Why not hang him?

Hon. A. LOVEKIN: I would hang anyone for a breach of trust. This is a most important clause, because a member of a board is first of all required to take an oath

> that he will faithfully exercise and discharge the powers and duties of his office without fear or favour to any person, and will not therein wilfully make any false or inaccurate statement, and will not disclose any matter or evidence before the board or the court relating to (a) trade secrets; or (b) the profits or losses or the receipts and outgoings of any employer; or (c) the books of any employer or witness produced before the board or the court; or (d) the financial position of any employer or of any witness.

The clause proposes that if he violates his oath in these respects, he shall be liable to a penalty not exceeding £500. That penalty is of no value whatever. What is the good of imposing upon a worker a penalty of £500? Probably he could not pay 500 pence. And yet this man has been enabled to get the secrets of businesses and trades, and a knowledge of the financial position of an employer. It is fair that if a person is put in such a position of trust, there should be some more severe penalty for breach of trust than the imposition of a fine which he cannot meet, the penalty thus being rendered a farce. We should set up some deterrent against the person violating his trust in the way that is possible in this case. If there were some means of providing an alternative in addition to the fine, I would not object. Under the Justices Act, however, six months imprisonment only could be imposed for such an offence, and that would be quite inadequate.

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

Ayes	9
Noes	9
A tie	0

AYES

Hon. J. Cornell	Hon. H. Seddon
Hon. J. A. Greig	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. M. Macfarlane
Hon. J. Nicholson	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. A. Burvill	Hon. T. Moore
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. E. H. Gray	Hon. J. Ewing
Hon. E. H. Harris	(*Teller.*)

The CHAIRMAN: In accordance with the Standing Orders the question passes in the negative.

Amendment thus negatived.

Hon. A. LOVEKIN: I move an amendment—

That in line 15 after "pounds" the words "or three years imprisonment with hard labour" be inserted.

Hon. J. CORNELL: I move an amendment on the amendment—

That the word "three" be struck out and "one" inserted in lieu.

I have always considered that imprisonment is a deterrent..

Hon. E. H. Gray: Not for some people.

Hon. J. CORNELL: It is for you and for me.

Amendment on amendment put and passed.

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

Progress reported.

House adjourned at 10.10 p.m.

Legislative Assembly,

Thursday, 4th December, 1924.

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

QUESTIONS (2)—RAILWAYS.

Rates on Fruit, etc.

Mr. SAMPSON asked the Minister for Railways: 1, Is he aware that specially cheap rates for the conveyance of fruit and tomatoes have been adopted by the Victorian Railway Commissioners, and that the rates provide for the transport of packages containing not over 30lbs. at the following rates:—Up to 25 miles, 6d.; 26 to 50 miles, 8d.; 51 to 101 miles, 9d.; 102 to 400 miles, 1s.? 2, In view of the importance of conveying half-cases of fruit at rates lower than prevail for full cases, will he give consideration to the reduction of the transport charge of 1s. 6d. for a full case to 9d. for a half case?

The MINISTER FOR RAILWAYS replied: 1, Yes, provided freight is prepaid and fruit is forwarded by goods train. 2, The 1s. 6d. covers freight, loading and unloading, and covering on a single case of fruit up to 60lbs. weight, by passenger train, for any distance, and it is not intended to reduce same. The charge in Victoria for a single case of fruit for 600 miles per passenger train is 6s. 9d.

Permanent Way Inspectorship, Port Hedland.

Mr. KENNEDY asked the Minister for Railways: 1, Was the position of inspector, permanent way, Port Hedland, recently filled by a junior? 2, If so, why were the senior employees passed over? 3, How many applications for the position were received? 4, Was the position vacated by the appointee to the inspectorship above-mentioned also filled by a junior? 5, If so, why were the senior applicants passed over? 6, How many applications for this position were received?

The MINISTER FOR RAILWAYS replied: 1, The position was filled by the promotion of a first class ganger. 2, Certain first class gangers who applied were passed over because for various reasons they were not considered to be as suitable for the position as the appointee. 3, 50, viz., eight gangers, 1st class; and 42 gangers, 2nd class. 4, No, by the senior applicant for the position. 5, Answered by No. 4. 6, 17, viz., 15 gangers, 2nd class; 1 length runner, and one repairer.

QUESTION — AGRICULTURAL MACHINERY, HIRE-PURCHASE SYSTEM.

Mr. GRIFFITHS asked the Minister for Justice: 1, Has the attention given by the Government to the Act relating to the hire-purchase of machinery resulted in any decision being arrived at to rectify certain injustices? 2, If not, can he indicate whether anything tangible is likely to eventuate this session in the direction of making certain amendments to the Act?